



McCleary City Council

PROPOSED AGENDA

April 9, 2008

**6:00 Worksession: Light & Power Rate Study
Presentation by Jon Piliaris, E&FS**

7:00 Council Meeting

Flag Salute
Roll Call
Minutes (Tab A)
Public Comment
Mayor's Report

Staff Reports:

Busse Nutley, City Administrator (Tab B)
Dan Glenn, City Attorney (Tab C)
Department Head Staff Reports (Tab D)

Old Business:

Appointments to Council Finance Committee (2)
Appointment to Ambulance Advisory Committee (Alternate)

New Business:

Contract For Street Sweeping (Tab E)
Fireworks Stand Permit (Olympia Christian Center) (Tab F)
BPA Conservation Funds (Tab G)

Ordinances:

Resolutions:

Conditions for Cedar Heights Final Plat (Tab H)
Declare Transformers Surplus (Tab I)
Expressing Support for 1/10 of 1.0% Sales Tax for Disaster
Preparedness Projects and Programs (Tab J)

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

March 26, 2008
Regular Council Meeting

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

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

Staff Present: Attorney Glenn, City Administrator Nutley, Police Chief Crumb, Clerk-Treasurer Rostedt, Deputy Clerk Rush, Facilities Manager Baun, and Engineer Cole Elliott of Parametrix

It was moved by Councilman Boling, seconded by Councilman Vatne, that the minutes of the last regular meeting be approved as distributed. Carried.

It was moved by Councilman Vessey, seconded by Councilman Boling, to confirm the reappointment of Jim Baker to the McCleary Civil Service Commission. Carried.

Administrator Nutley reported on the following:

- 1) It appears that the City will be receiving a grant from Youth Athletic Facilities for improvements in Beerbower Park, including paving of the parking lot. She anticipates that the City's matching amount will be split between the REED and REET funds. She reported that the members of the REED Committee met and approved an expenditure up to \$40,000.00.
- 2) The City erected a temporary fence along the far end of the cemetery at the property line between the City and the Brookside Mobile Home Park. The fence is being torn down by park residents to allow continuing use of the City property for parking. It was agreed that if they continue to park, their vehicles will be towed.
- 3) Manager Baun has put together a notice to be given to residents when construction of sidewalks on Simpson Avenue begins.
- 4) A new float has been installed at the water reservoir which seems to have corrected the over flow problem
- 5) A second sample of water, taken after e-coli was possibly indicated in the first sample, proved the water was free of contamination. The first sample was taken at an outdoor faucet at the WWTP.
- 6) The Chamber of Commerce has agreed to provide funds for 40 hanging baskets to be hung from street light poles in the downtown business area, if the City will agree to maintain them through the summer. The City has just hired a part time landscaper/gardener for the summer. She has previous landscaping experience, as well as experience with heavy equipment operation.
- 7) She would like the Council work session on April 9 be dedicated to receiving information on the electric rate study presently underway.

- 8) At a workshop sponsored by the State Auditor's office on changes to the annual reports for small cities which Clerks Rostedt and Rush attended, it was pointed out that the City should have a Finance Committee to review the report before it is submitted. This Committee could also work on the budget each year and any proposed financial policies for the City. She said we will be forming a Finance Committee in the near future.

Kim Anensen was told that the City had contacted the State Auditor regarding whether or not it was appropriate for the City to commit REED funds for paving the park parking lot, and was told the expenditure would be appropriate.

Both Mayor Bentley and Administrator Nutley have agreed when Council packets are put together, two extra copies will be made for residents to look over at Council meetings. Administrator Nutley said she hopes to put the packet on our web site eventually.

In answer to a question from Councilwoman Lake about establishing a drug fund, Police Chief Crumb said he is working on his proposal at this time.

A second question from Councilwoman Lake elicited an answer from Engineer Elliott, to wit, that asbestos is only dangerous airborne and inhaled. It is not dangerous when submerged in water, common with older water pipes.

Administrator Nutley referred Council persons to the end of February financial report.

It was moved by Councilman Vessey, seconded by Councilman Boling, that the Mayor be authorized to sign an agreement with the State General Administration for purchasing on the State contract at a cost of \$200.00 this year, and \$800.00 in 2009. Carried.

It was moved by Councilman Vatne, seconded by Councilman Boling, to pay the vouchers as audited. Carried.

Kim Anensen asked if there were minutes taken at meetings regarding the City's aquifer. Administrator Nutley said minutes were not taken, because she is not aware of meetings referred to by Kim. She said she would be glad to meet with Kim and share the information she has on the aquifer.

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

STAFF REPORT

To: Mayor and City Council
From: Busse Nutley, City Administrator
Date: April 7, 2008
Re: Current Non-Agenda Activity

Light & Power Rate Worksession

Please remember that this week's worksession begins a half hour earlier at 6:00. The Light & Power rate consultant, Jon Piliaris, of Economic and Financial Strategies (E&FS), will be making a presentation about future financing issues that the city will need to address at some point.

