



McCleary City Council

PROPOSED AGENDA

November 18, 2009

6:30 Work Session
7:00 Council Meeting

Flag Salute
Roll Call
Minutes
Public Comment
Mayor's Report

Staff Reports: Busse Nutley, City Administrator
 Dan Glenn, City Attorney
 Department Heads
 October Financial Report

Old Business: Finance Committee – Report on 2010 Budget

New Business:

Resolutions: Development Standards Update
 Identity Theft Policy
 Deposit of City Funds Protocol
 Fee Payment Protocol

Ordinances: Transfer of Funds in Budget
 2010 Property Tax Levy

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
October 28,2009

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, and Lake. All present.
ABSENT	Councilmember Hays was absent.
STAFF PRESENT	Administrator Nutley, City Attorney Dan Glenn, City Clerk/Treasurer Collins, Police Chief Crumb, Engineer Nick Bird, and staff member Jennie Reed.
MINUTES APPROVED	Motion made by Councilmember Vatne and seconded by Councilmember Vessey to approve the minutes. Motion Carried.
PUBLIC COMMENT	The Mayor stated the city staff has been working on the budget and it's still in process. The hospital sign will be completed by end of the year.
CITY ADMINSTRATOR'S REPORT	Working on the budget. State Auditor is here doing a 2008 audit to close the books since we are changing many Councilmembers, including a new Mayor and City Administrator, along with a new City Clerk earlier this year, it seemed like a good time to perform an audit. Swine flu information was included in the Council packets to give information about staying well.
FLEET MAINTENANCE AGREEMENT - L & P AND FIRE DEPARTMENT	Councilmember Lake asked a question regarding the maintenance and repair on the fire vehicles. Why do we not require the companies doing work for us to have a bond and liability insurance to do work for the City? Attorney Glenn stated this is a service agreement and not a contract. After discussion, the Council decided to have staff do further research and address the subject at a future meeting.
CONTRACT AMENDMENT 14 - GRAY & OSBORNE	We have an amendment in place right now that allows the City Administrator to approve tasks for \$500 maximum each by email, which we've used as things arise. Gray & Osborne has worked well with us on these issues. Administrator Nutley requested we increase the maximum from \$4,000 to \$5,000. It was moved by Councilmember Vessey, seconded by Councilmember Vatne to authorize the Mayor to sign the Contract Amendment 14 with Gray & Osborne, with a \$5,000 limit. Motion Carried.
RESOLUTION NO. 601	At a previous meeting, a discussion was held regarding ambulance fees for hotels/motels. If a facility is not currently renting rooms, it would be paying an excessive amount. It was moved by Councilmember Vatne, seconded by Councilmember Boling to adopt Resolution No. 601 relating to emergency medical service, setting forth an emergency medical services utility fee pursuant to authority granted in RCW 35.21.766; repealing Resolution 585; and providing an effective date. Motion Carried.
INTRODUCTION OF ORDINANCE NO. 760	Administrator Nutley stated we already took action to increasing spending in two funds due to additional revenues, and this is the budget consequences of those actions. The expenditures are larger than the budget amount. The park and cemetery fund was updated due to the purchase of Brookside Park and the fencing around the cemetery. The ambulance amendment takes into account the new contract we signed in April with the rate increases we implemented at that time, which was more than we anticipated last year. It also reflects the interfund loan that is being repaid by the current expense fund and the interfund loan from light and power. The amount requested covers those amounts. This is just an introduction Ordinance for consideration.
MAYOR/COUNCIL COMMENTS	<p>Mayor Bentley stated that budget time is here and the Council needs to study it thoroughly. Councilmember Vessey liked how well the budget was presented to them. Councilmember Vessey wished all the candidates running for office in the election next week the best of luck.</p> <p>Helen Lake asked about the status of two lawsuits. The Quimby case is settled and the appeal was dismissed. The Anensen case dismissal is still pending.</p> <p>Mr. Vatne thanked the staff for the hard work they have done with the auditors and also during the budget process. He knows it's a lot of work and appreciates their effort. He complimented Tommi from the Vidette for her good work. The City will not be audited again for another two years.</p>

The Mayor stated Grants are not readily available in this economy. Other than stimulus money, there isn't going to be anything available to help the City out.

MOTION It was moved by Councilmember Boling seconded by Councilmember Vessey, to recess the meeting until November 18, 2009. Motion Carried.

RECESSED AT 7:45 pm, the meeting is recessed until November 18, 2009 at 7:00 PM

STAFF REPORT

To: Mayor and City Council
From: Busse Nutley, City Administrator 
Date: November 16, 2009
Re: Current Non-Agenda Activity

USDA Loan for Water Improvements

USDA Rural Development has notified us that they will increase the size of our loan request to include the final costs of the automated water meters and painting the interiors of the two reservoirs. The annual debt service for the next twenty years will be \$16,430.

Budget

The Finance Committee met on Thursday, November 12 to review the Mayor's preliminary budget.

Next Meeting

Due to the Thanksgiving holiday, the next – and last – Council meeting for 2009 will be on December 9.

My Retirement

As I announced at the last Council meeting, I am retiring at the end of the year. It's a decision I made many, many months ago. I have submitted my formal letter of resignation to the Mayor, and it follows this report.

City Employee Holiday/Retirement Celebration

The annual employee holiday celebration this year has been expanded to honor all the retirees from city service – Mayor Bentley, Councilmembers Vessey, Vatne and Lake, and me. It will be held at the Community Center on December 4, starting at 5:30 pm. Your spouse/guest is also invited.



CITY OF MCCLEARY

NOV 12 2009

RECEIVED

City of McCleary

Home of the McCleary Bear Festival

100 South 3rd Street, McCleary, WA 98557 • 360.495.3667 (phone) • 360.495.3097 (fax) • CityofMcCleary.com

November 12, 2009

Wally Bentley, Mayor
City of McCleary
100 South 3rd Street
McCleary, WA 98557

Dear Mayor Bentley:

Please accept my resignation as City Administrator, effective at the close of business on December 31, 2009.

When I arrived in McCleary three years ago, you and the Councilmembers were very clear about your vision and goals for this community. It has been both challenging and rewarding to help you develop projects to implement your goals. Some of those achievements were:

- Instigated and completed studies about the Wildcat Creek Aquifer that resulted in an interlocal agreement with the County for the joint management of the sole source of water for more than 2,000 residents in the area
- Developed new Capital Improvement Plans for the Cemetery and Light and Power; updated CIPs for Water and Parks
- Updated the city's Development Standards and adopted standards for development of the Light & Power system
- Improved maintenance of city facilities:
 - established a summer hanging flower basket program in conjunction with the Chamber of Commerce
 - hired a grounds maintenance employee
 - improved care of parks and the cemetery
 - installed new signs for city hall and other city buildings
 - installed a new mansard roof on city hall
 - paved the remainder of the city hall/Beerbower Park parking lot
 - reconstructed Beerbower Park athletic field and facilities
 - removed the diseased trees behind the Community Center and created a youth soccer field
 - expanded the cemetery
 - installed a new fence for the cemetery

- Purchased Brookside Park and additional land at the city well site
- Hired an architect to develop a Space Needs Study to determine the size and siting for a new fire station
- Reorganized Public Works to improve the management of the utilities: Water/Wastewater and Public Facilities
- Purchased an automated water and electric meter reading system that will improve accuracy and that will eliminate the need for staff time to read meters
- Improved the use of computers and record-keeping:
 - upgraded the computer system into a true network
 - developed a city website that is constantly maintained and is used by many to access city information and records
 - started an internet-accessible Help Desk to track complaints/concerns/needed repairs
 - upgraded the very old accounting system software
 - improved cash-handling internal controls
 - established a central filing system for city records
 - updated the city's personnel policies

I wish you and all the residents of the City of McCleary the best of luck and prosperity in the future. After more than thirty years working in various venues for effective public policy and management, I am looking forward with great personal joy to my retirement, so that I can travel and play golf.

