



# McCleary City Council

## AGENDA

**March 6, 2013**

### **7:00 Council Meeting**

Flag Salute  
Roll Call  
Public Hearings:

Public Comment: Marijuana Moratorium  
Minutes (Tab A)  
Mayor's Report/Comments: Apointments

Staff Reports:            Dan Glenn, City Attorney (Tab B)  
                                 Nick Bird, Director of Public Works (Tab C)  
                                 Staff Reports (Tab D)

Old Business:

New Business:            Building Official Mou. (Tab E)

Resolutions:

Ordinances:                Budget Amendment (Tab F)  
                                 Marijuana Moratorium (Tab G)

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

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La ciudad de McCleary es un proveedor de igualdad de oportunidades y el empleador.

CITY OF MCCLEARY  
Regular City Council Meeting  
Wednesday, February 13, 2013

ROLL CALL AND FLAG SALUTE      Councilmen Catterlin, Reed, Ator and Schiller.

ABSENT      Councilman Lant. **It was moved by Councilman Schiller, seconded by Councilman Reed to excuse Councilman Michael Lant from the meeting. Motion Carried 4-0.**

STAFF PRESENT      Present at the meeting were Dan Glenn, Wendy Collins, Nick Bird, George Crumb, and Jon Hinton from Gray & Osborne.

PUBLIC COMMENT      Teri Franklin spoke regarding 2 reports prepared regarding water supply in the past 19 years by different agencies.

   Jim Taylor of Elma invited the McCleary Council, Police and Fire Department to a tribute on July 5th in Elma sponsored by the Rolling Thunder. The Vietnam wall memorial will be present for all to view. Mr. Taylor will send emails out with additional details.

   Helen Lake Hamilton commented regarding utility service abandonment. She would like to see the fees lowered for reactivation. She added she would also like the City to allow construction offices in downtown McCleary.

   Jerry Birindelli asked the Council to consider allowing C-1 classification in the downtown area. He has a business that he wants to move to the downtown area that currently is not allowed. Mrs. Birindelli commented regarding a real estate transaction they have pending because they are waiting for the Council's decision before finalizing. Mayor Dent stated he does not want to see a storage yard in the commercial district.

MINUTES APPROVED      **It was moved by Councilman Schiller, seconded by Councilmen Reed and Ator to approve the minutes from the January 23, 2013 meeting. Motion Carried 4-0.**

MAYOR'S COMMENTS      Mayor Dent made a settlement for partial payment with the insurance company in regards to the Ardyce Taylor fraud case for approximately \$42,000, which is \$10,000 less due to the City's deductible. Ms. Taylor plead guilty and will be sentenced next month. Mayor Dent reiterated that money was not taken from customers, it was taken from the City.

CITY ATTORNEY REPORT      Dan Glenn reminded the Council they will need to extend the marijuana moratorium in March.

DIRECTOR OF PUBLIC WORKS REPORT      Interviews were held for the Treatment Plant Manager on February 12, 2012. There is a strong applicant but he has not made a decision whether he wants to work in this area or accept a very competitive job offer out of state.

UTILITY SERVICE ABANDONMENT      Discussion took place regarding what the fee should be for reactivation. The Council agrees it should be considerably less than the original connection charge. Dan Glenn will prepare a draft resolution for the next meeting. Tabled.

WELL PROGRESS ESTIMATE 5      **It was moved by Councilman Ator, seconded by Councilmen Reed and Catterlin to authorize payment of progress estimate no. 5 to Award Construction in the amount of \$98,431.94 and deposit \$4,759.77 into the retainage account. Motion Carried 4-0.**

WELL NO. 1 DEMOLITION & DECOMMISSION      Councilman Catterlin asked for specifics on the expenditures for the project. Tabled.

SNOW REMOVAL POLICY      Tabled.

COUNCIL SCHEDULE      The Council agreed to using the summer schedule again for this coming summer. Starting in June, City Council meetings will be held on the fourth Wednesday of the month for the months of June, July and August. The regular meeting schedule will resume in September 2013. All Councilmember's present agreed.

PUBLIC HEARING SCHEDULED FOR MARIJUANA MORITORIUM      The Council agreed to recess tonight's meeting until March 6, 2013 at 7:00 PM to hold a Public Hearing on the marijuana moratorium.