Planning Commission

The draft Comprehensive Park and Recreation Plan will be sent to the Planning Commission early in the week. They will meet on April 15 to edit the draft and prioritize projects for the Capital Improvement Program. They will also set a date for a public hearing. After their hearing, they will make any amendments they want and will send the Council a recommendation to adopt the Plan. The Council will then hold a public hearing, make any necessary changes and adopt the Plan. The Plan must be adopted by the Council prior to August 1 for the City to qualify for the next round of grants from the state Recreation and Conservation Funding Board (previously known as IAC).

Hanging Baskets

The final number of baskets ordered is 30. We did not get a good price on the hanger-brackets for the plants. Although rather inexpensive if one hangs a plant from a flat wall or post, the brackets required for poles are more elaborate. Fortunately, Gerry Elofson has agreed to make the hangers – for \$45.00 each. That's a wonderful deal for us, compared with the ones we could find commercially. After the deadline for ordering the baskets, the Chamber received additional funds, and they will help us with the bracket costs. This project has hit a few bumps in getting going, but the Chamber has been good to work with.

City Engineer RFP

Five firms have responded to the Request for Proposals for the On-call Engineering contract. Interviews are scheduled for April 10 and 11. The firms (in order of receiving their responses) are: Jerome Morrissette (Olympia), Parametrix (Sumner), Gray & Osborne (Olympia), PacWest / S&H (Olympia), and Vector (Olympia).

Voter Registration Payment

At the end of my report is a memo from Donnie indicating that we have received a bill for over \$1,000.00 from the county Auditor for making voter registration changes and additions.

City Maps

As a part of the update for the US Census I had to research all the annexations to make certain that the city boundaries were all correct. There were some changes, such as adding in the WSDOT right of way for SR 8 at the western intersection. The result is that we now have city maps that have absolutely correct boundaries.

You will find 8 ½ x 11 copies of the city limits and zoning following this report. 11 x 17 copies are also available.

DATE: April 3, 2008

TO: Wally Bentley, Mayor
Council Members

FROM: Donnie Rostedt, Clerk-Treasurer

SUBJECT: Voter Registration Costs

I received a phone call this week from Vern Spatz, Grays Harbor County Auditor. He said he wanted to call all the municipalities in Grays Harbor regarding voter registration costs. He followed up with the attached letter and bill.

Voter registration in Grays Harbor County is handled totally by the County Auditor. The only way the City is involved is handing out Voter Registration forms to new residents or people making other changes. The forms are self-addressed to the auditor. Once they fill them out, they fold them and mail them in. They are received and recorded in the Auditor's Office.

For the past three years, the City has not been billed by the Auditor for these services. We had always been billed annually. They have looked at the costs of recording and keeping track of voters, and they are planning to commence billing the cities again. At this point, they will be sending the City a bill for services in 2007—\$1,100.10. From now on, they will bill us annually. As you know, we did not account for this expenditure in our 2008 Budget.

I did ask about how our bill stands up next to other Grays Harbor municipalities, and was told that Aberdeen's bill is around \$11,000.00 and Hoquiam's is around \$5,900.00.

I should also point out that the City (depending on our local issues and candidates) also pays a share of the election costs each year. For example, our billing this year will probably be small with no one up for election, and larger next year with the Mayor and 3 Council Members on the ballot. It is also dependent upon whether we have three or more people filing for the same position. In that case, they would run in the September primary which would increase our costs.



GRAYS HARBOR COUNTY

WASHINGTON

Since 1854

Vern Spatz, County Auditor
Brenda Sherman, Chief Deputy

April 2, 2008

City of McCleary
Donnie Rostedt, Clerk-Treasurer
100 S Third St
McCleary, WA 98557

Re: Voter Registration Expenses

Donnie;

The Elections Section of our office has put together a billing for the 2007 voter registration costs. These are separate from the direct costs incurred to put on a specific election for the city. At one time, the cities were responsible for their own voter registrations and elections. When given to the counties, the cities agreed to pay a pro-rata share of the annual costs (subsequently codified in RCW 29A.08.150).

Our method of determining your share is to take all voter registration costs captured in BARS 511.80 (we use 511.70 for costs attributable to specific elections), back out the expenses solely applicable to the county, and then allocate the remaining amounts by the number of voters in each city based on the November General Election. I have included copies of various authoritative documents as reference materials for you including: AGO Opinion 1977-18, the applicable RCW, Snohomish Superior Court case 85-2-04420, and BARS page.

In the future we will try to get these costs out to you more consistently earlier in the year. Since voter registration costs do not fluctuate greatly from year to year this should help you when preparing your annual budget for this expense.

I am available to further discuss the bill and the calculations if you have any questions.