Sincerely,



Busse Nutley
City Administrator

cc: Busse Nutley Personnel file

MEMORANDUM

TO: MAYOR AND CITY COUNCIL, City of McCleary
FROM: DANIEL O. GLENN, City Attorney
DATE: November 16, 2009
RE: LEGAL ACTIVITIES as of NOVEMBER 18, 2009.

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. **AD VALOREM TAX ORDINANCE**: I have prepared a property tax ordinance based upon the information provided to the City by the Assessor's Office. The draft would exercise the right to increase the levy by the statutory maximum of 1%. As usual, the situation creates a bit of a challenge since the final figures will not be available until some time in December while the law requires the City have the ordinance and the accompanying certification to the County Commissioners by the end of November.

Prior to developing this draft, I took the opportunity to speak to the Deputy Assessor tasked with preparing the document upon which the figures are based, as well as the staff member at the Department of Revenue who is their expert in the area. The reason for my contact tied to certain concerns I had about what appeared to be a disconnect between the figures which were suggested to the City. Based upon the contact with the DOR representative, I have utilized the fixed figure provided by the Assessor. However, as the Deputy Assessor has noted, she recommends the City utilize a higher figure than they provide. The rationale is, if the correct final figure is higher than what they provide, the City receives the actual maximum figure, so long as it is within the amount set out in the ordinance. I must admit that the difficulty I, as the drafter, have is it is difficult to explain to a citizen that the ordinance is a "guess" when it is relating to such a major subject. However, if you would like, you can substitute a higher figure with an assurance you will not actually impose anything beyond the 101% limit, as ultimately determined.

2. BROGAN/ANENESEN v GRAYS HARBOR COUNTY, CITY OF McCLEARY, ET AL: We have received the conformed copy of the order under which the plaintiffs took a voluntary non-suit in this matter. As was previously discussed, this was a voluntary action on their part based upon economic reasons. However, they do have the right to refile the matter so long as it occurred within the statute of limitations tied to the causes of action. That would normally be three years from the act/s they allege to be wrongful.

3. DEVELOPMENT STANDARDS RESOLUTION: Based upon a request from Administration, I have prepared a draft resolution which would adopt by reference an amended set of City Development Standards while readopting the other standards which were previously in place. As you will note, I am suggesting a method to establish under which set of standards a project would be judged a/k/a as the vesting of rights principal.

4. IDENTITY THEFT RESOLUTION: Before you tonight is an updated draft of a resolution provide earlier this year. In some of the material discussing it, it is characterized as the "red flag" resolution. It ties to a federal mandate imposed upon entities which provide utility service to customers. In effect, the mandate is to set up and maintain a program which will aid the City is identifying situations in which someone attempts to "steal" the identity of someone else.

Since providing the original draft some months ago, I have worked through how a number of other entities put together their draft. During the course of those reviews, I ended up plagiarizing a bit from around four enactments and put those elements into this draft attachment. I would note that some of those I reviewed are far more complex than what you have before you, but this should meet the mandated standard.

In terms of implementation, I have let Wendy and Busse know that Kristy Powell, Montesano's clerk-controller, has a staff member who put together a training program for their staff. She has indicated she would be willing to have that staff member put on the training session for the City's staff. I would recommend this be done as promptly as possible since it would provide the necessary training without the necessity of developing our own training protocol.

5. LeMAY CONTRACT: Based upon discussions involving Mr. Vessey, Mr. Powell (Montesano), Mr. Sorensen (Elma), Mr. Cox (LeMay) and two other LeMay management members, I have developed a draft agreement for review and consideration by the six of them. I have provided it to Mr. Vessey and the other two municipal representatives for their review and comment prior to

its provision to Mr. Cox. I have received an email from Mr. Sorensen indicating the draft is acceptable to him. I would anticipate receiving Chris' impressions and those of Mr. Powell prior to this meeting.

6. **MUNICIPAL FUND DEPOSIT GUIDELINE: DEPOSIT PROTOCOL:** Prior to Donnie's retirement, she and I had discussions about the protocols under which Staff deposits funds received by the City. Obviously, she pointed out the fact, with which I concur, it is not good to have funds of any significant amount in the City Hall other than what was then the "change" fund. However, the disadvantage of always making a daily deposit regardless of the level of receipted moneys in the Office is it is not particularly cost effective to do so, especially on those days when there are very few dollars available for deposit. So, we looked for an alternative which would protect the public interest, meet the SAO's protocols, and be cost effective. I believe the draft which I provided at that time and which is before you tonight in a modified form, as set out below, provides that solution while complying with the mandates of the SAO and the statute.

What is before you is a resolution under the provisions of RCW 43.09 which would establish a formal deposit protocol. Following Donnie's retirement, the matter was apparently held in abeyance until I raised it a couple of weeks ago. That resulted in some modifications tied to the new software system, with its multiple drawers. To comply with those guidelines, the draft resolution which would provide for a waiver of the 24 hour mandate so long as the total funds on hand, not including the petty cash fund, do not exceed a figure which has been recommended to be \$1,000.00, not including the \$200.00 which would be maintained in each of the change drawers. However, the statutory mandate of no less than one time per week regardless of the money total on hand is maintained, although it is unlikely to be utilized given the daily cash receipts.

7. **FEE PAYMENT PROTOCOL:** Some time back, as the result of some confusion as to a disconnect between payment for building permits and payment of the connection fees for utilities, a resolution was put in place. That resolution mandates that certain utility connection fees be paid at the same time as payment for and acquisition of the building permit. Apparently that has created a problem for certain of those whose construction is being funded by a financial institution. The institutions apparently do not want to fund the two aspects concurrently, but rather wish a bit of a time lag. Thus, based upon a discussion I had with Ardyce and Chris, I have prepared a draft resolution.

As you will note, it will allow a customer to pay the connection fees up to thirty days after receipt of the building permit. That time lag apparently will satisfy the lenders. From our standpoint, however, I have inserted a provision which will allow the City to red tag a project if the fees established by staff are not paid within that time period.

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: Council and Mayor
From: Colin Mercer Fleet Manager 
Date: November 2, 2009
RE: October Fleet

The City received current rates from American Fleet for service of the Light and Power vehicles along with the Fire Departments vehicles.

No accidents to report.

The City will be adding Light and Powers new 60' bucket truck to its fleet maintenance schedule and WCIA insurance schedule as soon as we take ownership of the vehicle.

Regular Maintenance

Lube oil and filter :

Chevy Impala (30,000 mile service)
Ford F250 (public works)
Ford Ranger (Colin's Truck)
Ford F350 Dump truck (public works)

Repairs

Chevy Impala O2 sensor replaced.
Ranger Colin's truck new yellow safety strobe light installed.
1999 Police Department Crown Victoria replace both head light assemblies.
New battery for the 2006 & 2008 Police Department Crown Victoria.

STAFF REPORT

To: Council and Mayor
From: Colin Mercer Webmaster
Date: November 2, 2009
RE: October 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

Removed lateral police officer position from the website.
Uploaded the latest version of the Municipal Code Supplement #4.
Posted each individual section of the MMC as a separate document for easier use.
Create a new Photo File for the Park Project Improvements.
Posted Planning Commission Cancellation Notice.
Post link to the Centers for Disease Control and Prevention regarding the H1N1 Flu.
Post Trick or Treat with the Merchants Flyer and date on the events calendar.
Changed the Utility "Frequently Asked Questions" about deposits to reflect Resolution 592.

