



McCleary City Council

PROPOSED AGENDA

July 23, 2008

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
June Financial Report

Old Business: Council August Schedule

New Business: Interlocal Agreement with McCleary School for Transformers
Discussion: Regulate Hours/Days for Fireworks Discharge
Bid Award – Two Police Cars

Ordinances:

Resolutions: Amending the Vacation Policy
Applying for NOVA Grant Funds

Vouchers
Mayor/Council Comment
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

June 25, 2008

Public Hearing – 6 Year Street Plan
Regular Council Meeting

The Public Hearing was opened on the Proposed Park Plan for McCleary. Facilities Manager Baun gave a power point presentation on the plan and the projects as defined in the questionnaire sent to local residents. Cost estimates were provided by the City's new engineering firm, Gray and Osborne. Nancy Koeppen said she would very much like the City to restore the tennis courts to their original use (most recently they had been used for a skateboard park). There were no further questions or comments.

The Public Hearing on the Six Year Street Plan was opened. Manager Baun presented another power point presentation on the proposed plan. The plan was reduced from its former 35 projects to seven major projects (a listing of these projects is attached to the proposed resolution.) Cost estimates were provided by Gray and Osborne. As there were no questions or comments, the hearing was closed.

The regular meeting of the Council of the City of McCleary was opened with the flag salute.

Roll Call: Wallace Bentley, Mayor
Council Members Vatne, Vessey, Hays, Lake and Boling

Staff Present: Attorney Glenn, Administrator Nutley, Clerk-Treasurer Rostedt, Police Chief Crumb, Deputy Clerk Rush, Facilities Manager Baun, Building Official Schlenker, and engineers Jon Hinton and Nick Bird of Gray and Osborne.

It was moved by Councilman Boling, seconded by Councilman Vessey, that the minutes be approved as distributed. Carried.

Mayor Bentley relayed the sad news that longtime McCleary Fire Chief Fred Keel and passed away, and that the funeral was set for Saturday at 11:00 AM.

It was moved by Councilman Hays, seconded by Councilman Vatne, to authorize the Mayor to sign an agreement for on-line training for the Volunteer Firefighters. Carried.

One bid was received for re roofing City Hall. It was moved by Councilman Vessey, seconded by Councilman Boling, to accept the bid from Pittman Roofing in the amount of \$4,885.20 (including tax). Carried.

There were three bids for Light/Power poles:

McFarland Cascade	\$28,454.74
Oeser Company	\$31,298.70
Stella Jones	\$38,953.34

All bids included sales tax. It was moved by Councilman Vatne, seconded by Councilman Vessey, to accept the low bid of McFarland Cascade. Carried.

It was moved by Councilman Vatne, seconded by Councilman Vessey, to authorize the Mayor to sign Addendum #4 to the recently approved engineering contract with Gray and Osborne. Carried.

It was moved by Councilman Vatne, seconded by Councilman Vessey, to authorize the Mayor to sign Addendum #4 to the engineering contract with Gray and Osborne in the amount of \$2,660.00. Carried.

Ordinance No. 749 entitled, AN ORDINANCE RELATING TO PLACEMENT OF SIGNS, AMENDING SECTION 17.28.090 MMC & SECTION 1 (PART), ORDINANCE 709, & PROVING AN EFFECTIVE DATE, was introduced. It was moved by Councilman Vatne, seconded by Councilman Vessey, that the ordinance be read by first and last lines only. Carried. It was moved by Councilman Vessey, seconded by Councilman Boling, that the ordinance be adopted. Carried. Roll call was four Councilpersons in favor of adoption, with Councilman Hays voting no.

Resolution No. 565, entitled A RESOLUTION ADOPTING THE CITY OF McCLEARY COMPREHENSIVE PARK AND RECREATION PLAN FOR THE YEARS 2008-2014; AND SUPERSEDING RESOLUTION 399 TO THE EXTENT INCONSISTENT THEREWITH, was introduced. It was moved by Councilman Vatne, seconded by Councilman Vessey, that the resolution be adopted with an amendment. Carried.

Resolution No. 566, entitled, A RESOLUTION ADOPTING A SIX-YEAR STREET PLAN FOR THE CITY OF McCLEARY, was introduced. It was moved by Councilman Vatne, seconded by Councilman Vessey, that the resolution be adopted. Carried.

Resolution No. 567, entitled, A RESOLUTION EXTENDING THE PERIOD FOR COMPLETION OF CERTAIN IMPROVEMENTS REQUIRED BY THE APPROVAL OF THE FINAL PLAT OF CEDAR HEIGHTS, was introduced. It was moved by Councilman Vessey, seconded by Councilman Vatne, that the resolution be adopted. Carried.

Resolution No. 568, entitled, A RESOLUTION DECLARING CERTAIN VEHICLES AND EQUIPMENT TO BE SURPLUS AND PROVIDING FOR THE DISPOSITION THEREOF, was introduced. It was moved by Councilman Vatne, seconded by Councilman Boling, that the resolution be adopted. Carried.

It was moved by Councilman Boling, seconded by Councilman Vatne, that the vouchers be paid as audited. Carried.

Councilman Boling complained about the corner at Mommsen and 2nd Streets. There needs to be a lane line or divider put in to keep drivers from crossing over the center. Facilities Manager Baun and Police Chief Crumb said they would look into it.

Councilman Vessey also asked them to look into bushes at 8th and Ash that have grown up over the Stop Sign.

It was moved by Councilman Vessey, seconded by Councilman Boling, to hold an executive session on personnel and litigation, for approximately 10 minutes. Carried.

Back in regular session, the Council will decide at the meeting on July 23 whether or not to hold the regular meeting in August on the second Wednesday (August 13) and to cancel the regular meeting on the fourth Wednesday (August 27). It was agreed that extra meetings could be called for if it becomes necessary.

It was moved by Councilman Boling, seconded by Councilman Vessey, that the meeting be adjourned. Carried.

STAFF REPORT

To: Mayor and City Council
From: Busse Nutley, City Administrator
Date: July 23, 2008
Re: Current Non-Agenda Activity

Vern Merryman Deployed to Iraq

Vern, our Water/Wastewater Manager, is a member of the National Guard and will be part of the Army's 81st Regiment during its next tour of duty in Iraq. He will leave for additional training on August 18 and will not return to the City for a little over a year.

The Mayor and I have a staffing plan with alternatives that we will propose to you during an Executive Session. We hope you will be able to take action at the July 23 meeting so that we will be prepared for Vern's departure.

We wish Vern well, and ask him to stay safe.

Wildcat Creek Aquifer

The next step will be the conclusion of the 60-day waiting period before the County can adopt its new Critical Areas Ordinance for the Aquifer.

Attached is an article that was on the front page of the Seattle P-I on Monday, July 07. It describes the statewide political issues surrounding the use of Low Impact Development. As you recall, one of the recommendations for McCleary is to make more use of these LID techniques in an effort to recharge the aquifer, rather than continuing to only draw water out of it.

Remodeling

The remodel of the Clerk-Treasurer's Office continues to make progress.

Bear Festival

The 49th Celebration went well from the City's perspective. The park was in good shape, the handwashing stations we provided near the sanicans were appreciated, and there were no catastrophes for any City staff to solve.

Simpson

The Mayor, Ardyce, and I met with representatives from Simpson and BPA Conservation experts on July 15 to discuss ways for Simpson to conserve more energy. Jon Piliaris, our rate consultant, joined us by telephone.

Employee Handbook

The draft is still being examined by the staff, several of whom asked for a deadline extension to complete the task. Although I had originally intended to have it ready for the July meeting, it looks like early September will be the earliest that all the work can be completed.

Maintenance/Repairs for Problems Raised at Last Meeting

1. Striping at 1st & Mommsen (turning left from too far left)
The solution for the traffic issue at this intersection is to put down new striping that more clearly designates the lanes. The work should be completed by the Council meeting.
2. Rhododendron at 8th & Ash – pruned
3. Mowing at intersection of McCleary Road & Mox-Chehalis Road – mowed

Rising Fuel Prices

The City uses the US General Services Administration per diem schedule for staff travel reimbursement. I thought you might be interested to know that the mileage allowance has increased twice already this year, from \$0.485 per mile to \$0.585 per mile. Fortunately, it looks like we budgeted somewhat adequately for fuel for our fleet, as those costs are not yet too far out of line from what we anticipated.

Seattle Post-Intelligencer

http://seattlepi.nwsourc.com/local/369820_lowimpact07.html

State and local governments side with builders on runoff pollution

Environmentalists seek 'low impact' mandates Governments side with builders

Last updated July 6, 2008 11:30 p.m. PT

By ROBERT MCCLURE
P-I REPORTER

Gov. Chris Gregoire made restoring Puget Sound a key part of her environmental policy.

Seattle Mayor Greg Nickels is known as one of the greenest mayors in the country.

And King County Executive Ron Sims has long labored to make sure people know he loves the Earth.

Yet who's standing in the way of requiring building techniques that a growing chorus of scientists says could rein in the largest source of most of Puget Sound's worst pollutants?

Gregoire's Ecology Department. And the city of Seattle. And King County. And Tacoma, and Pierce and Snohomish counties, and other local governments.

All are fighting in a state administrative court proceeding against environmentalists who want to require builders to use "low impact" techniques. Those methods slurp up rainwater that, in traditional developments, carries away pesticides, fertilizer, oil, dog poop and the other residues of our daily lives, dumping them in a nearby stream or bay.

We know how to stop this so-called stormwater pollution: development that mimics natural conditions, with big swaths of greenery to soak up rainwater. This building method minimizes hard surfaces such as rooftops and asphalt, replacing them if possible with plant-covered roofs, porous pavement and other techniques that soak up the rain.

Environmentalists have gone to the Pollution Control Hearings Board to fight stormwater-control rules required by the Clean Water Act and issued by Ecology that don't require low-impact development. The board's decision is pending.

Builders say they're increasingly trying low-impact techniques -- but they're dead set against mandating them. And, they say, a common roadblock for those who want to try the techniques is the government itself -- specifically, many municipal building codes.

A few local governments require some version of the practice in sensitive areas, including Olympia, Langley and Whatcom and Pierce counties.

In Seattle, despite its opposition to making low-impact techniques mandatory, the city government is pushing the idea hard, including five pioneering projects the city itself has done using the techniques.

About one-third of the city, the parts with streetfront ditches to carry away stormwater, are most suited

<http://seattlepi.nwsourc.com/printer2/index.asp?ploc=t&refer=http://seattlepi.nwsourc.co...> 7/7/2008

to retrofitting, said Martin Baker of Seattle Public Utilities.

But it's slow going in the "complicated landscape" of an already-built city, Baker said.

"We are going to be struggling with this problem as long as you and I are alive," he said.

Sprawl and stormwater

The flood that blew out the bridge up the creek from Peter Grahn's house was so powerful it picked up chunks of asphalt as big as 25 square feet, carrying them a quarter-mile and splaying them across the ravine bottom like toppled bowling pins.

That afternoon last winter, a wall of water perhaps 20 feet high slapped down creekside trees like dominoes. It swept two old boats away into Puget Sound, and lodged a guardrail from the bridge up in the alders.

"It was like a big bulldozer pushing its way down through the creek," said Tige Christenson, who witnessed the destruction. "Anything that was in its way -- trees, whatever -- it took."

Even today, half a year after that rainy December day, detritus of the storm is scattered everywhere along Illahee Creek near Bremerton: a rusty pail, a waterlogged cigarette pack, a corroding car battery.

"That was a wonderful clam beach. It's been there since my grandfather homesteaded here in 1898, and now it's all covered in mud," Grahn said. "It killed all the clams."

The flood was a dramatic example of what goes on whenever we get a heavy rain -- even when we escape floods, we increasingly pollute the Sound as development increases runoff.

