



McCleary City Council

PROPOSED AGENDA

July 22, 2009

6:30 Worksession

7:00 Council Meeting

Flag Salute
Roll Call
Minutes
Public Comment
Mayor's Report

Appointment of City Clerk-Treasurer, Wendy Collins

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

Old Business: Parking Lot – Project Closeout
USDA Rural Development Loan for Water System Projects

New Business: WWTP – Biosolid Disposal Options – Contract Amendment 11
Development Standards Update – Contract Amendment 12

Resolutions:

Ordinances:

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 Council Meeting – June 24th, 2009

The meeting was called to order at 7:00 PM with the Flag Salute.

Roll call: Wallace Bentley, Mayor

Council Persons: Lake, Boling, Vatne, Vessey and Hays

Staff Present: Attorney Glenn, Administrator Nutley, Police Chief Crumb, Clerk-Treasurer Rostedt, Deputy Clerk Mercer, Public Facilities Manager Baun, Building Inspector Mercer, Utility Accountant Taylor, and Engineers Hinton and Bird

It was moved by Councilman Boling, seconded by Councilman Vatne, to approve the minutes as distributed. Carried.

Mayor Bentley commented that this will be a very busy summer with a lot of different projects on the way and hopefully we will be able to finish them during the summer month.

Administrator Nutley mentioned that Deputy Clerk Mercer is getting experience taking minutes to be able to fill in, if necessary. She advised the council that Clerk Rostedt wants to discuss the Investment Policy she has been working on. Clerk Rostedt mentioned that she did some research and found through the MRSC website information regarding Investment Policies of a small city. She asked that the council reviews the policy and in the future considers adopting such policy.

Administrator Nutley informed the council on the new Customer Help Desk that the city is implementing as soon as all the details are worked out. She mentioned that the City's Webmaster Colin Mercer will be in charge of overseeing the implementation of the Help Desk. This new customer service tool will allow for a quicker and more efficient way of dealing with issues that our residents might have i.e. pot holes, animal complaints and general customer service questions. She also mentioned that WCIA is interested in our progress.

The City Administrator informed the council that we are still struggling with the Water and Ambulance fund. She informed the council that she will look into those two funds. We collected 83% of our Sales Tax so far and we believe that the school construction has a large part on why the numbers are so high.

Resolution No. 592, entitled A RESOLUTION ADOPTING A UTILITY DEPOSIT PROCEDURE, was introduced. After some discussion and clarification it was moved by Councilman Vatne, seconded by Councilman Boling, that the resolution be adopted. Carried.

Mayor Bentley mentioned that we have a request from the county to update its comprehensive solid waste management plan. It was moved by Councilman Boling and second by Councilman Vatne to have the mayor sign such agreement. Carried.

Administrator Nutley discussed the Capital Improvement Plan for Light and Power. She mentioned that the Finance Committee had an opportunity to review the plan. Councilman Vessey and Councilwoman Lake gave their reports. Their recommendation was to accept the plan. Councilwoman Lake moved to approve the

scope and budget for the Capital Improvement Plan for a cost not to exceed \$ 27,000.00 and Councilman Boling seconded. Carried.

The City applied to USDA for a 45% grant and a 55% loan for \$ 105,000 at 3.75 % for 20 years. This money would be used to investigate the condition of wells # 2 and 3 and also an automated meter reading system. The council authorized the mayor to accept a loan/grant from the USDA if the annual debt service for the loan portion does not exceed \$ 5000. Councilman Vessey moved to authorize the mayor to sign the agreement and Councilman Vatne seconded. Carried.

Resolution No. 593, entitled June 26th, 2009 Donnie Rostedt Day in the City of McCleary. Dan Glenn read the entire Resolution and Councilman Boling moved and Councilman Vatne seconded to adopt the Resolution. The Mayor proceeded with presenting City Clerk-Treasurer Donnie Rostedt with a silver tray and thanked her for her 35 ½ years of service to the City and its residents.

The Mayor announced short break to celebrate Donnie's retirement with cookies and coffee served in the court room.

At 7:40 pm, it was announced that the council will hold an Executive Session on real estate not to exceed twenty minutes and that no action would be expected.

At 7:58 pm, the council re-opened the meeting and announced that Councilman Hays was excused. He had to leave early. Councilman Vessey moved to adjourn and Councilwoman Lake seconded.

STAFF REPORT

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

Lindsey Baum is Missing

This is a terrible tragedy.

Our police – George, John and Randy – did an outstanding job, devoting incredible hours and their expertise to help locate this young girl – and are continuing the investigation.

During the two weeks that City Hall was the headquarters for the search, there were more than 30 FBI agents and who knows how many Sheriff deputies who helped in the effort. Our parking lot was filled to overflowing with search and rescue volunteers, trucks, special equipment, horses and dogs. The courtroom was the original space to be used, but they quickly expanded to use both the Council Chambers and the Mayor's office. At times our computers would not connect to the internet because there were too many users for the system (they just used the internet, not the internal City system). We also provided other support, especially our copy machine and office supplies. We believe they used about nine boxes (not reams) of copy paper.

Beerbower Park

The reconstruction of the Beerbower Park athletic fields is scheduled to start August 10 with the removal of trees, followed by grading.

Gravel Pit Annexation

As you recall the Council decided to annex the city's gravel pit a couple of months ago. It is a fairly straight-forward process to annex municipally owned property, whether it is contiguous or not. Unfortunately, we did not "catch" the fact that any such annexation that is greater than 10 acres is required to be submitted to the Boundary Review Board for its approval. There are a number of exhibits that are required for the submittal and they are in the process of being developed.

STAFF REPORT

To: Council and Mayor
From: Colin Mercer Webmaster
Date: July 6, 2009
RE: June Website



RE-OCCURRING WEBSITE ACTIVITIES

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

NEW WEBSITE ACTIVITIES

Uploaded the new Zoning Map on Main Page and Building Department page.
Posted that City Hall would be Closed due to Power Outage 6-2-09 at 3:30pm.
Replaced existing Organization Chart with revised Chart showing staff changes.
Uploaded the Agenda for the Short Course on Local Planning sponsored by CTED & PAW to the events calendar.
Posted Public Notice for the Six Year Street Plan public hearing on the main page and events calendar.
Posted Hydrant flushing notice on the front page and also on the events calendar.
Posted Donnie Rostedt Retirement Gathering on the events calendar.
Removed City Clerk Position Available Posting.
Posted Friends of the Library Book Sale.
Added link to Utilities Underground Location Center to several place on website.
Added Bassett Memorial Softball Tournament to the events calendar.

ADDITIONAL TASKS

Create new employee payroll information document for payroll clerk.
Started work on the Building Characteristics Survey for WCIA compiling information, photos, values etc.
Uploaded recently passed ordinance 758 to Intranet.
Uploaded recently passed resolutions 588, 589 & 590 to the Intranet.
Re-do Community Center Rental Application for front office.
Finalized Citizen Help Desk menu options for MRSC hosted commenting system.