FIRE DEPARTMENT SPACE  
NEEDS STUDY

TCA previously provided a fire station space needs study for the City. Nick would like clarification from the Council whether to move forward with what we currently have from TCA or start over from scratch and re-advertise. Dan Glenn would like to talk to TCA to get a contract in place and put a statement in it so the City would have to give specific authority to move forward. The Council all agreed. Tabled.

OGDEN MURPHY WALLACE  
AGREEMENT

Tabled.

ZONING AMENDMENT REQUEST

It was moved by Councilman Reed, seconded by Councilman Ator to authorize staff to coordinate with the Hearing Examiner to set the public hearing date, facilitate the public hearing, and prepare a written recommendation to the Council. Motion Carried 4-0.

EXECUTIVE SESSION

None.

PUBLIC COMMENT

Dan Glenn thanked audience member Warren Drake from Pacific Title Company in Montesano for his quick and smooth property sale transaction recently. He appreciated how well the transaction went.

Helen Lake Hamilton was appreciative of the City staff for helping her niece, especially because she is non-resident. She had ecoli in her water system and the staff assisted her with her issue.

APPROVAL OF VOUCHERS

Accounts Payable vouchers/checks approved were 35988-36039 including EFT's in the amount of \$132,345.84.

**It was moved by Councilmen Ator and Reed, seconded by Councilman Catterlin to approve the vouchers. Motion Carried 4-0.**

MEETING ADJOURNED

**It was moved by Councilman Ator, seconded by Councilman Reed to recess the meeting at 7:50 PM until March 6, 2013 at 7:00 PM. Motion Carried 4-0.**

Mayor Gary Dent:

\_\_\_\_\_

Clerk-Treasurer Wendy Collins:

\_\_\_\_\_

GLENN & ASSOCIATES, P.S.  
ATTORNEYS AT LAW  
2424 EVERGREEN PARK DRIVE S.W.  
P.O. BOX 49  
OLYMPIA WA 98507-0049  
(360) 943-7700

FACSIMILE COVER SHEET  
(360) 943-7721

DATE: February 28, 2013

TO: WENDY COLLINS

FAX NUMBER: 1-360-495-3097

FROM: DANIEL O. GLENN

FAX NUMBER: (360) 943-7721

RE:

DOCUMENTS SENT: Council Report and Moratorium Ordinance

BACKUP COPY WILL xxx WILL NOT        BE SENT VIA       

INSTRUCTIONS/COMMENTS:

IF YOU DID NOT RECEIVE ALL THE PAGES NOTED ABOVE, OR IF ANY PAGES ARE NOT LEGIBLE, PLEASE CALL LA RAE AT (360) 943-7700.

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## MEMORANDUM

TO: MAYOR AND CITY COUNCIL, City of McCleary  
FROM: DANIEL O. GLENN, City Attorney  
DATE: February 28, 2013  
RE: LEGAL ACTIVITIES as of MARCH 6, 2013

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. THE MEETING: As you are aware, this meeting was recessed from your last regular meeting. The appropriate notification was posted by Ms. Collins. No publication or other notification is required under the provisions of the Open Public Meetings Act (OPMA), as codified in RCW 42.30, since the recess happened at such a meeting.

As a recessed meeting, any item may be taken up by the Mayor and Council unless, as with a special ordinance such as the moratorium extension, public hearing notices are required.

2. MARIJUANA MORATORIUM EXTENSION ORDINANCE: The matter of the extension of the moratorium upon the location, operation, and licensing of medical marijuana dispensaries and collective gardens is before you tonight.

A. Public Hearing: As required by RCW 35A.63.220, Ms. Collins has given notice of a public hearing on the matter of the extension of the moratorium. The notice has been published and posted for public access.

B. The process is that the Mayor will open the public hearing. Such comment, if any, as is received during that hearing is to be considered, but is not determinative of the action the Council and Mayor take.

C. If adopted, the moratorium would be extended for six months. As recommended/required by the referenced statute,

as part of the extension ordinance, I have provided an Exhibit which sets forth a basic work plan which would be undertaken. The goal of the plan and such additional steps as you direct is to develop the necessary information to allow you to take final action in this area. The action can range from allowing the activities in certain areas as permitted uses or, as in the case of one city, prohibiting them totally.