ADDITIONAL TASKS

Researched and completed the Biennial Report to FEMA regarding the Floodplain maps for the National flood Insurance Program.
Downloaded two copies of Simpson Sidewalk Project Bid Openings recording to CD.
Continue working on city deeds uploading to intranet.
Changed out 5 computer monitors to 24" wide units to work with Visions software.
Create Ordinance log on the intranet and start scanning and uploading Ordinances.

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

WEBSITE TRAFFIC 10-1-09 through 10-31-09

Page Views by Section		
Section	Page Views	Percent of Total
Default Page	1883	32.67%
Events Calendar	436	7.56%
Agendas and Minutes	412	7.15%
City Jobs	271	4.7%
City Departments	259	4.49%
Police	244	4.23%
City Staff	224	3.89%
Mayor and Council	195	3.38%
Code, Ordinances & Standards	179	3.11%
Home Page	148	2.57%
City Photos	143	2.48%
Search Results	142	2.46%
FAQ's Page	123	2.13%
Water / Wastewater	97	1.68%
Community Center	93	1.61%
Bear Festival	85	1.47%
Helpful Links	81	1.41%
Light & Power	80	1.39%
Chamber of Commerce	79	1.37%
Flood Photos 2009	67	1.16%
Public Facilities	62	1.08%
Fire	54	0.94%
Administration	53	0.92%
Interlocal Agreements	52	0.9%
2008-09 Budget	46	0.8%
Development Services / Building	43	0.75%
Christmas Photos 2007	40	0.69%
Tell Us What You Think!	39	0.68%
Municipal Court	37	0.64%
65th Anniversary Photos	36	0.62%
Planning Department	32	0.56%
Park Project Photos	21	0.36%
Surveys & Questionnaires	8	0.14%
TOTAL	5764	100%

STAFF REPORT

To: Mayor and City Council
From: Vern Merryman, Water/Wastewater
Date: October 2009
Re: Monthly Council Report

The treatment plant had a flow transmitter fail on the headworks. It has been replaced and is now working fine. We are also working on getting a replacement flow transmitter (\$\$) for the mainlift, which has also failed. The treatment plant is in its 4th year after having been expanded and is now entering the beginning impact of equipment maintenance and replacement expenses.

G&O has been working on alternative treatment options for the city's biosolids.

Lab performance evaluation tests have been completed and we are waiting to receive the results.

A tree fell across the treatment plant fence causing only minimal damage to the top rail.

The required outfall evaluation report for this current discharge permit cycle has been completed and sent to DOE as well as the annual report for the receiving waters temperature monitoring results.

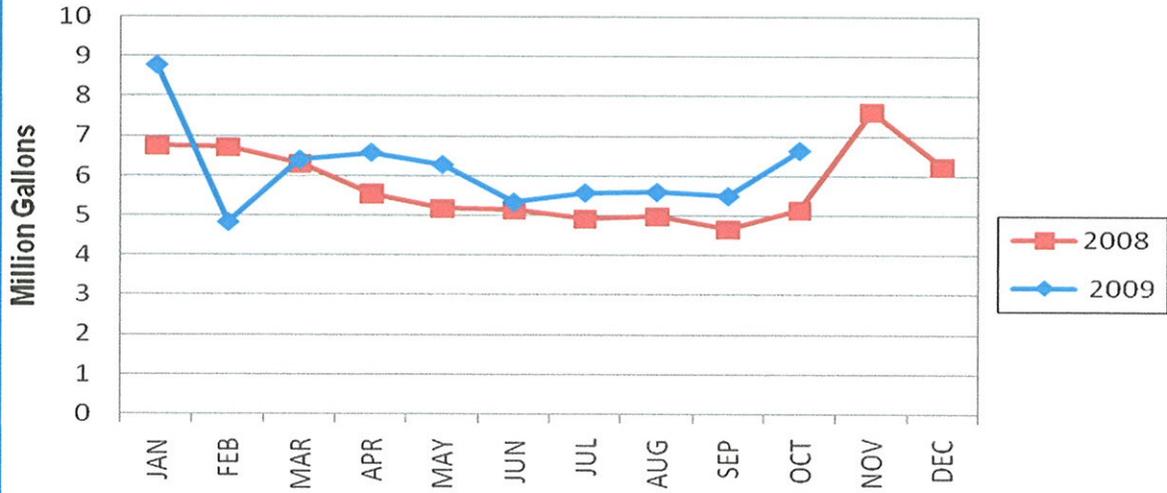
Grease has always been a problem at the treatment plant and a couple lift stations, so we have installed grease emulsifying blocks at 2 lift stations and the mainlift at the treatment plant and are monitoring the product performance.

The water system has had few problems recently, a power failure call out and chemical tubing that developed leaks and needed replacing.

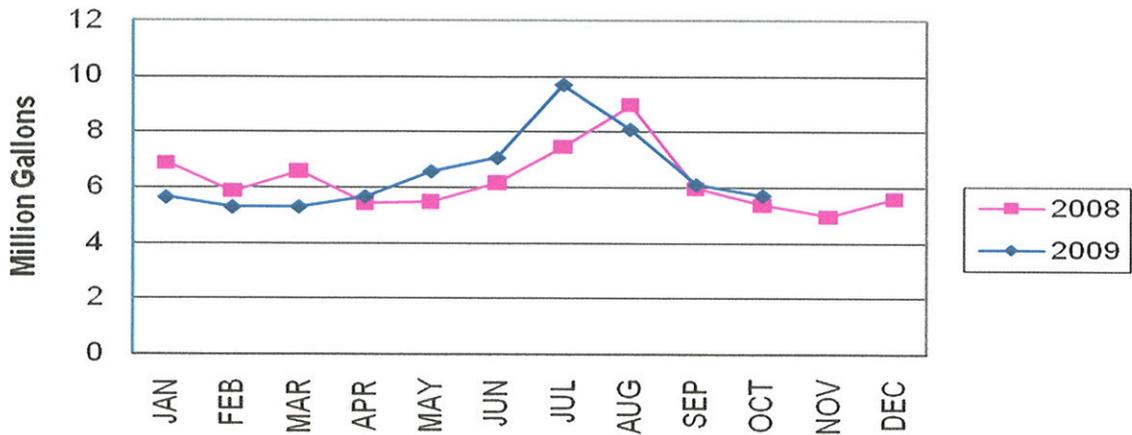
Required water testing for inorganic, organic, pesticide, herbicide, and radon matter were completed and sent in for testing, as well as lead and copper samples from selected water service customers.

Comparison charts of water production and wastewater follow.

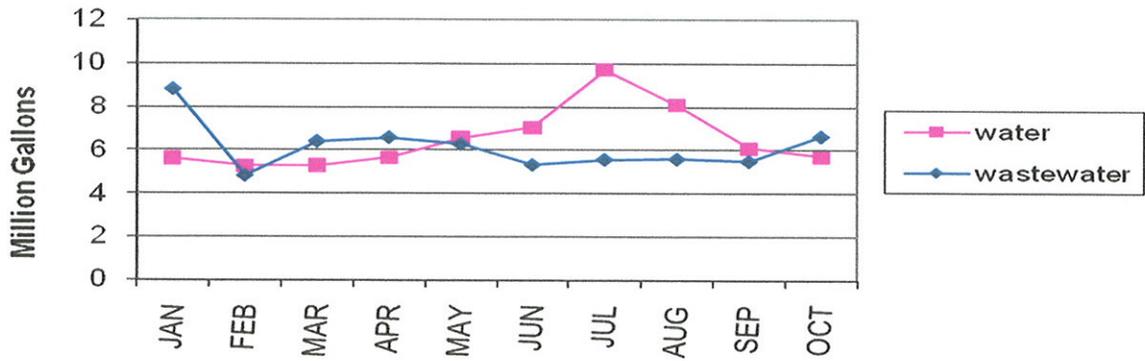
WASTEWATER FLOW 2008/2009



WATER PRODUCTION 2008/2009



WATER / WASTEWATER 2009



STAFF REPORT

To: Mayor and City Council
From: Jennie Reed, Court Administrator *JR*
Date: November 2, 2009
Re: October Report