Website Traffic Report

June 1, 2009 through June 30, 2009

Page Views by Section		
Section	Page Views	Percent of Total
<u>Default Page</u>	2578	34.44%
<u>City Jobs</u>	911	12.17%
<u>Events Calendar</u>	660	8.82%
<u>City Staff</u>	297	3.97%
<u>Agendas and Minutes</u>	269	3.59%
<u>City Departments</u>	255	3.41%
<u>Police</u>	255	3.41%
<u>Bear Festival</u>	236	3.15%
<u>Home Page</u>	217	2.9%
<u>City Photos</u>	212	2.83%
<u>Code, Ordinances & Standards</u>	168	2.24%
<u>Search Results</u>	157	2.1%
<u>Mayor and Council</u>	156	2.08%
<u>FAQ's Page</u>	133	1.78%
<u>Helpful Links</u>	113	1.51%
<u>Community Center</u>	89	1.19%
<u>Fire</u>	82	1.1%
<u>Chamber of Commerce</u>	77	1.03%
<u>Water / Wastewater</u>	77	1.03%
<u>Public Facilities</u>	68	0.91%
<u>Administration</u>	61	0.81%
<u>Light & Power</u>	59	0.79%
<u>Flood Photos 2009</u>	58	0.77%
<u>2008-09 Budget</u>	56	0.75%
<u>Tell Us What You Think!</u>	46	0.61%
<u>Christmas Photos 2007</u>	44	0.59%
<u>Interlocal Agreements</u>	43	0.57%
<u>Development Services / Building</u>	40	0.53%
<u>Planning Department</u>	36	0.48%
<u>Municipal Court</u>	26	0.35%
<u>Surveys & Questionnaires</u>	6	0.08%
TOTAL	7485	100%

STAFF REPORT

To: Council and Mayor
 From: John Allardin, Maintenance Crew Foreman
 Date: June 25 2009
 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.		58		378
Meetings and appointments	Safety meeting, interviews, public works meetings, outside agencies and contractors.	5	10	41	50
Training	Professional growth classes			8	56
Water leaks	water leaks	1	2	10	24
Water complaints	Dirty, smelly or low water pressure.	1	1	6	5
Garbage collection	Down town, park, cemetery, city compound and city park trash cans.		10		62
Grounds maintenance	Gardening, hanging baskets, mowing, raking, baseball field maintenance and pressure washing		250		860
Motor pool maintenance	Motor pool maintenance in house and contract work	5	8	25	50.5
Pot hole program	patching potholes	5	4	105	67
Utilities locates	Locating underground utilities	4	2	13	10
Meter reading	Three people task includes meter reading, shut off list and re-reads		48		312
Flagging traffic	Flagging for Light and Power crew			3	5
Citizen requests	Forms generated by requests from citizens			13	10
Valve exercising program	Checking for valve operation, location, and maintaining proper valve operation	10	2	92	108
Sanding streets and street sweeping	sweeping streets			3	22
Hydrant flushing program	Maintenance, flushing and exercising hydrants	48	31	104	109

STAFF REPORT

To: Mayor and City Council
From: Paul Nott, Light & Power
Date: July 7, 2009
Re: June Report

	Monthly statistics;	YTD Totals
New Services;	1	2
System Outages;	1	10
Pole Replacements;	2	16
Maintenance Work Orders;	0	22
Billable Work Orders;	1	5

Report;

This month we have been working on and have completed our portion the park pedestals project. We were told by the manufacturer that we should be receiving the pedestals today (July 7)..

We completed the pole change at the school and are waiting to do the job to provide a new electrical service to the new music building and play shed.

We also completed a new primary line extension out on Old Sandcreek.

We had a meter fail up at the McCleary Grade School; the problem consisted of the digital readout not showing the last character on the LCD. We contacted the PUD and their meter techs replaced the meter with a new one. They will be giving us a price on repair which would be good to do then we will have a spare if this should happen again. While they were in town they also loaned us voltage recorder to put up at Sterling Savings to record the voltage that the City is supplying to them. It appears that our system voltage is a little on the high side and I will be contacting the PUD substation dept. to come assist us in turning down the voltage a notch.

This week will consist of preparation for Bear Festival and next week will be Bear Festival aftermath clean up. Then we can get back to our normal work routine.

Outages;

We had one outage where a squirrel tried to do some line work on a transformer without the proper training and didn't make it. It blew the fuse on the transformer and knocked two customers out of power.

STAFF REPORT

To: Mayor and City Council Members
From: Mick Schlenker Building Official *MS*
Date: July 7, 2009
Ref: June Activity

Building Permit Activity

	June			Total 2009
	Current	Fees	YTD	Fees
Last Month				
Customer Service	117		892	
Building Permits Issued	2	\$267.35	16	<u>\$2,864.95</u>
Nuisance Letters	6		18	
Inspections Performed	43		250	
Plan Reviews	0	Inc in Permit	5	
Stop Work Issued	1		1	
City Projects	1		2	
Complaints	9		35	
Demo Permits	0		0	
Court Issues	0		0	
Fire Projects	0		0	
Cars	7		12	
Abatements	0		0	
Elma Inspections	0			
Total	185	\$267.35	1,231	<u>\$2,864.95</u>

Summit II

No new activity

Cedar Heights/Kingbuilt Homes

No new activity

Beehive

No new activity

McCleary School

1. Working on gym roof truss bracing
2. Insulation, sheet rock, paint finished in library and class rm's
3. Installation is started on elevator
4. 1st copy of music rm plans have been turned in
5. Contractor is working on framing, plumbing, electrical in different area's of school
6. Sprinkler system is almost finished, still need testing

Brookside MH Park

No new activity

M & M properties

M & M has been turning information to the building department as requests are asked for. Jon Hinton has sent out a letter of approved plans for drainage. M & M properties would like to mobilize on to property site in next 3 weeks

Mick Schlenker
Building Official
City of McCleary

STAFF REPORT

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

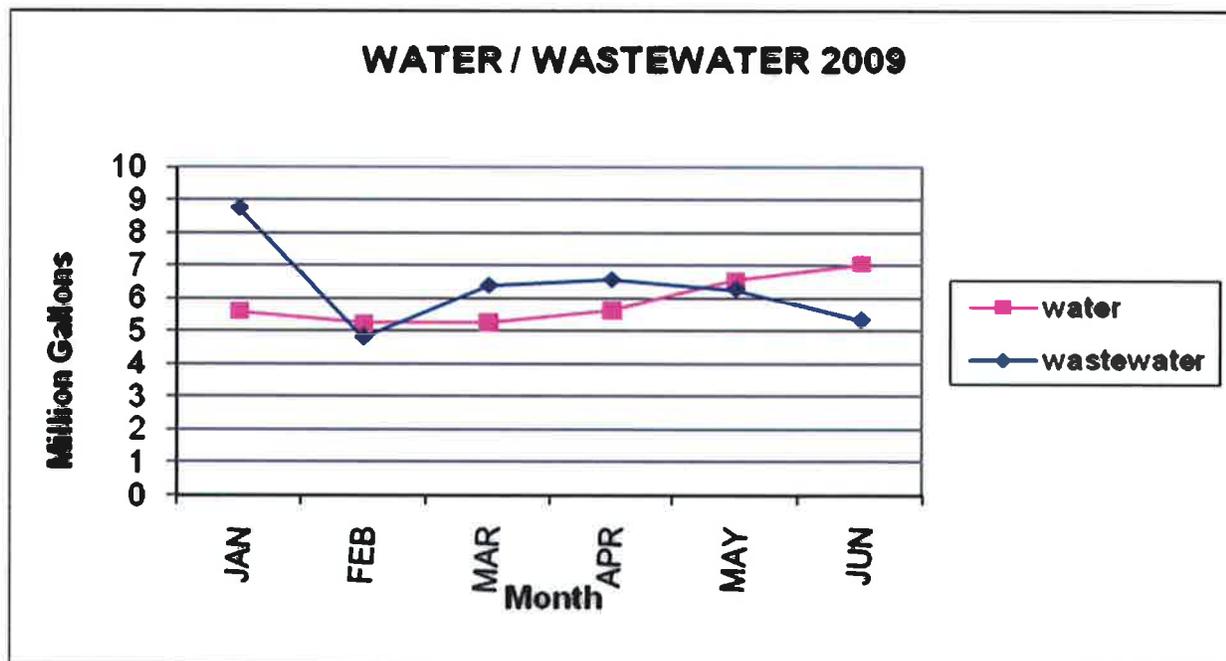
The results of the Sanitary Survey are in. The report and recommendations are attached.

