



McCleary City Council

PROPOSED AGENDA

January 13th, 2010

7:00 Council Meeting

Flag Salute
Roll Call
Minutes
Public Comment
Mayor's Report

Current Public Office Vacancies
Audit Exit Interview
Financial Comments – Budget and Tax/Title/Tools for Boom Truck
Hospital Issue

Staff Reports:

Dan Glenn, City Attorney
Department Heads

Ordinances:

Housekeeping – Ordinances/Resolutions

Old Business:

Gravel Pit Annexation/Boundary Review Board
Le May's Contract Draft
Light and Power CPI Update – Elcon
Gray and Osborne Update
Ordinance # 664 Easement

New Business:

Resolutions:

Vouchers
Mayor/Council Comments
Public Comment
Executive Session
Adjournment

Americans with Disabilities Act (ADA)
Accommodation is Provided Upon Request

Please Turn Off Cell Phones – Thank You

CITY OF MCCLEARY
Regular City Council Meeting and Public Hearing
December 9, 2009

PUBLIC HEARING	Public Hearing at 6:30 pm to discuss the 2010 budget and to take public comment. Mayor Elect Gary Dent requested the Council make a change to the Salary Ordinance by changing the City Administrators title to "Director of Public Utilities/Administrative Assistant to the Mayor" with a salary up to but not to exceed \$77,000 per year and a fringe benefit package. The Council suggested that the change might be more appropriate for Mr.Dent and the new Councilmembers to make in January.
REGULAR MEETING	Called to order by Mayor Bentley.
FLAG SALUTE	The meeting was called to order at 7:00 PM with the Flag Salute.
ROLL CALL	Mayor Wallace Bentley, Councilmember's Boling, Vessey, Vatne, Hays, and Lake. All present.
ABSENT	None
STAFF PRESENT	Administrator Nutley, City Attorney Dan Glenn, City Clerk/Treasurer Collins, Police Chief Crumb, Engineer Nick Bird, Public Facilities Manager Todd Baun, and staff members Ardyce Taylor, Mick Schlenker and Jennie Reed.
PRESENTATION OF APPRECIATION AWARDS	The staff prepared honorary engraved glass plaques for the outgoing Councilmembers, Mayor Bentley and Administrator Busse Nutley thanking them for the service and dedication to the city. The staff deeply appreciates everything they have done in support of the city and citizens. There will be cake and coffee after the meeting tonight for those that wish to stay.
RESOLUTION NO. 606	A Resolution honoring Councilmember Chris Vessey for his service to the City. It was moved by Councilmember Vessey and seconded by Councilmember Vatne to pass Resolution No. 606 in appreciation for his service to the City. Motion Carried.
RESOLUTION NO. 607	A Resolution honoring Councilmember Richard Vatne for his service to the City. It was moved by Councilmember Vessey and seconded by Councilmember Lake to pass Resolution No. 607 in appreciation for his service to the City. Motion Carried.
RESOLUTION NO. 608	A Resolution honoring Councilmember Helen Lake for her service to the City. It was moved by Councilmember Boling and seconded by Councilmember Vessey to pass Resolution No. 608 in appreciation for her service to the City. Motion Carried.
RESOLUTION NO. 609	A Resolution honoring Mayor Wallace Bentley for his service to the City. It was moved by Councilmember Vatne and seconded by Councilmember Boling to pass Resolution No. 609 in appreciation for his service to the City. Motion Carried.
MINUTES APPROVED	It was moved by Councilmember Boling and seconded by Councilmember Vatne to approve the minutes. Motion Carried.
PUBLIC COMMENT	None.
EXECUTIVE SESSION	At 7:28 pm, a motion was made by Councilmember Vessey, seconded by Councilmember Vatne to have an executive session to discuss a possible change to a real estate contract. The meeting should last 10 minutes. The Council requested an extension of 5 minutes. The Executive Session ended at 7:39 pm. The Regular Council meeting resumed.
ORDINANCE NO. 764	An Ordinance adopting a budget for the calendar year 2010 and establishing salaries. It was moved by Councilmember Vessey, seconded by Councilmember Vatne to adopt Ordinance No. 764. Roll call taken. All voted in the affirm. Motion Carried.

SIMPSON SIDEWALK BID AWARD	Staff recommends Council to approve the award for bid, with exception of Schedule B-2, which is the location of sidewalk from 5th to 7th street (the coffee stand past Simpson Mill). It was moved by Councilmember Boling, seconded by Councilmember Vatne to award the bid for Simpson sidewalks, with the exception of Schedule B-2, to Sterling Breen Crushing. The total contract amount to be awarded is \$272,436.17, which will not included sales tax per WS Revenue Rule 171. Motion Carried.
SETTLEMENT WITH VERMILLION/JARRETT	After years of dispute with Mark Vermillion/John Jarrett over utility construction for a development, at the Council's request, the City Attorney negotiated a settlement with the successor-in-interest. It was moved by Councilmember Vessey seconded by Councilmember Vatne to authorize the Mayor to sign the Release and Settlement Agreement with Wendy Jarrett, and to receive \$6,437.50. Motion Carried.
BEERBOWER PARK STORM DRAINAGE MATERIAL BID AWARD	A catch basin must be installed and some existing pipes must be replaced in Beerbower Park for adequate drainage. After reviewing the three bid results, United Pipe and Supply had the lowest bid. It was moved by Councilmember Boling seconded by Councilmember Lake to award the bid for Beerbower Park storm drainage materials to United Pipe and Supply in the amount of \$3,447.11, including Washington State sales tax. Motion Carried.
CONTRACT AMENDMENT 16	The USDA Rural Development loan has been approved and the project for reservoir painting project. Gray & Osborne will prepare the bid specifications, bid documents, bidding and award services, and construction management that includes full-time surface preparation and paint inspection by a NACE certified paint inspector. It was moved by Councilmember Lake seconded by Councilmember Vatne to authorize the Mayor to sign Contract Amendment 16 with Gray & Osborne in an amount not to exceed \$34,200 for reservoir interior painting engineering services. Motion Carried.
CONTRACT AMENDMENT 17	Included in the approval of the USDA Rural Development loans, work on the two city wells can now proceed. It was moved by Councilmember Vatne, seconded by Councilmember Boling to authorize the Mayor to sign Contract Amendment 17 with Gray & Osborne in an amount not to exceed \$3,360 for bid document preparation and limited construction services to verify the condition of the existing casings of two wells. Motion Carried.
RESOLUTION NO. 610	The Census has asked each local government to pass a Resolution supporting the effort of the Census and to urge its residents to participate. It was moved by Councilmember Vatne, seconded by Councilmember Lake adopt Resolution No. 610 affirming support of and partnership with the 2010 census. Motion Carried.
APPROVAL OF VOUCHERS	It was moved by Councilmember Boling, seconded by Councilmember Vessey to approve the vouchers. Motion Carried.
MAYOR/COUNCIL COMMENTS	Councilmember Boling stated he will miss all of the outgoing Councilmembers and Mayor and wished them all the best. Councilmembers Lake, Vessey, and Vatne all wished to thank the public, staff, and Administrator Nutley and to give a heartfelt best wishes to the incoming Council and Mayor. Mayor Bentley thanked everyone and stated he hopes the new Council can achieve the goals they set out and he said he enjoyed his time as Mayor and serving the citizens of McCeary. Chris Vessey wished everyone a Nice Christmas.
PUBLIC COMMENT	None.
ADJOURNMENT	At 8:09 pm, it was moved by Councilmember Vessey seconded by Councilmember Hays, to adjourn the meeting. Motion Carried.

MEMORANDUM

TO: MAYOR AND CITY COUNCIL, City of McCleary
FROM: DANIEL O. GLENN, City Attorney
DATE: January 11, 2010
RE: LEGAL ACTIVITIES as of JANUARY 13, 2010

THIS DOCUMENT is prepared by the City Attorney for utilization by the City of McCleary and its elected officials and is subject to the attorney-client privileges to the extent not inconsistent with laws relating to public disclosure.

1. **ADMINISTRATION ELEMENTS:** As you are aware, Mayor Dent has proposed the City revert to an administrative system consistent with that in place prior to the creation of the role of the City Administrator. He has already articulated his rationale. At his request, I have prepared a draft ordinance which would provide the flexibility to utilize the code provisions currently in place without undue necessity of republication.