	<u>Court Filings</u>		<u>Court Fines Paid</u>	
	<u>Oct</u>	<u>YTD</u>	<u>Oct</u>	<u>YTD</u>
Traffic Infractions	17	91	\$2,462.00	\$18,448.66
Non Traffic Infractions	0	3	\$167.00	\$336.60
Criminal Traffic	8	35	\$690.00	\$9,322.95
Criminal Non Traffic	5	33	\$843.74	\$3,446.68
Collection Fees Collected			\$0.00	\$500.00
TOTAL ISSUED	30	162	\$4,162.74	\$32,054.89

STAFF REPORT

To: Council and Mayor
 From: John Allardin, Maintenance Crew Foreman
 Date: November 13, 2009
 RE: October Status Report

TASK	DESCRIPTION	MONTH		YEAR TO DATE	
		NO.	HOURS	NO.	HOURS
Building maintenance	Park, transit station restrooms, city compound, library, float shed & museum.		49		529
Meetings and appointments	Safety meeting, interviews, public works meetings, outside agencies and contractors.	3	3	65	70
Training	Professional growth classes			9	58
Water leaks	water leaks	5	2	19	41
Water complaints	Dirty, smelly or low water pressure.	1	2	13	12
Garbage collection	Down town, park, cemetery, city compound and city park trash cans.		10		102
Grounds maintenance	Gardening, hanging baskets, mowing, raking, baseball field maintenance and pressure washing		96		1676
Motor pool maintenance	Motor pool maintenance in house and contract work	6	5	122	82
Pot hole program	Patching potholes.	8	15	132	89
Utilities locates	Locating underground utilities	4	2	28	17
Meter reading	Three people task includes meter reading, shut off list and re-reads		48		496
Flagging traffic	Flagging for Light and Power crew			3	5
Citizen requests	Forms generated by requests from citizens	8	30	35	80
Valve exercising program	Checking for valve operation, location, and maintaining proper valve operation			112	118
Sanding streets and street sweeping	sweeping streets			4	23
Hydrant flushing program	Maintenance, flushing and exercising hydrants			154	157

STAFF REPORT

To: Mayor and City Council
From: Paul Nott, Light & Power
Date: Nov. 16, 2009
Re:



	Monthly statistics;	YTD Totals
New Services;	0	5
System Outages;	2	14
Pole Replacements;	1	22
Maintenance Work Orders;	0	28
Billable Work Orders;	0	9

Report;

This last month has consisted of; line clearance tree trimming, electrical equipment mapping and truck tool inventory.

We are still clearing brush from our lines. There's a lot more to do...basically, we start with the main feeders and work our way out to the customers that have their own feeder that serves them.

We have also completed mapping our poles and electrical equipment in our service area and the GPS has been returned to GHCOG so that the data can be transferred to a map. This will come in handy not only to the City but to the engineers that are completing the CIP. We look forward to seeing the final product.

With the purchase of the new bucket truck, and the need to outfit it with tools and equipment it has created an opportunity to inventory what tools we carry and what tools we need to make the new truck functional.

We are starting to receive the equipment for the automated meter reading. We still haven't received any of the meters yet but they are due shortly. As soon as they arrive we will start replacing meters in town with the new AMR meters.

We are also getting geared up for storm season. Last week we had an outage and apparently the customer didn't realize to call dispatch and she sat in the dark all night till normal business hours the next day. Yesterday we had another outage on McCleary Rd.

That's about it for this month...

STAFF REPORT

To: Mayor and City Council Members
 From: Mick Schlenker Building Official *MS*
 Date: Nov 16, 2009
 Ref: Sep Staff Report

Building Permit Activity

	October Current	Fees	YTD	Total 2009 Fees
Last Month				
Customer Service	116		1,047	
Building Permits Issued	5	\$3,630.97	20	\$6,646.72
Nuisance Letters	4		19	
Inspections Performed	44		267	
Plan Reviews	2	Inc in Permit	10	
Stop Work Issued	1		3	
City Projects	1		3	change door
Complaints	3		35	
Demo Permits	0		0	
Court Issues	1		1	
Fire Projects	0		0	
Cars	0		5	
Abatements	0		0	
Elma Inspections	1		8	
Montessano	1		1	
Total	179	\$3,630.97	1,419	\$6,647.72

Summit II

No new activity

Cedar Heights

(2) new homes have applications in for permits and will start work in Nov 09

Beehive

No new activity

McCleary School

1. working on out side rails (approved)
2. working on swale for storm water (approved)
3. working on inside corrections
4. finishing kitchen equip hold down (approved)
5. Contractor is working on framing, plumbing, electrical North side of school (approved)
6. elevator is waiting for L&I aproval and sing off
7. finish sheet rock shop area w/2hr door

Brookside MH Park

Sold to city

STAFF REPORT

To: City Council
From: Busse Nutley, City Administrator
Date: November 16, 2009
Re: October Financial Report



Although we finally have converted our accounting software, it was finished recently enough that there are still some data glitches that have not quite been resolved. We expect to have the October financial report completed and balanced by the Wednesday Council meeting.

STAFF REPORT

To: City Council
From: Busse Nutley, City Administrator 
Date: November 16, 2009
Re: Bid Award – Simpson Sidewalks

Our engineer, Jerry Morrissette and Associates, has been reviewing the bids we received and expects to have a final report and recommendation by Wednesday's meeting.

STAFF REPORT

To: City Council
From: Busse Nutley, City Administrator 
Date: November 16, 2009
Re: Bucket Truck Tools

When the 40-foot bucket truck was purchased, it replaced an old truck, and the tools necessary for the crew to use were merely transferred. The new, 60-foot bucket truck is an additional vehicle to the fleet. Each truck needs to have a set of basic tools for line work. Rather than purchase the tools a few over time, we went out to bid on the whole group.

Two bids were received, but one of them did not bid on several items:

Wagner-Smith Equipment Company	\$25,257.38, including sales tax
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Requested Action:

Award the bid for bucket truck tools to Wagne-Smith Equipment Company, in the amount of \$25,257.38, including Washington State sales tax.

STAFF REPORT

To: City Council
From: Busse Nutley, City Administrator 
Date: November 16, 2009
Re: Bid Award – Electrical Work for Clerk’s New Counter

The final work that must be completed to accommodate the new accounting system and subsequent counter upgrade, is rewiring and upgrading the electrical system in the Clerk’s office. The current system was installed long before computers. Phone and electrical lines must be relocated and upgraded. The old baseboard heaters will be removed and replaced with a 3,000 watt heater with a thermostat. In addition, the new counter must be wired for its computer and printer.

One bid was received:

Schumacher Electric \$4,901.96, including sales tax

[Any work discovered during demolition that needs to be updated is not included in this bid.]

Requested Action:

Award the bid for the electrical upgrade of the Clerk’s Office to Schumacher Electric in the amount of \$4,901.96, including Washington State sales tax.

STAFF REPORT

To: City Council
From: Busse Nutley, City Administrator
Date: November 16, 2009
Re: Contract Amendment 15 – Gray & Osborne

Amendment 11 directed Gray & Osborne to work with the city wastewater treatment staff to evaluate the handling and treatment of sludge generated at the plant to produce a Class B or Class A biosolids product that is acceptable to the current contractor that applies the sludge to land at the contractor's site. Unfortunately, assumptions were made that certain information was available, when in fact, it had to be created. This resulted in costs exceeding the contract amount, and these are costs that the city must absorb, as the work was not envisioned within the original scope and budget of Amendment 11.