In any event, the ordinance is provided for your review and consideration.

3. SUPPLEMENTAL BUDGET ORDINANCE: Ms. Collins has indicated that it is possible she may be requesting a supplemental budget ordinance be introduced this evening. If so, no action can be taken upon it until at least five business days have elapsed since its introduction.

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

DG/le

## STAFF REPORT

To: Mayor Dent  
From: Nick Bird, Director of Public Works  
Date: March 4, 2013  
Re: Current Non-Agenda Activity

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I apologize for the lack of reading material this meeting. The intent was to create the opportunity to hold the first meeting of the month during this meeting, and cancel the next meeting. We attempted to put everything together for this meeting, but realized it would be haphazardly thrown together, which is not the professional image the City is striving for. With that said, we will provide the additional information at our next regularly scheduled meeting.

### Well Controls

We have confirmed that the communication mixup was occurring on the telephone provider's side. The problem has since been corrected; however, as a result of this exercise we observed a weak link in our infrastructure. In our next capital improvement plan for water, we might want to consider radio service from the reservoirs to the control system located at the well.

### Well 2 & 3 Project

The work on this project is currently suspended. We will have a construction meeting on March 18 to address scheduling and another on April 3 prior to the equipment arriving on site.

### Treatment Plant Manager

We are pleased to announce that Kevin Trehwella, an operator out of the Vancouver area, has accepted the position of Treatment Plant Manager. His first day is planned for March 18. His experience with very large waste water treatment plants will be invaluable. It will likely be April before he is providing staff reports to you regarding the treatment plants.

### 4kV Substation

The bid package for the replacement transformer has been prepared. Bids will open on March 14, 2013. We will present the bids for award at the following meeting.

### Ecology Grant/Loan Program

Our request is currently shown on the funding list for the General Sewer plan that was submitted in 2012. As predicted, the current proposal of \$65,000 is shown with a 50/50

loan/grant ratio. This is still subject to change in the Legislature. We will present the funding package to Council when we formally receive information from Ecology.

### 2nd Street Intersection (repeat)

No new information has been discovered on funding opportunities. We will continue the search as necessary to address the sight distance concerns presented to Council in 2012. In an effort to increase our opportunity for success when funding becomes available, it may be prudent to utilize Gray & Osborne to lay out a conceptual site plan. Please let us know if this is something you would like to see.

### Water Rates (repeat)

As this topic was not discussed at the last meeting, it is being left for reference in the event this information is needed.

#### Rate History

- This topic starts in mid 2007, when the City solicited proposals from firms to complete a water rate study.
- In late 2007, the City selected FCS to complete the rate study work.
- As the Water System Plan was getting wrapped up, the study was placed on hold until the Water System Plan was completed.
- The Capital Improvement Plan outlined in the Water System Plan included a variety of system deficiencies that needed to be addressed.
- In 2008, the Water System Plan was finalized. Work on the rate study continued from September to December.
- In December 2008, FCS presented the Rate Study findings to the Finance Committee, then Council. Five rate options were presented to the Finance Committee. The Committee then narrowed it down to two options for the Council to consider. The first included a higher base rate and overage amount, with the base rate including 1000 cubic feet (CF). The second option included a lower base rate and overage amount with the base rate including 500 CF. Both options included a 22% increase for 5 years. The second option was chosen by Council.
- December 10, 2008 the City Council adopted Resolution 578, setting the rates and the associated 22% increase that would affect the rates through the beginning of 2013.
- In 2009 and 2010, base rates were increased accurately but the overage amount (consumption above 500 CF) was not increased.
- In January 2011, it was discovered that the overage amount had not been increased accordingly. This was presented to the Council for consideration. Council determined that the overage amount currently being billed would be the starting point for the increase, instead of increasing the rates to the calculated amount for 2011; this was done by adopting Resolution 623. This resolution also

included language for rate modifications after 2013, which would be 3% or based on the Consumer Price Index (CPI), whichever is higher.

- Since January 2011, base and overage rates have increased at 22% in accordance with Resolution 623.

As the primary driver for the rate model was capital improvements, a summary of improvements completed or where funds have been allocated are shown below.