In reviewing the draft ordinance, you will note that I have reinserted the language authorizing the position of director of public works. That position was removed when the position of city administrator was formally created. The approach I am suggesting is one which would allow the Mayor and Council the flexibility, as time moves forward, to determine which positions to maintain and utilize.

For those of you who have not had to tolerate the drafting pattern, new language is underlined while (~~language which is being deleted is double bracketed and stricken through.~~)

2. **COUNCIL VACANCY:**

A. **The Trigger:** Ms. Collins received the written resignation of Council Member Hays. It became effective as of the 28th of December. Thus, the ninety days within which the

Council has the exclusive authority to appoint a replacement began as of the following that date.

B. The Process for Filling a Vacancy: As of this time, you have not had the opportunity to choose the methodology to be utilized to invite candidates to express their interest and established a deadline. Thus, what I am going to set out below may be more than you really want to know about the potential issues relating to this action. It may be more than you want to know, but I would prefer to provide you an excess of information in this situation rather than leave something out.

RCW 35A.12.050, through reference to RCW 42.12.010, speaks the obvious, a council position of a council/mayor code city operating under 35A.12, as we do, becomes vacant when there is a resignation or an act creates a vacancy. In this case, the vacancy was created by and was present as of the effective date of Council Member Hays' resignation. The replacement process is then also referenced as being contained within RCW 42.12.

1. Qualifications: The successor must be qualified to be elected to the position. That means that:

(a) she or he must have resided within the corporate limits for at least one year at the time of commencement of service, and

(b) be a registered voter at the time of the commencement of the selection process. RCW 35A.12.030

2. Methodology: As noted above, the provisions of RCW 42.12.070 do not lay out the nature of the process to be followed by the Council in the selection of the successor. For instance, are you going to use an informal process or are you going to "advertise" the position with a closing date or do an informal solicitation of candidates? For obvious reasons, you have not yet made your decision in that area. However, among the points the statute makes clear are the following.

a. That the Council has the exclusive jurisdiction to make the appointment for a period of 90 days following the creation of the vacancy. In this case, to be conservative, I would recommend that be viewed as from December 28, 2009, forward 90 days although an argument may be made the 90 days does not commence until the first business day following the receipt of the resignation. If the 90th day were to fall on a Saturday, Sunday, or holiday, the last day would be the first business day following that excluded day.

b. If the Council does not appoint a successor within that time period, it will lose jurisdiction over the matter and it will fall into the exclusive jurisdiction of the Board of County Commissioners. That is mandatory and, if it occurs, you may request consideration of a candidate put forward by the Council, but the actual appointment is within the sole discretion of the Commissioners.

c. If you choose to utilize this approach, any interview process of candidates must be open to the public. That would be true whether it be done by a committee or by the Council as a body.

d. If you desire to do so, the Council and Mayor have the right to recess into an executive session for purposes of discussing results of the interviews and the qualifications of the candidates. RCW 42.30.110(1)(h) It is imperative, however, that no commitments be made nor any consensus opinion be sought or developed in that executive session. That is a lesson the City of Tacoma learned the hard way.

e. As was true in all situations, the final decision must be made in public under the provisions of the cited portion of the Open Meetings Law. The vote is to be a public vote and may not be by secret ballot.

f. In the event of a tie vote of the Council, which is possible with the four member status that will then be existing, the Mayor may vote to break the tie. While that may seem a bit illogical since the process is to choose a member of the legislative branch, that opinion is through contact and research. The issue of the Mayor voting in an area relating to Council situations has arisen in other cities I have the opportunity to represent. Once it involved the selection of an individual to fill a council vacancy. The second situation involved the selection of a mayor pro tem. Both relate to situations in which the decision is a Council decision.

Before reaching this opinion on the ability of the Mayor to vote in this type of situation some time back, I undertook a review of the applicable law and interpretations. Not being willing to believe that my research ability is infallible, I contacted the legal consultants with Municipal Research. They reached the same conclusion.

The legal rationale is as follows:

(1) RCW 42.12.070, which governs this process, indicates that the selection is to be made by the "remaining members of the governing body."

(2) RCW 35A.12.100 indicates that the mayor of a code city may vote to break a tie in the council's vote "with respect to matters **other than** any ordinance, grant or revocation of franchise or license, or any resolution for the payment of money."

(3) Since the particular vote is not one which is specifically excluded by the "other than" language, the general rule of statutory interpretation is a mayor's right to vote on the issue is therefore included within the areas in which the tie breaking vote right is present.

3. Term of Service: Finally, the person selected will serve until the person chosen at the next election occurring 28 days or more after the vacancy is created. The individual chosen in that election assumes the position for the remainder of the term immediately upon certification of the election results by the Auditor. It is my memory the next municipal election is in 2011. I believe that Council Member Hays' term would end as of December 31, 2010. Thus, the person chosen to fill the position would serve until the results of that November, 2011, election were certified. The person chosen at that election would then serve the resulting four year term, which would end in December, 2015.

III. MAYOR PRO TEM: SELECTION OF MAYOR PRO TEM: This process occurs under RCW 35A.2.12.065. Basically, unless you choose to act otherwise, the appointment you will make would be for two years since, from the standpoint of the law, this is the first meeting of a "new" Council. Of course, you have the authority under that statute to provide for a different term. As former Mayor pro tem Vesscy can indicate to you, when the Mayor is gone from the City for any extended time period, he has the responsibilities and authority Mayor Dent has when he is present.

The statutory language is as follows:

Biennially at the first meeting of a new council, or periodically, the members thereof, by majority vote, may designate one of their number as mayor pro tempore or deputy mayor for such period as the council may specify, to serve in the absence or temporary disability of the mayor; or, in lieu thereof, the council may, as the need may arise, appoint any qualified person to serve as mayor pro tempore in the absence or temporary disability of the mayor...

One question which not infrequently arises is when does the authority transfer to the mayor pro tem? The issue has most frequently arisen in an area such as the approval or vetoing of an ordinance. This authority, especially as tied to the veto authority, can be a very sensitive issue.

The Municipal Research & Services Center (MRSC) has dealt with that question in a brief opinion. It reads as follows:

"When is the mayor of a code city considered absent such that the mayor pro tem may act as the mayor?"

Unfortunately, neither the courts nor the attorney general's office has construed what constitutes, under RCW 35A.12.065, an "absence" by the mayor such that the mayor pro tem may perform the duties of the mayor. MRSC legal staff have, however, addressed this issue in the past on at least two occasions. In one inquiry, it was concluded that a part-time mayor, who works full-time outside of town, should not be considered absent for purposes of RCW 35A.12.065 during the period of time he is pursuing his full-time job and when his presence is not needed for operation of the city. In another inquiry, we noted that it could not have been the intent of the legislature to require a mayor to be seated at his or her desk at all times in order to retain his or her power as mayor.

Clearly, common sense should rule on an issue such as this. A part-time mayor will most likely be away from city hall far more than at city hall. The bulk of the day-to-day administrative work of a city or town is generally performed by its full and/or part-time paid staff, including the clerk-treasurer. It would be an untenable and absurd result if a mayor pro tem could act as the mayor at any time the mayor is not physically present at city hall.

In our opinion, the mayor pro tem should have the authority to act as the mayor in the mayor's absence only when the mayor is away and cannot perform duties that cannot

await his or her return or that cannot be performed by telephone or other type of communications link. Customarily, city offices are closed on weekends and there are no duties for the mayor to perform. Consequently, the mayor's spending the weekend out of town does not create a situation where the mayor pro tem could act on the mayor's behalf during that weekend. The weekend could extend to a three- or four-day weekend, and the mayor pro tem would still not have the authority to act as the mayor unless there was some duty that needed performing or some action that had to be taken that could not await the mayor's return or that the mayor, if he or she would be reachable, could not perform by telephone or other mode of communication such as e-mail. It would need to be more in the nature of an emergency situation that requires the mayor's presence before the mayor pro tem could perform mayoral duties on a weekend in which the mayor is away."