Scope

Gray & Osborne, Inc. is requesting an increase to the current budget for the evaluation of the Sludge Handling Alternatives (Amendment No. 11).

Additional work included:

- Two additional trips to the WWTP by the WWTP Operations Specialist as a result of the PH probe deficiencies (not reading high enough and the new probe not working at all) during the Lime Bench Testing task.
- Task 1 stated that design sludge production, as shown on the WWTP plans, will be used to estimate future sludge production. Due to a variety of inconsistencies with the design sludge production, Gray & Osborne, Inc. needed to review the September 2001 Wastewater Facility Plan and reevaluate the design information to ensure recommendation improvements will meet current regulations for the 20-year planning period.

Budget

Compensation for services provided under this Contract Amendment shall not exceed \$2,000.

Requested Action:

Authorize the Mayor to sign Contract Amendment 15 with Gray & Osborne, Inc., in an amount not to exceed \$2,000.

STAFF REPORT

To: City Council
From: Busse Nutley, City Administrator 
Date: November 16, 2009
Re: Development Standards Update

Several months ago, you asked our engineers, Gray & Osborne to go through the city's Development Standards and bring them up to date.

The work has been completed and the staff has had several opportunities to review them. We now believe they are practical, and more clearly reflect the Council's directions, including how to deal with grinder pumps ("...may only be used on single lots at the discretion of the city and city engineer.")

A full copy of the draft is being provided with your Council packet. Copies are also available on the website.

Requested Action:

Adopt the Resolution

RESOLUTION NO. _____

A RESOLUTION ADOPTING STANDARDS BY REFERENCE
IN RELATION TO DEVELOPMENTS AND SYSTEMIC
IMPROVEMENTS OR MODIFICATIONS WITHIN THE
CITY; REPEALING RESOLUTION 549; & PROVIDING
AN EFFECTIVE DATE.

R E C I T A L S:

1. Pursuant to the adoption of Ordinance 739, the adoption of development standards by resolution is authorized.

2. By the adoption of prior resolution, including Resolution #549, it has been the intent of the Council to exercise that authority with the goal of providing clarity and consistency in the areas to which the standards apply.

3. Since that adoption of the most recent resolution, further issues have arisen for which guidance is found appropriate. Thus, Staff was directed to undertake a review of the existing standards and make recommendations to the Council and Mayor as to possible modifications and additions. They have done so and have recommended the adoption of an updated set of development standards for the City as being in the long term best interests of the Citizens, the City, and those whose activities

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are subject to the provisions so as to assure compliance with State mandates.

4. In adopting these standards, it is the Council's intention that they shall be applicable until further action of the Council.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS BY THE CITY COUNCIL OF THE CITY OF McCLEARY, THE MAYOR SIGNING IN AUTHENTICATION THEREOF:

SECTION 1: The following design and development standards and policies shall be applied to any improvements covered by their respective provisions, whether as part of the review, design, approval, and construction of a plat or project, in relation a particular structure or installation, or otherwise.

1.1. The City of McCleary Development Standards, November 2009 edition.

1.2. The most recent editions of following publications which are on file with the City at the applicable time.

A. Water. American Public Works Association, Washington State Chapter (APWA), American Water Works Association (AWWA), and State Department of Health (DOH);

B. Sewer. Washington State Department of Ecology standards (DOE), American Public Works Association (APWA) standards, and the Environmental Protection Agency of the United States (EPA) standards;

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C. Streets. Washington State Department of Transportation (WSDOT) standards and the American Public Works Association, Washington State Chapter (APWA) standards;

D. Storm Sewer. DOE, WADOT, and APWA standards;

E. Electrical Standards:

1. Line Construction Standards Manual, Grays Harbor PUD #1.

2. Material Standards Manual, Grays Harbor PUD #1.

1.3. The City of McCleary Comprehensive Plan, a copy of which is on file in the Office of the Clerk-treasurer.

1.4. State of Washington Department of Ecology's Stormwater Management Manual for Western Washington, 2005 edition, including the published thresholds for NPDES Phase I municipalities.

1.5. The City of McCleary's Roadway Classification, a copy of which is on file in the Office of the Clerk-treasurer.

1.6. The City of McCleary's Pest Management and Aquifer Protection Standards, a copy of which is on file in the Office of the Clerk-treasurer.

1.7. The following, which are hereby adopted by reference, shall be applicable to the control and regulation of vehicular access and connection with the portions of the State highway system within the corporate limits of the City:

A. RCW 47.50, as now existing or hereafter amended.

B. Chapter 468-51 and Chapter 468-52, as now existing or hereafter amended or succeeded.

1.8. The adopted standards of other associations, entities, or organizations as deemed appropriate by the City Administrator, after submission to and approval by the Council.

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SECTION II: The following general principals shall apply in the interpretation and application of the standards adopted pursuant to Section I.

A. To the extent of any inconsistency between or among any provision of the Standards, the following shall be the primary sequence of preemption:

1. City of McCleary Development Standards.
2. Electrical Standards: Line Construction Standards Manual, Grays Harbor PUD #1 & Material Standards Manual, Grays Harbor PUD #1 in their respective areas.

B. The City Administrator shall have the discretionary authority to determine the order of precedence in the event of any other inconsistency or of any inconsistency between the standards referenced in §A.

SECTION III: Effective Date & Transition

3.1. The provisions of this resolution shall take effect as of 12:01 a.m. on the day following its adoption.

3.2. Resolution 549 shall be repealed as of the effective date and time of this resolution: PROVIDED THAT, any specific project, physical construction, or improvement which was designed pursuant to the standards set forth in Resolution 549 and

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approved by the City or is otherwise vested under applicable law prior to the date of repeal shall be governed thereby.

PASSED THIS ____ DAY OF NOVEMBER, 2009, by the City Council of the City of McCleary, and signed in authentication thereof this _____ day of November, 2009.

CITY OF McCLEARY:

WALLACE BENTLEY, Mayor

ATTEST:

WENDY COLLINS, Clerk-Treasurer

APPROVED AS TO FORM:

DANIEL O. GLENN, City Attorney

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CITY OF McCLEARY
100 SOUTH 3RD STREET
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STAFF REPORT

To: City Council
From: Busse Nutley, City Administrator 
Date: November 16, 2009
Re: Identity Theft Policy

Federal law now requires each jurisdiction to take steps to protect its customers from identity theft. Although lengthy, the directions to the Clerk-Treasurer are fairly straightforward.

Requested Action:

Adopt the Resolution

RESOLUTION NO. _____

**A RESOLUTION RELATING TO GOVERNMENTAL
OPERATIONS; ADOPTING AN IDENTITY THEFT
POLICY AS REQUIRED BY FEDERAL LAW; &
PROVIDING AN EFFECTIVE DATE.**

R E C I T A L S:

1. The Fair and Accurate Credit Transactions Act of 2003, an amendment to the Fair Credit Reporting Act, required rules regarding identity theft protection to be promulgated.

2. Those rules became effective November 1, 2008, and required municipal utilities and other departments to implement an identity theft program and policy.

3. As an entity which maintains departments covered by the Act, the City of McCleary has determined that the following provisions are in the best interest of the municipality and its citizens.

4. The risk to the municipality, its employees, and customers from data loss and identity theft is of significant concern to the municipality and can be reduced only through the combined efforts of all involved.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS BY THE CITY COUNCIL OF THE CITY OF McCLEARY, THE MAYOR SIGNING IN AUTHENTICATION THEREOF:

SECTION I: The Document attached hereto as Attachment #1, and incorporated by this reference, shall be adopted as the Identity Theft Program of the City.

SECTION II: This resolution will take effect immediately upon its passage, the public welfare requiring it.