Funded Projects To Date

- Well No. 2 and No. 3 Pre-Design Report
- Well No. 2 Improvements
- Well No. 3 Improvements
- Water Rights Transfer
- 150,000 Gallon Reservoir Interior Painting
- 500,000 Gallon Reservoir Interior Painting
- Iron and Manganese Treatment System
- Meter Reading / Billing Software and Equipment

When using the 2008 costs shown in the Water System Plan, these projects account for approximately 60% of the work planned through 2014. As is typical, inflation has the ability to change this value dramatically. Cost data has not been compiled on the funded projects, but can be if Council is interested.

At this time, the only significant items remaining from the initial Capital Improvement Plan are water main replacements to increase fire flow in certain areas throughout the City. This work has yet to be planned.

Hopefully this information provides sufficient detail to the Council to understand how and why we have arrived at the current rates. Please note that, in the future, we may want to consider revising the rate schedule to put more of emphasis on consumption instead of the base rate, similar to electricity. Utilizing this approach will give the customers more control over their bill as well as promote conservation of our existing resources.

## STAFF REPORT

To: Mayor Dent

From: Colin Mercer Webmaster *gms*

Date: March 1, 2013

Re: February Website & Help Desk

### Re-Occurring Website Activities

- Council Agenda/Packet posted online.
- Council Minutes posted online.

### New Website Activity

- Changed the Municipal Code of the Month to 9.32.020 Curfew Established.
- Posted practice burn for the Fire Department on the calendar, main pages and fire dept. page.
- Posted found dog for the Police Department.
- Removed Treatment Plant Operators Position & job description.
- Posted notice of Recessed Council Meeting until March 6<sup>th</sup> Public Hearing.
- Updated Utilities pages with latest billing news, and added links to the resolution or ordinance that initiated the change.

### Additional Tasks

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### Help Desk Activity

Month	Number of Incidents Reported	Staff Reported / Closed / Open	Citizen Reported / Closed / Open
November	3	3 / 2 / 36	0 / 2 / 11
December	15	3 / 17 / 22	12 / 10 / 13
January	5	5 / 1 / 26	0 / 0 / 13
February	15	5 / 11 / 20	10 / 7 / 16

### Website Comments:

None this month

**Website Traffic**

**February 1, 2013 through February 28, 2013 (Top visited pages shown only)**

Section	Page Views	Percent of Total
<a href="#">Default Home Page</a>	2908	30.74%
<a href="#">Events Calendar</a>	530	5.6%
<a href="#">Agendas and Minutes</a>	485	5.13%
<a href="#">Administration</a>	480	5.07%
<a href="#">Utilities</a>	353	3.73%
<a href="#">Mayor and Council</a>	305	3.22%
<a href="#">City Jobs</a>	289	3.05%
<a href="#">City Departments</a>	253	2.67%
<a href="#">Conservation Program</a>	227	2.4%
<a href="#">Police</a>	184	1.95%
<a href="#">Planning Department</a>	178	1.88%
<a href="#">Search Results</a>	157	1.66%
<a href="#">Public Facilities</a>	123	1.3%
<a href="#">Light &amp; Power</a>	120	1.27%
<a href="#">Municipal Code</a>	120	1.27%
<a href="#">Development Services / Building</a>	116	1.23%
<a href="#">Water / Wastewater</a>	114	1.21%
<a href="#">2008-13 Budget</a>	101	1.07%
<a href="#">Previous Years Council Minutes</a>	98	1.04%
<a href="#">City Photos</a>	96	1.01%
<a href="#">Code, Ordinances &amp; Standards</a>	91	0.96%
<a href="#">Fire</a>	89	0.94%
<a href="#">City Clerk's Page</a>	86	0.91%
<a href="#">Chamber of Commerce</a>	85	0.9%
<a href="#">Bear Festival</a>	73	0.77%
<a href="#">Municipal Court</a>	68	0.72%
<a href="#">Previous Years Council Agendas</a>	67	0.71%
<a href="#">Helpful Links</a>	66	0.7%
<a href="#">Tell Us What You Think!</a>	53	0.56%
<a href="#">Home Page</a>	53	0.56%
<a href="#">Interlocal Agreements</a>	41	0.43%
<a href="#">Bear Festival Photos</a>	38	0.4%
<a href="#">Flood Photos 2009</a>	34	0.36%
<a href="#">Christmas Photos 2007</a>	30	0.32%
<a href="#">Park Project Photos</a>	29	0.31%
<a href="#">Title 17 Zoning</a>	28	0.3%
<a href="#">Title 13 Public Services</a>	27	0.29%
<a href="#">65th Anniversary Photos</a>	27	0.29%
<a href="#">Title 7 Reserved</a>	24	0.25%
<a href="#">City Staff</a>	23	0.24%