Late last year, a team of more than 80 government scientists said stormwater is the major source of more than a dozen toxics plaguing the Sound, including arsenic, cadmium, copper, dioxin and PCBs.

"What happened in Bremerton is just a recent example of what's been going on for some time," said Bill Derry, a stormwater-management expert with consulting firm CH2M Hill.

Grahn, a retired accountant, stood recently atop a carpet of mossy grass in an old creekside apple orchard as he surveyed the bayfront.

Grahn, 74, grew up there. For most of his life, it took a day or two after a hard rain for the creek to rise, he said. Then, starting in the 1990s, several developments went in uphill, replacing a forest that once slurped up rainwater. Today, rainwater courses off roofs and roads and surges downhill in dangerously big slugs.

"In the last few years, when it rains hard, within maybe two or three hours, you see an increase in muddy water coming down. It's because of development," he said. "There's nothing to slow it down."

'All that asphalt'

Tom Holz is mad.

"I don't care what low-impact development costs the developer, it's cheaper for society," said the planner and engineer who has been pushing the concept for years. "Right now, it's a developer's choice whether we save Puget Sound and our fish."

Holz is sitting at an Olympia strip mall featuring a taco joint, a drugstore and a coffee shop. It's a prime example of what's wrong with most developments, he says.

"You don't need all that asphalt," Holz says, pointing to a sea of black walled off from what little greenery remains by concrete curbs. "Just about everything wrong they could have done, they've done."

Just a few blocks away, though, Holz shows his handiwork: a medical office building that has no runoff.

Its driveway is made of a porous pavement that looks a bit like popcorn done in concrete. Water soaks into spaces in the concrete and seeps into the ground below.

At the property's edge, instead of ditches to carry away water, shallow "rain gardens" sop it up. Perhaps a third of the property is a big garden and, among other features, the building is on a special foundation that allows water to flow naturally underground. It's what engineers call "zero discharge."

Looking at the lush gardens lining the road, he asks: What's not to like?

"Everybody knows people will pay more for greenery, for greenbelts," Holz said.

Holz recently served as an expert witness for environmentalists in the Pollution Control Hearings Board case, squaring off against attorneys for Ecology and local governments.

Ecology admits its current rules won't clean up stormwater. But the agency says requiring low-impact development gets into regulating land use -- a job reserved for local governments.

Ecology attorney Ron Levine pointed out that a National Academy of Sciences panel is studying how to control stormwater. Its report is due this fall.

"And yet my client is here being criticized for not getting out ahead of the curve, while national experts are still debating," Levine told the hearings board.

Jan Hasselman, an attorney representing Puget Soundkeeper Alliance and People for Puget Sound, argued that the state isn't controlling stormwater to the "maximum extent practicable," as required by law.

"Ecology made a decision to not get into the how or why of development," Hasselman said.

But the law "doesn't give Ecology the discretion to ignore a key tool that addresses a key part of the problem," Hasselman said in closing arguments. "Ecology does not get to take a pass based on its comfort level."

Theresa Wagner, an attorney for the city of Seattle, urged the pollution board not to buy environmentalists' "better-idea" arguments.

"It all comes down to reasonableness and practicality," Wagner argued. "Ecology reached a reasoned balance."

In testimony on behalf of environmentalists, stormwater researcher Derek Booth of Stillwater Sciences told the board that low-impact techniques "not only can be done, they are being done. We have data -- and they work."

Bill Moore, head of Ecology's stormwater unit, said it's easy to advocate low-impact development, but hard for regulators to come up with rules to enforce it. "The term 'maximum extent practicable,' without some objective standards around it, is very, very subjective. It's in the eyes of the beholder."

One group with much to behold about low-impact development wasn't in the courtroom: the development industry.

Calls for incentives

Techniques for low-impact development are unconventional, so municipal building officials often fear giving the OK.

The extra cost also is a concern, said Art Castle, executive director of the Homebuilders Association of Kitsap County, who is one of the technique's biggest supporters locally.

"It's very expensive in the extra delays in the approval process," he said, "and it's very expensive in the extra consultants' and engineers' time that you have to spend to make the regulators more comfortable so they'll approve it."

Even so, some members of the Building Industry Association of Washington believe low-impact development can pencil out.

"We're right on the cusp of being able to do it. If you make it pay for (builders), they will do it. Green sells," said Jodi Slavik, a BIAW attorney and stormwater expert.

Ecology could help by updating credits developers get for installing low-impact techniques, builders say.

For example, Slavik said, since Ecology decided how much credit to give for installing porous pavement in 2005, the technology has improved.

Those credits are important. The more a builder can accrue, the smaller he or she can make the big ponds needed to hold stormwater -- the kind that were overwhelmed on the hill above Peter Grahn's house. The less land needed for those, the bigger lots can be.

A typical struggle in building low-impact is reducing the width of roads. Often, fire departments object because they have wide vehicles and fear being unable to get to homes to douse the flames.

Peter Orser, president of Quadrant Homes, the development arm of the Weyerhaeuser Co., echoes many builders who say low-impact techniques should be left up to builders because they're not practical everywhere. The industry fears "cookie-cutter" rules that may not work in various development scenarios. Orser calls for an "incentive-based" system that creates the right climate for builders without forcing them to employ the techniques, saying: "Everybody in Seattle recycles. They feel good about it."

There's also a fairness question, developers say: Existing homes and businesses aren't required to do anything.

"There are 8,000 new houses built in the region every year, but there are 3 million of them today," Orser said. "We're not going to solve this problem by over-regulating 8,000 houses a year."

STOPPING THE PROBLEM BEFORE IT STARTS

Here is a prototype of low-impact development as envisioned by the concept's most ardent supporters. Modified versions being built now don't look too different from traditional homes. The idea is to minimize rainwater runoff carrying pollutants into streams and bays. Developers are starting to try these techniques, but say they shouldn't be mandated everywhere. Advocates disagree, saying most of the downsides listed here can be overcome.

AT THE SINGLE-HOUSE LEVEL

"Green" roof

Pro: Soaks up rainwater, reducing runoff about 30 to 50 percent. Provides insulation that increases energy efficiency. Provides habitat.

Con: High initial cost (although energy savings may balance that in the long run). Some insurance issues. Requires maintenance. Requires sufficient structural support. Most easily applied to commercial, industrial buildings.

Taller homes with a smaller "footprint"

Pro: Leaves more ground to soak up rainwater.

Con: Requires multistory homes, use of stairs.

Porous pavement

Pro: Allows water to seep into the ground, eliminating or reducing runoff carrying pollution.

Con: Requires careful installation and periodic cleaning (such as pressure washing) by homeowner. Not appropriate for some sites.

Rain gardens

Pro: Strategically placed plants remove pollution and allow runoff to soak in. Considered low-impact development's workhorse; can be put in at existing homes. Cheap. Easy to install.

Con: On private property, homeowners maintain and new buyers must be informed. Special design may be required to ensure nitrogen or phosphorus does not escape.

Retain large amounts of native soil and vegetation

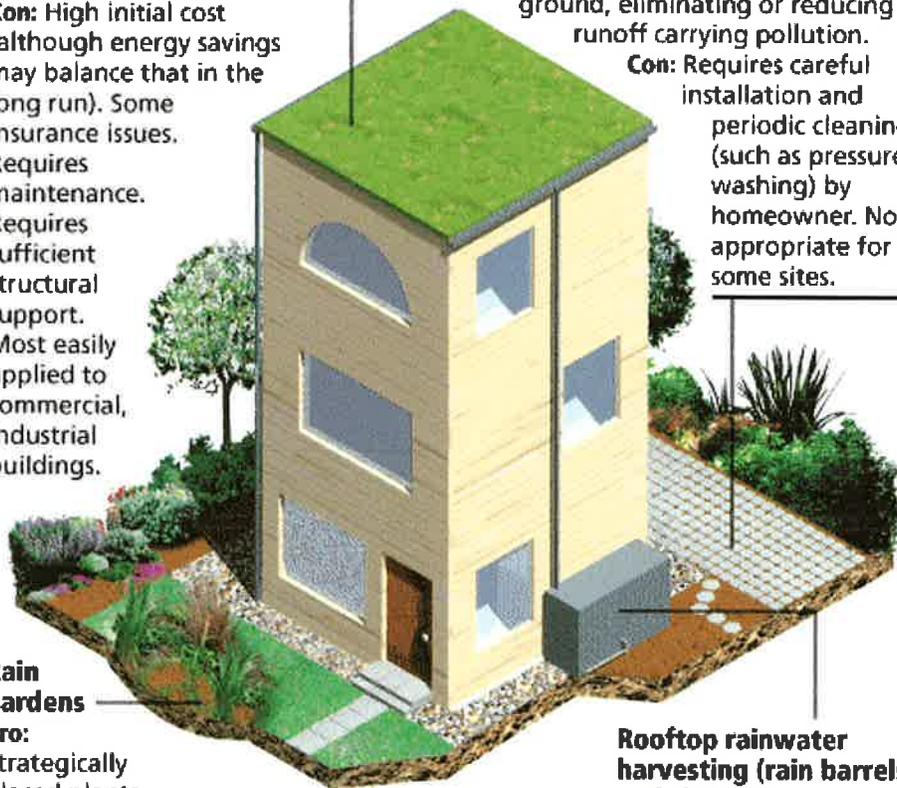
Pro: Single cheapest natural way to control stormwater. Soaks up lots of rain.

Con: May reduce land available for building. May reduce lot size. Requires extreme care during construction phase, forcing builders to change standard construction practices.

Rooftop rainwater harvesting (rain barrels and cisterns)

Pro: Allows storage of significant amounts of rainwater until it is needed for other purposes such as irrigation, toilet flushing, washing clothes. Significantly reduces big surges in runoff that scour stream bottoms.

Con: Cisterns cost a lot (but often less than drilling a well). For use as drinking water, requires filtering and disinfecting, and special roofing materials.



P-I reporter Robert McClure can be reached at 206-448-8092 or robertmcclure@seattlepi.com. Read his blog on the environment at datelineearth.com.

© 1998-2008 Seattle Post-Intelligencer

MEMORANDUM

TO: MAYOR AND CITY COUNCIL, City of McCleary
FROM: DANIEL O. GLENN, City Attorney
DATE: July 21, 2008
RE: LEGAL ACTIVITIES as of JULY 23, 2008.

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. **SCHOOL DISTRICT INTERLOCAL:** As part of its construction project, the District is undertaking enhancements to the electrical delivery system. Apparently, it involves the acquisition and installation of two or more transformers. Since it is a public entity, rather than a private developer, and the City has a continuing interest in the system, we have developed an interlocal agreement which provides for the City to provide and install the transformers and the District to reimburse the City for the costs thereof.

2. **ANNEXATION MATTERS:**

A. **Draft Resolution:** Given the addition of the Boundary Review Board (BRB) into our operational scheme relating to annexations, it made sense to me to draft an operational resolution setting forth the protocols on dealing with that aspect of the process. (Nothing in the resolution supersedes any of the procedures we have followed in the "normal" annexation process under RCW 35A.79.)

In reviewing the draft, you will notice the goals of the resolution are primarily to set forth a clarity of responsibilities, as well as to insure the internalization by the petitioner of the costs incurred by the City in processing a petition. Assuming the concept of the resolution is acceptable to you, the most fundamental area for decision is in relation to submitting the notification to the BRB office. It is that step which commences the review period for the BRB, the passage of

which is core to final effectiveness of any annexation. As you can guess, I recommend that you require the applicant to assume the responsibility of submitting to the BRB the now mandated form, properly filled out and executed, as well as pay the necessary fee required by the BRB. However, I have included the alternative of the City undertaking that responsibility, just in case the Staff and/or you view that approach as the more reliable approach.