We have been forced to replace both variable frequency drives at Summit Place II lift station. We will clean the wet well again and have a certified startup of the drives. The certified startup gives an extended warranty on the drives. Because of the lift station failure, flyers were distributed to the residents making them aware of the problems associated with flushing more than toilet paper and human waste down their toilets.

I am still working on a sewer use ordinance attachment for enforcement of a grease management program.

Biosolids disposal modifications will need to be made at the treatment plant. This is going to require additional testing and will consume more time. In order to not take required attention away from the water system, I have asked the utility maintenance department to do the daily checks and routine maintenance on the wells and reservoirs.

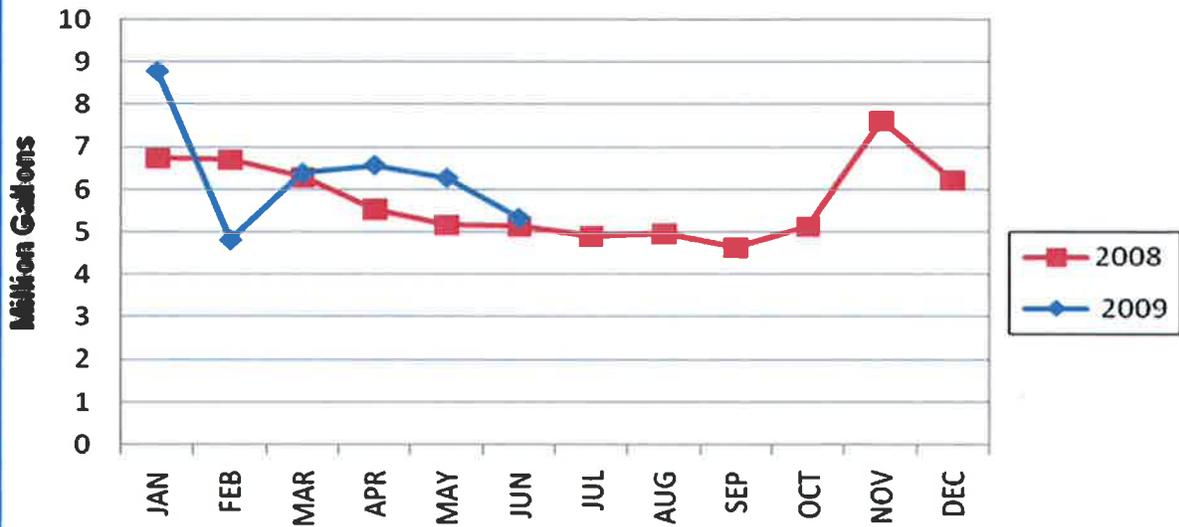
Comparison graphs of water and wastewater.



WATER PRODUCTION 2008/2009



WASTEWATER FLOW 2008/2009



STAFF REPORT

To: Mayor and City Council
From: Jennie Reed, Court Administrator *JJR*
Date: July 1, 2009
Re: June Report

	<u>Court Filings</u>		<u>Court Fines Paid</u>	
	<u>June</u>	<u>YTD</u>	<u>June</u>	<u>YTD</u>
Traffic Infractions	19	68	\$2,366.50	\$11,942.46
Non Traffic Infractions	0	2	\$0.00	\$108.60
Criminal Traffic	4	22	\$1,438.20	\$6,340.85
Criminal Non Traffic	5	22	\$535.00	\$1,761.60
Collection Fees Collected				\$500.00
TOTAL ISSUED	28	114	\$4,339.70	\$20,653.51

STAFF REPORT

To: Mayor and City Council
From: Todd Baun 
Date: July 16th, 2009
Re: Month of June

Here are the projects I've been working on during June.

- Jerry Morrissette and Associates has been working, with WSDOT local programs, to try and secure total funding for our Simpson Sidewalk project. Things are looking positive as far as the city receiving the total funding package to complete the whole project. We will know more information, hopefully by the last week in July.
- The parking lot has been completed. Pavement went well and really makes the project look sharp. Fencing was added on the North side of the storm swale to protect the local kids from running from the soccer/baseball field into the swale. The swale has also been hydro-seeded and now has green grass sprouting.
- Nick and I generated 2 change orders for the parking lot also. The first change order is to provide striping in our city hall parking lot and the second change is for the striping of the fire hall and the light and power shop.
- Nick and I have been working on the park grant schedule. We are planning on removing the trees and start grading on August 10th. We are going to have irrigation installed and grass growing by September 15th.
- The McCleary School has finished installing the water line around their facilities. They now have a looped system around the school. The line will not be in service until all the proper testing has been completed.
- The engineers have created a storm water base map that is quite extensive. The crew will be going around and making sure that the map is accurate.
- We have sent out 22 temporary construction easements for the Simpson Sidewalk Project. We have been receiving signed copies allowing access for several properties already.
- Nick and I have also worked on several options to clean up the city pit. The mayor has seen the options and will be choosing the one that he feels is the best.
- The crew and I have also helped with the search of Lindsey Baum. We have checked and re-checked several areas in the search.

If you have any questions, don't hesitate 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 Bentley and Council
From: George M. Crumb, Chief of Police
Date: July 16, 2009
RE: July 22, 2009 City Council Meeting

SUMMARY OF POLICE INCIDENTS / ACTIVITIES:

*001222 Incidents .

*Approximately 455 additional hours worked from 062609 to present on missing child case to date. About 255 hours of overtime for 2 officers.

*I need to move on the 4th officer position; the police department is under staffed.

Discussion: Open

4 th Police Officer Positions, 3 Positions filled.

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

MEMORANDUM

TO: MAYOR AND CITY COUNCIL, City of McCleary
FROM: DANIEL O. GLENN, City Attorney
DATE: July 20, 2009
RE: LEGAL ACTIVITIES as of JULY 22, 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. **APPOINTMENT OF CLERK-TREASURER:** As you are aware, the Mayor conducted an extensive review process in relation to choosing Ms. Rostedt's successor. He has determined that Ms. Collins is the most appropriate successor and has made that appointment. However, it is not a "done" deal until the Council has confirmed that appointment, as required by the Municipal code.