# STAFF REPORT

To: Mayor Dent  
From: Colin Mercer   
Date: March 1, 2013  
Re: February Building Department

## Activities

- Submit copies of permits issued to Grays Harbor County Assessor's Office.
- McCleary School playshed started erecting the Steel Building.
- McCleary School playshed received fire alarm design drawings.
- The Beehive Harmony House is in the framing and rough in stage. Roof sheathing inspected and roof covering installed on Phase 1.
- High Definition Homes 1562 N. 5<sup>th</sup> St. in the completion stage.
- McCleary Community Church applied for and completed its wall insulation conservation permit.
- City Hall conservation lighting project permit issued.

## Nuisance Issues in Progress

- Junk vehicles in city alley behind Beck street.
- Notified Wells Fargo about conditions at 1515 N. 5<sup>th</sup> Street, they will work on clean up.

## Nuisances Resolved

- 315 W. Simpson – New owners have cleaned up the front and rear yards, re-instated the existing building permit and are in the process of completing the remodel and repairs.

## Comments:

I attended two days of update classes for review of the significant changes to the International Building and International Residential Codes for 2012. The class also gave a brief overview of the International Existing Building Code.

We have had contact with an interested party regarding the residential lots in Cedar Heights. They have inquired about lot setbacks, building permits, utility connections etc. They have been informed that the ADA ramp at the corner of Hemlock and Evergreen Place is still required to be corrected prior to any additional permits being issued for new homes.

## Building Department Activity

ACTIVITY	MONTHLY TOTALS	YEAR TO DATE TOTALS	ACTIVITY EXPLANATION
Customer Service	41	113	Answer building department related questions in person or by phone, meeting with potential applicants.
Building Permits Issued	0	6	Remodels, new construction & additions, both residential and commercial.
Plan Reviews Performed	1	3	Reviewing plans for building code and municipal code compliance.
Inspections Performed	7	41	Field inspections, writing of corrections or approving work.
Finals or Certificates of Occupancies	0	1	Performing of the final inspection & issuing of certificate of occupancy allowing use of the structure.
Complaints Received	0	2	Investigate and address citizen or staff reported issues, obtain resolution or acceptable compromise.
Displiance Letters Sent	4	4	Formal notice from the City informing citizens of violations and providing expectation of the City for compliance.
Lemay's Garbage Letters Sent	15	15	Formal notice from City after notification from Lemay that service has been stopped.
Building Department Revenue	\$0.00	\$957.84	Funds generated by the Building Department from permits, inspections, reviews etc.

## Conservation Program

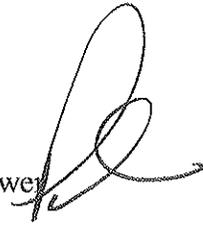
Month	Applications Received	Conservation Permits Issued	Rebates Paid This Month	Total Rebates Paid To Date
January	4	4	\$1655.00	\$7655.70
February	1	1	\$0.00	\$7655.70

## Lemay's Garbage Compliance

Number of letters sent to Tenants	Number of letters sent to Owners	Second notices sent to Tenants	Second notices sent to Owners
3	12	0	0
Active Accounts	Pending	Stopped Service	Un-Occupied
92	0	19	16

## STAFF REPORT

To: Mayor Dent  
From: Paul Nott, Light & Power  
Date: March 1, 2013  
Re: February Report



	Monthly Statistics;	YTD Totals;
New Services;	1	1
System Outages;	2	2
Pole Replacements;	0	0
Maintenance Work Orders;	3	3
Billable Work Orders;	2	2

The month of February consisted of some more time assisting Todd with the well controls. Through a large team effort we have finally managed to get the controls working properly. We had two outages this month, one was a single customer outage and the other was an underground fault on the North end. Thanks once again for the assistance from Mason Co PUD 1 in locating the fault.

The new service at the well project is completed, we are waiting for the remodel at well three to complete the work order and finish the wreck out.