B. The BRB: It appears the Board has recently been formally constituted some twelve months after the sudden enactment of the process. To the extent, if at all, we have any annexations for which petitions had not already been submitted by the time of the Commissioner's action but which have been acted on since that time, I would recommend the City confirm that the BRB acknowledges the validity of the actions taken.

Why am I suggesting that action? The reason is the BRB staff contacted Montesano with the position that, although a filing had been made in the then designated office and the fee paid, the BRB did not view their time for review had lapsed since they did not feel the filing, which was the petition to annex, met the appropriate standards. As you can guess, this came out of the blue and surprised City Staff and the applicant. We are currently working with the Office of the Prosecuting Attorney to clarify that approach.

3. FIREWORKS: As you are aware, the regulation of the sale and use of fireworks is preempted by the State under the provisions of RCW 70.77. Based upon the agenda I have been provided, it is my understanding that there may be discussion about implementing some type of local regulation. Under RCW 70.77.395, local entities may implement more restrictive provisions. That statute also sets out the generally applicable allowed periods for sale and use of the covered items. (Note the often ignored period in December of each year.) Some, such as Lacey, have done so. However that statute, the text of which is set out at the end of this report, bumps you over to RCW 70.77.250(4) for the actual authority. I have set out the pertinent subsection as well. That subsection requires an extended period between enactment and implementation. Since the effective date may not be less than one year following enactment, that would mean that any action taken would not be effective until the 4th of July period for 2010 but could be effective for the New Years period of 2009.

In any event, the matter is open for discussion.

4. SURPLUS SALE MATTER: Pursuant to your authority, at least one police vehicle was surplus and offered for sale at

the recent sale. Unfortunately, no one offered the minimum price set by the City. However, at least one offer of a lesser amount was received. It was my advice that we could not accept the offer since it was less than the minimum amount. However, it was my recommendation that another provision of the resolution covering sales be implemented. That provision provides for posting of the offer for sale of items not sold and the invitation of bids.

Based upon those discussions, Ms. Taylor has implemented that provision through the posting of the offer for sale in at least two public places setting out conditions and time frames. Hopefully, you will be in the position of considering one or more offers to purchase the item/s in question through the receipt of sealed bids. (Please note that given the process of public notification and sealed bids, there would be no conflict of interest present if a city employee or elected official submitted such a bid.) We will see what is before you on this matter.

4. **VACATION BUY OUT POLICY**: Pursuant to discussions at the last meeting, a draft policy amendment has been prepared and provided. Ms. Nutley will deal more extensively with that item in her report. As you will note, the availability is limited and very much tied to the size of the departmental staffing.

5. **NOVA GRANT APPLICATION**: Apparently the City is considering submitting an application for funding of a project. The application requires that a resolution authorizing the application be adopted. I will not speak to the form of the resolution other than to request that the commitments set out in the resolution, including the availability of the necessary City-based funding be reviewed with care. I have not prepared our own since when a similar application was considered recently in one of the other cities with which I worked, the Agency made it clear that they did not want to see any changes in their resolution.

Enough said.

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

DG/le

RCW 70.77.250(4) The chief of the Washington state patrol, through the director of fire protection, shall adopt those rules as are necessary to ensure statewide minimum standards for the enforcement of this chapter. Counties and cities shall comply

MEMORANDUM - 3

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

with these state rules. **Any ordinances adopted by a county or city that are more restrictive than state law shall have an effective date no sooner than one year after their adoption.**

RCW 70.77.395. Dates and times consumer fireworks may be sold or discharged - Local governments may limit, prohibit sale or discharge of fireworks.

(1) It is legal to sell and purchase consumer fireworks within this state from twelve o'clock noon to eleven o'clock p.m. on the twenty-eighth of June, from nine o'clock a.m. to eleven o'clock p.m. on each day from the twenty-ninth of June through the fourth of July, from nine o'clock a.m. to nine o'clock p.m. on the fifth of July, **from twelve o'clock noon to eleven o'clock p.m. on each day from the twenty-seventh of December through the thirty-first of December of each year, and as provided in RCW 70.77.311.**

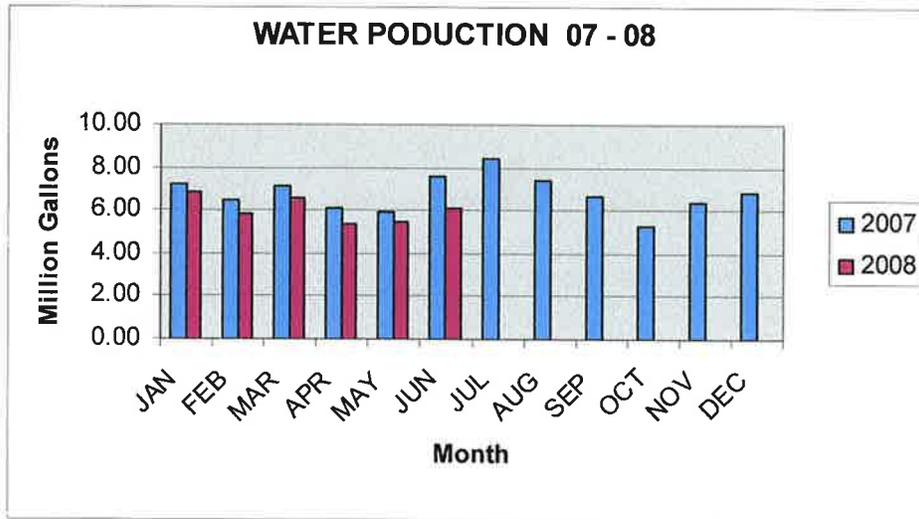
(2) Consumer fireworks may be **used or discharged each day between the hours of twelve o'clock noon and eleven o'clock p.m. on the twenty-eighth of June and between the hours of nine o'clock a.m. and eleven o'clock p.m. on the twenty-ninth of June to the third of July, and on July 4th between the hours of nine o'clock a.m. and twelve o'clock midnight, and between the hours of nine o'clock a.m. and eleven o'clock p.m. on July 5th, and from six o'clock p.m. on December 31st until one o'clock a.m. on January 1st of the subsequent year, and as provided in RCW 70.77.311.**

(3) A city or county may enact an ordinance within sixty days of June 13, 2002, to limit or prohibit the sale, purchase, possession, or use of consumer fireworks on December 27, 2002, through December 31, 2002, **and thereafter as provided in RCW 70.77.250(4).**

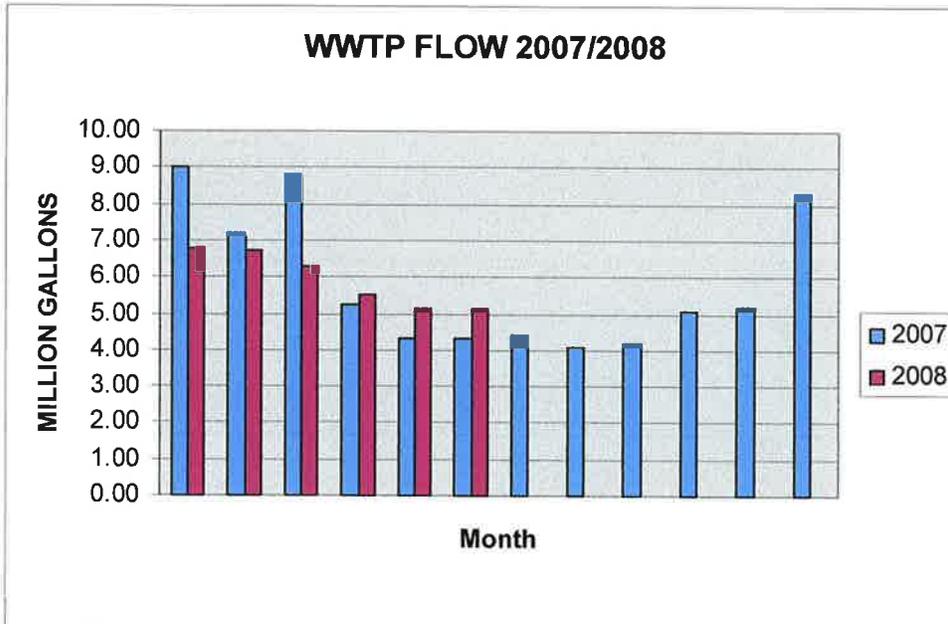
STAFF REPORT

To: Mayor and City Council
From: Water/Wastewater
Date: July 2008
Re: Monthly Council Report

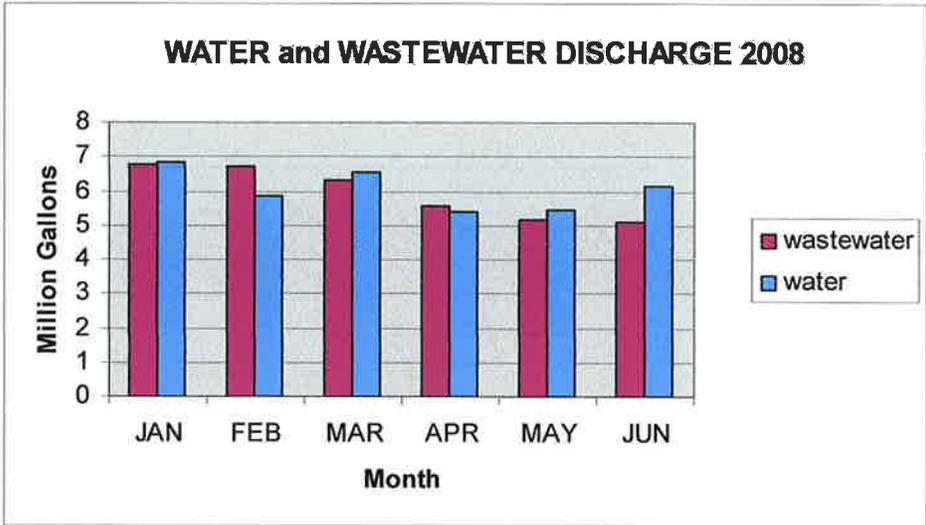
As can be seen in the chart below, water production remains less than last year.



And wastewater continues to show the trend.



This chart shows that not all water used is going down the drain. It could be going to things like lawn and garden watering, swimming or wading pool usage or even car washing.