To the extent you deem appropriate, you may discuss the matter in executive session under one of the specific exemptions from the OPMA, discussing the qualifications of a person for public employment. However, if you were to do so, no vote, even of a "straw" nature, could be taken in the executive session. All votes must be in the open meeting and not be of a secret nature.

2. **STORM WATER LINE ISSUE:** Last week, the Mayor, Ms. Nutley, Todd, Jon, Nick, and I met with the Gravatts. They have previously expressed concerns about the impact of a problem in a storm water line which appears likely to have been installed by Simpson and then taken over by the City, to one degree or another. It apparently has been a problem which has been sought to be cured over an extended duration. In the course of preparing for the meeting, I made contact with Mr. Shay who indicated that the City had taken certain steps while he was City Administrator. However, it appears that for a variety of reasons (age, disruption by tree roots, etc.) the problem continues.

At this stage, the matter is under review from two

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aspects. The first aspect is to make certain that corrections are made to insure that the system works correctly. The second is to review the matter as to the potentiality of any damage which may have resulted to their rental residence as the result of any problem present. They were requested to submit a claim so that this item could be referred to WCIA.

3. **PUBLIC RECORDS AND THE INTERNET:** Given all that has gone on in the past bit and will be going on with are Brogan/Anenensen litigation, it appears to me to be useful to revisit the concept of each of you being assigned and having utilized for all City contacts emails through the City's system. What follows is the vast majority of extended dissertation upon a matter relating to Public Records (RCW 42.17) and public meetings (RCW 42.30) first provided back in 2004. However, it is my understanding that our system's technological capabilities are even better than they were in 2004 as to setting up these addresses which can be accessed from your home computer but of which, copies of all communications are maintained upon the City's system.

As you will note, what follows discusses two distinct but associated topics. One is the reality that any email sent relating to City business is a public record, whether sent from a personal address or a "public" address. That carries with it disclosure and maintenance requirements. The second topic ties to how you can "meet" over the internet. That is an increasingly frequent topic of discussion at presentations and litigation. By the time you finish reading this material, you may conclude that Council Member Vatne and Council Member Vessey appear very wise in not being "connected" to the internet.

"There is little doubt that E-mail may constitute a public record subject to disclosure upon request. Further, they may be subject to being exempt from public disclosure. *Tiberino v. Spokane County, Office of the Prosecuting Attorney, 103 Wn. App.* Finally, as you will note in reading the excerpts set out below, those generated on private machines by elected officials may also be covered **and** may constitute a meeting, for purposes of the Open Public Meetings Act.

... I believe certain of the senders may have wished they had been a bit more reserved in their comments and observations. However, once a message subject to the provisions of RCW 42.17 is sent, it is fixed in place and time and presumptively available to any citizen who requests a copy. Thus, the subject seemed timely.

Two matters which may have been discussed at the conference for newly elected officials need to be recognized very

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clearly by us.

A. Record retention requirement: One response to the situation which is frequently suggested is they should be simply deleted after reading from the City machines. However, the City operates under a record retention policy mandated by statute. The Clerk-treasurer is the primary controller of the City records. Under the existing terms of the policy issued by the State, E-mails generated on governmental machines may be required to be kept available for an extended period of time under the functional equivalent of the archiving act. Under the rules issued by the Local Records Committee of the State Archivist in relation to this matter, that period could be up to six years. Along with everything else that she has to do, the Clerk-treasurer will likely have to become more familiar with these policies. If you read that document, you will note many of the e-mails which are generatedwould/will fit under their guidelines requiring retention. Thus, for the City to destroy the e-mails it receives and generates would likely be in violation of this mandate.

(2009 Note: That also translates into the necessity, from a legal standpoint, of an elected official maintaining a copy of every email tied to City business which is generated by her or him. That is where the use of the City address and server becomes so beneficial.)

B. E-Mail and the Open Meetings Act: The courts continue their review of the application of the Open Public Meetings Act to the exchange of e-mails among elected officials. In a case relating to a termination challenge by a school employee, our division of the Court of Appeals has held the exchange of e-mail by a quorum of the Battle Ground School Board might constitute a meeting under the provisions of the Act. **Thus, they are not only public records, but an exchange of e-mails on city business may constitute a violation of the provisions of RCW 42.30, the Open Meetings Act. WOOD v. BATTLE ROUND SCHOOL DISTRICT, BATTLE GROUND SCHOOL DISTRICT BOARD, and ROGER SHARP, SAM KIM, and FRED STRIKER, 107 Wn. App. 550; 27 P.3d 1208; 2001**

Given the significance of the issue and the potentiality that it has been and the certainty that it will be involved in our future, I am going to set out an extended quote from the applicable portions of the opinion. I recognize fully it is lengthy, but we wish to avoid the travails through which this school district had to go. For your guidance, Ms. Wood was a district administrator who was let go by a new majority on the Board. She contended that they plotted this through electronic means and thus violated the Public Meetings Act. As you can

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guess "OPMA" is one of those ever present acronyms for Open Public Meetings Act.

"...Wood also argues that the Board members violated the OPMA by discussing Board business by private e-mails. She contends that the OPMA does not require the contemporaneous physical presence of the members to trigger its provisions.

Again, the statutory language does not resolve the issue. The OPMA simply defines "meeting" as "meetings at which action is taken." RCW 42.30.020(4) . And the broad definition of "action," as "the transaction of the official business . . . by a governing body including but not limited to receipt of public testimony, deliberations, discussions, considerations, reviews, evaluations, and final actions," could encompass various means of communication. RCW 42.30.020(3) . Given the general definition of "meeting," combined with the directive to liberally construe the OPMA, we conclude that the legislature intended a broad definition of the word "meeting."

Elected officials no longer conduct the public's business solely at in-person meetings. See, e.g., *Stockton Newspapers, Inc. v. Members of the Redevelopment Agency*, 214 Cal. Rptr. 561, 565, 171 Cal. App. 3d 95 (1985) ("[I]f face-to-face contact of the members of a legislative body were necessary for a 'meeting,' the objective of the open meeting requirement of the Brown Act could all too easily be evaded."). Further, a definition of "meeting" that would require the physical presence of members in the same location would contravene the OPMA's clear purpose. Consequently, courts have generally adopted a broad definition of "meeting" to effectuate open meetings laws that state legislatures enacted for the public benefit. See, e.g., *Stockton Newspapers*, 214 Cal. Rptr. at 565-66 (series of telephone calls between individual members and attorney to develop collective commitment or promise on public business violated Brown Act); *Blackford v. Sch. Bd. of Orange County*, 375 So. 2d 578, 580 (Fla. Dist. Ct. App. 1979) (successive meetings between school superintendent and individual school board members violated Sunshine Law); *Del Papa v. Bd. of Regents of the Univ. & Cmty. Coll. Sys.*, 114 Nev. 388, 956 P.2d 770, 778 (1998) (use of serial electronic communication by quorum of public body to deliberate toward or to make a decision violates state open meeting law). But see *State ex rel. Stephan v. Bd.*

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of County Comm'rs, 254 Kan. 446, 866 P.2d 1024, 1027 (1994) (state open meetings act did not apply to telephone calls where "meeting" was statutorily defined as a "prearranged gathering or assembly"; thus a "meeting" required a physical gathering of the members of a public body).