Sincerely,

Vern Spatz,
Grays Harbor County Auditor

Cc: Elections

Grays Harbor County
 Elections Department
 100 W. Broadway, Suite #2
 Montesano, WA 98563

Invoice

DATE	INVOICE #
3/24/08	309

BILL TO	SHIP TO
City Of McCleary Attn: Clerk PO Box 360 McCleary, WA 98557	

DUE DATE	P.O. NUMBER
4/23/08	

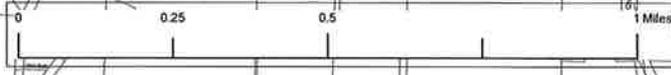
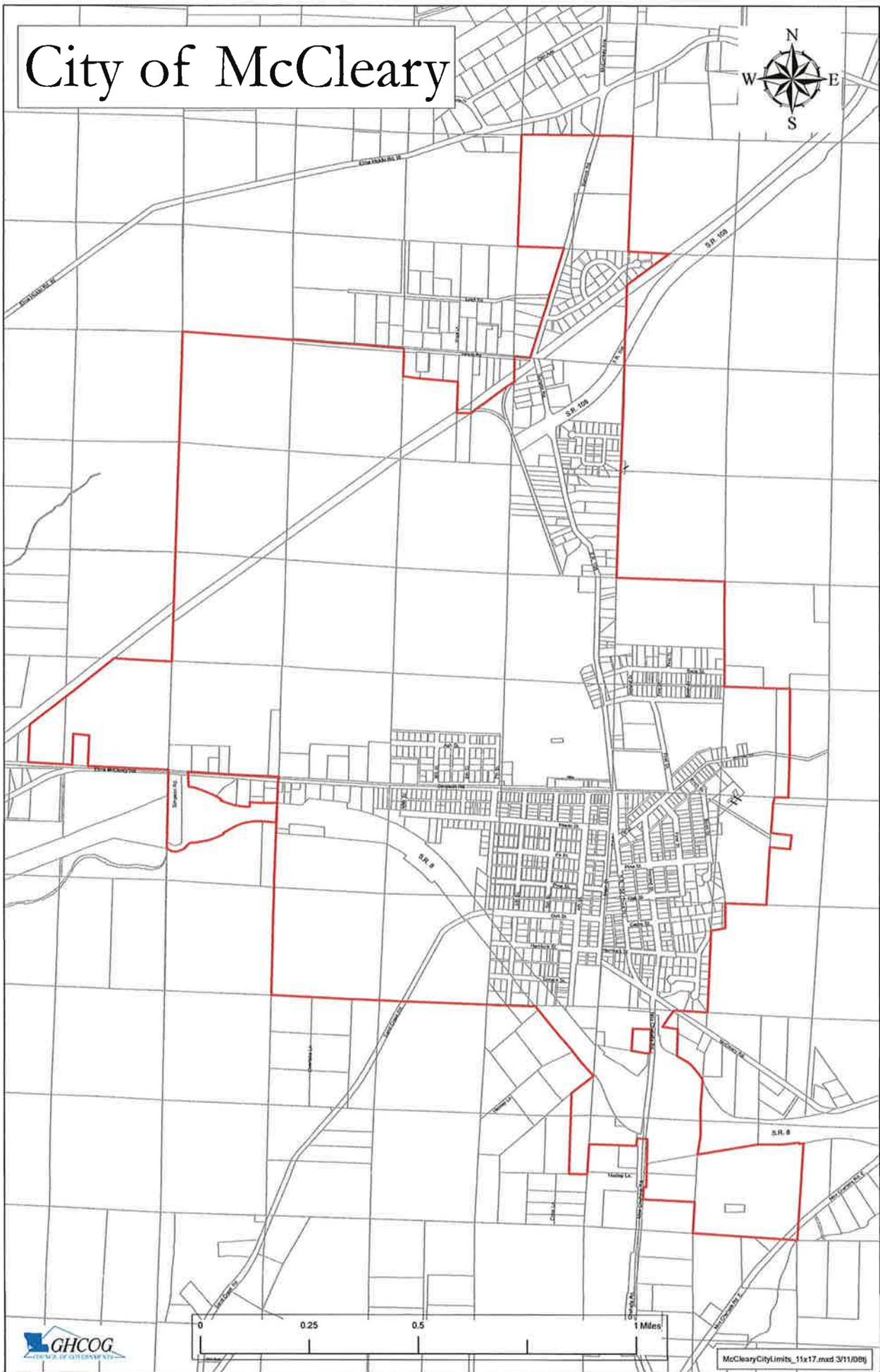
ITEM	DESCRIPTION	QTY	RATE	AMOUNT
	2007 Voter Registration Cost			1,110.00
Total				1,110.00

RCW 29A.08.150
Expense of registration.

The expense of registration in all rural precincts must be paid by the county. The expense of registration in all precincts lying wholly within a city or town must be paid by the city or town. Registration expenses for this section include both active and inactive voters.