STAFF REPORT

To: Council and Mayor
 From: John Allardin, Maintenance Crew Foreman
 Date: July 14, 2008
 RE: June Status Report



TASK	DESCRIPTION	MONTH		YEAR TO DATE	
		NO.	HOURS	NO.	HOURS
Building maintenance	Park, transit station restrooms, city compound, library, float shed & museum.		92		501
Meetings and appointments	Safety meeting, interviews, public works meetings, outside agencies and contractors.		21		135.5
Training	Professional growth classes.	1	6	2	38
Water leaks	water leaks	1	1	9	89.5
Water complaints	Dirty, smelly or low water pressure.	1	1	7	6
Garbage collection	Down town, park, cemetery, city compound and city park trash cans.		8		84
Grounds maintenance	Gardening, hanging baskets, mowing, raking, baseball field maintenance and pressure washing		234		427.5
Motor pool maintenance	Motor pool maintenance in house and contract work		25		95
Pot hole program	Did some road shoulder and alley repair.	17	4	135	35.5
Utilities locates	Locating underground utilities	4	2	26	18
Meter reading	Three people task includes meter reading, shut off list and re-reads		48		288
Flagging traffic	Flagging for Light and Power crew			1	8
Citizen requests	Forms generated by requests from citizens	4	8	5	10
Valve exercising program	Checking for valve operation, location, and maintaining proper valve operation			19	40
Sanding streets and street sweeping	sweeping streets			2	7
Hydrant flushing program	Maintenance, flushing and exercising hydrants				52

STAFF REPORT

To: Mayor and City Council
From: Todd Baun *TB*
Date: July 11, 2008
Re: Month of June

Here are the projects I've been working on for June

- The Comprehensive Park and Recreation Plan has been sent to the Recreation and Conservation Office.
- We met with Jerry Morrissette and his associates for the TIB grant for Simpson Ave. There are some unique issues with elevations and where the sidewalk is located. We are now waiting for the preliminary design of the south side of Simpson Ave.
- The WSDOT has swept the streets in town in preparation for the Bear Festival.
- NOVA (Nonhighway and Off-Road Vehicle Activities) grant is going to be turned in on July 30th. This is the same grant that the council approved to apply for on April 23, 2008 for \$70,000 with no city matching funds. This grant is to study and plan trails around the city.
- Gray and Osborne have been reviewing the YAF (Youth Athletic Facilities) grant.
- The Park parking lot design is currently being reviewed by Gray and Osborne.
- Mr. Ackley is waiting for his contractor to start with his new driveway.
- The SRFB (Salmon Recovery Funding Board) grant, for Sam's Canal, will be turned in on July 29th. This is the same grant that council approved on May 14, 2008. The final amount we will be applying for is \$119,260. This grant has a 15% match which is going to be \$17,783. For our match, the city can match the grant by permitting and using materials we already have on city property (blow down trees, permitting and woody debris).
- You will be noticing new signs that will be going up around city hall and the rest of the city. These signs will help citizens with directions of our different areas and also brighten up the city.
- The McCleary School has started part of its remodel project on the East side of the school. They have installed part of their water main and underground power.
- The WSDOT has done its annual stripping of the city. It sure brightens the roads up.
- I will be working with Gray and Osborne for 2 new TIB grants. The project will come off of the Six Year Transportation Improvement Plan. We will bring the grants to council for review.

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 and City Council
From: Mick Schlenker, Building Official
Date: July 11, 2008
Re: June Building Activity

Building Permit Activity

	June		Total 2008	
	Current	Fees	Actual	Fees
Customer Service	263		1538	
Building Permits				
Issued	15	\$9,977.48	47	\$36,178.70
Nuisance Letters	1		9	
Inspections				
Performed	124		486	
Plan Reviews	7	Inc in Permit	28	
Stop Work Issued	2		10	
City Projects	0		3	
Complaints	5		37	
Demo Permits	2		3	
Court Issues	0		1	
Fire Projects	0		0	
Cars	1		11	

June 2008 Building Permit Activity

Summit II

1. (2) new SFR have been issued

Cedar Heights/Kingbuilt Homes

1. (3) more SFR have been finaled
2. 4th Street footing Insp. completed

BeeHive Asst. Living

1. Still working out Demo set up

McCleary School

1. Short extension of water line is in
2. Grading permit issued
3. Under ground tanks have been removed and inspected
4. Day Care modular has been moved over to west side of play ground
5. Bus Barn has been Demo
6. Starting with fill and compaction

Rossvale Plat

1. Still in preliminary stages

City Work

1. Work will commence on parking lot for Fire Hall after Bear Festival
2. (3) remodels in varies stages

Thank you

Mick Schlenker
Building Official
City of McCleary
360 495-3667 ext. 5

STAFF REPORT

To: Mayor and City Council
From: Jennie Reed, Court Administrator *JR*
Date: July 3, 2008
Re: June Report

	Court Filings		Court Fines Paid	
	June	YTD	June	YTD
Traffic Infractions	21	110	\$3,144.70	\$16,997.81
Non Traffic Infractions	0	1	0	0
Criminal Traffic	8	47	\$395.20	\$5,296.71
Criminal Non Traffic	10	30	\$240.02	\$2,055.62
Collection Fees Collected				\$147.01
TOTAL ISSUED	39	188	\$3,779.92	\$24,497.15

STAFF REPORT

To: Mayor and City Council
From: Jeff Gustafson, Senior Lineman 
Date: July 1, 08
Re: June Activity

Pole Changes - 2
YTD - 10

Transformers
Overhead - 1
YTD - 3

Underground -
YTD - 3

Primary Extensions
Overhead -
YTD -

Underground -
YTD - 1 at 502 ft. #2 15kvEPR

Primary Replacement
Overhead -
YTD - 3000 ft. 2/0 ACSR

Underground
YTD -

Service Connections
Overhead -1 at 100 ft. 2-2-4 triplex
YTD -1

Underground -1 at 55 ft. 4/0, 1 at 145 ft. 4/0, 1 at 100 ft. 4/0
YTD - 12 at 975 ft. 4/0 total

Temporary Services -1
YTD -6

Street Light Services -2 at 100 watt.
YTD - 3 at 200 watt, 10 at 100 watt

Outages -
YTD - 3

Call Outs - 3
YTD - 4

**McCLEARY POLICE DEPARTMENT
REPORT TO COUNCIL MEMBERS**

Reporting Date: 06-30-2008 Wednesday
Close out Report for June

Date of Last Report: 06-25-2008

The below is a list of activities and complaints occurring which were either reported to, generated by, responded to or assisted with by the McCleary Police Department.

SUMMARY OF INCIDENTS

1502 Incidents

Traffic Stops, Traffic Offense's , Subject Stops-

7 Speed Infractions, -DWLS-court-, -Insurance Violation-, (36 total citations)

Total Bail Amounts: \$989

VIOLATIONS REPORTED OR INVESTIGATED

Abuse, Adult or Child	Civil Complaint(s)
Ambulance/9-Fire Response Broadcast	Sex Offense (Adult or Child)
Agency Assist Police	Court Order Service/ Violation)
Harassment	Subject Stop / Pedestrian Stop-
Aid Call	Citizen Assist
Hit & Run	Prowler
Juvi Problem /Found Child/Runaway	Defrauding Public Utility
Alarm(s)	Suspicious= , Vehicle, Circumstances.
Liquor Violation (MIP-minor in possession)	Death Report
Animal Complaint(1 dog bite)	Theft Complaint(s)
Malicious Mischief	DUI
Arrest(s) (Booked)	Threat Complaint(s)
Missing Person/Runaway Report	Disorderly Conduct/person
Arrest(s) (Warrant)	Trespassing Complaint
Man Down-intoxicated sub	Domestic Violence
Motorist assist	Traffic Hazard=/ Reckless / Offence
Arson Report	Unknown Problem
Noise Complaint	HAZMAT
Arrest Juvenile	Verbal Argument/Dispute
Open Window/ -Door	Dog Impounds
Attempted Suicide	DRUGS-VUCSA (Violation Uniform Controlled
Parking Violation/Complaints	Substance Act)
Assault Complaint(s)	Vehicle theft / Prowl / Recov Stolen.
Possession of Drug Paraphernalia	Fight
Burning Violation(s)	Vehicle = Accident / Disabled- / Abandon
Possession of Stolen Property	Firearm/Weapons complaint
<u>Burglary Complaint(s)</u>	Warrant Service/Transfer
Police Information	Fraud complaint
Controlled Substance Violation(s)	Welfare Check
Public Works Assist (McCleary City)	Found- / 0 Lost Property-
Custody Dispute(s)	911 Hang Up/Open Line
Referral	
Fire Response	

Discussion: Open

Council Members Present: ALL? Mr. Vessey, Mr. Vatne, Ms. Lake, Mr. Hays, Mr. Boling
Mayor Bentley: Present / Not Present
Officer Reporting : Chief Crumb _____

CURRENT EXPENSE BUDGET: June 2008				
DESCRIPTION	2008 ADOPTED	END OF June ACTUAL	% OF BUDGETED	COMMENTS
REVENUES				
Beginning Balance				
Begin Net Cash	250,000.00			
Begin Investments	190,000.00			
REET ¹	175,000.00			
Begin City Assistance	0.00			
Total Beginning Balance	615,000.00			
General Property Tax				
Real & Personal Property Tax	142,000.00	77,500.64	54.58%	
Special Levy Property Tax	200.00	16.53	8.27%	
Total General Property Tax	142,200.00	77,517.17	54.51%	Tax received in spring & fall
Retail Sales & Use Tax				
Private Harvest Tax	1,200.00	799.94	66.66%	
Retail Sales & Use Tax	70,000.00	47,800.53	68.29%	
C.J. Sales Tax from County	13,000.00	10,065.44	77.43%	
Total Retail Sales & Use Tax	84,200.00	58,665.91	69.67%	
Private Utility Tax				
Natural Gas	12,500.00	7,447.97	59.58%	
Television Cable	19,000.00	10,091.70	53.11%	
Telephone Tax	13,000.00	6,050.10	46.54%	
Cellular Telephone Tax	16,000.00	8,637.25	53.98%	
Total Private Utility Tax	60,500.00	32,227.02	53.27%	
Total Public Utility Tax	196,000.00	105,389.21	53.77%	
Real Estate Excise Tax (REET)	10,000.00	7,048.13	70.48%	
Licenses & Permits				
Building Permits	135,000.00	32,614.16	24.16%	
Platting Fees	2,000.00	0.00	0.00%	
Review Fees	10,000.00	24,996.05	249.96%	
Plat Inspection Fees	8,000.00	4,369.50	54.62%	
Animal Licenses	150.00	95.00	63.33%	
Total Licenses & Permits	155,150.00	62,074.71	40.01%	
Total Direct Federal Grants	0.00	33,121.00	0.00%	
State Entitlements				
City Assistance	30,000.00	20,930.28	69.77%	
Criminal Justice Pop	800.00	500.00	62.50%	
CJ-CTED Programs 1-3	1,200.00	602.04	50.17%	
DUI Cities	500.00	140.87	28.17%	
Liquor Excise Tax	9,000.00	3,746.60	41.63%	
Liquor Board Profits	9,000.00	5,291.88	58.80%	
Total State Entitlements	50,500.00	31,211.67	61.81%	
Total Interlocal Grants	0.00	0.00	0.00%	
Fire District 12	8,240.00	8,240.00	100.00%	
Mason County Fire	720.00	720.00	100.00%	
Total Interlocal Gov Payments	8,960.00	8,960.00	100.00%	
Charges for Services				
Sales Maps & Publications	0.00	0.00	0.00%	
Printing & Duplicating Services	300.00	0.00	0.00%	
Animal Control & Shelter Fee	100.00	0.00	0.00%	
Total Charges for Services	400.00	0.00	0.00%	