Admittedly, unlike Washington, some states have explicitly addressed the use of electronic or other technological means of evading these laws. But unlike those states, Washington broadly defines "meeting" as "meetings at which action is taken," regardless of the particular means used to conduct it. See Attorney General's *Open Records & Open Meetings Deskbook*, 1.3B. <http://www.wa.gov/ago/records/chapter1>. ("A meeting occurs if a majority of the members of the governing body were to discuss or consider [agency business] no matter where that discussion or consideration might occur.").

Thus, in light of the OPMA's broad definition of "meeting" and its broad purpose, and considering the mandate to liberally construe this statute in favor of coverage, we conclude that the exchange of e-mails can constitute a "meeting." In doing so, we also recognize the need for balance between the right of the public to have its business conducted in the open and the need for members of governing bodies to obtain information and communicate in order to function effectively.⁶ Thus, we emphasize that the mere use or passive receipt of e-mail does not automatically constitute a "meeting."

The OPMA is not violated if less than a majority of the governing body meet. See *In re Recall of Beasley* 128 Wn.2d 419, 427, 908 P.2d 878 (1996) (citing *In re Recall of Roberts*, 115 Wn.2d 551, 554, 799 P.2d 734 (1990)). And the participants must collectively intend to meet to transact the governing body's official business. See 1971 Op. Atty. Gen. No. 33, at 19 (social function can be a meeting if it is scheduled or designed to discuss official business); *Roberts v. City of Palmdale*, 5 Cal. 4th 363, 853 P.2d 496, 503, 20 Cal. Rptr. 2d 330 (1993) (Brown Act applies to collective action, not the passive receipt of e-mail by members absent a concerted plan to engage in collective deliberation). Finally, the governing body members must communicate about issues that may or will come before the Board for a vote; in other words, the members must take "action" as the OPMA defines it.

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100 SOUTH 3RD STREET
McCLEARY, WASHINGTON 98557

Thus, the OPMA is not implicated when members receive information about upcoming issues or communicate amongst themselves about matters unrelated to the governing body's business via e-mail. See, e.g., RCW 42.30.070 ("It shall not be a violation . . . of this chapter for a majority of the members of a governing body to travel together or gather for purposes other than a regular meeting or a special meeting[.]"); *Equitable Shipyards, Inc. v. State* 93 Wn.2d 465, 482, 611 P.2d 396 (1980) (independent and individual examination of documents by commission members prior to open meeting where contract was awarded did not violate the OPMA).

Applying these standards here, Wood has established a prima facie case of "meeting" by e-mails. The post-oath e-mail discussions involved a quorum of the five-member Board. For instance, on November 30, Sharp sent an e-mail to all Board members and another e-mail to three of the members; on December 1, Sharp again e-mailed all the Board members, attaching a response he had received from Striker about a matter they had discussed; next, on December 3, Kim e-mailed Sharp and copied three other Board members in response to Sharp's earlier e-mail; and on December 5, Sharp again e-mailed all Board members..." (Emphasis added.)

Enough said about the subjects in this report. I will provide more information in a succeeding report.

4. LEMAY CONTRACT PROPOSAL: Now, if you are still reading, one final item. Last week, Council Member Vessey met with Council Member Sorenson (Elma), Council Member Powell (Montesano), and myself to discuss the draft agreement. Based upon the results of that discussion, I am going to be asking for additional information and comment from Mr. Cox as to the rationale of certain of the contractual elements through a memo. I have prepared a draft memo which has been reviewed by Council Member Vessey but about which I have not yet received a response from Council Member Sorenson. Upon receiving a response, we then anticipate moving further down the path to consideration of the request.

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

DG/le

MEMORANDUM - 6

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

STAFF REPORT

To: City Council
From: Busse Nutley, City Administrator
Date: July 20, 2009
Re: June Financial Report



The report may not be quite ready by the Council meeting due to Donnie's retirement, multiple vacations (after all, it is summer), and a new City Clerk-Treasurer who is still learning our system. If it has not been finalized by the Council meeting, we will make sure all Council members receive their copies, and we will post it on our website.

STAFF REPORT

To: City Council
From: Busse Nutley, City Administrator 
Date: July 20, 2009
Re: Parking Lot – Project Closeout

The Parking Lot paving project is complete. The drainage swale was constructed and grass is growing. Striping was completed on Wednesday, July 15.

The bid was awarded to Balmelli Contracting for \$90,429.42. Because the bid was written so that exact quantities of materials would determine the final cost, the actual cost to the City is \$85,507.58, including \$1,172.02 for a change order to stripe the parking places, the fire lane by the station and the no parking area in front of the the Light & Power doors.

Requested Action:

Authorize payment to Balmelli Contracting in the amount of \$85,507.58, including Washington State sales tax.



Gray & Osborne, Inc.
CONSULTING ENGINEERS

July 16, 2009

Ms. Busse Nutley
City of McCleary
100 South Third Street
McCleary, Washington 98557

SUBJECT: FINAL PROGRESS ESTIMATE NO. 1, CITY HALL PARKING LOT
CITY OF MCCLEARY, GRAY'S HARBOR COUNTY, WASHINGTON
G&O #09232

Dear Ms. Nutley:

We have enclosed two copies of Progress Estimate No. 1, which is the final progress estimate for this project. The amount now due the contractor and the amount to be deposited in the retainage account are as follows:

<u>Amount Now Due</u>	<u>Amount to be Deposited in Retainage Account</u>	<u>Total Retainage Amount</u>
\$81,559.86	\$3,947.72	\$3,947.72

The project has been completed in compliance with the Contract. We therefore recommend the City accept the project as complete.

After the City has accepted the project as complete the City needs to:

1. Sign the "Final Contract Voucher" when received from the Contractor, keep the original and forward signed copies to the Contractor and Gray & Osborne, Inc.
2. Date, sign, and forward to the Washington State Department of Revenue the completed "Notice of Completion of Public Works Contract" form that is enclosed.

The retainage may be released to the contractor immediately upon the completion of the following items:

1. Forty-five days have elapsed since the date of project acceptance as indicated in the City Council meeting minutes.
2. The City receives the State Department of Revenue "Certificate of Payment of State Excise Taxes by Public Works Contractor" (RCW 60.28).
3. The City receives the "Certificate of Payment of Contribution Penalties and Interest on Public Works Contract" from the Washington State Employment Security Department.



Ms. Nutley
July 16, 2009
Page 2

4. There are no claims or liens filed for labor and materials furnished on this contract.
5. "Affidavit of Wages Paid" are on file with the Owner for the Contractor and all Subcontractors, regardless of tier.
6. The City verifies with the Department of Labor & Industries, that the Contractor and his Subcontractors are up to date with Worker's Compensation Premiums. The status of a contractor's industrial insurance account may be accessed on <https://fortress.wa.gov/lni/crpsi/>.

Please contact the undersigned if you have any questions or concerns regarding these matters.

Very truly yours,

GRAY & OSBORNE, INC.

Nicholas D. Bird, P.E.