Applying those concepts to the world of today, through the combination of email, facsimiles, and the like, a mayor has the ability to review and act upon a matter such as approval or vetoing of an ordinance from almost any location. However, that will tie to the understanding given to the Council when the Mayor is going to be absent. For instance, Mayor Bentley made clear the extent to which he was delegating his mayoral authority when he left on a trip. I am certain that Mayor Dent will do the same.

4. **BANKING AUTHORITY:** Pursuant to the adoption of Resolution 409, a protocol was established in relation to the matter of depositing and, more importantly, withdrawal of funds of/or issuing checks/warrants for the City. Basically, it provides that any significant action (withdrawal of funds, establishment of accounts, or issuance of checks or warrants as examples) requires the signature of one elected official and one appointed official from the Office of the Clerk-treasurer. Since Mayor Dent has assumed office, Sterling Bank, which is the City's primary financial institution, has been provided the required notice of his designation as one of the two elected officials whose signature is authorized. Upon selection of a mayor pro tem, which is the other designated post, that individual's signature will also have to be provided to Sterling.

As always, this is not meant to be all inclusive. If you have any questions or comments, please direct them to me.

DG/le

STAFF REPORT

To: Mayor Dent

From: Colin Mercer Fleet Manager

Date: January 4, 2010

RE: December Fleet



No accidents to report.

In January I will be working with J&F Automotive to develop the 2010 vehicle maintenance schedule.

Regular Maintenance

Lube oil and filter :

2008 Ford F250 (WWTP)

Repairs

1988 Chevy S-10 Power steering pump replaced.

1988 Chevy S-10 Brake proportioning valve replaced.

1990 Chevy Dump Truck hydraulic line repaired.

Kabota mini tractor front bucket control valve repair.

STAFF REPORT

To: Mayor Dent
From: Colin Mercer Webmaster 
Date: January 4, 2010
RE: December Website & Help Desk

RE-OCCURRING WEBSITE ACTIVITY

Council Agenda/ Packet .
Previous Council meeting approved minutes.
Planning Commission Agenda.
Previous Planning Commission approved minutes.

NEW WEBSITE ACTIVITY

Post picture of the Mayor and Council Members retiring this year.
Post 2010 Budget Public Hearing notice.
Post GH County news release regarding H1N1 shot locations.
Posted cancellation notice for Planning Commission.

ADDITIONAL TASKS

Completed and sent back to the US Census bureau the address appeal packet.
Preparing files for archiving from Ms. Nutley's retirement.
Preparing old files from Mr. Divolio for archiving.
Finish cemetery map and name log, start cross checking log with map for accuracy.

HELP DESK ACTIVITY

Month	Number of Incidents reported	Staff Reported / Closed / Open	Citizens Reported / Closed / Open
JULY	7	3 / 3 / 0	4 / 4 / 0
AUGUST	28	2 / 2 / 0	26 / 19 / 7
SEPTEMBER	32	13 / 4 / 9	19 / 23 / 3
OCTOBER	22	12 / 5 / 16	10 / 6 / 7
NOVEMBER	14	6 / 5 / 17	8 / 4 / 11
DECEMBER	20	5 / 5 / 17	14 / 9 / 16

WEBSITE TRAFFIC 12-1-09 through 12-31-09

Section	Page Views	Percent of Total
Default Page	1474	29.81%
Events Calendar	521	10.54%
Agendas and Minutes	341	6.9%
City Jobs	267	5.4%
Code, Ordinances & Standards	219	4.43%
City Departments	193	3.9%
City Staff	182	3.68%
Police	165	3.34%
Mayor and Council	132	2.67%
Home Page	132	2.67%
Search Results	129	2.61%
City Photos	113	2.29%
FAQ's Page	91	1.84%
Light & Power	78	1.58%
Christmas Photos 2007	77	1.56%
Bear Festival	68	1.38%
Helpful Links	65	1.31%
2008-10 Budget	64	1.29%
Chamber of Commerce	63	1.27%
Water / Wastewater	63	1.27%
Fire	60	1.21%
Public Facilities	59	1.19%
Community Center	53	1.07%
Administration	48	0.97%
Flood Photos 2009	45	0.91%
Interlocal Agreements	39	0.79%
Municipal Court	36	0.73%
Tell Us What You Think!	35	0.71%
Development Services / Building	33	0.67%
Planning Department	31	0.63%
65th Anniversary Photos	28	0.57%
Park Project Photos	27	0.55%
Surveys & Questionnaires	13	0.26%
TOTAL	4944	100%

STAFF REPORT

To: Mayor Dent
From: Paul Nott, Light & Power
Date: January 8, 2010
Re:



	Monthly statistics;	YTD Totals
New Services;	1	6
System Outages;	1	19
Pole Replacements;	1	23
Maintenance Work Orders;	2	30
Billable Work Orders;	1	10

Report;

Last month we had an underground fault on McConkey Rd. Since we have "closed the loop" with the underground circuit out there we were able to isolate the section of faulted cable and get customers back in lights quicker. Although the outage time was decreased for the customers we are still reliant on Mason Co. PUD to come locate the fault so we can dig it up and make the repair to the faulted cable. Hopefully, the L&P fund will have sufficient funds to purchase the fault locating equipment we've requested in the 2010 budget. The section of cable that is faulted is one of three sections that we are currently having trouble with. I will be discussing possibly replacing these deteriorated sections of cable with you in 2010.

I just recently contacted Theresa at the GHCOG on our mapping and she is currently trying to apply the data we collected to the map that she designed for us. She will be e-mailing the new map information to Elcon (the City's electrical engineer firm) so they can utilize the data to assist in the CIP project that they are awaiting guidance on. So far, so good.

We have started the process of replacing the meters in town to AMR meters. This is kind of a test drive with training to start next week. We just replaced meters in City employees services at this time. This way, we figure that if there are any problems, we can deal with them in house and have a proven efficient method when we start with our electrical customers.

We have received the tools and equipment for the new bucket truck and we are currently "building" the truck by installing the tools and equipment.

We on the Light and Power crew would like to welcome the new Mayor and Council Members aboard and look forward to working with you.

STAFF REPORT

To: Mayor Gary Dent and City Council Members
 From: Mick Schlenker Building Official *MJS*
 Date: Jan 5, 2010
 Ref: Dec Staff Report

Building Permit Activity

	December Current	Fees	YTD	Total 2009 Fees
Last Month				
Customer Service	93		1,235	
Building Permits Issued	0	\$0.00	38	\$11,429.50
Nuisance Letters	2		25	
Inspections Performed	41		359	
Plan Reviews	0	Inc in Permit	11	
Stop Work Issued	0		15	
City Projects	0		3	change door
Complaints	2		42	
Demo Permits	0		2	
Court Issues	0		1	
Fire Projects	0		0	
Cars	0		7	
Abatements	0		0	
Elma Inspections	0		8	
Montessano	0		1	
Total	138	\$0.00	1,747	\$11,429.50

Building permits are down from 2008 & 2009.....sh should start to pick up this year.

Summit II

Anne Mickatavage (Professional Assessor Environmental Affairs) was in and looking through the file on Summit II, found everything in order and ok!