CURRENT EXPENSE BUDGET: June 2008				
DESCRIPTION	2008 ADOPTED	END OF June ACTUAL	% OF BUDGETED	COMMENTS
Fines and Forfeits				
Municipal Court	30,000.00	13,285.62	44.29%	
NSF Fines	800.00	384.00	48.00%	
Total Fines and Forfeits	30,800.00	13,669.62	44.38%	
Miscellaneous Revenues				
Interest Earnings - Investments	13,000.00	17,466.84	134.36%	
Interest - Prop Tax/ Real Estate	800.00	448.43	56.05%	
Rent - Cell Tower	11,000.00	5,492.64	49.93%	
Donations from Private Source	100.00	0.00	0.00%	
Surplus/Junk Sale	0.00	628.50	628.50%	Surplus Sale
Other Misc. Revenues	1,500.00	47.30	3.15%	
Total Miscellaneous Revenues	26,400.00	24,083.71	91.23%	
Non-Revenues		11,439.87		
TOTAL CURRENT EXPENSE REVENUES	1,370,110.00	458,359.89	33.45%	
EXPENDITURES				
Reserves				
Ending Net Cash	192,112.00	15,000.00		
Ending Investments	190,000.00			
REET	155,000.00			
Cumulative Reserve - Equipment	10,000.00			
Unanticipated Expense	20,000.00			
Total Reserves	567,112.00	15,000.00		
Legislative/Council				
Salaries & Wages	6,000.00	3,000.00	50.00%	
Personnel Benefits	600.00	305.40	50.90%	
Travel	200.00	0.00	0.00%	
Miscellaneous	500.00	72.14	14.43%	
Training	200.00	0.00	0.00%	
Total Legislative/Council	7,500.00	3,377.54	45.03%	
Judicial				
Salaries & Wages	31,710.00	16,089.00	50.74%	
Personnel Benefits	5,085.00	2,314.74	45.52%	
Office Supplies	750.00	520.32	69.38%	
Professional Services	250.00	285.87	114.35%	Interpreters
Communication	1,100.00	650.00	59.09%	
Travel	50.00	0.00	0.00%	
Miscellaneous	500.00	125.00	25.00%	
Repair & Maintenance	0.00	0.00	0.00%	
Dues	100.00	100.00	100.00%	
Process Serving	0.00	0.00	0.00%	
External Taxes	0.00	0.00	0.00%	
Capital Outlay	250.00	0.00	0.00%	
Total Judicial	39,795.00	20,084.93	50.47%	
Executive/Juneor				
Salaries & Wages	3,600.00	1,800.00	50.00%	
Personnel Benefits	400.00	198.48	49.62%	
Professional Services	50.00	0.00	0.00%	
Travel	150.00	0.00	0.00%	
Miscellaneous	300.00	0.00	0.00%	
Training	300.00	0.00	0.00%	
Total Executive/Juneor	4,800.00	1,998.48	41.64%	

CURRENT EXPENSE BUDGET: June 2008				
DESCRIPTION	2008 ADOPTED	END OF June ACTUAL	% OF BUDGETED	COMMENTS
Finance & Administration				
Salaries & Wages	20,535.00	9,427.79	45.91%	
Personnel Benefits	6,150.00	2,070.44	33.67%	
Supplies - General	6,000.00	3,919.25	65.32%	
Supplies - F & A	3,000.00	3,593.07	119.77%	Underestimated + Bear Festival
Professional Services	7,000.00	22,328.00	318.97%	Ambulance settlement
Communications	7,400.00	35.39	0.48%	
Travel	2,000.00	999.87	49.99%	
Miscellaneous	800.00	1,778.85	222.36%	Newspaper ads (RFP, rosters)
Misc: Special Projects/Legal	0.00	1,417.11	0.00%	
Rental/Lease Equipment	3,500.00	2,380.86	68.02%	Change in copy machine/fax
Repair & Maintenance	0.00	0.00	0.00%	
Training	1,500.00	503.00	33.53%	
External Taxes	400.00	186.45	46.61%	
Capital Outlay - Building	11,000.00	1,157.85	10.53%	
Capital Outlay - Equipment	5,000.00	1,991.70	39.83%	Replace computer
Election Services	500.00	0.00	0.00%	
Total Finance & Administration	74,785.00	51,789.63	69.25%	
Legal				
Professional Services	27,520.00	16,044.73	58.30%	
Indigent Defense	7,200.00	3,600.00	50.00%	
Codification	0.00	0.00	0.00%	
Prosecution	7,200.00	1,593.90	22.14%	
Total Legal	41,920.00	21,238.63	50.66%	
Other General Gov Services				
Professional Services	12,000.00	5,280.00	44.00%	
Rent - City Hall	720.00	360.00	50.00%	
Insurance	22,019.00	22,019.00	100.00%	
Misc - AWC/COG/EDC	7,200.00	7,117.30	98.85%	
Total Other General Gov Services	41,939.00	34,776.30	82.92%	
Law Enforcement				
Salaries & Wages	202,510.00	101,261.89	50.00%	
Overtime Wages	25,000.00	20,009.53	80.04%	
Personnel Benefits	101,085.00	64,409.76	63.72%	Overtime benefits
Uniform Allowance	2,400.00	463.86	19.33%	
Overtime Benefits	3,400.00	0.00	0.00%	
LEOFF Retirees - Benefits	24,615.00	0.00	0.00%	
Supplies	9,000.00	2,458.12	27.31%	
Gas	7,500.00	4,564.19	60.86%	
Professional Services	13,000.00	6,647.62	51.14%	
Communications	4,700.00	3,316.79	70.57%	Phones, mail
Travel	500.00	0.00	0.00%	
Advertising	500.00	0.00	0.00%	
Rental/Lease Equipment	1,300.00	318.15	24.47%	
Insurance	5,138.00	5,138.00	100.00%	
Public Utility Services (City)	2,500.00	1,786.97	71.48%	Winter months
Repair & Maintenance	5,000.00	197.94	3.96%	
Miscellaneous	500.00	0.00	0.00%	
External Taxes	100.00	310.43	310.43%	
Capital Outlay - Facilities	3,500.00	0.00	0.00%	
Capital Outlay - Equipment	12,000.00	9,798.59	81.65%	car computers
Capital Leases	0.00	0.00	0.00%	
Training	1,000.00	0.00	0.00%	
Total Law Enforcement	425,248.00	220,681.84	51.89%	

CURRENT EXPENSE BUDGET: June 2008				
DESCRIPTION	2008 ADOPTED	END OF June ACTUAL	% OF BUDGETED	COMMENTS
Fire Control				
Salaries & Wages	18,300.00	1,870.00	10.22%	
Personnel Benefits	2,940.00	2,503.56	85.16%	Annual payment
Supplies - Operating	7,500.00	4,880.26	65.07%	
Gas	1,200.00	240.99	20.08%	
FEMA Grant Expenditures	0.00	2,574.76	3949.67%	
Professional Services	1,000.00	1,291.65	129.17%	
Communications	180.00	0.00	0.00%	
Travel	100.00	0.00	0.00%	
Rent - City Hall	420.00	210.00	50.00%	
Insurance	5,138.00	5,138.00	100.00%	
Public Utility Services (City)	1,500.00	1,090.53	72.70%	Winter months
Repair & Maintenance	3,000.00	968.75	32.29%	
Miscellaneous	500.00	0.00	0.00%	
External Taxes	0.00	35.79	0.00%	
Capital Outlay - Building	0.00	0.00	0.00%	
Capital Outlay - System	0.00	0.00	0.00%	
Capital Outlay - Equipment	0.00	0.00	0.00%	
Training	1,000.00	0.00	0.00%	
Total Fire Control	42,778.00	20,804.29	48.63%	
Total Detention & Correction	8,000.00	5,735.00	71.69%	Issue to Council in August
Development Services				
Salaries & Wages	32,650.00	16,842.80	51.59%	
Personnel Benefits	11,640.00	5,322.88	45.73%	
Supplies - Operating	3,000.00	830.55	27.69%	
Gas	0.00	311.14	270.67%	
Professional Services	2,500.00	878.02	35.12%	
Professional Services - Engineer	13,000.00	6,636.67	51.05%	
Plat Review Services	30,000.00	15,271.37	50.90%	
Communications	1,550.00	116.66	7.53%	
Dues	175.00	100.00	57.14%	
Training	1,000.00	750.00	75.00%	
Travel	500.00	440.34	88.07%	
Repair & Maintenance	1,000.00	1,286.29	128.63%	Brakes for truck
Miscellaneous - Public Notice	3,000.00	139.49	4.65%	
Capital Outlay - Building	665.00	0.00	0.00%	
Capital Outlay - Equipment	500.00	460.82	92.16%	Moisture meter
Total Development Services	101,180.00	49,387.03	48.81%	
Total Communications (E-911)	9,710.00	5,664.06	58.33%	
Total Pollution Control	693.00	693.00	100.00%	
TOTAL CURRENT EXPENSE EXPENDITURES	1,365,460.00	451,230.73	33.05%	

PARK & CEMETERY FUND BUDGET: June 2008				
DESCRIPTION	2008 ADOPTED	END OF June ACTUAL	% OF BUDGETED	COMMENTS
Beginning Net Cash	18,000.00			
Beginning Investments	65,000.00			
Beginning Fund Balance	83,000.00			
Real & Personal Property Taxes	54,000.00	29,807.94	55.20%	
Intergovernmental Grants	0.00	0.00	0.00%	
Cemetery Fees	4,500.00	1,317.00	29.27%	
Interest Earnings - Investments	2,500.00	1,792.65	71.71%	
Rent - Equipment	2,000.00	96.00	4.80%	
Rent - Community Center	2,500.00	1,710.00	68.40%	
Donations - Private Source	100.00	80.00	80.00%	
Other Miscellaneous Revenue	500.00	0.00	0.00%	
Miscellaneous Revenues	7,600.00	3,678.65	48.40%	
Transfer from REET	30,000.00	0.00	0.00%	
Transfer from REED	30,000.00	0.00	0.00%	
Total Transfers	60,000.00	0.00	0.00%	
Non-Revenues		211.19		
TOTAL PARK AND CEMETERY FUND REVENUES	209,100.00	35,014.78	16.75%	
Ending Net Cash	12,452.00			
Ending Investments	65,000.00			
Unanticipated Expense	4,000.00			
Ending Fund Balance	81,452.00			
Salaries & Wages	14,580.00	6,192.46	42.47%	
Personnel Benefits	4,780.00	2,010.07	42.05%	
Supplies	8,000.00	4,564.96	57.06%	
Gas	1,500.00	694.75	46.32%	
Professional Services	9,000.00	1,958.98	21.77%	
Communications	900.00	58.34	6.48%	
Travel	100.00	0.00	0.00%	
Training	100.00	0.00	0.00%	
Advertising	0.00	153.87	153.87%	Ads for gardener position
Rental, Lease Equipment	5,000.00	955.61	19.11%	
Insurance	5,138.00	5,138.00	100.00%	
Public Utility Services (City)	7,000.00	3,894.03	55.63%	Winter months
Repair & Maintenance	5,000.00	2,240.44	44.81%	
Miscellaneous	800.00	125.00	15.63%	
External Taxes	500.00	45.43	9.09%	
Capital Facilities	65,000.00	2,144.34	3.30%	
Capital Outlay - Equipment	250.00	0.00	0.00%	
TOTAL PARKS AND CEMETERY EXPENSES	209,100.00	30,176.28	14.43%	

STREET FUND BUDGET: June 2008				
DESCRIPTION	2008 ADOPTED	END OF June ACTUAL	% OF BUDGETED	COMMENTS
Beginning Net Cash	130,000.00			
Beginning Investments	160,000.00			
Beginning Fund Balance	290,000.00			
Real & Personal Property Taxes	22,000.00	11,923.16	54.20%	
Grants	186,525.00	0.00	0.00%	
Motor Vehicle Fuel Tax	38,000.00	17,095.92	44.99%	
Total Intergovernmental Revenue	224,525.00	17,095.92	7.61%	
Investment Interest	6,000.00	4,413.74	73.56%	
Other Miscellaneous Revenue	500.00	0.00	0.00%	
Total Miscellaneous Revenues	6,500.00	4,413.74	67.90%	
Non-Revenues	0.00	1,165.91		Insurance for garage repair
TOTAL STREET FUND REVENUES	543,025.00	34,598.73	6.37%	
Ending Net Cash	105,092.00			
Ending Investments	160,000.00			
Ending Fund Balance	265,092.00			
Salaries & Wages	16,120.00	7,086.16	43.96%	
Personnel Benefits	8,200.00	3,452.00	42.10%	
Supplies	11,000.00	3,620.83	32.92%	
Gas	2,500.00	1,442.51	57.70%	
Professional Services	9,500.00	6,036.99	63.55%	Garage repair (to be reimbursed)
Communications	900.00	58.34	6.48%	
Travel	0.00	0.00	0.00%	
Training	500.00	0.00	0.00%	
Advertising	300.00	0.00	0.00%	
Rental/Lease Equipment	1,500.00	91.83	6.12%	
Insurance	5,138.00	5,138.00	100.00%	
Public Utility Services (City)	3,500.00	2,279.38	65.13%	Winter electric use
Repair & Maintenance	5,000.00	4,471.53	89.43%	Mostly Bobcat repair
Miscellaneous	2,000.00	125.00	6.25%	
External Taxes	0.00	18.33	0.00%	
Capital Outlay - Roadways	211,525.00	0.00	0.00%	
Capital Outlay - Equipment	250.00	0.00	0.00%	
Street Cleaning	0.00	0.00	0.00%	
TOTAL STREET FUND EXPENSES	543,025.00	33,820.90	6.23%	