NB/nb

cc: Brian Balmelli, Balmelli Contracting, Inc.
Todd Baun, City of McCleary

PROGRESS ESTIMATE NO. 1

July 16, 2008

CITY OF McCLEARY
GRAYS HARBOR COUNTY
WASHINGTON

PROGRESS ESTIMATE PERIOD
JUNE 1, 2009 TO JULY 16, 2009

PROJECT:
CITY OF MCCLEARY
CITY HALL PARKING LOT
G&O #09232.00

CONTRACTOR:
BALMELLI CONTRACTING, INC.
PO BOX 959
CHEHALIS, WA 98532

BID ITEMS				QUANTITIES		PROJECT COSTS		ESTIMATED PERCENT OF PROJECT COMPLETION	
NO.	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	TOTAL TO DATE	TOTAL THIS PERIOD	AMOUNT TO DATE		AMOUNT THIS PERIOD
BASE BID:									
1	Mobilization, Cleanup, and Demobilization (1-09)	1	LS	\$7,300.00	1.0	1.0	\$7,300.00	\$7,300.00	100%
2	Minor Changes (1-04)	0	LS	\$5,000.00	0.0	0.0	\$0.00	\$0.00	
3	Locate Existing Utilities (1-07)	1	LS	\$500.00	1.0	1.0	\$500.00	\$500.00	100%
4	Saw Cut (2-02)	165	LF	\$1.80	165.0	165.0	\$297.00	\$297.00	100%
5	Removal of Structures and Obstructions (2-02)	580	CY	\$7.50	580.0	580.0	\$4,350.00	\$4,350.00	100%
6	Excavation, Backfill, Compaction, and Grading (2-03)	260	CY	\$10.65	260.0	260.0	\$2,769.00	\$2,769.00	100%
7	Unsuitable Excavation Incl. Haul (2-03)	90	CY	\$10.00	90.0	90.0	\$900.00	\$900.00	100%
8	Crushed Surfacing Top Course (4-04)	386.6	TN	\$25.00	386.6	386.6	\$9,665.00	\$9,665.00	100%
9	HMA CL. 1/2" PG 58-22 (5-04)	328	TN	\$82.00	328.0	328.0	\$26,896.00	\$26,896.00	100%
10	Underdrain Pipe 4" Diam. (7-01)	123	LF	\$21.00	123.0	123.0	\$2,583.00	\$2,583.00	100%
11	Drain Rock (7-01)	100.4	TN	\$10.00	100.4	100.4	\$1,004.00	\$1,004.00	100%
12	10-Inch Drain Pipe (7-01)	210	LF	\$35.70	210.0	210.0	\$7,497.00	\$7,497.00	100%
13	Drain Valve (7-01)	1	EA	\$982.00	1.0	1.0	\$982.00	\$982.00	100%
14	Catch Basin Type 1 (7-05)	2	EA	\$609.00	2.0	2.0	\$1,218.00	\$1,218.00	100%
15	Catch Basin Type 1L (7-05)	1	EA	\$1,121.00	1.0	1.0	\$1,121.00	\$1,121.00	100%
16	Catch Basin Type 1P (7-05)	1	EA	\$878.00	1.0	1.0	\$878.00	\$878.00	100%
17	Removal of Unsuitable Material (Trench) (7-08)	0	CY	\$10.00	0.0	0.0	\$0.00	\$0.00	
18	Trench Excavation Systems (7-08)	1	LS	\$0.00	1.0	1.0	\$0.00	\$0.00	
19	Trench Backfill (7-08)	98.9	TN	\$11.50	98.9	98.9	\$1,137.35	\$1,137.35	100%
20	Temporary Erosion Control (8-01)	1	LS	\$500.00	1.0	1.0	\$500.00	\$500.00	100%
21	Hydroseed (8-01)	1	LS	\$750.00	1.0	1.0	\$750.00	\$750.00	100%
22	Top Soil Type B (8-02)	25	CY	\$11.00	25.0	25.0	\$275.00	\$275.00	100%
23	Quarry Spalls (8-15)	0.5	CY	\$100.00	0.5	0.5	\$50.00	\$50.00	100%
ADDITIVE ITEM 2:									
1	HMA CL. 1/2" PG 58-22 (5-04)	79	TN	\$90.00	79.0	79.0	\$7,110.00	\$7,110.00	100%

PROGRESS ESTIMATE NO. 1

July 16, 2008

CITY OF McCLEARY
GRAYS HARBOR COUNTY
WASHINGTON

PROGRESS ESTIMATE PERIOD
JUNE 1, 2009 TO JULY 16, 2009

PROJECT:
CITY OF MCCLEARY
CITY HALL PARKING LOT
G&O #09232.00

CONTRACTOR:
BALMELLI CONTRACTING, INC.
PO BOX 959
CHEHALIS, WA 98532

BID ITEMS				QUANTITIES		PROJECT COSTS		ESTIMATED PERCENT OF PROJECT COMPLETION	
NO.	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	TOTAL TO DATE	TOTAL THIS PERIOD	AMOUNT TO DATE		AMOUNT THIS PERIOD
Change Orders									
CO-1	Reduction of Contract Time due to City Based Event	1	LS	\$0.00	100%	100%	\$0.00	\$0.00	100%
CO-2	Parking Lot Striping	1	LS	\$1,172.02	100%	100%	\$1,172.02	\$1,172.02	100%
CO-3	Reconciliation of Quantities	1	LS	\$0.00	100%	100%	\$0.00	\$0.00	100%

	PROJECT COSTS	
	AMOUNT TO DATE	AMOUNT THIS PERIOD
TOTAL EARNED TO DATE	\$78,954.37	\$78,954.37
SALES TAX	8.30%	\$6,553.21
TOTAL WITH SALES TAX	\$85,507.58	\$85,507.58
LESS 5% RETAINED (BEFORE TAX)	\$3,947.72	\$3,947.72
TOTAL EARNED TO DATE LESS RETAINAGE	\$81,559.86	
CONTRACT AMOUNT (Incl. Sales Tax)	\$85,507.58	
CONTRACT PERCENTAGE TO DATE	95%	

TOTAL PAYMENT NOW DUE:

\$81,559.86

I HEREBY CERTIFY THE ABOVE ESTIMATE IS A TRUE AND CORRECT STATEMENT OF THE WORK PERFORMED UNDER THIS CONTRACT.

GRAY & OSBORNE, INC.


NICHOLAS D. BIRD, P.E.