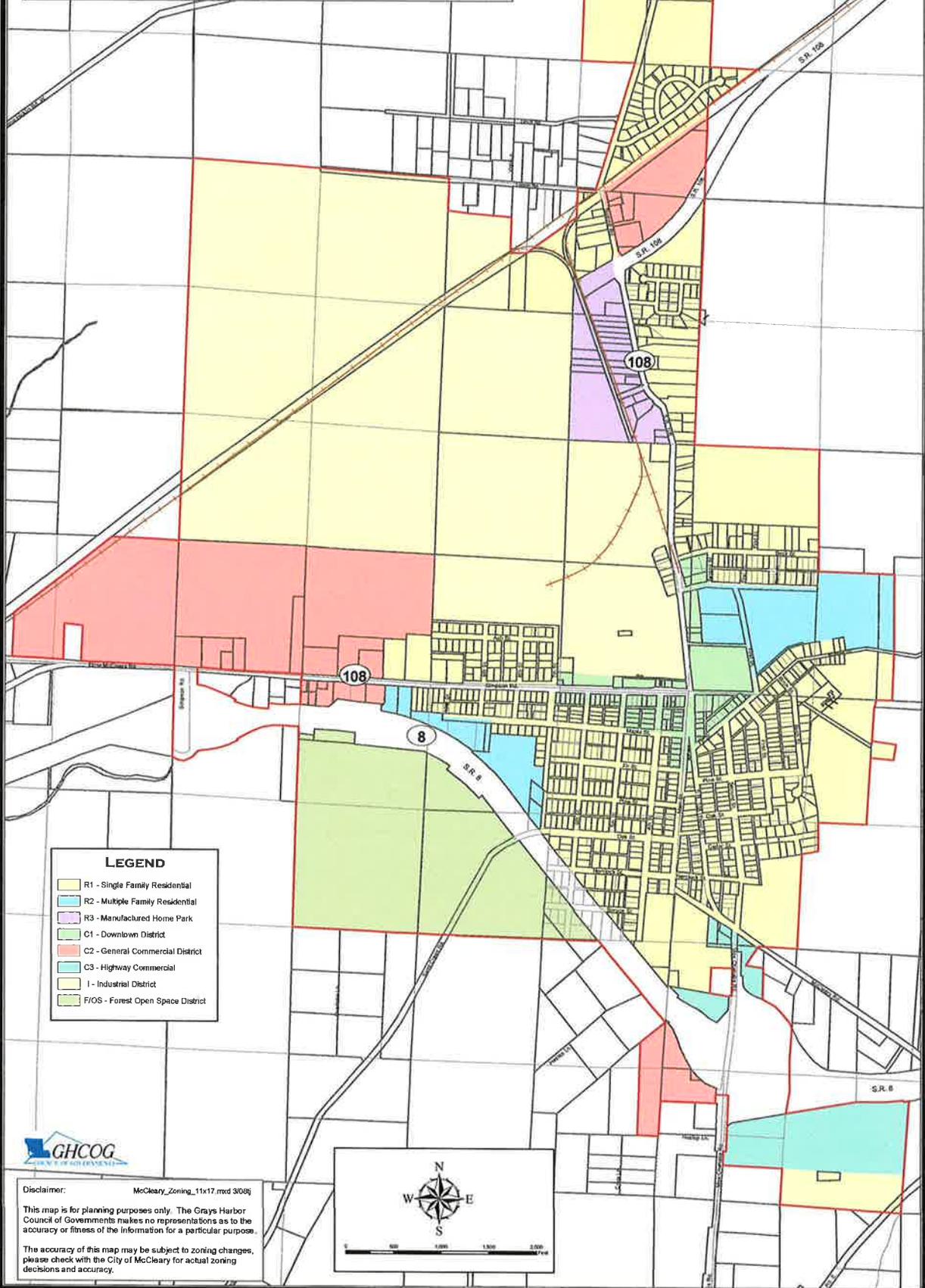
[2003 c 111 § 214; 1965 c 9 § 29.07.030. Prior: 1939 c 82 § 1, part; 1933 c 1 § 4, part; RRS § 5114-4, part; prior: 1891 c 104 § 4; RRS § 5119. Formerly RCW 29.07.030.]

City of McCleary

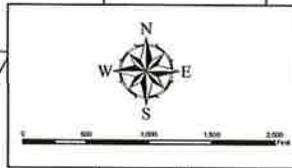


CITY OF MCCLEARY ZONING MAP

This is to certify that this map was adopted as the Official Zoning Map of the City of McCleary on August 9, 2006, by Ordinance Number 737 of the City of McCleary, State of Washington.



Disclaimer: McCleary_Zoning_11x17.mxd 3/08/06
This map is for planning purposes only. The Grays Harbor Council of Governments makes no representations as to the accuracy or fitness of the information for a particular purpose.
The accuracy of this map may be subject to zoning changes, please check with the City of McCleary for actual zoning decisions and accuracy.



MEMORANDUM

TO: MAYOR AND CITY COUNCIL, City of McCleary
FROM: DANIEL O. GLENN, City Attorney
DATE: April 7, 2008
RE: LEGAL ACTIVITIES as of APRIL 9, 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. **CEDAR HEIGHTS**: Approximately 5.75 months ago you approved the final plat of Cedar Heights. It had a number of conditions attached to the approval which related to completion of certain corrections. They were to be done within six months of approval. Thereafter, Mr. King's company re-assumed ownership. At this stage, a number of the corrective steps have not been completed. To avoid any confusion, I sent a message to Mr. King to insure that he was aware of the need. He has since spoken to Ms. Nutley about the situation.