Cedar Heights

Work has started on two SFR, new foundations for lot 25 & 26

Inspections completed...Fg's, Fnd's, Underfloor for both lots
Rough in of grading is completed

McCleary School

1. working on out side rails (approved)
2. working on swale for storm water (approved)
3. working on inside corrections waiting for final inspection
4. finishing kitchen equip hold down (approved)
5. Contractor is working on framing, plumbing, electrical North side of school (approved)
6. elevator is signed off and (approved)
7. finish sheet rock shop area w/2hr door
8. bullards needed at fire hydrants
9. HWT shall have 18" hard pipe extension, then connect plastic PEX water lines
10. Needs complete final walk thru with, Engr, Arch, Tood & Mick for Occ

(3) new sfr should be getting ready to go through the permit process in Jan

Nusiance letters will be going out very soon for junky yards, cars, debris etc

No news on Mike's Market

Buckle that seat belt, news is out and local WSP is eP are giving tickets for \$174

<u>Building Permits</u>	<u>2006</u>	<u>2007</u>	<u>2008</u>	<u>2009 Jan/Sept</u>
	100	78	82	38

STAFF REPORT

To: Mayor Dent
 From: John Allardin, Maintenance Crew Foreman 
 Date: January 7, 2010
 RE: December Status Report

TASK	DESCRIPTION	MONTH		YEAR TO DATE	
		<u>NO.</u>	<u>HOURS</u>	<u>NO.</u>	<u>HOURS</u>
Building maintenance	Park, transit station restrooms, city compound, library, float shed & museum.		40		619
Meetings and appointments	Safety meeting, interviews, public works meetings, outside agencies and contractors.	3	3	72	76
Training	Professional growth classes	1	24	4	64
Water leaks	water leaks			19	41
Water complaints	Dirty, smelly or low water pressure.	4	6	19	24
Garbage collection	Down town, park, cemetery, city compound and city park trash cans.		10		122
Grounds maintenance	Gardening, hanging baskets, mowing, raking, baseball field maintenance and pressure washing		28		1754
Motor pool maintenance	Motor pool maintenance in house and contract work	6	5	134	92
Pot hole program	Patching potholes.	20	8	182	113
Utilities locates	Locating underground utilities	4	2	34	23
Meter reading	Three people task includes meter reading, shut off list and re-reads		48		592
Flagging traffic	Flagging for Light and Power crew			3	5
Citizen requests	Forms generated by requests from citizens	10	25	55	130
Valve exercising program	Checking for valve operation, location, and maintaining proper valve operation			112	118
Sanding streets and street sweeping	sweeping streets	1	2	5	25
Hydrant flushing program	Maintenance, flushing and exercising hydrants	48	46	202	203

STAFF REPORT

To: Mayor Dent
From: Todd Baun, Public Facilities Manager
Date: January 8, 2010
Re: December Report

The following items are the highlights of what I have been working on during the month of December.

- I have received no contact from Mr. and Mrs. Gravatt on the storm water issue affecting their property located at 311 W. Simpson Ave. We are in a holding pattern until we receive the legal documents that have been given to them by the city.
- We had a cold spell hit the city during December. We had several meters that broke due to the freezing weather. The crew was busy fixing and unthawing many water meters and lines during the freeze week.
- A modification to our current radio FCC license has been sent in to the FCC. This modification allows the city to operate with the narrow band frequencies. The FCC is requiring all FCC license holders to be operating on narrow band by January 1, 2013. The next step is to make sure all of the city's radios are switched to narrow band. We have money budgeted this year to upgrade all the current city radios to narrow band.
- Simpson Ave. Sidewalks project is moving ahead slowly. We are working with WSDOT Local Programs to make sure all of our paper work is in order and ready to go before construction. For construction to start, we will give the contractor a "Notice to Proceed" letter. The contractor will then have 90 days to complete the project. The letter will be issued once we are ready with Local Program and when weather improves. I'm anticipating the letter to be issued by March 1st, 2010 at the latest.
- I have generated a punch list for the McCleary School renovation project. Once the punch list is completed, or resolved, the City will then be able to issue the final Certificate of Occupancy.
- The city crew, and contractors, has finished the front counter remodel. Everything looks sharp and I'm hoping the counter will last as long as the first one.
- We will be trapping a beaver that has found a temporary home behind the city shop buildings. He has been chewing on some large wood and causing a mess.

If you have any questions, don't be afraid to ask. If you see something that needs attention or have any ideas that you would like me to pursue, my door is always open, so please come and talk to me.

STAFF REPORT

To: Mayor Dent
From: Vern Merryman, Water/Wastewater
Date: January 2010
Re: Monthly Report

Year end closeout and purge of water and treatment plant records and reports is taking place. All files and reports are being put away in such a fashion that they can be recovered easily for future reference if necessary.

There were 2 chlorine leaks at the wells in December which have been repaired.

There is a small water leak that was discovered at the treatment plant that will soon be repaired.

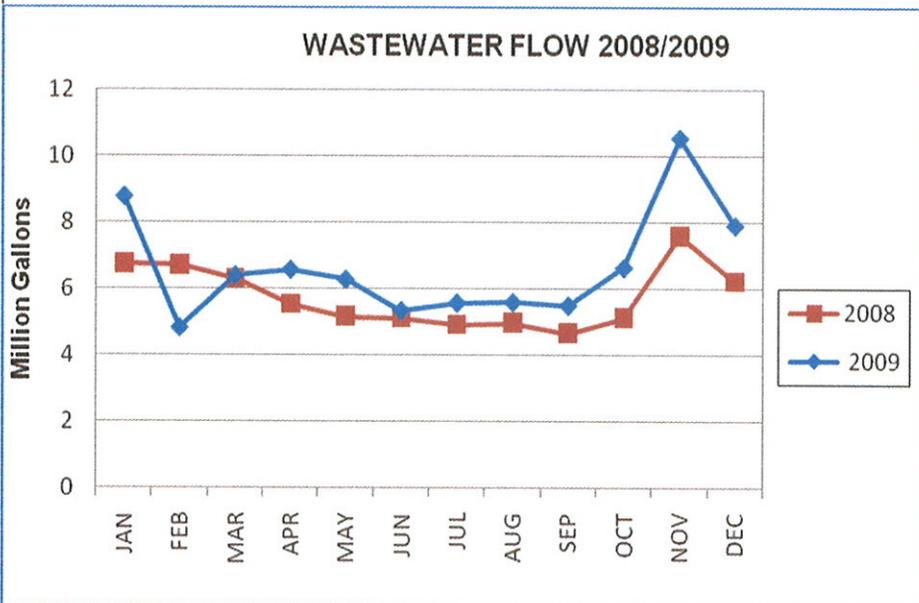
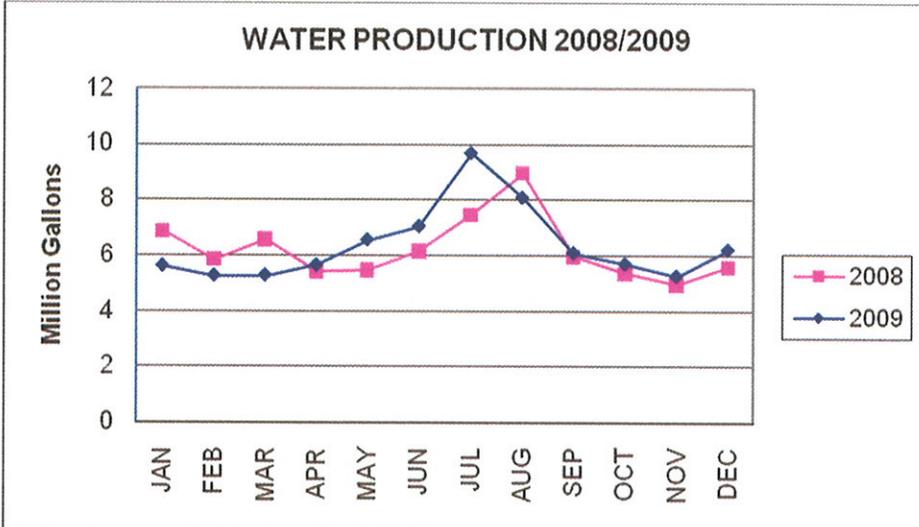
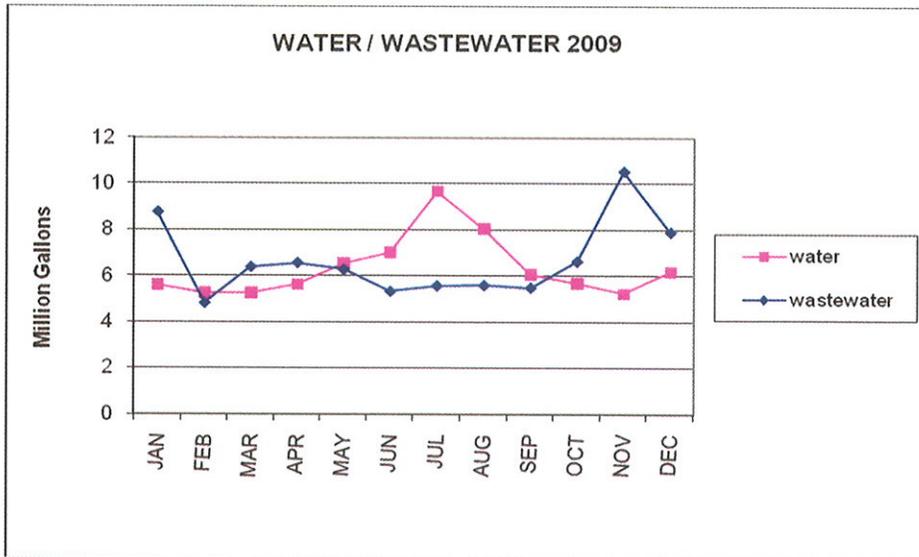
I am changing the required testing schedules at the treatment plant for 2010. Ecology would like to see that test results are representative for all days of the week. We will also change the days that we do process control testing.