The new upgraded service at the Beehive is completed.

We will be returning to the re-conductor project next week.

Hopefully, with weather permitting and no major issues arising this month we will be able to begin replacing the faulty underground conductor on Luscombe and Olin Ave. this month.

As always if anyone has any questions feel free to contact us...

**STAFF REPORT**

**To: Mayor Dent**  
**From: George M. Crumb, Chief of Police**  
**Date: March 4, 2013.**  
**RE: Report for March 6, 2013 Council Meeting**

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**SUMMARY OF POLICE INCIDENTS / ACTIVITIES:**

The below listed information are calls or contacts received by McCleary Police Officers either generated by Grays Harbor County dispatch 911 service, citizen reports, call in, contacts, or other officer generated incidents:

\*428 incident histories reported as of: 030413 / 1240 hours.

- |                                  |                                 |
|----------------------------------|---------------------------------|
| -Speeding                        | -Traffic Offense/Reckless       |
| -DWLS                            | -Found Property Reports         |
| -Speeding in School Zone         | -Motorist Assist/Citizen Assist |
| -Burglary                        | -Theft Reports                  |
| -Fire Response's                 | -Attempt to Locate              |
| -Disorderly Conduct              | -Juvenile Problems/Run-a-way    |
| -Traffic Stop's                  | -Malicious Mischief             |
| -Assault                         | -Warrant Arrests                |
| -Weapons Offense                 | -911 Open Line or Hang Up       |
| -Agency Assist's                 | -Domestic Violence              |
| -Drug Incidents                  | -Custody dispute/Civil          |
| -Animal Complaints               | -D.U.I.                         |
| -Curfew Violations               | -Audible Alarm                  |
| -Traffic Hazard Reports          | -Subject Stop                   |
| -Welfare Checks                  | -Hit & Run                      |
| -Trespass                        | -Noise Complaints               |
| -Suspicious Person/Vehicle       | -Fraud                          |
| -Police Information or Referrals | -Municipal Code Violation       |
| -Trespass                        | -Parking Complaints             |

**Discussion:** Open:

Council Members Present: ALL.... Mr. Ator, Mr. Reed, Mr. Caterlin, Mr. Lant,  
Mr.Shiller.

Mayor Dent: Present / Not Present \_\_\_\_\_

Officer Reporting: Chief Crumb \_\_\_\_\_

## STAFF REPORT

To: Mayor Dent  
From: Todd Baun, Public Facilities Manager  
Date: March 4, 2013  
Re: January/February Report

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The following items are the highlights of what I have been working on during the past couple of months.

- I still have received no contact from Mr. and Mrs. Gravatt on the storm water issue affecting their property located at 311 W. Simpson Ave. We are in a holding pattern until we receive the legal documents that have been given to them by the city.
- The crew is still filling in many potholes throughout the City.
- We are continuing our maintenance of our equipment and vehicles.
- We have been trying to keep up with cleaning storm drains and culverts in the city.
- We have fixed 3 water leaks on our system. One leak was on Simpson and 6<sup>th</sup>, one leak at the Waste Water Treatment Plant, and one leak on Beck Street.
- We have replaced a failing side sewer at 330 Wildecat Drive. We re-routed the new side sewer along our Right of Way. The old side sewer used to go between houses and through back yards and we had no access for repair of the line. The new line now is along our road and has better access for maintenance.
- We finished our quarterly flushing of hydrants. While flushing we inspected and performed needed maintenance on half of our 117 hydrants and blow-offs in our system.
- We have been helping Jon at the WWTP.
- The library now has the new heat pump installed and working.
- We have started our valve exercising program. You may notice our valves are being painted in blue all over the city. We are also finding valves that are “lost” in the system. Our valve exercising provided need maintenance and inspection of our valves. Normal valves have a life cycle of 30-40 years. A majority of our valves have been used for 40+ years.
- We have also been inspecting sewer manholes. We are trying to locate potential Inflow and Infiltration (I&I) problems. Once we can locate areas of I&I, we can then get a plan to repair them.
- The city flower baskets have been delivered to Elma High School.
- And as always, we are trying to keep up on all our routine and daily maintenance of the parks, cemetery, streets, water, sewer, storm and buildings.

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.