To keep things moving, I have prepared a draft resolution which would extend the time for completion by ninety days from the date of adoption of the resolution, but require that a written plan setting forth the steps which will be taken and their scheduling be provided within 30 days.

2. **DISASTER PREPAREDNESS SALES TAX PROPOSITION**: As the Mayor has reported, discussion is going on as to the matter of the presentation to the voters of the County requesting authority to impose a 1/10th of 1 cent increase in the sales tax for use only to fund "disaster preparedness" programs. In light of your likely desire to discuss the matter further, I have taken two steps.

A. The first is to attach the text of the particular statute. As you will note, the statute has some quirks, including loading the distribution in favor of

the County. I have bolded certain aspects which, in my opinion, are very significant from our standpoint.

B. The second is to prepare a draft resolution for your consideration after your review of the statute and its concepts. I would note that, prior to such adoption, you may well desire to have a formal understanding with the Commissioners as to the specific purpose language since that language will limit the use of any funds generated not only by the County, but also by the City.

In considering this matter, among the issues you may also wish to consider are the following:

A. Will this be a tax levy which is put in place for perpetuity? According to the presentation made at the Montesano Council meeting of two weeks ago by Hoquiam's Mayor and Chief of Police, the intention is to have a four year limit.

B. Will the purposes set out be those for the duration of the tax existence or will they change over time? Disaster preparedness is an interesting and somewhat ambiguous term. If so, that would need to be made clear in the ballot proposition.

C. Chief Myers indicated their assumption was that a management organization, most likely formed under an interlocal agreement, would be set up. I must admit I would feel more comfortable if that type of operational but fundamental detail was done at the earliest possible stage.

4. **FINANCE COMMITTEE:** I note that the matter of appointments to the Finance Committee is on the agenda this evening. Given the nature of discussions with the SAO during the course of the exit audit at Montesano, it is clear the SAO anticipates a finance committee will be undertaking a relatively more active role in not only approving the monthly bills and the like, but also reviewing the quarterly reports.

5. **PUBLIC RECORDS UPDATES:**

A. **General Recommendation:** As mentioned in prior Council Reports and as you have observed as you have been made aware of the ever more extensive requests to which Donnie is having to respond, the law relating to public records and access to them has changed a lot since the City undertook the development of its original procedures to implement compliance. Up to this point, I believe the City has been able to properly reply to requests made. However, things are getting more complex. Thus, I am recommending the City implement an update of

its policies and procedures in relation to public records. Part of this arises from the simple reality that the Attorney General and State Auditor are putting forth very strident comments about public access to records of public agencies. Additionally, there is no question the definition of a public record has become a great deal broader than when the act was initially adopted. An example is the importance of emails in various searches.

I would like to suggest that the task of updating be commenced. It could be done either as a committee of the whole or you could create a specific purpose committee to work with Busse, Donnie, the department heads, and myself to generate policies and implement procedures which will assure the ability to comply with the mandates of the law and any requests made pursuant to those mandates. These mandates include the provisions relating to the period during which a public record must be retained by the City. For a starter, the Attorney General promulgated a set of model rules which can be utilized as the basis of discussion.

B. Public Record Seminar: The reality is, in our case, the Police Department seems to be historically the department which gets the highest number of requests for records. Whether they relate to issues arising out of domestic relations matters or some other cause, there is not a long period which passes without the necessity of responding to a request. Earlier this year WCIA had sponsored a seminar to update the nuts and bolts of this area for staff having to respond to requests. When I inquired of staff if they had been able to attend, the response was that they had not. However, it likely would have been futile to try since the seminar was full almost immediately.

In light of the importance of the area, I contacted Ms. Crane, the staff member of WCIA who coordinated the seminar. Following an exchange of communications, it appears the Authority will be willing to put on a session which, with any luck, will be upstairs in the Montesano City Hall. Not only will our City's staff be able to attend, but also staff from Montesano and other neighboring cities in this county and our neighboring counties. We will know soon, although it looks as if it will occur in next six weeks or so. However, until I hear for certain, I will be a bit nervous.

6. TRANSFORMER SURPLUSING & DISPOSAL: Busse will deal more extensively with the facts in relation to this matter in her report. Based upon the pattern through which we had to go when other transformers were disposed of some years ago, I have prepared a resolution which not only declares the items surplus, but also sets out a bit of factual information and authorizes a negotiated disposition of the items. As we have discovered, old

transformers are not the equivalent of placing a 1932 Dusenbergs on the market.

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 82.14.450. Sales and use tax for counties and cities.