The weather station at the treatment plant is down for repair, we are using the old rain gauge in the interim.

Investigative I/I work on the collection system for maintenance projects needs to begin while the groundwater table is still high.

Drive belt replacement on the grit pump, grit separator and one digester blower was done in December. The bearings were replaced in the grit pump motor as well.

Attached are production and flow comparison charts for 2008 and 2009.



ORDINANCE NO. _____

AN ORDINANCE RELATING TO GOVERNMENTAL OPERATION; AMENDING THE FOLLOWING SECTIONS OF THE MUNICIPAL CODE: 2.08.010, 2.08.020, EACH AS LAST AMENDED BY ORDINANCE 742; AND PROVIDING AN EFFECTIVE DATE.

R E C I T A L S:

1. Since the adoption of Ordinance 742, review has been undertaken to identify areas of the Municipal Code relating to designation of public officers which are appropriate for modification.

2. The Council has received the recommendation of the Mayor that the provisions of the Code be modified to enhance the flexibility of the City's elected officials in terms of management structure.

3. It is the intent of the Council and Mayor, through the adoption of this ordinance, to clarify and enhance the operation of the governmental structure of the City.

NOW, THEREFORE, BE IT ORDAINED AS FOLLOWS BY THE CITY COUNCIL OF THE CITY OF McCLEARY:

SECTION I: Sectopm 2.08.010 MMC, as last amended by Section 1 of Ordinance 742, is amended to read as follows:

A. The elected officials of the city shall include a mayor and five councilpersons. Further, the officers of the City

((~~shall~~)) may include the following appointive positions: a city administrator, a public works director, a treasurer and a clerk, which positions may be combined, a municipal court judge, city attorney, chief of police, city engineer, chief of the fire department, assistant to the Mayor, and such other officers and officials as may be from time to time established by the city council.

B. The appointive positions designated by action of the council shall have such authority as may be delegated to the position by action of the council through written resolution or as may be granted by the applicable statutory authority.

C. When reference is made in this code to the positions of utility coordinator, utility supervisor, crew supervisor, director of public works, or city supervisor or superintendent when no individual is currently appointed to that position and an individual is serving as city administrator, it shall be deemed to refer to the city administrator.

SECTION II: Section 2.08.020 MMC, as last amended by Section 11, Ordinance 742, is amended to read as follows:

The city administrator, clerk-treasurer, director of public works, chief of police, chief of the fire department, municipal court judge, city attorney, as well as all other officers which may be provided for by ordinance or by action of the council and who serve as department heads and whose election is not required by statute, shall be appointed by the mayor,

subject to confirmation by a majority vote of the council. To the extent not otherwise required or limited by contract, statute or ordinance, each appointee shall serve at the pleasure of the mayor.

SECTION III: If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The Council hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause, and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases had been declared invalid or unconstitutional, and if for any reason this Ordinance should be declared invalid or unconstitutional, then the original ordinance or ordinances shall be in full force and effect.

SECTION IV: This Ordinance shall take effect upon the fifth day following date of publication.

PASSED THIS _____ DAY OF _____, 2010, by the City Council of the City of McCleary, and signed in approval therewith this _____ day of _____, 2010.

CITY OF McCLEARY:

D. GARY DENT, Mayor

ATTEST:

WENDY COLLINS, Clerk-Treasurer

APPROVED AS TO FORM:

DANIEL O. GLENN, City Attorney

STATE OF WASHINGTON)
 : ss.
GRAYS HARBOR COUNTY)

I, WENDY COLLINS, being the duly appointed Clerk-Treasurer of the City of McCleary, do certify that I caused to have published in a newspaper of general circulation in the City of McCleary a true and correct summary of Ordinance Number _____ and that said publication was done in the manner required by law. I further certify that a true and correct copy of the summary of Ordinance Number _____, as it was published, is on file in the appropriate records of the City of McCleary.

WENDY COLLINS

SIGNED AND SWORN to before me this _____ day of _____, 2010, by WENDY COLLINS.

NOTARY PUBLIC IN AND FOR THE STATE OF WASHINGTON, Residing at:
My appointment expires:

Draft 1

**WASHINGTON STATE BOUNDARY REVIEW BOARD FOR
GRAYS HARBOR COUNTY**

NOTICE OF INTENTION

Submit this Notice of Intention form and the exhibits listed below to the Boundary Review Board, Grays Harbor County Commissioners Office, 100 W. Broadway Suite #1, Montesano, WA 98563 for determination of sufficiency by the Clerk of the Board. When deemed sufficient, the **original** and an additional **twelve (12) copies of the Notice of Intention and Exhibits** and a **filing fee of \$50.00** are required for filing.

The Notice of Intention is to be completed by an elected official or employee of the governmental jurisdiction that is seeking the boundary change action or the proponent in the case of incorporation or formation.

1. Name of City, Town, or Special Purpose District City of McCleary
2. Action Sought Annexation
3. Reason for seeking action Property is owned by the City
4. Method used to initiate the proposed action Annexation for Municipal Purposes
5. State statute under which action is sought RCW 35A.14.300

6. Items submitted must be labeled and in order of this format:

EXHIBIT A. A copy of the legal description of the boundaries of the area involved in the proposed action certified by a registered engineer or land surveyor.

EXHIBIT B. County Assessor's map showing the full section, township and range, with the subject area clearly outlined. Include a list of parcel numbers for lots in the proposed area.

EXHIBIT C. A vicinity map no larger than 11" x 17" and reproducible on a **non-color** photocopier displaying:

- 1) The boundary of the area involved in the proposal and the size in acres.
- 2) The current corporate boundaries of the proposing entity.
- 3) Major physical features such as streets and highways, railways, public facilities, rivers, freeways etc.
- 4) The boundaries of all cities or special purpose districts having jurisdiction in or near the proposed area.
- 5) The location of the nearest service point(s) for the required utility services to the area. Showing existing (and proposed) water/sewer lines and diameters.

EXHIBIT D. Documentation of the process: copy of the petition; copy of assessed valuation; affidavit of publication of public hearing notice; copy of minutes of public hearing; a signed copy of the resolution or ordinance accepting the proposal as officially passed.

EXHIBIT E. When applicable - a copy of the State Environmental Policy Act (SEPA) Threshold Determination and completed SEPA checklist pertaining to the proposed BRB action with adequate explanations to answers. Include the list of persons who were sent the checklist and all written comments from governmental agencies and the general public.

EXHIBIT F. Names and addresses of all property owners of lands abutting the proposed action, but not within the jurisdiction proposing the action (RCW 36.93.100(4)).

Exhibit G. Any pre-annexation agreements for service or performance agreements with any other jurisdiction that is relevant to this proposal.

FACTORS THE BOARD MUST CONSIDER

Please respond to the following elements regarding the factors the Board must consider as outlined in RCW 36.93.170.

POPULATION AND LAND USE

1. Population of the proposed area 0 Population of the existing entity 1550
2. Acres of the proposed area 12 Acres of the existing entity _____
3. Assessed valuation of proposed area \$82,500.00
4. Existing land use of the proposed area Gravel pit, creek and forest
5. Existing land use of the area surrounding the proposed area Single family residential on large lots, Capitol Forest to the east
6. Current land use proposals for this area None
7. Grays Harbor Comprehensive Plan designation for the proposed area _____
8. Grays Harbor Comprehensive Plan designation for surrounding areas _____
9. Grays Harbor zoning for the proposed area RR – west of creek, G5 – east of creek
10. Grays Harbor zoning for surrounding areas RR to the west, G5 to the east

11. Is the proposal within any identified Urban Service Area? (Public water, sewer, etc)_____
12. Is the proposed area within or include any environmentally Sensitive Areas? _____
13. Describe the topography, drainage basins and natural boundaries which are included in the area of the proposal and how each affects land use, accessibility and potential development. _____

14. Describe how much and what type of growth has been projected for this area and adjacent incorporated and unincorporated areas during the next ten-year period. What source is the basis for this projection?