PROGRESS ESTIMATE NO. 1

July 16, 2008

CITY OF McCLEARY
GRAYS HARBOR COUNTY
WASHINGTON

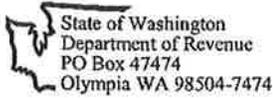
PROGRESS ESTIMATE PERIOD
JUNE 1, 2009 TO JULY 16, 2009

PROJECT:
CITY OF MCCLEARY
CITY HALL PARKING LOT
G&O #09232.00

CONTRACTOR:
BALMELLI CONTRACTING, INC.
PO BOX 959
CHEHALIS, WA 98532

SUMMARY AND DISTRIBUTION OF PAYMENTS

PAY EST NO.	PROGRESS ESTIMATE PERIOD DATES	TOTAL	SALES	SALES TAX AMOUNT	MATERIALS ON HAND	RETAINAGE (5%)	TOTAL PAYMENT
		EARNED PER PERIOD	TAX RATE				
1	JUNE 1, 2009 TO JULY 16, 2009	\$78,954.37	8.30%	\$6,553.21		\$3,947.72	\$81,559.86
TOTAL:		\$78,954.37		\$6,553.21	\$0.00	\$3,947.72	\$81,559.86



Contractor's Tax Registration No. (UBI No.) 601 719 229

Date 7/16/09

NOTICE OF COMPLETION OF PUBLIC WORKS CONTRACT

From:

Name & Address of Public Agency
City of McCleary 100 South Third Street McCleary, WA 98557

Department Use Only
Assigned To _____
Date Assigned _____

Notice is hereby given relative to the completion of contract or project described below

Description of Contract City Hall Parking Lot		Contract Number 09232
Contractor's Name Balmalli Contracting, Inc.		Telephone Number 360-748-7585
Contractor's Address PO Box 959, Chehalis WA 98532		
Date Work Commenced 6/1/09	Date Work Completed 7/16/09	Date Work Accepted 7/16/09
Surety or Bonding Company RLI Insurance Company		
Agent's Address 14900 Interurban Ave. S. #275		

Contract Amount	\$ 83,499.00	Liquidated Damages	\$ 0.00
Additions	\$ + 1,172.02		
Reductions	\$ - 5,716.65		
Sub-Total	\$ 78,954.37	Amount Disbursed	\$ 81,559.86
Amount of Sales Tax Paid at <u>8.3 %</u> <i>(If various rates apply, please send a breakdown.)</i>	\$ 6,553.21	Amount Retained	\$ 3,947.72
TOTAL	\$ 85,507.58	TOTAL	\$ 85,507.58

Disbursing Officer

Comments:

Contact Name _____

Phone Number _____

E-mail Address _____

The Disbursing Officer must complete and mail **THREE** copies of this notice to the Department of Revenue, PO Box 47474, Olympia, WA 98504-7474, immediately after acceptance of the work done under this contract. **NO PAYMENT SHALL BE MADE FROM RETAINED FUNDS** until receipt of Department's certificate, and then only in accordance with said certificate.

For tax assistance visit <http://dor.wa.gov> or call 1-800-647-7706. To inquire about the availability of this document in an alternate format for the visually impaired, please call (360) 705-6715. Teletype (TTY) users may call 1-800-451-7985.

STAFF REPORT

To: City Council
From: Busse Nutley, City Administrator 
Date: July 20, 2009
Re: USDA Rural Development Loan for Water System Projects

We asked for assistance to finance the projects in this year's water capital improvement program. They are to: 1) investigate wells 2 and 3 to prepare for refurbishing them; and 2) convert to an automated meter reading system to reduce staff time and human errors.

As you know, we have been hoping to qualify for a 45 percent grant and 55 percent loan. Unfortunately, USDA's evaluation of the City's water rates is that they are too low for a system this size. Therefore, we do not qualify for any grants. They will, however, provide us with a 20-year loan at 3.75 percent interest. This works out to an annual debt service of \$7,346.00.

The water budget is not in particularly good shape due to conservation – a good thing for the water supply, but a bad thing for the fund. There are two choices: 1) accept the loan as offered; or 2) defer purchasing some of the meter adapters until next year, and pay for additional ones as funds allow.

Requested Action:

Accept the 20-year loan from USDA Rural Development with an annual debt service of \$7,346.00.

STAFF REPORT

To: City Council
From: Busse Nutley, City Administrator 
Date: July 20, 2009
Re: WWTP – Biosolid Disposal Options – Contract Amendment 11

The City's biosolids (waste from the Treatment Plant) have been disposed of at a couple of different sites since the plant became operational. The biosolids must meet certain requirements and since they currently do not meet the Class B standards, they are only disposed of during the dry months of the year. Last year we stored the waste over the winter and disposed of it in the spring. We have been told that this option will probably not be available anymore. Therefore, we must find a different method to dispose of the WWTP biosolids waste.

Gray & Osborne have provided a scope and budget for evaluating various options to determine the best course of action.

Requested Action:

Authorize the Mayor to sign Gray & Osborne contract Amendment 11, at a cost not to exceed \$7,500.00.

**AMENDMENT NO. 11
TO
CONTRACT FOR ENGINEERING SERVICES**

THIS AMENDMENT, made this day, by and between the City of McCleary, Grays Harbor County, Washington, hereinafter referred to as the Agency, and Gray & Osborne, Inc., hereinafter referred to as the Engineer, hereby modifies the contract for engineering services dated (by Agency) June 10, 2008, for additional services related to the General Engineering Services.

**WASTEWATER TREATMENT PLANT
SLUDGE HANDLING ALTERNATIVE EVALUATION**

The City of McCleary Wastewater Treatment Plant (WWTP) must produce a Class B or Class A biosolids product that is acceptable to the current contractor that land applies the biosolids at the contractor's site. A new treatment process is required at the WWTP because the contractor is not able to land apply unclassified sludge during the winter, and the WWTP does not have adequate digestion facilities to sufficiently stabilize the sludge. To be acceptable to the contractor, the City's waste sludge will need to be treated to meet pathogen reduction criteria for Class B biosolids and vector attraction criteria for land surface application, as determined by the requirements of WAC 173-308 "Biosolids Management."

The City has requested engineering services from Gray & Osborne, Inc. to assist the WWTP staff with the evaluation of handling and treatment of sludge generated at the WWTP. The scope of work for these engineering services is described below.

Task 1 – Estimate Current and Future Annual Sludge Production

Existing daily monitoring reports (DMRs) in conjunction with hauling records will be evaluated to determine current annual sludge production. Design sludge production, as shown on the WWTP plans, will be used to estimate future sludge production. Current annual sludge production will be compared to future sludge production to verify sludge production estimates are still accurate. This information will be used to determine the required size and capacity of new sludge handling facilities.

Task 2 – Evaluation of Sludge Handling Alternatives

The five alternatives to be evaluated for WWTP sludge handling include:

1. Purchase a used sludge dryer to produce Class A biosolids.

2. Modify the abandoned anaerobic digester tank to convert it to additional aerobic digester volume to produce Class B biosolids.
3. Install a membrane thickening unit in the existing waste sludge digester tanks to produce Class B biosolids.
4. Add dry lime to dewatered sludge at the discharge of the existing belt filter press to produce Class B biosolids.
5. Haul unclassified sludge to a treatment and disposal facility by contract.

Each of these five alternatives will be evaluated to determine the facilities and work required to install these systems. Advantages and disadvantages will be provided for each alternative and manufacturer's information will be solicited and provided for any new equipment required.

Task 3 – Lime Bench Testing

Gray & Osborne staff will assist the City staff in evaluating the quantity of dry lime necessary to produce Class B biosolids after the belt filter press. Laboratory work will be completed at the City WWTP.

Task 4 – Capital and Annual Cost

Capital and annual operation and maintenance cost estimates will be developed for each of the five identified biosolids disposal alternatives.

Task 5 – Draft Memorandum

A draft memorandum will be prepared which will document the findings and results of Tasks 1 through 4. This memorandum will include a net present value analysis to determine the most economical alternative and will provide a preliminary recommendation.

Task 6 – Meet with City

After the draft memorandum has been provided to the City, Gray & Osborne will meet with the City to review and discuss the draft memorandum and preliminary recommendation.