(1) A county legislative authority may submit an authorizing proposition to the county voters at a primary or general election and, if the proposition is approved by a majority of persons voting, impose a sales and use tax in accordance with the terms of this chapter. **The title of each ballot measure must clearly state the purposes for which the proposed sales and use tax will be used.** Funds raised under this tax shall not supplant existing funds used for these purposes. The rate of tax under this section shall not exceed three-tenths of one percent of the selling price in the case of a sales tax, or value of the article used, in the case of a use tax.

(2) The tax authorized in this section is in addition to any other taxes authorized by law and shall be collected from those persons who are taxable by the state under chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event within the county.

(3) The retail sale or use of motor vehicles, and the lease of motor vehicles for up to the first thirty-six months of the lease, are exempt from tax imposed under this section.

(4) **One-third of all money received under this section shall be used solely for criminal justice purposes. For the purposes of this subsection, "criminal justice purposes" means additional police protection, mitigation of congested court systems, or relief of overcrowded jails or other local correctional facilities.**

(5) **Money received under this section shall be shared between the county and the cities as follows: Sixty percent shall be retained by the county and forty percent shall be distributed on a per capita basis to cities in the county.**

STAFF REPORT

To: Mayor and City Council
From: Mick Schlenker, Building Official
Date: April 4, 2008
Re: March Building Activity

Building Permit Activity

	March		Total 2008	
	Current	Fees	Actual	Fees
Customer Service	295		792	
Building Permits				
Issued	5	\$10,719.18	14	\$16725.18
Nuisance Letters	3		8	
Inspections				
Performed	115		258	
Plan Reviews	3	Inc in Permit	8	
Stop Work Issued	4		5	
City Projects	0		1	
Complaints	10		17	
Demo Permits	0		0	
Court Issues	1		1	
Fire Projects	0		0	

March 2008 Building Permit Activity

1. Summit II -- Start bldg of 2 new homes, 3 new home plans logged in first part of this month
2. Cedar Heights – Start bldg of 2 new homes, April 12th & 13th open house on existing models
3. Mr. Ech has bought part of the commercial bldg from John Carnell (Simpson Ave.) and is doing a remodel for a massage parlor
4. The old Mexican restaurant has started remodel work on a new American type foods restaurant like the Rusty Tractor in Elma

5. Permit application has been logged in for front office remodel
6. Larry Brinidelli is still in negotiations with Mr. Cobb on the sale of the Brookside Trailer Park
7. 4 house remodels in progress within the city
8. Nothing new to add about School or Beehive remodels

As you can see by this report, activity is on the uphill side for construction and that is a good thing.

Thank you much,

Mick
Building Official

STAFF REPORT

To: Mayor and City Council
From: Jeff Gustafson, Senior Lineman 
Date: April 4/08
Re: March Activity

Pole Changes - 0
YTD - 4

Transformers

Overhead - 1 at 25KVA
YTD - 1

Underground -
YTD - 3

Primary Extensions

Overhead -
YTD -

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

Primary Replacement

Overhead -
YTD - 3000 ft. ACSR

Underground
YTD -

Service Connections

Overhead -
YTD -

Underground -
YTD - 375 ft. 4/0-4/0-2/0 URD

Street Light Services -

YTD - 1 at 200 watt, 5 at 100 watt

Outages - 2

YTD - 2

Call Outs - 1

YTD - 3

**McCLEARY POLICE DEPARTMENT
REPORT TO COUNCIL MEMBERS**

Reporting Date: 04-09-2008 Wednesday

Date of Last Report: 03-26-2008

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

782 Incidents as of Friday April 4, 2008 /1455 hours

Traffic Stops, Traffic Offense's, Subject Stops
Speed Infractions, -DWLS-court, -Insurance Violation-,

Total Infractions-21 and Criminal-9 (8 mandatory court)=30 with bail amount (\$6063)
8 Mandatory court appearance.

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= , 5 Vehicle, 2 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=1/ Reckless 1 / 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 =1 Accident /1 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 Topics: 1-Potential Loss of Police Officer's.

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

STAFF REPORT

To: Council and Mayor
From: John Allardin, Maintenance Crew Foreman
Date: April 7, 2008
Re: March Status Report



Projects

- The crew hung 4 Satsop towing signs and two no parking signs at the cemetery/trailer court also put up additional posts for cable closure by John Peeks residence
- Had water leak at 137 North Street, Crew dug up and repaired leak
- The women's restroom in the park was professionally painted making our men's room looking pretty sad. We are giving the men's room a fresh coat of paint. Ceiling, walls and floor.
- We had a surplus sale at several the county shop in Montesano. All vehicles we took to Auction sold we are now preparing for another surplus sale for general City equipment.
- We hired a City Gardner. She has been working on the flower beds around town pruning and weeding them. We also ordered 30 hanging baskets to go around town they will be hung out in the last part of May.

Daily Work

- Meter reading Shut off list.
- Cleaning and repairing park and transit station restrooms.
- Working with outside contractors such as:
 - * computer technician
 - * Pape machinery
- Responding to low water pressure, smelly or dirty water complaints.
- Clean up trash and leaves from curbs gutters and flower bed around the down town area.
- Repairs to city vehicles.