PASSED THIS _____ DAY OF _____, 2009, by the City Council of the City of McCleary, and signed in authentication thereof this _____ day of _____, 2009.

CITY OF McCLEARY:

WALLACE BENTLEY, Mayor

ATTEST:

WENDY COLLINS, Clerk-Treasurer

APPROVED AS TO FORM:

DANIEL O. GLENN, City Attorney

ATTACHMENT #1

IDENTITY THEFT PROGRAM

I. SCOPE: This policy shall apply to any account the City offers or maintains that involves multiple payments or transactions

II. PROGRAM PURPOSE AND BASIS FOR ADOPTION: The City developed this Identity Theft Prevention Program pursuant to the Federal Trade Commission's Red Flags Rule, which implements Section 114 of the Fair and Accurate Credit Transactions Act of 2003. 16 C. F. R. § 681.2. After consideration of the size and complexity of the City's utility operations and account systems, and the nature and scope of those activities, it has been determined that this Program was appropriate for the City.

III. DEFINITIONS

1. Account. "Account" means a continuing relationship established by a person with a creditor to obtain a product or service for personal, family, household or business purposes.

2. Covered Account. A "covered account" means:

a. Any account the District offers or maintains primarily for personal, family or household purposes, that involves multiple payments or transactions; and

b. Any other account the District offers or maintains for which there is a reasonably foreseeable risk to customers or to the safety and soundness of the District from Identity Theft.

3. Creditor. "Creditor" has the same meaning as defined in Section 702 of the Equal Credit Opportunity Act, 15 U.S.C. 1691a, and includes a person or entity that arranges for the extension, renewal or continuation of credit, including the District.

4. Customer. A "customer" means a person or business entity that has a covered account with the District.

5. Financial Institution. "Financial institution" means a state or national bank, a state or federal savings and loan association, a mutual savings bank, a state or federal credit union, or any other entity that holds a "transaction account" belonging to a customer.

6. Identifying Information. "Identifying information" means any name or number that may be used, alone or in conjunction with any other information, to identify a specific person, including name, address, telephone number, social security number, date of birth, government issued driver's license or identification number, alien registration number, government passport number, employer or taxpayer identification number or unique electronic identification number.

7. Identity Theft. "Identity Theft" means fraud committed using the identifying information of another person.

8. Program Administrator: The Clerk-treasurer or her or his designee.

9. Red Flag. A "Red Flag" means a pattern, practice, or specific activity that indicates the possible existence of Identity Theft.

10. Service Provider. "Service provider" means a person or business entity that provides a service directly to the District relating to or connection with a covered account.

IV. IDENTIFICATION OF RED FLAGS.

In order to identify relevant Red Flags, the City shall consider the types of accounts that it offers and maintains, the methods it provides to open its accounts, the methods it provides to access its accounts, and its previous experiences with Identity Theft. For purpose of operation, the City identifies the following Red Flags, in each of the listed categories:

A. Notifications and Warnings From Credit Reporting Agencies

Red Flags such as the following:

1. Report of fraud accompanying a credit report;
2. Notice or report from a credit agency of a credit freeze on a customer or applicant;
3. Notice or report from a credit agency of an active duty alert for an applicant;
4. Notice or report from a credit agency of an address discrepancy; and
5. Indication from a credit report of activity that is inconsistent with a customer's usual pattern or activity.

B. Suspicious Documents Red Flags such as the following:

1. Identification document or card that appears to be forged, altered or inauthentic;
2. Identification document or card on which a person's photograph or physical description is not consistent with the person presenting the document;
3. Other document with information that is not consistent with existing customer information (such as if a person's signature on a check appears forged); and
4. Application for service that appears to have been altered or forged.

C. Suspicious Personal identifying Information Red Flags such as the following:

1. Identifying information presented that is inconsistent with other information the customer provides (example: inconsistent birth dates);
2. Identifying information presented that is inconsistent with other sources of information (Example: an address not matching an address on a credit report);
3. Identifying information presented that is the same as information shown on other applications that were found to be fraudulent;
4. Identifying information presented that is consistent with fraudulent activity (Examples: an invalid phone number or fictitious billing address);
5. Social security number presented that is the same as one given by another customer;
6. An address or phone number presented that is the same as that of another person;
7. A person fails to provide complete personal identifying information on an application when reminded to do so (Note: by law social security numbers must not be required); and
8. A person's identifying information is not consistent with the information that is on file for the customer.

D. Suspicious Account Activity or Unusual Use of Account Red Flags such as the following:

1. Change of address for an account followed by a request to change the account holder's name;

2. Payments stop on an otherwise consistently up-to-date account;
3. Account used in a way that is not consistent with prior use (Example: very high activity);
4. Mail sent to the account holder is repeatedly returned as undeliverable;
5. Notice to the City that a customer is not receiving mail sent by the City;
6. Notice to the City that an account has unauthorized activity;
7. Breach in the City's computer system security; and
8. Unauthorized access to or use of customer account information.

E. Alerts from Others Red Flags shall include notice to the City from a customer, identity theft victim, law enforcement or other person that it has opened or is maintaining a fraudulent account for a person engaged in Identity Theft.

V. DETECTING RED FLAGS.

A. New Accounts: In order to detect any of the Red Flags identified above associated with the opening of a new account, City's Customer Services personnel will take the following steps to obtain and verify the identity of the person opening the account:

1. Require certain identifying information such as name, date of birth, residential or business address, principal place of business for an entity, driver's license or other identification;
2. Verify the customer's identity (for instance, review a driver's license or other identification card);
3. Review documentation showing the existence of a business entity; or
4. Independently contact the customer.

B. Existing Accounts: In order to detect any of the Red Flags identified above for an existing account, Customer Service personnel will take the following steps to monitor transactions with an account:

1. Verify the identification of customers if they request information whether the request is made in person, by telephone, facsimile, or email.

2. Verify the validity of requests to change billing addresses.

3. Verify changes in banking information given for billing and payment purposes.

V. PREVENTING AND MITIGATING IDENTITY THEFT

In the event City personnel detect any identified Red Flags, such personnel should take one or more of the following steps, depending on the degree of risk posed by the Red Flag:

A. To Prevent and Mitigate:

1. Continue to monitor an account for evidence of Identity Theft;

2. Contact the customer;

3. Change any passwords or other security devices that permit access to accounts;

4. Not open a new account;

5. Close an existing account;

6. Reopen an account with a new number;

7. Notify the Program Administrator for determination of the appropriate step(s) to take;

8. Notify law enforcement; or

9. Determine that no response is warranted under the particular circumstances.

B. Protect customer identifies information: In order to prevent the likelihood of identity theft occurring with respect to City accounts, the City may take the following steps with respect to its internal operating procedures to protect customer identifying information:

1. Ensure that its website is secure or provide clear notice that the website is not secure;

2. Ensure complete and secure destruction of paper documents and computer files containing customer information so long as such destruction is in compliance with applicable public records law;

3. Ensure that office computers are password protected and that computer screens lock after a set period of time;

4. Keep offices clear of papers containing customer information;
5. Ensure computer virus protection is up to date; and
6. Require and keep only the kinds of customer information that are necessary for City purposes.

VI. PROGRAM UPDATES

This Program will be periodically reviewed and updated to reflect changes in risks to customers and the soundness of the program to prevent Identity Theft. It is anticipated that on an annual basis or with such other time frame as may be established by the Clerk-treasurer, there will be a review and consideration of the City's experiences with the program, including changes in Identity Theft methods, changes in Identity Theft detection and prevention methods, changes in types of accounts the City maintains and changes in the City's business arrangements with other entities. After considering these factors, the Clerk-treasurer, as Program Administrator, will determine whether changes to the Program, including the listing of Red Flags, are warranted. If warranted, the Program Administrator will make such recommendations relating to updating and implementing the revised Program to the Council and Mayor as are deemed appropriate.