LIGHT & POWER FUND BUDGET: June 2008

DESCRIPTION	2008 ADOPTED	END OF June ACTUAL	% OF BUDGETED	COMMENTS
Beginning Net Cash	65,000.00			
Beginning Investments	150,000.00			
Rural Development Investment	100,000.00			
Beginning Fund Balance	315,000.00			
BPA Conservation	0.00	-165.00	0.00%	
Sales of Electricity	2,300,000.00	1,330,807.13	57.86%	
Charges for Services & Parts	10,000.00	47,220.82	472.21%	Summit Place II
Total Physical Environment	2,310,000.00	1,377,862.95	59.65%	
Total Interest Earnings	25,000.00	14,145.49	56.58%	
Equip, Pole & Vehicle Lease	9,200.00	7,791.00	84.68%	
City Hall Rent	2,040.00	1,020.00	50.00%	
Total Rents & Royalties	11,240.00	8,811.00	78.39%	
Sales of Junk Material	1,200.00	634.79	52.90%	
Other Miscellaneous Revenue	2,000.00	128,028.00	6401.40%	
Total Other Miscellaneous Revenues	3,200.00	128,662.79	4020.71%	BPA payment
Non-Revnues		384.23		
TOTAL LIGHT & POWER FUND REVENUES	2,664,440.00	1,529,482.23	57.40%	
Ending Net Cash	97,820.00			
Ending Investment	150,000.00			
REED Fund	70,000.00			
Ending Fund Balance	317,820.00			
Salaries & Wages	454,365.00	237,631.50	52.30%	
Personnel Benefits	174,455.00	84,176.83	48.25%	
Operating Supplies	55,000.00	15,346.79	27.90%	
Office Supplies	5,000.00	292.96	5.86%	
Gas	7,500.00	2,697.41	35.97%	
Power Purchased for Resale	1,050,000.00	569,016.00	54.19%	Winter months
Transmission Costs	220,000.00	86,306.00	39.23%	
BPA Conservation	14,000.00	0.00	0.00%	
Professional Services	41,500.00	21,550.82	51.93%	Rate Study
Professional Services - Legal	20,000.00	7,915.00	39.58%	
Communications	4,100.00	4,825.57	117.70%	Cost of mail, cell phone
Travel	1,000.00	0.00	0.00%	
Advertising	500.00	167.78	33.56%	
Rental/Lease Equipment	5,000.00	444.87	8.90%	
Insurance	20,550.00	20,665.00	100.56%	
Public Utility Services (City)	22,000.00	13,394.77	60.89%	Winter months
Repair & Maintenance	20,000.00	2,966.04	14.83%	
Training	1,000.00	0.00	0.00%	
Dues	500.00	125.00	25.00%	
Miscellaneous	1,000.00	110.00	11.00%	
External Taxes	85,000.00	50,068.45	58.90%	
Capital Outlay - Building	0.00	0.00	0.00%	
Capital Outlay - Bldg Library	0.00	0.00	0.00%	
Capital Outlay - System	30,000.00	0.00	0.00%	
Capital Outlay - Equipment	114,150.00	3,010.74	2.64%	
TOTAL LIGHT & POWER FUND EXPENSES	2,664,440.00	1,120,711.53	42.06%	

Monthly Budget Report

7/16/2008

GARBAGE FUND BUDGET: June 2008				
DESCRIPTION	2008 PROPOSED	END OF June ACTUAL	% OF BUDGETED	COMMENTS
Beginning Net Cash	5,000.00			
Beginning Investments	7,500.00			
Beginning Fund Balance	12,500.00			
Garbage Fees & Service Charge	220,000.00	111,065.14	50.48%	
Investment Interest	750.00	345.15	46.02%	
TOTAL GARBAGE FUND REVENUES	233,250.00	111,410.29	47.76%	
Ending Net Cash	320.00			
Ending Investments	7,500.00			
Ending Fund Balance	7,820.00			
Salaries & Wages	2,390.00	1,207.10	50.51%	
Personnel Benefits	690.00	553.46	80.21%	Correction to be made in July
Supplies - Office	50.00	19.42	38.84%	
Communications	100.00	0.00	0.00%	
Advertising	20.00	0.00	0.00%	
Rent - City Hall	180.00	90.00	50.00%	
Repair & Maintenance	0.00	0.00	0.00%	
External Taxes	12,000.00	6,356.34	52.97%	
Professional Services	210,000.00	99,897.10	47.57%	
TOTAL GARBAGE FUND EXPENSES	233,250.00	108,123.42	46.36%	

Monthly Budget Report

7/16/2008

WATER FUND BUDGET: June 2008				
DESCRIPTION	2008 ADOPTED	END OF June ACTUAL	% OF BUDGETED	COMMENTS
Beginning Net Cash	130,000.00			
Beginning Investment	75,000.00			
Beginning Fund Balance	205,000.00			
Water Sales	241,000.00	118,771.91	49.28%	
Other Charges Related to Water	12,500.00	2,250.00	18.00%	
New Water Connections	73,500.00	19,008.00	25.86%	
Total Charges for Services	327,000.00	140,029.91	42.82%	
Investment Interest	5,000.00	3,257.50	65.15%	
ULID 96-01 Payments	9,000.00	964.64	10.72%	
Other Miscellaneous Revenue	100.00	0.00	0.00%	
Miscellaneous Revenues	14,100.00	4,222.14	29.94%	
TOTAL WATER FUND REVENUES	546,100.00	144,252.05	26.41%	
Ending Net Cash	113,917.00			
Ending Investment	75,000.00			
Unanticipated Expense	20,000.00			
Ending Fund Balance	208,917.00			
Salaries & Wages	150,060.00	79,122.56	52.73%	
Personnel Benefits	64,940.00	31,813.85	48.99%	
Supplies	10,000.00	5,138.65	51.39%	
Gas	4,000.00	1,456.00	36.40%	
Professional Services	29,000.00	3,430.92	11.83%	
Professional Services - WSP	2,000.00	14,326.15	716.31%	Delayed from 2007
Communications	3,540.00	116.67	3.30%	
Travel	1,000.00	0.00	0.00%	
Advertising	400.00	0.00	0.00%	
Rental/Lease Equipment	1,000.00	91.83	9.18%	
Insurance	5,138.00	5,138.00	100.00%	
Public Utility Services (City)	11,000.00	4,204.46	38.22%	
Repair & Maintenance	5,000.00	587.69	11.75%	
Training	3,000.00	512.31	17.08%	
State Permits & Fees	1,000.00	1,682.00	168.20%	Higher than expected
Miscellaneous	1,000.00	44.05	4.41%	
External Taxes	12,000.00	5,116.59	42.64%	
Capital Outlay - System	20,000.00	15,302.42	76.51%	2nd half property purchase
Capital Outlay - Equipment	1,125.00	0.00	0.00%	
Capital Outlay - System Ext	0.00	11,979.52	0.00%	
Debt Service	11,980.00	0.00	0.00%	
TOTAL WATER FUND EXPENSES	546,100.00	180,063.67	32.97%	

WASTEWATER FUND BUDGET: June 2008				
DESCRIPTION	2008 ADOPTED	END OF June ACTUAL	% OF BUDGETED	COMMENTS
Beginning Net Cash	95,000.00			
Beginning Investment	62,500.00			
Beginning Fund Balance	157,500.00			
Rural Development Grant	0.00	0.00	0.00%	
Total Intergovernmental Revenues	0.00	0.00	0.00%	
Sewer Service Charges	500,000.00	246,532.04	49.31%	
Other Charges Related to Sewer	2,000.00	0.00	0.00%	
New Sewer Connections	147,175.00	38,025.00	25.84%	
Total Charges for Services	649,175.00	284,557.04	43.83%	
Interest Earnings - Investment	7,000.00	2,379.18	33.99%	
Other Miscellaneous Revenue	400.00	14,825.00	3706.25%	Backhoe sale
Total Miscellaneous Revenues	7,400.00	17,204.18	232.49%	
TOTAL WASTEWATER FUND REVENUES	814,075.00	301,761.22	37.07%	
Ending Net Cash	119,389.00			
Ending Investments	82,500.00			
Unanticipated Expense	10,000.00			
Ending Fund Balance	211,889.00			
Salaries & Wages	200,115.00	97,100.36	48.52%	
Personnel Benefits	83,940.00	38,000.62	45.27%	
Operating Supplies	28,000.00	12,585.48	44.95%	
Office Supplies	2,000.00	74.46	3.72%	
Gas	1,000.00	491.67	49.17%	
Professional Services	30,000.00	15,424.36	51.41%	
Communications	7,050.00	3,333.31	47.28%	
Travel	500.00	59.48	11.90%	
Advertising	200.00	0.00	0.00%	
Rent - City Hall	720.00	360.00	50.00%	
Rental/Lease Equipment	500.00	0.00	0.00%	
Insurance	5,138.00	5,138.00	100.00%	
Public Utility Services (City)	31,000.00	20,122.37	64.91%	Winter months
Repair & Maintenance	7,500.00	2,208.09	29.44%	
Training	3,000.00	458.33	15.28%	
State Permits & Fees	2,000.00	603.90	30.20%	
Miscellaneous	2,000.00	0.00	0.00%	
External Taxes	8,000.00	5,994.14	74.93%	
Capital Outlay - System	20,000.00	20,425.38	102.13%	New structure
Capital System Engineering	0.00	0.00	0.00%	
Capital System Finance Inter	0.00	0.00	0.00%	
Capital Outlay - Equipment	1,125.00	0.00	0.00%	
Capital Outlay - Extension	0.00	22,014.12	0.00%	
Debt Service	168,398.00	0.00	0.00%	
TOTAL WASTEWATER FUND EXPENSES	814,075.00	244,394.07	30.02%	

STORMWATER FUND BUDGET: June 2008				
DESCRIPTION	2008 ADOPTED	END OF June ACTUAL	% OF BUDGETED	COMMENTS
Begin Net Cash	50,000.00			
Begin Investments	0.00			
Beginning Fund Balance	50,000.00			
Total Charges for Services	36,000.00	17,982.40	49.95%	
TOTAL STORM WATER REVENUES	86,000.00	17,982.40	20.91%	
Ending Net Cash	45,310.00			
Ending Investments	0.00			
Ending Fund Balance	45,310.00			
Salaries & Wages	16,640.00	7,333.16	44.07%	
Personnel Benefits	8,300.00	3,494.27	42.10%	
Operating Supplies	3,000.00	876.38	29.21%	
Professional Services	12,000.00	4,521.29	37.68%	Videotape lines
External Taxes	500.00	260.84	52.17%	
Capital Outlay - Equipment	250.00	0.00	0.00%	
TOTAL STORM WATER EXPENSES	86,000.00	16,485.94	19.17%	