- Meetings, (team management, Dept head, safety meetings, preconstruction meetings etc).
- Grave digging, locating head stones.
- Building maintenance for restrooms, park kitchen, community center and City Hall.
- Emptying garbage cans in down town area, Cemetery, and City Park.
- Flagging Traffic.
- Utility locates.

Ongoing Programs

- Water meter maintenance program.
- Pot hole program

STAFF REPORT

To: Mayor and City Council
From: Todd Baun *TB*
Date: April 7, 2008
Re: Month of March

Here are the projects I've been working on for March.

- There is now a rough draft of the new Park Plan.
- The TIB grant is going well. The firm we chose for the design Morrissette and Associates. We are working out the contract details with them now.
- The City will be working with the WSDOT to fix the problem culvert on Summit Rd. I'm currently setting up a meeting with them to go over the details of who does what.
- NOVA (Nonhighway and Off-Road Vehicle Activities) grant is due on May 1st. This is for a grant to develop a City trails plan. The amount in our pre-application is for \$80,000. There is no match for this grant.
- We also received news that YAF (Youth Athletic Facilities) grant has received funding. This grant is for \$121,876. We have a 50% match and will be paving the Park parking lot for our match. This grant will improve the park tremendously.
- We are still trying to get the design for the Park parking finished.
- I reviewed the Statement of Qualifications for the on call city engineering services. We will be interviewing them on Thursday and Friday.
- Work behind the community center has been going good. The site is level and will be getting a layer of top soil and will be planted in grass as soon as we get good weather.

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: Busse Nutley, City Administrator 
Date: April 7, 2008
Re: Water/Wastewater Staff Report

There is no report from Vern Merryman, Water/Wastewater Manager this time because he is at his National Guard two-week duty.

The water reservoir continues to work properly since the float was repaired.

The malfunctioning switch issue at the WWTP has now been referred to our insurance carrier and WCIA has authorized "testing and repair".

STAFF REPORT

To: City Council
From: Busse Nutley, City Administrator
Date: April 7, 2008
Re: Contract with WSDOT to Sweep Streets

The state Department of Transportation has been sweeping McCleary's streets twice a year through an annual contract. The City has been budgeting \$2,000.00, but has not been spending that amount. For instance, in 2007 the City spent \$425.70 for the one time the streets were swept.

This year the City budget envisions activities to improve the downtown area. Recent comments from the Chamber of Commerce have reinforced the idea of a cleaner McCleary, especially better and more consistent upkeep of the streets.

DOT has proposed a contract that would provide six months of monthly street sweeping, each lasting eight (8) hours, at \$60.00 per hour. The entire City would require the full eight hours, but the main thoroughfares that have curb and gutter – 3rd, Simpson, and perhaps Main – would take about three to four hours.

The proposal is to have DOT sweep all the streets in April and October, and to sweep the major streets once a month from May through September.

The proposed contract indicates a "not to exceed" amount of \$3,500, which should be reduced to reflect how much sweeping the Council wants to have done.

The final issue is that when the budget was prepared, Todd asked me to move the street sweeping activity from its own line into the "Professional Services" line. There is a note in the budget document that indicates that action. However, it seems that I forgot to move the money. There is \$108,592.00 proposed for an ending net cash balance for the year in the street fund, and so the Fund can easily support the \$2,000 to \$3,000 the Council might wish to spend on swept streets.

Requested Action:

1. Authorize the Mayor to sign a contract with WSDOT for street sweeping to not exceed an amount determined by the Council.
2. Approve moving the same amount from the Ending Net Cash line to the Professional Services line in the Street Fund. This is technically not a "budget amendment" as it does not change the amount of money within the Fund itself.



<p>Maintenance Agreement</p> <p>Work by WSDOT for Other State, Federal, and Local Governmental Agencies</p> <p>(Total Cost of Agreement May Not Exceed \$5,000 Per Year)</p>	<p>Agency and Billing Address</p> <p>City of McCleary</p> <p>100 South 3rd Street</p> <p>McCleary, WA 98557</p>	<p>Agreement Number</p> <p>GCA 0377/JC 8012</p>
	<p>Contact Name/Phone #</p> <p>Todd Baun; 360-495-3667</p>	
	<p>Federal Tax ID #</p> <p>916001456</p>	
	<p>Estimated Costs</p> <p>Approximately \$60.00 per hour</p> <p>up to approximately \$3,500</p>	
<p>Description of Work</p> <p>Sweeper and operator to sweep city of McCleary streets approximately 8 hours per month from April to October, 2008.</p>		

This Agreement is made and entered into by and between the Washington State Department of Transportation, hereinafter the "WSDOT," and the above named governmental agency, hereinafter the "AGENCY,"

WHEREAS, the AGENCY has requested and the WSDOT has agreed to perform certain work as described above,

NOW THEREFORE, pursuant to chapter 39.34 RCW, IT IS HEREBY AGREED AS FOLLOWS:

1. GENERAL

- 1.1 The WSDOT agrees to perform the above described work, using state labor, equipment and materials, as requested by the AGENCY.
- 1.2 The AGENCY agrees, in consideration of the faithful performance of the above described work to be done by the WSDOT, to reimburse the WSDOT for the actual direct and related indirect costs of the work. Administrative Charges at current rate are considered part of indirect costs.