VII. PROGRAM ADMINISTRATION.

A. Oversight Responsibility for developing, implementing and updating this Program lies with the Clerk-treasurer, subject to such approval by the Council as may be required. These responsibilities shall include the following:

1. administering the program,
2. developing procedures to implement the policy,
3. ensuring appropriate training of City staff on the Program, of reviewing staff reports regarding the detection of Red Flags and the steps for preventing and mitigating Identity Theft,
4. determining which steps of prevention and mitigation should be taken in particular circumstances, and
5. considering periodic changes to the Program.

B. Staff Training and Reports:

1. Customer Service staff responsible for implementing the Program shall be trained either by or under the direction of the Clerk-treasurer in the detection of Red Flags, and the responsive steps to be taken when a Red Flag is detected.

2. The Customer Services staff shall prepare a report at least annually for the Clerk-treasurer, including an evaluation of the effectiveness of the Program with respect to opening accounts, existing covered accounts, service provider arrangements, significant incidents involving identity theft and responses, and recommendations for changes to the Program.

C. Service Provider Arrangements: In the event the City engages a service provider to perform an activity in connection with one or more accounts subject to the Act, the City may take the following steps to ensure the service provider performs its activity in accordance with reasonable policies and procedures designed to detect, prevent, and mitigate the risk of Identity Theft.

1. Require, by contract, that service providers have such policies and procedures in place; and

2. Require, by contract, that service providers review the City's Program and report any Red Flags to the Program Administrator.

STAFF REPORT

To: City Council
From: Busse Nutley, City Administrator
Date: November 16, 2009
Re: Deposit of City Funds Protocol

As the result of the last two audits, it has become necessary to revise certain cash-handling functions a little differently to provide greater assurances that there are enough internal controls to protect employees from financial irregularity concerns. Some of these changes need to be brought to the Council's attention and the staff should get your specific direction.

The City has not had an adopted policy that directs the Clerk-Treasurer's Office when to deposit funds. There certainly is no need to take the time to develop a deposit when there are only a few utility bills paid during a day. However, the City needs to be consistent about when deposits are necessary.

In addition to this concern is the fact that we now have four cash drawers, instead of four people using only one drawer. Each drawer now needs to have a starting cash balance to enable change to be made.

The result of these two issues is the Resolution that directs that each cash drawer contains a \$200 balance, and that deposits are made when the total receipts collected exceeds \$1,000.

Requested Action:

Adopt the Resolution

RESOLUTION NO. _____

**A RESOLUTION RELATING TO FISCAL OPERATIONS
OF THE CITY, SETTING A POLICY AS TO TIMING
OF DEPOSIT OF MUNICIPAL FUNDS, & PROVIDING
AN EFFECTIVE DATE.**

R E C I T A L S:

1. The City has recently undergone a review by representatives of the Office of the State Auditor.

2. While the review found that the modifications implemented after the events of 2006 have been effective, an additional recommendation was made. Additional recommendations have been received in November, 2009, from that office to reflect implementation of the new software program and the resulting utilization of multiple cash drawers/inserts into which moneys may be receipted. Such a program will also enhance the ability of the City to maintain more clear accountability for receipt of funds.

3. It is the desire and intention of the Council and Mayor to implement that recommendation, as well as to provide additional guidance to the City's fiscal staff.

4. Subject to the exception set forth in Recital 5, state Law requires every public officer and employee, whose duty it is to collect or receive payments due or for the use of the public, to deposit such moneys collected or received with a legal

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depository to the credit of such city, for the benefit of the funds to which they belong, once every twenty-four consecutive hours.

5. Pursuant to RCW 43.09.240, the Council is authorized to grant an exception where such daily transfers would not be administratively practical or feasible. By the adoption of this resolution, it is the intention of the Council to exercise that discretionary authority.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS BY THE CITY COUNCIL OF THE CITY OF McCLEARY, THE MAYOR SIGNING IN AUTHENTICATION THEREOF:

SECTION I: POLICY FOR PUBLIC FUNDS DEPOSIT

A. All funds received by the City shall be deposited no less often than one time per week subject to the requirement set forth in sub-paragraph B.

B. Each individual cash drawer insert maintained by a staff member authorized to receive moneys may retain, as a beginning and continuing balance, the maximum sum of \$200.00 for purposes of providing change to a customer of the City making a payment receipted into that drawer/insert.

C. If, at any time prior to 2:00 p.m. on any business day, the City has receipted moneys, excepting those contained in the petty cash fund and the authorized cash drawers/insert, in a total amount of one thousand dollars (\$1,000.00) or more, the policy as to deposits in that circumstance shall be that they are

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made by the end of that business day: PROVIDED THAT, if the total is reached after 4:30 p.m., the deposit shall be made as promptly as possible but, in any event, not later than the next day.

SECTION II: The policy set forth in Section I shall take effect immediately.

PASSED THIS _____ DAY OF _____, 2009, by the City Council of the City of McCleary, and signed in authentication thereof this _____ day of _____, 2009.

CITY OF McCLEARY:

WALLACE BENTLEY, Mayor

ATTEST:

WENDY COLLINS, Clerk-Treasurer

APPROVED AS TO FORM:

DANIEL O. GLENN, City Attorney

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11-11-09
DG/le

CITY OF McCLEARY
100 SOUTH 3RD STREET
McCLEARY, WASHINGTON 98557

STAFF REPORT

To: City Council
From: Busse Nutley, City Administrator
Date: November 16, 2009
Re: Fee Payment Protocol

This is an issue about “fixing” one problem and inadvertently creating another one. Several years ago the city had problems collecting the utility connection fees from a developer; therefore, the Council adopted a Resolution requiring the fees be paid prior to the issuance of a building permit. In the current recession, banks will not provide the money for those fees until after the permit has been issued, as there is nothing to connect prior to that point.

The solution is that, at the permit-holder’s option, the connection fees can be paid within 30 days of receipt of the building permit. If the fees are not paid at that time, the permit will be suspended until payment is made.

Requested Action:

Adopt the Resolution

RESOLUTION NO. _____

A RESOLUTION RELATING TO CONSTRUCTION;
CONFIRMING A PROCEDURE IN RELATION TO THE
PAYMENT OF UTILITY CONNECTION FEES,
REPEALING RESOLUTION NUMBER 561; AND
PROVIDING AN EFFECTIVE DATE.

R E C I T A L S:

1. Pursuant to ordinance or resolution, fees relating to construction of improvements within the City and connection to the City's utilities are established.

2. It has been determined, as the result of the lack of a written determination, there has been some inconsistency in the processing of the requests for utility connections to the City water and sewer utility. Further, that the inconsistency has led to problems in relation to the timely collection of such fees.

3. The Council has been informed the Staff member responsible for such processing has recommended the procedures which are set forth within this resolution are appropriate procedures.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS BY THE CITY COUNCIL OF THE CITY OF McCLEARY, THE MAYOR SIGNING IN AUTHENTICATION THEREOF:

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SECTION I: At the time an applicant pays the fee for the issuance of the building permit for a structure or improvement requiring connection to the City water or sewer utility, the applicant may also pay the fees and costs established by the then applicable resolution relating to the connection of that structure or improvement to the sewer or water utility: PROVIDED THAT, any applicant who or which does not pay these fees at the time of the issuance of the building permit shall pay them within thirty (30) calendar days of the issuance of the permit: PROVIDED STILL FURTHER THAT, in the event the applicant does not pay the connection fees within that time period, as to the construction authorized under the permit, the City may issue a stop work order prohibiting further work on the site until the connection fees are paid.