MUNICIPAL SERVICES

1. Name the current service purveyors in the proposed area.

Water <u>None</u>	Police <u>Grays Harbor County Sheriff</u>	
Sewer <u>None</u>	School <u>McCleary School District</u>	
Fire <u>District 12</u>	Library <u>Timberland</u>	
2. What service changes will occur if the proposal is approved? None

3. What effect will your jurisdiction's ordinances, governmental codes, regulations and resolutions have on existing uses in the proposed area?
County permits for gravel extraction or storage will not be required; the City intends to remove construction materials at the site within the near future
4. What are the prospects of governmental services from other sources?
None

5. What are the probable future needs for services and controls in the area?

6. What is the probable effect of the proposal on the cost and adequacy of services and controls in the proposed area?
None

In the adjacent area? None

7. What is the probable effect of the proposal on the finances, debt structure, contractual obligations and right of all affected government units? None

LOCAL GOVERNMENT

What is the effect of the proposal on adjacent areas, on mutual economic and social interests and on the local governmental structure of the county?

None

ENVIRONMENTAL REVIEW

Describe the environmental review process for the proposed action: None – exempt from SEPA (RCW 43.21C.222)

OBJECTIVES OF THE BOUNDARY REVIEW BOARD

Describe how this proposal meets the objectives of RCW 36.93.180. Give your reasons for each of the objectives chosen.

1. Preservation of natural neighborhoods and communities.

2. Use of physical boundaries, including but not limited to bodies of water, highways and land contours.

3. Creation and preservation of logical service areas.

-
4. Prevention of abnormally irregular boundaries. _____

 5. Discouragement of multiple incorporations of small cities and encouragement of incorporation of cities in excess of ten thousand population in heavily populated urban areas. _____

 6. Dissolution of inactive special purpose districts. _____

 7. Adjustment (correction) of impractical boundaries. _____

 8. Incorporation as cities or towns or annexation to cities and towns of unincorporated areas which are urban in character. _____

 9. Protection of agricultural lands. _____

I certify that the above is true and accurate and that I am an official or employee of the governmental jurisdiction seeking boundary change action or the proponent for the incorporation or formation.

Date _____

Printed Name of Person Reviewing this Notice Wallace Bentley

Signature _____

Title Mayor **Telephone** 360-495-3667

Mailing Address 100 South 3rd Street, McCleary, WA 98557

Email address wallyb@cityofmccleary.com

Printed name of person completing this form Busse Nutley

Signature _____

Mailing Address 100 South 3rd Street,
McCleary, WA 98557

Telephone 360-495-3667

Email address bussen@cityofmccleary.com

Legal Description for Annexation
of Old County Pit Site H-136
Into the City of McCleary

All that portion of the South half of the Northeast quarter of the Northwest quarter of Section 24, Township 18 North, Range 5 West, W.M., described as follows: Beginning at a point in the center of the county road traversing said subdivision which lies South 52 14'30" East a distance of 2002.83 feet from the Northwest corner of said section; thence North 89 33'30" East 375 feet, more or less, to the East line of the Southwest quarter of said Northeast quarter of the Northwest quarter; thence South along said East line 80 feet, more or less, to the Southeast corner of said subdivision; thence East along said South line to the Southeast corner of the said Northeast quarter of the Northwest quarter; thence North along the East line thereof to the Northeast corner of the Southeast quarter of said Northeast quarter of the Northwest quarter; thence West along the North line of the South half of the said Northeast quarter of the Northwest quarter a distance of 640 feet, more or less, to the center of said county road; thence Southwesterly along the center of said county road to the place of beginning: EXCEPTING therefrom that portion lying within the said county road.

The lands described herein contain an area of 12 acres, more or less, the specific details concerning all of which are to be found within that certain map of definite location now of record and on file in the Office of the Director of Highways at Olympia, Washington, and bearing date of approval March 9, 1954.

Situated in Grays Harbor County, State of Washington.



7/09/09

RCW 35A.14.300

Annexation for municipal purposes.

Legislative bodies of code cities may by a majority vote annex territory outside the limits of such city whether contiguous or r for any municipal purpose when such territory is owned by the city.

[1981 c 332 § 7; 1967 ex.s. c 119 § 35A.14.300.]

Notes:

Severability -- 1981 c 332: See note following RCW [35.13.165](#).

ORDINANCE NO. 758

AN ORDINANCE ANNEXING CERTAIN LANDS HELD BY
THE CITY OF McCLEARY FOR MUNICIPAL PURPOSES;
PROVIDING FOR NOTIFICATION; AND SETTING AN
EFFECTIVE DATE.

R E C I T A L S:

1. The City is organized pursuant to the provisions of RCW 35A.
2. RCW 35A.14.300 authorizes the City to annex lands owned by it for municipal purposes. The exercise of that authority requires the adoption of an ordinance by a majority vote of the City Council.
3. The City desires to exercise that authority in relation to a property it owns for municipal purposes, specifically a potential site for material storage or for other municipal purposes.
4. The exercise of this authority as related to the properties in question is found to be in the interests of the citizens of the City.

NOW, THEREFORE, BE IT ORDAINED AS FOLLOWS BY THE CITY
COUNCIL OF THE CITY OF McCLEARY:

SECTION I: Being within the category of properties described in RCW 35A.14.300, specifically the storage of city owned materials, that certain property situate in the County of Grays Harbor, State of Washington, described as follows shall be and is hereby annexed to the City of McCleary:

Grays Harbor County Tax Parcel Number 180524210050.

SECTION II: The Clerk-treasurer shall give notice of this annexation to such governmental agencies as may be appropriate, including the Assessor of the County of Grays Harbor and the Office of Financial Management of the State of Washington.

SECTION III: If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The Council hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause, and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases had been declared invalid or unconstitutional, and if for any reason this Ordinance should be declared invalid or unconstitutional, then the original ordinance or ordinances shall be in full force and effect.

SECTION IV: This Ordinance shall take effect upon the fifth day following date of publication.

SYNOPSIS OF ORDINANCE NO. 758

AN ORDINANCE ANNEXING CERTAIN LANDS HELD BY THE CITY OF McCLEARY FOR MUNICIPAL PURPOSES; PROVIDING FOR NOTIFICATION; AND SETTING AN EFFECTIVE DATE.

On the 22nd day of April, 2009, the City Council of the City of McCleary adopted Ordinance Number 758. The intent and purpose of the Ordinance was to annex certain municipally owned lands, formerly used as a gravel pit by the State. The parcel is described by the County Treasurer through the assignment of Tax Parcel Number 180524210050.

A complete copy of this Ordinance is available during regular business hours at the Office of the Clerk-Treasurer, City Hall, McCleary, Washington. The Ordinance will be made available for review without cost; a copy will be provided upon request without cost if such request is timely made. This Synopsis is published pursuant to the laws of the State of Washington.

DATED this 22nd day of April, 2009.



DONNIE ROSTEDT, Clerk-Treasurer

Received

JUL 15 2009

Elcon - Portland

WORK ORDER #1
CAPITAL IMPROVEMENT PLAN

Scope of Work

Complete a Capital Improvement Plan as described in the attached "Capital Improvement Plan Proposal".

Fee Estimate

Fees shall be based on Elcon's attached 2009 Rate schedule. Total fees shall not exceed \$27,000.

Schedule

This study will be completed within four months from authorization date.

ENGINEER

OWNER

Elcon Associates, Inc.

The City of McCleary

BY *Kinh D. Pham*

BY *Wallace Bentley*

NAME Kinh D. Pham, P.E.

NAME *Wallace Bentley*

TITLE Vice President

TITLE *Mayor*

July 10, 2009
Date Executed

7/10, 2009
Date Executed



1.0 INTRODUCTION

Elcon Associates, Inc. (Elcon) proposes to develop an electrical system Capital Improvement Plan for the City of McCleary (The City). The plan will address the transmission supply, substations, the distribution system, pole treatment and testing, and major elements of the City's maintenance program. The adequacy of The City's records will also be assessed.