2. PAYMENT

- 2.1 The estimated cost of the work is stated above. The AGENCY agrees to set aside funds for payment to the WSDOT in this amount.

- 2.2 The AGENCY agrees to pay the WSDOT for the work done within thirty (30) days from receipt of a WSDOT invoice, which shall include documentation supporting the work done.
- 2.3 If the AGENCY is a county or city, the AGENCY agrees that if it does not make payment as provided under the terms of this Agreement, the AGENCY authorizes the WSDOT to withhold and use as payment motor vehicle fund monies credited or to be credited to the AGENCY.
- 2.4 The AGENCY agrees further that if payment is not made to the WSDOT within thirty (30) days from receipt of WSDOT's invoice, the WSDOT may charge late fees and/or interest in accordance with Washington State Law.

3. INCREASE IN COST

3.1 The parties agree that the estimated cost of the work may be exceeded by up to 25%. In the event of such increased costs the parties agree to modify the estimated cost of work by written amendment, signed by both parties. WSDOT shall notify the AGENCY of increased costs as they become known.

4. RIGHT OF ENTRY

4.1 The AGENCY grants to the WSDOT a right of entry upon all land in which the AGENCY has interest for the purpose of accomplishing the work described above.

5. TERMINATION CLAUSE

(Check the Appropriate Box Below)

- 5.1 This Agreement will automatically terminate five (5) years after date of execution. This Agreement may be terminated by either party upon thirty (30) days advanced written notice to the other party. In the event of termination, payment will be made by the AGENCY for work completed by the WSDOT as of the effective date of termination.
- 5.2 This Agreement will terminate upon completion of the work described herein.

6. DISPUTES AND VENUE

6.1 In the event that a dispute arises under this Agreement, it shall be resolved as follows: The WSDOT's Secretary of Transportation or designee and the AGENCY's head or designee shall review the applicable facts, contract terms, statutes and rules affecting the dispute to resolve the matter. If the parties cannot reach a resolution, the parties agree that any legal action to enforce any right or obligation under this Agreement may only be brought in Thurston County Superior Court. The venue specified in this section shall not apply to any federal agency that is a party to this Agreement.

7. MODIFICATION

7.1 This Agreement may be amended by the mutual agreement of the parties. Such amendments or modification shall not be binding unless they are in writing and signed by persons authorized to bind each party.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year of the last written below.

REQUESTING AGENCY	WASHINGTON STATE DEPARTMENT OF TRANSPORTATION
By:	By: <i>Glen T. Gibbs</i>
Printed:	Printed: <i>Glen T. Gibbs</i>
Title:	Title: <i>Maintenance & Operations Supt.</i>
Date:	Date: <i>3/27/08</i>

This Agreement Was Approved As To Form By AAG on April 27, 2006

DATE: April 3, 2008

TO: Mayor Bentley
Council Members

FROM: Donnie Rostedt, Clerk-Treasurer 

SUBJECT: Fireworks Application

It's that time of year again!

Attached is a completed Application from the Olympic Christian Center for a Fire Works Stand Permit, to be located at the usual spot next to Beerbower Park in the parking lot. They will be expected to provide me with the proper proof of insurance documents.

It ask that the Council either approve or disapprove this application.

**APPLICATION
FOR RETAIL FIREWORKS STAND PERMIT**

TO:	Governing body of city, town, or county in which fireworks stand will be located.	DATE OF APPLICATION:	3/31/08
Applicant Name:		Address, City, State:	
Olympic Christian Center		P.O. Box 5 McCleary WA 98557	
Sponsor (If other than applicant):		Address, City, State:	
Location of proposed fireworks stand: [Enclose drawing of stand location]			
Beerbower Park / Parking Lot			
Manner and place of storage prior, during, and after sales dates:			
Prior: 7523 chinook st. NE Oly. During: In Stand After: Same as Prior			
State Licensed Fireworks Supplier:			
Thunder Fireworks			

FIREWORKS STAND PERMIT

For The Fireworks Sales Year Of: _____
(Must be conspicuously displayed at all times while the stand is open to the public)

By virtue of having been granted a license by the State of Washington and this permit from _____ as the local governing authority, the named person, firm or organization is hereby authorized to sell U.N. 0336 1.4G Consumer fireworks at the location designated herein between the following date and times:

Sales For July 4th

Sales For December 31st

From: _____ From: _____

To: _____ To: _____

Sponsor: _____

Location: _____

/s/ _____
Signature of Official Granting Permit

/s/ _____
Signature of Applicant

Title: _____ Agency: _____

Date: _____ Permit Number: _____

Licensee Name: _____ License Number: _____