Monthly Budget Report

7/16/2008

AMBULANCE FUND BUDGET: June 2008				
DESCRIPTION	2008 ADOPTED	END OF June ACTUAL	% OF BUDGETED	COMMENTS
Begin Net Cash	0.00			
Begin Investments	0.00			
Beginning Fund Balance	0.00			
Total Charges for Services	36,430.00	7,565.61	20.77%	
Interfund Loans Received	15,000.00	15,000.00	100.00%	
TOTAL AMBULANCE REVENUES	51,430.00	22,565.61	43.88%	
Ending Net Cash	7,355.00			
Ending Investments	0.00			
Ending Fund Balance	7,355.00			
Salaries & Wages	1,435.00	119.31	8.31%	
Personnel Benefits	410.00	188.69	46.02%	
Supplies	500.00	308.00	61.60%	
Contract Services	41,730.00	22,760.70	54.54%	
Interfund Loans Repaid	0.00	0.00	0.00%	
TOTAL AMBULANCE EXPENSES	51,430.00	23,376.70	45.45%	

Monthly Budget Report

CASH, INVESTMENTS AND CAPITAL PROJECTS: June 2008

DESCRIPTION	CURRENT EXPENSE	PARK & CEMETERY	STREETS	LIGHT & POWER	GARBAGE	WATER	WASTE WATER	STORM	AMBULANCE*
Beginning Balance - January									
Beginning Net Cash	178,347.56	20,136.36	119,537.40	46,020.05	7,998.62	72,639.98	137,615.61	49,475.80	0.00
Beginning Investments	190,000.00	65,000.00	160,000.00	150,000.00	7,500.00	75,000.00	62,500.00	0.00	0.00
Real Estate Excise Tax	175,000.00								
Rural Development Investment				100,000.00					
Total Beginning Balance	543,347.56	85,136.36	279,537.40	296,020.05	15,496.62	147,639.98	200,115.61	49,475.80	0.00
Ending Balance - June 31									
Ending Net Cash	172,641.09	24,720.61	120,315.23	454,790.75	11,283.49	36,828.36	121,782.76	50,972.26	(503.09)
Ending Investments	190,000.00	65,000.00	160,000.00	150,000.00	7,500.00	75,000.00	62,500.00	0.00	0.00
Real Estate Excise Tax	184,839.74								
Fire Mitigation Fees	78,874.70								
Rural Development Investment				100,000.00					
Total Ending Balance	626,355.53	89,720.61	280,315.23	704,790.75	18,783.49	111,828.36	184,282.76	50,972.26	(503.09)

* Ambulance rates not collected as soon as anticipated.

STAFF REPORT

To: City Council
From: Busse Nutley, City Administrator 
Date: July 21, 2008
Re: Council August Meetings

The Mayor and the Mayor Pro-Temp are requesting the Council to change the August meeting date from August 27 to August 13.

STAFF REPORT

To: City Council

From: Busse Nutley, City Administrator 

Date: July 21, 2008

Re: Interlocal Agreement with McCleary School for Transformers

In an effort to meet the needs of the McCleary School remodeling project, it makes sense to enter into an interlocal agreement between the two public entities where the Light & Power will purchase and install expensive electrical transformers that are essential to the completion of the project.

Requested Action:

Approve the Agreement

INTERLOCAL AGREEMENT

THIS INTERLOCAL AGREEMENT entered into by and between the CITY OF McCLEARY, a municipal corporation organized under Title 35A of the Revised Code of Washington, hereinafter "CITY"; and McCLEARY SCHOOL DISTRICT NUMBER 65, a municipal corporation organized under Title 28A of the Revised Code of Washington, hereinafter "DISTRICT".

R E C I T A L S :

1. The CITY and DISTRICT are municipal corporations authorized to enter into interlocal agreements.
2. The DISTRICT currently is undertaking a project which has as one of its elements a change in the electrical distribution system for its school site.
3. The CITY has received the DISTRICT's request to undertake the provision and installation of certain transformers as more fully set out in Exhibit Number 1. The CITY is willing to undertake this service for the DISTRICT so as to facilitate the construction project.

4. The parties wish to memorialize their agreement.
NOW, THEREFORE, it is agreed as follows:

SECTION I: The CITY shall provide to the DISTRICT and install those certain items set forth in Exhibit Number 1. The estimated cost of the items are as set forth upon Exhibit Number 1, as is the estimated cost of installation. The parties specifically agree the DISTRICT shall reimburse the CITY for the actual costs of the transformers and the materials and supplies necessary to install them, as well the labor costs incurred by the CITY in carrying forth the provision and installation of the items involved.

SECTION II: The DISTRICT shall defend, indemnify, and hold the CITY, its officers, officials, employees, and volunteers harmless from any and all claims, injuries, damages, losses, or suits, including attorneys' fees, arising out of or in connection with the performance of this Agreement, except for injuries and damages caused by the sole negligence of the CITY.

Should a court of competent jurisdiction determine that this Agreement is subject to RCW 4.24.115, then, in the event of liability for damages arising out of bodily injury to persons or damages to property caused by or resulting from the concurrent negligence of the DISTRICT and the CITY, its officers, officials, employees, and volunteers, the DISTRICT's liability hereunder shall be only to the extent of the

DISTRICT's negligence. It is further specifically and expressly understood that the indemnification provided herein constitutes the DISTRICT's waiver of immunity under Industrial Insurance, Title 51 RCW, solely for the purposes of this indemnification. This waiver has been *mutually negotiated* by the parties. The *provisions* of this section shall survive the expiration or termination of this Agreement.

SECTION III: EFFECTIVE DATE & TERMINATION

A. This agreement shall be deemed to become effective upon the date of the execution of the the last signing of the parties. It shall remain in full force and effect until the earlier occurring of the following:

1. Completion of the project.

2. One of the parties gives written notice of its intention to terminate its involvement and participation in the agreement. Such termination shall be effective thirty days following the date the notice of termination is given.

B. Termination shall not:

1. Affect the responsibility of any party to pay any moneys which are owing to the other party under the terms of this Agreement.

2. Relieve a party of the duty to complete the performance of contract or service assumed hereunder, upon which

performance had commenced prior to the giving of notice of termination.

SECTION IV: In the event of any litigation arising out of this contract, the parties agree the courts of the County of Grays Harbor shall be the courts of proper venue. Further, in addition to any other relief granted to the prevailing party, the prevailing party shall be entitled to a judgment for such sum as the court determines to represent reasonable attorneys' fees and costs incurred in the litigation by the prevailing party.

SECTION V:

A. The parties agree that this writing represents the entire agreement between the parties and constitutes an integration of all negotiations.

B. All notices shall be in writing. Any notice to be given to the CITY shall be given to the Clerk Administrator of the CITY. Any notice to be given to the DISTRICT shall be given to the DISTRICT's Superintendent. If mailed, they shall be deemed received upon the third business day following their mailing, properly addressed and postage prepaid, to the address stated below. If personally delivered, they shall be deemed received upon the date of actual receipt. For purposes of receipt of notice, the CITY's address is 100 S. 3rd Street,

McCleary, Washington 98557. The DISTRICTS' address shall be 611 South Main, McCleary, Washington 98557.

C. If any section, provision, or part hereof shall be adjudged to be invalid by a Court of competent jurisdiction, such adjudication shall not affect the validity of this Agreement as a whole or any section, provision, or part thereof not adjudged invalid.

D. Each party executing this Agreement represents that they have been authorized to execute the Agreement upon behalf of the party for whom they are signing.

SECTION VI: The DISTRICT shall take such steps as may be necessary to file this Interlocal Agreement with the necessary parties.

DATED: _____

McCLEARY SCHOOL DISTRICT NUMBER

By _____
CHAIRMAN OF THE BOARD

By _____
SECRETARY OF THE BOARD

APPROVED AS TO FORM:

Attorney

CITY OF McCLEARY:

WALLACE BENTLEY, Mayor

ATTEST:

DONNIE ROSTEDT, Clerk-Treasurer

APPROVED AS TO FORM:

DANIEL O. GLENN, City Attorney



City of McCleary
Home of the McCleary Bear Festival

CITY OF McCLEARY

100 SOUTH 3RD STREET
McCLeARY, WASHINGTON 98557
360-495-3667 FAX 360-495-3097

ESTIMATE

CUSTOMER

NAME:	McCleary Grade School		
ADDRESS:	611 S Main St		
CITY:	McCleary	WA	ZIP 98557
PHONE:	360-495-3204		

DATE:	7/17/2008
ESTIMATE #:	07.17.08.01
U.G. Primary Upgrade	

QTY	UNITS	DESCRIPTION	UNIT PRICE	TOTAL
			\$	-
20	Hrs	Labor	225.00	\$ 4,500.00
			\$	-
8		Manlift	30.00	\$ 240.00
4		Boom Truck	30.00	\$ 120.00
4		Dump Truck	30.00	\$ 120.00
			\$	-
4		Cross Arm 8"	50.16	\$ 200.64
12		Ins. D.E, 4"	16.27	\$ 195.24
2		Sec Spool	2.40	\$ 4.80
2		Sec Clevis	7.97	\$ 15.94
7		Gnd Rod	12.23	\$ 85.61
1		Strandvise	23.61	\$ 23.61
1		Preform	3.16	\$ 3.16
1		Guy Hook	3.51	\$ 3.51
1		Guy Ins	7.66	\$ 7.66
1		Guy Guard	6.51	\$ 6.51
2		D.E. Aut Flex #2 ACSR	13.56	\$ 27.12
6		D.E.Shoe #2 ACSR	19.94	\$ 119.64
16		1 HPW Conn	6.67	\$ 106.72
22		#2 Fargo	4.22	\$ 92.84
3		200 Amp Cutout w/ shield	200.30	\$ 600.90
6		Hot Line Clamp "A"	11.88	\$ 71.28
3		Surge Arrestor 3KV	46.97	\$ 140.91
3		Outdoor Terminator	28.71	\$ 86.13
3		Stem Connector	6.23	\$ 18.69
9		Loadbreak Elbow	43.55	\$ 391.95
6		Parking Stand	57.82	\$ 346.92
9		Protective End Cap	35.01	\$ 315.09
9		Cold Shrink	13.96	\$ 125.64
110		Sch 40 PVC 2"	12.84	\$ 1,412.40
3		Sch 80 PVC 2"	19.14	\$ 57.42
12		90° Bend 2 " x 36"	10.77	\$ 129.24
12		End Bell 2"	2.59	\$ 31.08
4		Stand off	13.30	\$ 53.20
1		MS6255 Vault w/ MS 6261 Cover	3,644.00	\$ 3,644.00
1		MS 6288 Vault w/ MS6292 Cover	4,998.35	\$ 4,998.35
			\$	-

STAFF REPORT

To: City Council
From: Busse Nutley, City Administrator
Date: July 21, 2008
Re: Regulate Hours/Days for Fireworks Discharge

Mayor Pro-Temp Vessey asked me to find out what the City could do to put some limits on the hours and/or days during which private fireworks could be discharged. He would like to have a general discussion about putting some limits on displays, and so far, does not have a specific recommendations for your consideration.

Fireworks are regulated by state statute and rules issued by the State Patrol. In addition, a state Supreme Court decision in 1991 (*Brown v. Yakima*, 116 Wn.2d 556) held that the state fireworks law does not prevent a local government from enacting an ordinance more restrictive than state law. Any local rules that are more restrictive may be effective no sooner than one year from their adoption (RCW 70.77.250(4)) [emphasis added].

Current law provides that fireworks may be used and discharged:

June 28:	noon to 11:00 pm
June 29 through July 3:	9:00 am to 11:00 pm
July 4:	9:00 am to midnight
July 5:	9:00 am to 11:00 pm
December 31:	6:00 pm to 1:00 am January 1

Based on the Supreme Court decision, the City could allow usage for fewer days and/or fewer hours.