The distribution system portion of the study will include the traditional study process, that is modeling the distribution system and determining the performance of the existing system as existing and future loads are served, developing exploratory plans, and selecting a proposed plan. The distribution system will be reviewed for feeder capabilities and their ability to serve loads during emergency conditions.

The requirements for pole treatment and testing will be developed after comparing City operations against that of other similar sized utilities and determining the benefits and costs of these programs.

After completing the above referenced studies, Elcon will compile a Capital Improvement Plan which includes listing proposed construction items and estimated costs. It will also include recommendations on pole treatment and testing and utility record development.

2.0 PROJECT APPROACH

2.1 Kick-off Meeting

At the initial meeting to be held in the City's office, the project planning steps will be reviewed. Special attention will be given to data collection, and a review of the deliverables.

An important part of the initial meeting will be to discuss performance criteria. Elcon will present various performance criteria used by other utilities in the design and operation of their electrical system for discussion purposes. At the end of the meeting, it is anticipated that agreed upon performance criteria will have been developed.

2.2 Field Data Collection, Data Assembly

After completing the initial meeting, Elcon proposes to assemble data through interviews, a field inspection and requests for pertinent data. Through this process, Elcon will be able to complete an inventory of the assets of the system and determine their condition.



Anticipated data requests are listed below.

1. Load Information
 - Historical System Wide Loads; Monthly kW, kWhr, kVARhr
 - Historical Loads by Substation; Monthly kW, kWhr, kVARhr
 - Historical Large Loads; Monthly kW and kWhr
 - City and/or BPA Load Studies & Projections, if available
2. System Information
 - Service Area Map
 - Geographical System Map showing Transmission Line, Substations and Distribution Feeders
 - ✓ • Substation One-Line Diagrams
3. Performance Criteria
 - Voltage, Thermal Capacity
 - ✓ • Capability for Alternate Service
 - Outage Hours / Consumer
 - System Protection
4. Delivery Point
 - BPA Regional System Map
 - BPA Long Range Plan
5. Operations
 - Areas of Concern

6. Distribution System
 - Feeder Loads
 - Feeder Maps
 - Cable replacement requirements
7. System Protection
 - Current practices
8. Pole Treatment & Testing
 - Current practices, costs
9. Tree Trimming
 - Current practices, costs
10. Substation Maintenance
 - Current Practices, Costs
11. PCB
 - Status of Testing
12. Unit Cost Data

Elcon will interview City operation staff members to obtain their input on areas of concern. Elcon also proposes to interview BPA representatives in order to gain an understanding of BPA's plans for service to the City.

Pertinent data such as reports, maps, and computerized information on the performance of the system will be requested. Some data will be readily available and some may take some time to assemble. Elcon will be conscious of City staff time requirements and formulate requests to minimize staff time requirements. The adequacy of system data (including system maps and drawings) will be noted.



2.3 Load Study

With the information collected in the data assembly phase of the project, Elcon will determine the anticipated system growth. Location and timing of load additions will also be estimated.

Loads will be predicted for 6 years and 20 years in the future. Any special load developments during the next six years will be noted.

2.4 Plan Development

The following general guidelines will be employed as the Capital Improvement Plan is developed:

1. Maximize use of opportunities to improve the quality of service at a minimal cost.
2. Orderly system development to minimize waste due to early obsolescence or inadequacy of facilities.
3. A combination of the best alternatives considering economics, system reliability, safety for City crews and the general public, voltage performance and ease of operation and maintenance.

Elcon envisions the Plan Development phase to require close communication between Elcon staff members and City staff.

Once the load study has been completed as described in Section 2.3, plan development will commence. Required transmission, substation and distribution system improvements for service to predicted 20 year loads will be determined first. Once service plans have been identified and associated costs have been determined, a long range development plan can be selected. After the long range plan has been identified, construction requirements and their associated costs for the next six years, on a year by year basis, will be determined.

Through this process, costs over and above the normal operations and maintenance costs will be determined. Some of this investment will be for specific capital improvements to the system. Annual costs for on-going activities such as pole treatment and testing, tree trimming, maintenance and PCB testing will also be determined.



Major components of overall plan development are described below:

1. Transmission Supply

Elcon will include a study of the costs associated with moving the transmission line to one of four alternate routes as a part of the Capital Improvement Plan. BPA will be contacted to see if their policies may affect transmission supply.

2. Substations

The study will address the phase-out of the 4.16 kV substation as well as development of substation(s) for service to the 12.5 kV system. The adequacy of system protection will be determined.

3. Distribution System

A portion of the City's distribution system is already modeled on Elcon's distribution system analysis package. Elcon will complete the model and determine the performance of the existing system as future loads are served. Capabilities of the distribution system under normal and emergency conditions will be determined. Plans of service to address deficiencies will be developed and compared. The adequacy of system protection will be determined.

4. Maintenance Review

Elcon will review the major maintenance programs – pole treatment and testing, tree trimming, substation maintenance, and PCB testing. A description of each of the programs will be developed. Programs will be compared with those of other utilities and development recommendations will be compiled.

2.5 Complete Draft Report

Having completed the Plan Development, a Draft Report will be created and presented to Cooperative staff for their review.

2.6 Project Review Meeting

At a project review meeting at the City's office, the Draft Report will be reviewed in detail. Elcon will be seeking suggestions for modifications or additions to the Report.

2.7 Completion and Submittal of Final Report

Elcon will incorporate City comments and submit a Final Report.

3.0 DELIVERABLES

Elcon will present to the City a report which includes a description of the existing system, the results of a load study, a listing of performance criteria, a description of the improvement options considered and the Capital Improvement Plan.

The Capital Improvement Plan presentations will include the following:

- Specific Transmission Projects for each of the next six years and for the following thirteen years.
- Specific Substation Projects for each of the next six years and for the following thirteen years.
- Specific Distribution Projects for each of the next six years and for the following thirteen years
- General Distribution Projects on an annual basis
- Recommendations Regarding Record Keeping and Mapping

4.0 SCHEDULE AND COSTS

4.1 Schedule

Elcon will complete the Capital Improvement Plan within four months from project authorization date.

4.2 Not to Exceed Cost

Elcon shall develop the Capital Improvement Plan for a not to exceed cost of \$27,000. Development of the budget is shown below.

5.0 PROJECT TEAM

Elcon will work closely with the City staff to gain an understanding of their concerns related to operation, maintenance and development of the system. Elcon will request assistance from the staff for the following tasks:



1. Collection of system data
2. Inventory of the system
3. Development of Planning Criteria
4. Reviewing the Report

The Elcon team will include the following:

1. **Michael Unger, P.E.** will be project manager. In addition to managing the project, he will be involved in all phases of the project and the primary author of the report. Mr. Unger has been working on system planning studies for about 40 years.
2. **Charles Walker, P.E.** will take the lead in the analysis of the distribution system. He will also contribute to the writing of the report. Mr. Walker has been working on planning studies with Mr. Unger for about 25 years.
3. **Dennis Wilson**, an ex utility manager and engineer, will provide input on typical utility practices regarding pole treatment and testing, tree trimming, AMR, system maintenance and PCB testing.
4. **William Arthur**, an experienced electrical estimator, will assist in cost estimating.

EXHIBIT A

2009 BILLING RATES

Below is a fee schedule of hourly rates broken down by staff classification for 2009. After 2009, the rates are subject to revision.

<i>Classification</i>	<i>Billing Rate</i>
Project Manager	\$125.00
Senior Engineer	\$106.00
Engineer	\$98.00
Junior Engineer	\$87.00
Senior Technician	\$98.00
CADD Operator	\$75.00
Drafter	\$63.00
Clerical/Administration	\$56.00
Accountant	\$60.00
Senior Energy Consultant	\$175.00

Reimbursable expenses include the pre-approved purchase of any supplies required to complete our services. Such approved expenses shall be reimbursed at cost. The general reimbursable costs are:

- Mileage (regulated by the IRS) – IRS rates
- Reimbursable costs (travel, courier, FedEx, parking, any out of pocket expenses) – at cost
- Photographs – make multiple copies of reports, plotting, drawings, specifications, etc. - \$0.10/copy

Any other reimbursable expenses required for the project will be brought to your attention for pre-approval.