SECTION II: As to the connection to the electrical utility, one-half of all required fees and costs established by the initial estimate shall be paid prior to the commencement of the installation of the service with the outstanding balance, after credit for the deposit, of the actual costs incurred in the installation and connection of the service being paid prior to installation and activation of the meter.

SECTION III: If any cost required to be paid pursuant to Sections I and II of this Resolution is an estimate, the applicant shall pay the actual cost, to the extent it exceeds the estimate, prior to the commencement of the delivery of utility

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service to the site. In the event the installation cost is less than the estimate, the excess shall be refunded to the applicant in a timely manner.

SECTION IV: This resolution shall go into effect as of 12:01 am of the day following the date of its adoption.

SECTION V: Resolution 561 shall be and is hereby repealed.

PASSED THIS ____ DAY OF _____, 2009, by the City Council of the City of McCleary, and signed in authentication thereof this ____ day of _____, 2009.

CITY OF McCLEARY:

WALLACE BENTLEY, Mayor

ATTEST:

WENDY COLLINS, Clerk-Treasurer

APPROVED AS TO FORM:

DANIEL O. GLENN, City Attorney

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CITY OF McCLEARY
100 SOUTH 3RD STREET
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STAFF REPORT

To: City Council
From: Busse Nutley, City Administrator 
Date: November 16, 2009
Re: Transfer of Various Funds – Budget Amendment

The Council has approved various transfers of funds to accomplish several goals. Funds from the REET are needed to match the Beerbower Park grant, to buy Brookside Park and to make improvements to the cemetery; the Council approved an interfund loan from Light & Power to Ambulance, and increased rates to pay for the new contract. The ordinance specifically directs that the budget ending balances are adjusted. It was introduced at the October 28 Council meeting.

Requested Action:

Adopt the Ordinance.

ORDINANCE NO. 760

AN ORDINANCE ADOPTING A SUPPLEMENTAL BUDGET FOR THE CALENDAR YEAR 2009; AMENDING ORDINANCE 752 AS TO CERTAIN PARTICULAR ELEMENTS; AND DECLARING AN EMERGENCY.

R E C I T A L S:

1. Since the adoption of the budget for 2009, as set out in Ordinance 752, a continuing review of fiscal matters of the City has been carried out. As a result of decisions taken, the necessity of certain modifications in the City's budget have been brought to the attention of the Mayor and Council. Certain of those modifications have been reflected in prior supplemental budgets adopted by ordinance during the course of this year.

2. The most recent information includes detail on transfers necessitated as the result of the acquisition of land for use by the Park and/or Cemetery facilities of the City and the completion of certain capital improvements for the benefit of the Light & Power utility. Additionally, the execution of the contract for emergency services for the year 2009 requires an increase of the amount of funding provided for that service.

3. As a result of the additional information, with the assistance of the City Administrator and the Clerk-treasurer, the Mayor and City Council have undertaken a review of the

anticipated expenditures and revenue of the City in the affected areas for the year 2009.

4. These expenditures were not anticipated at the time of the adoption of Ordinance 752. Thus, this ordinance was introduced at the regular council meeting of October 28, 2009, so as to allow the opportunity for public comment.

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

SECTION I: The following portions of the budget adopted pursuant to Ordinance 752 are amended to read as follow:

<u>Park & Cemetery Fund</u>	BARS #101	
Revenue	101. _____	\$ 325,140.00
Expenditure	101. _____	\$ 325,140.00
<u>Ambulance</u>	BARS 413	
Revenue	413. _____	\$ 63,500.00
Expenditure	413. _____	\$ 63,500.00

SECTION II: The Office of the Clerk-treasurer shall be authorized to modify the referenced funds and accounts as may be required and authorized pursuant to the BARS accounting system issued by the Office of the State Auditor to correctly reflect revenues and expenditures.

SECTION III: A. To the extent not amended by Section I, the budget adopted pursuant to Ordinance 752 is reaffirmed.

B. To the extent that the provisions of Section I of this ordinance conflict with the provisions of any ordinance

adopting a supplemental budget for the year 2009 previously adopted, the provisions of this ordinance shall control

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. 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.

PASSED THIS ___ day of NOVEMBER, 2009, by the City Council of the City of McCleary, and signed in approval therewith this _____ day of November, 2009.

CITY OF McCLEARY:

WALLACE BENTLEY, Mayor

ATTEST:

WENDY COLLINS, Clerk-Treasurer

APPROVED AS TO FORM:

DANIEL O. GLENN, City Attorney

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10/26/2009
DG/le

CITY OF McCLEARY
100 SOUTH 3RD STREET
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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 _____, 2009, by WENDY COLLINS.

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

STAFF REPORT

To: City Council
From: Busse Nutley, City Administrator 
Date: November 16, 2009
Re: Set 2010 Property Tax Levy

There are several components to establishing the property tax each year. The County Assessor determines the value of property and state law establishes the maximum amount of tax that may be levied by each city, county, special purpose district and the state.

Current state law restricts the increase in local governmental property tax RECEIPTS to 1% per year. Therefore, the levy amount is determined by the previous year's collection, divided by the current assessed valuation of the entire City.

The City has consistently raised the property tax the maximum allowed by law, as it is a major component of the Current Expense revenues that fund police and fire. The property tax is also used for streets and parks and cemetery.

Requested Action: Adopt the Ordinance

ORDINANCE NO. _____

**AN ORDINANCE RELATING TO THE ESTABLISHMENT
OF THE REGULAR TAX LEVY FOR THE YEAR 2009
FOR COLLECTION IN THE YEAR 2010; MAKING
FINDINGS; AND RESERVING RIGHTS****R E C I T A L S:**

1. The City Council of the City of McCleary has met and considered its budget for the calendar year 2010.

2. Based upon the information provided by the County Assessor, the City's actual annual levy amount from the previous year was \$227,077.00.

3. The City has a population of less than 10,000 citizens.

4. The City Council of the City of McCleary, following the required public hearing and after duly considering all relevant evidence and testimony presented, has determined the City of McCleary will exercise its authority to increase the regular tax levy by the authorized one percent.

5. The action carried forth by the Ordinance is based upon a Council finding that there is a significant necessity for the property tax revenue to be increased in the next calendar year in order to meet the expenses and obligations of the City.

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

ORDINANCE -A- 1
11/13/2009
DG/le

CITY OF McCLEARY
100 SOUTH 3RD STREET
McCLEARY, WASHINGTON 98557

SECTION I: The Council, as the governing body of the City of McCleary, does hereby authorize and direct an increase in the regular property tax levy for the levy to be collected in the year 2010. The dollar amount of the increase directed by this section over the actual levy amount from the previous year shall be \$2,271.00 which is a percentage increase of one percent (1%) from the previous year. This increase is exclusive of additional revenue resulting from new construction, improvements to property, any increase in the value of state assessed property, any annexations which have occurred, or any refunds made.

SECTION II: This ordinance is based upon the information from the appropriate County officials as to amounts and calculations, as well as advice from County officials that this ordinance can be amended to modify the tax rate established herein by adoption of an appropriate amendatory ordinance. The City specifically reserves the right to take such amendatory action up to and including the last day allowed.

SECTION III: Upon execution by the Mayor, a certified copy of this Ordinance shall be provided to the appropriate officials of the County so as to provide for appropriate assessment.

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

PASSED THIS _____ DAY OF _____, 2009, by the City Council of the City of McCleary, and signed in approval therewith this _____ day of _____, 2009.

CITY OF McCLEARY:

WALLACE BENTLEY, Mayor

ATTEST:

WENDY COLLINS, Clerk-Treasurer

APPROVED AS TO FORM:

DANIEL O. GLENN, City Attorney

STATE OF WASHINGTON)
 : ss.
GRAYS HARBOR COUNTY)

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