Attachments: *About Fireworks Regulation in Washington*, Municipal Research Service Center
RCW 70.77.395 (subsection 2 highlighted)
RCW 70.77.250 (portion of subsection 4 highlighted)

About Fireworks Regulation in Washington

The State of Washington has not completely preempted local government regulation of fireworks, but fireworks regulation is largely governed by the state fireworks law, [Chapter 70.77 RCW](#) and the administrative regulations adopted by the Washington State Patrol, [Chapter 212-17 WAC](#).

[RCW 70.77.250\(1\)](#) provides that "the chief of the Washington state patrol, through the director of fire protection, shall enforce and administer this chapter." Additionally, though federal law does not directly cover local use of fireworks, the Washington statutes defining various classifications of fireworks incorporate classifications adopted by the United States Department of Explosives - see [RCW 70.77.136](#). In short, this is an area where local governments need to be careful concerning what they can and cannot regulate.

Dates and Times Fireworks May Be Sold or Discharged

State law sets the allowable times for sale or discharge of fireworks. Fireworks may be sold and purchased: (1) from noon to 11 p.m. on June 28; (2) from 9 a.m. to 11 p.m. on June 29 through July 4; (3) from 9 a.m. to 9 p.m. on July 5; and (4) from noon to 11 p.m. on December 27 through December 31. Fireworks may be used and discharged: 1) from noon to 11 p.m. on June 28; (2) from 9 a.m. to 11 p.m. on June 29 through July 3; (3) from 9 a.m. to midnight on July 4; (4) from 9 a.m. to 11 p.m. on July 5; and (4) from 6 p.m. on December 31 to 1 a.m. on January 1. [RCW 70.77.395](#).

Counties and cities can be more restrictive than state restrictions and can even ban all sale and discharge of fireworks, but they cannot be more liberal. See the state supreme court decision [Brown v. Yakima](#), 116 Wn.2d 556 (1991), which held that the state fireworks law does not prevent a local government from enacting an ordinance more restrictive than state law.

Any local rules that are more restrictive may be effective no sooner than one year from their adoption. [RCW 70.77.250\(4\)](#).

Local Government Regulatory Ordinances

Below are samples of fireworks ordinances from several jurisdictions. The Washington State Patrol Web site lists [Jurisdictions in Washington with Ordinances Restricting or Banning Fireworks](#). Cities and counties should carefully review any proposed ordinance to make sure that the provisions are not in conflict with the state law and the current WAC regulations. Many fire departments and fire districts have staff with some knowledge of fireworks regulations, and the Washington State Patrol director of fire protection may be able to provide assistance.

RCW 70.77.395

Dates and times consumer fireworks may be sold or discharged -- Local governments may limit, prohibit sale or discharge of fireworks.

(1) It is legal to sell and purchase consumer fireworks within this state from twelve o'clock noon to eleven o'clock p.m. on the twenty-eighth of June, from nine o'clock a.m. to eleven o'clock p.m. on each day from the twenty-ninth of June through the fourth of July, from nine o'clock a.m. to nine o'clock p.m. on the fifth of July, from twelve o'clock noon to eleven o'clock p.m. on each day from the twenty-seventh of December through the thirty-first of December of each year, and as provided in RCW [70.77.311](#).

(2) Consumer fireworks may be used or discharged each day between the hours of twelve o'clock noon and eleven o'clock p.m. on the twenty-eighth of June and between the hours of nine o'clock a.m. and eleven o'clock p.m. on the twenty-ninth of June to the third of July, and on July 4th between the hours of nine o'clock a.m. and twelve o'clock midnight, and between the hours of nine o'clock a.m. and eleven o'clock p.m. on July 5th, and from six o'clock p.m. on December 31st until one o'clock a.m. on January 1st of the subsequent year, and as provided in RCW [70.77.311](#).

(3) A city or county may enact an ordinance within sixty days of June 13, 2002, to limit or prohibit the sale, purchase, possession, or use of consumer fireworks on December 27, 2002, through December 31, 2002, and thereafter as provided in RCW [70.77.250](#)(4).

[2002 c 370 § 31; 1995 c 61 § 22; 1984 c 249 § 24; 1982 c 230 § 31; 1961 c 228 § 56.]

RCW 70.77.250

Chief of the Washington state patrol to enforce and administer -- Powers and duties.

(1) The chief of the Washington state patrol, through the director of fire protection, shall enforce and administer this chapter.

(2) The chief of the Washington state patrol, through the director of fire protection, shall appoint such deputies and employees as may be necessary and required to carry out the provisions of this chapter.

(3) The chief of the Washington state patrol, through the director of fire protection, shall adopt those rules relating to fireworks as are necessary for the implementation of this chapter.

(4) The chief of the Washington state patrol, through the director of fire protection, shall adopt those rules as are necessary to ensure statewide minimum standards for the enforcement of this chapter. Counties and cities shall comply with these state rules. Any ordinances adopted by a county or city that are more restrictive than state law shall have an effective date no sooner than one year after their adoption.

(5) The chief of the Washington state patrol, through the director of fire protection, may exercise the necessary police powers to enforce the criminal provisions of this chapter. This grant of police powers does not prevent any other state agency and city, county, or local government agency having general law enforcement powers from enforcing this chapter within the jurisdiction of the agency and city, county, or local government.

(6) The chief of the Washington state patrol, through the director of fire protection, shall adopt rules necessary to enforce the civil penalty provisions for the violations of this chapter. A civil penalty under this subsection may not exceed one thousand dollars per day for each violation and is subject to the procedural requirements under RCW [70.77.252](#).

(7) The chief of the Washington state patrol, through the director of fire protection, may investigate or cause to be investigated all fires resulting, or suspected of resulting, from the use of fireworks.

[2002 c 370 § 19; 1997 c 182 § 5. Prior: 1995 c 369 § 45; 1995 c 61 § 12; 1986 c 266 § 100; 1984 c 249 § 7; 1982 c 230 § 12; 1961 c 228 § 27.]

STAFF REPORT

To: City Council
From: Busse Nutley, City Administrator
Date: July 21, 2008
Re: Sale of Police Cars

We have tried to sell the surplus police cars at two different auctions, without results. We have posted notices that we will accept sealed bids until 1:00 pm Tuesday, July 22, 2008.

Requested Action:

Accept the highest responsible bids for the surplus police vehicles.

STAFF REPORT

To: City Council
From: Busse Nutley, City Administrator 
Date: July 21, 2008
Re: Vacation Policy Amendment

At your last Council meeting you asked Dan and me to prepare language to amend the Employee Personnel Policies to allow the Chief of Police to elect to receive compensation in lieu of taking vacation under certain staffing situations:

1. at least 20 hours vacation remain
2. up to 80 hours a year when 4 or fewer officers, including the Chief, are budgeted
3. up to 40 hours a year when 5 officers, including the Chief, are budgeted
4. none when 6 or more officers, including the Chief are budgeted
5. the benefit may be terminated at any time and is not a vested right

You will note that there is also a language change in Section D. This concept was adopted last year, but I am unsure if the language itself was properly presented. It allows an employee to receive compensation in lieu of vacation only with Council and Mayor approval when the City has denied the employee reasonable use of vacation during the year.

Requested Action:

Adopt the Resolution

EMPLOYEE BENEFITS

VACATION LEAVE

- A. Vacation leave benefits shall accrue to full time employees of the City of McCleary. The term “full time employee” shall mean any person employed by the City of McCleary for a period of six (6) consecutive months, and who is certified by the Mayor to be a regular employee; the term month shall mean a month within which an employee has worked not less than fifteen (15) regular days and the term “year” shall mean a calendar year.
- B. The term “non-bargaining unit” shall mean any person not covered under the Teamsters, IBEW and/or any other union collective bargaining agreement.
- C. Each full time, non-bargaining unit employee, who has begun full-time service with the City shall be entitled to vacation credit for each year of service and be entitled to vacations in accordance with the following schedule:
1. An employee who after completing his/her first six months of employment will be entitled to 6 vacation days, after which time 8 hours of vacation will be accrued each month.
 2. An employee who has completed 5 years will accrue 10 hours per month.
 3. An employee who has completed 10 years will accrue 12 hours per month.
 4. An employee who has completed 15 years or more will accrue 14 hours per month.
 5. Management employees which include the City Administrator, Clerk-Treasurer, Chief of Police and Building Official, shall accrue 14 hours per month.
- D. An employee may carry a vacation balance of up to 320 hours. The employee’s appropriate supervisor shall grant or deny vacation requests. The City further reserves the right to schedule vacation requests for staffing needs, and to ~~and to~~ With prior Council approval, the Mayor may authorize an employee to receive compensation in lieu of taking said vacation when the City, for its operational benefit, has denied reasonable use of vacation during the calendar year.
- E. The Chief of Police may elect to receive compensation in lieu of vacation, if the following conditions are met:
1. At least twenty (20) hours of vacation are available after the request has been fulfilled

2. When four (4) or fewer full-time officers, including the Chief, are approved by the annual budget: up to 80 hours per calendar year
3. When five (5) full-time officers, including the Chief, are approved by the annual budget: up to 40 hours per calendar year
4. When six (6) or more full-time officers, including the Chief, are approved by the annual budget: none

This benefit may be terminated at any time and shall not be deemed a vested right.

E. Full time employee whose employment is terminated by death, reduction in force, resignation, dismissal or retirement, who has accrued vacation credit shall be paid therefor, or their personal representatives shall be paid therefor if they be deceased.

STAFF REPORT

To: City Council
From: Busse Nutley, City Administrator
Date: July 21, 2008
Re: NOVA Grant Application

Earlier this year you authorized the staff to apply for a \$70,000 Nonhighway Off-Road Vehicle Activities (NOVA) grant to plan for a trail system. There is no required match for this grant.

In the Comprehensive Park and Recreation Plan that you adopted on June 25, this is the top project priority (the non-project "improved and sustained maintenance" is the first priority overall).

Under the provisions of the funding source (state Recreation and Conservation Office), the City must adopt a Resolution agreeing to the general provisions of the grant. It must conform exactly to the RCO text.

Requested Action:

Adopt the Resolution

Nonhighway and Off-Road Vehicle Activities Authorizing Resolution

Local Agencies and Nonprofit Organizations – You may reproduce on your own paper; text may not change.

Organization Name City of McCleary Resolution No. _____

Project Name(s) McCleary Trails Planning

A resolution authorizing application(s) for funding assistance for a Nonhighway and Off-Road Vehicle Activities (NOVA) Program project to the Recreation and Conservation Office (RCO) as provided in Chapter 46.09 RCW, Nonhighway and Off-Road Vehicles Activities Program.

WHEREAS, our organization has approved a comprehensive plan that includes this project area; and

WHEREAS, under the provisions of NOVA, state funding assistance is requested to aid in financing the cost of planning, land acquisition, facility development, and/or maintenance; and

WHEREAS, our organization considers it in the best public interest to complete the planning, land acquisition, development, and/or maintenance project described in the application;

NOW, THEREFORE, BE IT RESOLVED, that:

1. The MAYOR be authorized to make formal application to the Recreation and Conservation Office for funding assistance;
2. Any fund assistance received be used for implementation of the project referenced above;
3. Our organization hereby certifies that its share of project funding is committed and will be derived from No match required _____;
4. We acknowledge that we are responsible for supporting all non-cash commitments to this project should they not materialize;
5. We acknowledge that any property acquired or facility developed with financial aid from the Recreation and Conservation Funding Board (RCFB) must be placed in use for the funded purpose, and be retained in such use in perpetuity unless otherwise provided and agreed to by our organization and RCFB;
6. This resolution becomes part of a formal application to Recreation and Conservation Office; and
7. We provided appropriate opportunity for public comment on this application.

This resolution was adopted by our organization during the meeting held:

Location McCleary City Hall Date July 23, 2008

Signed and approved by the following authorized representative:

Signed _____

Title Mayor Date _____

Attest: _____

Approved as to form _____