G&O Contract Amendments

- Amendment No. 2 – Developer Services – **On-Going**
 - This amendment is intended to have G&O provide development assistance via pass through billing.
 - Budget Costs are provided for the following tasks:
 - Task 1 – Environmental and Permitting
 - Task 2 – On-site Inspection
 - Task 3 – Boundary Line Adjustments
 - Task 4 – Preliminary Plat Review
 - Task 5 – Final Plat Review
 - Task 6 – Utility and Roadway Construction Plan Review for Subdivisions
 - Task 7 – Pre-application Meetings / Preconstruction Meetings for Subdivisions
 - Task 8 – Submittal Review for Subdivisions
 - Task 9 – Miscellaneous Report Review

- Amendment No. 4 – Various Items
 - Parking Lot Design Review – **Complete**
 - Review TIR for Parking Lot – **Complete**
 - Prepare Exhibit for Infill Lot Frontage Improvements – **Complete**
 - Evaluate Gravel Pit Site – **Complete**
 - Prepare Simpson Water Line Easement – **0% Complete**

- Amendment No. 7 – Stormwater Management Plan – **10% Complete**
 - Mapping is 75% complete. City Staff to complete mapping review. **(Needs to be a top priority for City Staff)**.
 - After review, markups will be input into software.
 - Survey will verify the elevation of all stormwater structures.
 - After Survey, all elevations will be checked and placed into a hydraulic model.
 - Results from the model will identify capital improvements.
 - Once survey is complete, the plan will be written concurrently with the modeling and capital improvement identification.
 - **Funded by PWTF Loan; Must be complete by: October 2010** \$50,000

- Amendment No. 11 – WWTP Sludge Handling Alternative Evaluation – **90% Complete**
 - A draft memorandum should be supplied by the end of January.

- Amendment No. 14 – Miscellaneous Items
 - This amendment allows the City Administrator to authorize minor engineering support services on an as needed basis.
 - Minor Engineering Support Services are services not identified in Amendment No. 2 and are estimated to cost less than \$500.
 - The total aggregate amount authorized by this amendment is \$5,000.
 - To date, the City has authorized 3 minor tasks, all complete, for a total amount of \$1,379.83.

- Amendment No. 16 – Reservoir Interior Painting – **0% Complete**
 - Specifications should be complete by the end of January.

- Amendment No. 17 – Well No. 2 and 3 Investigation – **0% Complete**
 - Specifications should be complete by the end of January.

Miscellaneous Items

- Gravatt Stormwater Line (video reviewed, 2009/10 Band-aid, Perm. Fix in SWMP; Mr. Gravatt was given an agreement and easement to sign, but has not returned either)
- Sam's Canal Dredging (still need to complete SEPA)
- Cedar Heights ADA Ramp (Bond action may be required).
- Simpson Ave (Project has been awarded and will start construction activities in March).
- Madison Sky (pre-construction conference on hold)

ORDINANCE NO. 664

AN ORDINANCE GRANTING THE PETITION TO VACATE CERTAIN PORTIONS OF THE RIGHT-OF-WAY OF 2ND STREET UPON CERTAIN CONDITIONS: PROVIDING FOR VOIDNESS IN THE EVENT OF THE NON-OCCURRENCE OF CERTAIN EVENTS; AND ESTABLISHING EFFECTIVE DATE.

RECITALS:

1. JOHN G. ALLARDIN, hereinafter the Petitioner, ALLARDIN or the Grantor, has filed a Petition seeking to have the City vacate that certain portion of the right-of-way of Hemlock Street within the corporate limits of the City of McCleary more fully described upon Exhibit Number 1.

2. All necessary notices have been given and all necessary hearings have been held, including the hearing at the Council Meeting of January 13, 1999.

3. The Mayor and Council have been informed that the assessed valuation upon the property is \$.25 per square foot and the parcel contains approximately 1,950 square feet.

NOW, THEREFORE, BE IT ORDAINED AS FOLLOWS BY THE CITY COUNCIL OF THE CITY OF MCCLEARY:

SECTION I: The Petition of the Applicant ALLARDIN shall be and is hereby granted subject to compliance with the terms and conditions set forth in Section II.

SECTION II: The vacation authorized pursuant to Section I is specifically conditioned upon the following:

A. The reservation by the City of an irrevocable easement in favor of the City, its heirs, successors, and assigns, over, above, across, and beneath the certain portion of the vacated property more fully described upon Exhibit Number 2, attached hereto and incorporated by this reference.

1. The easement shall be deemed perpetual, shall be deemed to run with an burden the land, shall be deemed for the benefit of all areas of the City, shall be binding upon ALLARDIN, his heirs, successors, and assigns, and shall be for utilization by the City, its successors or assignees for any and all municipal or utility purposes, including, but not limited to, public sidewalks, utilities, telephone, and telecable, and the installation, maintenance, repair, and replacement thereof.

2. The easement shall contain within its terms a waiver by the Grantor, upon behalf of himself, his heirs, successors, and assigns of claim for damages, whether in the nature of the reduction of value, impact upon business activity, or otherwise, from the City's exercise of its rights under the easement, as such claim would relate to any property owned or utilized by ALLARDIN upon the parcel/s more fully described in Exhibit Number 3.

3. The easement shall contain within its terms a prohibition against ALLARDIN, his heirs, successors, and assigns, placing a permanent improvement, whether in the form of structure, landscaping, parking facilities, or otherwise upon the parcel subject to the easement without the prior written approval of the City, acting by and through formal action of the Mayor and Council, and a commitment by ALLARDIN to remove at his sole expense, any improvements of any type whatsoever which may be installed without prior written approval of the City upon the parcel subject to the easement.

B. Payment to the City of the sum of \$243.75 pursuant to the provisions of RCW 35.79.030, as incorporated through RCW 35A.79.010.

SECTION III: In the event the conditions set forth in Section II have not been fulfilled within 60 days, then the vacation authorized hereby shall be deemed null and void and this Ordinance of no effect.

SECTION IV: If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance and each section, subsection, sentence, clause, and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases had been declared invalid or unconstitutional, and if for any reason this Ordinance shall be declared invalid or unconstitutional, then the original ordinance or ordinances shall be in full force and effect.

SECTION V: This Ordinance shall take effect upon the fifth day following date of publication subject to its becoming void pursuant to the provisions of Section III.

PASSED THIS 27th day of January, 1999, by the City Council of the City of McCleary, and signed in approval therewith this 27th day of January, 1999.

CITY OF McCLEARY



JOHN L. ADAMS, Mayor

9913957

LEGAL DESCRIPTION

A fifteen foot strip of that portion of Second Street abutting the following described property:

Lot 1, Block 18, First Addition to McCleary, as per plat recorded in Volume 4 of Plats, page 47, records of Grays Harbor County;

TOGETHER WITH that portion of vacated South 10 feet of Hemlock Street abutting thereon;

Situate in the County of Grays Harbor, State of Washington.

9913959

9 COVER SHEET
3

990318093

'99 MAR 18 AM 7 47

RETURN TO:

Donnie Rostedt
City of McCleary
100 So. Third St.
McCleary, WA 90557

VERN SPATZ
GRAYS HARBOR CO. AUDITOR

Please print or type information

Document Title(s) (or transactions contained therein):

1. Ordinance 664
2. _____
3. _____
4. _____

Reference Number(s) of Documents assigned or released:

Grantor(s) (Last name first, then first name and initials)

1. City of McCleary
2. _____
3. _____
4. _____

5. Additional names on page ____ of document.

Grantee(s) (Last name first, then first name and initials)

1. John C. Alford
2. _____
3. _____
4. _____

5. Additional names on page ____ of document

Legal Description (abbreviated: i.e. lot, block, plat or section, township, range)

Additional names on page ____ of document

Assessor's Property Tax Parcel/Account Number(always 12 digits)

Additional names on page ____ of document

NOTE: The Auditor/Recorder will rely on the information provided on this form. The staff will not read the document to verify the accuracy or completeness of the indexing information provided herein.

9913955