Task 7 – Final Memorandum

The draft memorandum will be revised based on items discussed in Task 6. A hard copy final memorandum will be provided as well as a copy in PDF format.

Compensation

As shown in Exhibit A, estimated costs are \$7,500.00, which shall not be exceeded without written authorization by the City.

IN WITNESS WHEREOF, the parties hereto have executed, or cause to be executed by their duly authorized officials, this AMENDMENT to the Contract for Engineering Services in duplicate on the respective dates indicated below.

GRAY & OSBORNE, INC.

CITY OF MCCLEARY

By: 
(Signature)

By: _____
(Signature)

Name: Timothy J. Osborne, P.E., Vice President
GRAY & OSBORNE, INC.

Name: _____
(Print)

Date: 7/14/09

Date: _____

"Equal Opportunity/Affirmative Action Employer"

EXHIBIT "A"

**ENGINEERING SERVICES
SCOPE AND ESTIMATED COST**

City of McCleary - Wastewater Treatment Plant Sludge Handling Alternative Evaluation

Tasks	Principal Hours	Project Mgr. Hours	Project Eng. Hours	Civil Eng. Hours	WWTP Operations Specialist
1 Estimate Current and Future Annual Sludge Production				4	
2 Evaluation of Sludge Handling Alternatives		1	2	8	
3 Lime Bench Testing					10
4 Capital and Annual Cost		1	2	16	
5 Draft Memorandum	1			8	
6 Meet with City		4	2		
7 Final Memorandum	1			4	
Hour Estimate:	2	6	6	40	10
Estimated Hourly Rates:	\$56	\$46	\$38	\$36	\$30
Direct Labor Cost	\$112	\$276	\$228	\$1,440	\$300

Subtotal Direct Labor:	\$ 2,356
Indirect Costs (171%):	\$ 4,029
Total Labor Cost:	\$ 6,385
Fee (15%):	\$ 958
Subtotal Labor & Fees:	\$ 7,343
Direct Non-Salary Cost:	
Mileage & Expenses (Mileage @ \$0.55/mile)	\$ 157
TOTAL ESTIMATED COST:	\$ 7,500

STAFF REPORT

To: City Council
From: Busse Nutley, City Administrator 
Date: July 20, 2009
Re: Development Standards Update – G & O Contract Amendment 12

The current Development Standards were first adopted in December 2006. They were modified from the Puyallup standards and since that time the staff has found several problems with them. Gray & Osborne will review them with the staff, prepare amendments and provide internal references that are missing. These changes will enhance the usefulness of the document for both the staff and the development community.

Requested Action:

Authorize the Mayor to sign Gray & Osborne contract Amendment 12, at a cost not to exceed \$4,800.00.

**AMENDMENT NO. 12
TO
CONTRACT FOR ENGINEERING SERVICES**

THIS AMENDMENT, made this day, by and between the City of McCleary, Grays Harbor County, Washington, hereinafter referred to as the Agency, and Gray & Osborne, Inc., hereinafter referred to as the Engineer, hereby modifies the contract for engineering services dated (by Agency) June 10, 2008, for additional services related to the General Engineering Services.

DEVELOPMENT STANDARDS UPDATE

The City of McCleary adopted the current Development Standards by Resolution 527 on December 13, 2006, which was subsequently revised by Resolution 538 on June 27, 2007. City staff has noted numerous typographical errors since the most recent revision.

The City has requested engineering services from Gray & Osborne, Inc. to assist the City staff with the revising the Development Standards. The scope of work for these engineering services is described below.

Task 1 – Existing Change Requests

Modification requests to the existing Development Standards have been given to Gray & Osborne through the Building Department, Public Facilities Manager, Water/Wastewater Manager, and City Council Members. The work associated with Task 1 will be to compile all the change requests into one document that will be used during Task 2, Task 4, and Task 5, and will also serve as a record of changes to the Development Standards.

Task 2 – Meet with City Staff

As noted in Task 1, change requests have been given to Gray & Osborne through all divisions associated with the Development Standards. This task will allow City staff to review the compiled change requests and provide any new suggestions or modifications to the Development Standards. In the event a meeting is conducted, Gray & Osborne will provide meeting minutes to document all items of discussion.

Task 3 – Review Standards

The current edition of the Development Standards will be reviewed for typographical and reference errors, to ensure all referenced standards are included in the document.

Task 4 – Revise Development Standards Text

Section 1.0 through Section 500 will be revised based on the requests identified in Tasks 1 and 2, as well as the findings in Task 3. Track changes will be used in the native Microsoft Word document for additional reference. A Table of Contents will be provided after the Preface for future reference.

Task 5 – Revise Development Standards Drawings

Standard Detail 110.1 through Standard Detail 508 will be revised based on the requests identified in Tasks 1 and 2, as well as the findings in Task 3. A Table of Contents will be provided in Appendix A relating to the standard details.

Task 6 – Provide Draft Development Standards

Draft Development Standards will be compiled and provided for Council review and adoption. Draft standards will be provided in PDF format and printed by the City.

Task 7 – Provide Final Development Standards

After adoption, the cover sheet of the Development Standards will be revised to include the resolution number, adoption date, and Mayor’s signature. Final Development Standards will be provided in both PDF and native electronic format (Word for text and AutoCAD for details). Two compact disks will be provided with the Final Development Standards in PDF format and two compact disks will be provided with the native files.

Compensation

As shown in Exhibit A, estimated costs are \$4,800.00, which shall not be exceeded without written authorization by the City.

IN WITNESS WHEREOF, the parties hereto have executed, or cause to be executed by their duly authorized officials, this AMENDMENT to the Contract for Engineering Services in duplicate on the respective dates indicated below.

GRAY & OSBORNE, INC.
By: 
(Signature)

CITY OF MCCLEARY
By: _____
(Signature)

Name: Timothy J. Osborne, P.E., Vice President
GRAY & OSBORNE, INC.

Name: _____
(Print)

Date: 7/16/09

Date: _____

"Equal Opportunity/Affirmative Action Employer"

EXHIBIT "A"

ENGINEERING SERVICES SCOPE AND ESTIMATED COST

City of McCleary - Development Standards Update

Tasks	Principal Hours	Project Mgr. Hours	Project Eng. Hours	Civil Eng. Hours	CADD Tech. Hours
1 Existing Change Requests				2	
2 Meet with City Staff	2			4	
3 Review Standards				4	
4 Revise Development Standards Text			2	4	
5 Revise Development Standards Drawings			2	4	8
6 Provide Draft Development Standards		2		4	2
7 Provide Final Development Standards				2	1
Hour Estimate:	2	2	4	24	11
Estimated Hourly Rates:	\$56	\$46	\$38	\$36	\$28
Direct Labor Cost	\$112	\$92	\$152	\$864	\$308

Subtotal Direct Labor:	\$ 1,528
Indirect Costs (171%):	\$ 2,613
Total Labor Cost:	\$ 4,141
Fee (15%):	\$ 621
Subtotal Labor & Fees:	\$ 4,762
Direct Non-Salary Cost:	
Mileage & Expenses (Mileage @ \$0.55/mile)	\$ 25
Printing/Compact Discs	\$ 13
TOTAL ESTIMATED COST:	\$ 4,800