**DRAFT****MEMORANDUM OF UNDERSTANDING**

WHEREAS, the City of McCleary ("hereinafter "City") and the International Brotherhood of Electric Workers, Local No. 77 (hereinafter "Union") are parties to a Collective Bargaining Agreement which expired on December 31, 2011 and remains in effect for a period of one year during the negotiation of the parties; and

WHEREAS, the bargaining unit contains the position "Building Official" which is currently a part time position; and

WHEREAS, the City and Union have entered into this Memorandum of Understanding in order to provide for the temporary performance of the duties of the Building Official for any period in which the office of the Building Official is vacant, pending the hiring of a successor, now, therefore,

In consideration of the mutual benefits to be derived, the parties hereby agree as follows:

**1. Temporary Authorization.**

The Union hereby agrees that during the period which the Building Official position is vacant pending the hiring of a new Building Official, the City may utilize a borrowed employee from another jurisdiction, or enter into an interlocal agreement for the temporary performance of the duties of Building Official for the City of McCleary. The Union does not agree to and specifically reserves its right to bargain with respect to any attempt by the City to remove the work of the Building Official from the Union on any long term or permanent basis. The City and the Union acknowledge that the City has raised the issue of contracting out the services of Building Official and that that issue remains an open item in the negotiation of the parties.

**2. Public Works/Planning Assistant.**

While the position is vacant, the Public Works/Planning Assistant shall receive out-of-class pay at the Building Official, Step F, rate for twenty (20) hours per week for performing Building Official work, provided that vacation and sick leave shall be based on his regular rate of pay.

**3. Reservation of Rights.**

Both the City and the Union reserve any and all rights which they may have with respect to the underlying Collective Bargaining Agreement, and the renegotiation of its provisions. The parties specifically understand and agree that no authorization to contract out the duties of the Building Official has been agreed to by the parties.

**4. Term.**

As noted above, this is a temporary authorization. This authorization shall expire on its terms, unless extended by the mutual agreement of the parties, one hundred twenty (120) days following the date of execution or upon the date which the City shall appoint a new full or part time Building Official, whichever first occurs.

**5. Underlying Agreement Not Affected.**

The underlying Collective Bargaining Agreement between the parties remains unaffected and all of its provisions remain in full force and effect.

DONE THIS \_\_\_\_\_ day of \_\_\_\_\_, 2012.

IBEW LOCAL UNION NO. 77

By: \_\_\_\_\_  
Louis R. Walter  
Business Representative

CITY OF McCLEARY

By: \_\_\_\_\_  
Mayor D. Gary Dent

ATTEST/AUTHENTICATED:

By: \_\_\_\_\_  
Wendy Collins, City Clerk

APPROVED AS TO FORM  
OFFICE OF THE CITY ATTORNEY

By: \_\_\_\_\_  
W. Scott Snyder, Special Counsel

## 2013 PROPOSED AMENDED BUDGET

		Revenue	Expenditure
001	Current Expense	1,466,064	1,466,064
101	Park & Cemetery	65,676	65,676
102	Street	229,375	229,375
301	REET Excise Tax	14,050	14,050
302	Fire Mitigation	79,000	79,000
401	Light & Power	3,054,843	3,054,843
403	Garbage	11,229	11,229
405	Water	1,435,840	1,435,840
407	Sewer	1,128,600	1,128,600
409	Storm Water	170,942	170,942
413	Ambulance	89,000	89,000
		7,744,618	7,744,618

Original Budget	\$	7,645,392
Proposed Amended	\$	7,744,618
Difference	\$	(99,226)

Change made to account for the transfer of the P/C Reserve fund Balance (\$65,676) and the beginning balance estimated \$30,000 short.

Increase Dan Glenn's retainer to match Admin employees raises from 2010-2013. (Total 3550.00)

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE ADOPTING A SUPPLEMENTAL  
BUDGET FOR THE CALENDAR YEAR 2013;  
AMENDING ORDINANCE 788 AS TO CERTAIN  
PARTICULAR ELEMENTS; AND DECLARING AN  
EMERGENCY.

R E C I T A L S:

1. Since the adoption of the budget for 2013, as set out in Ordinance 788, it has been discovered that certain fund transfers and closings have resulted in the necessity of final fund amount adjustments.

2. Based upon this most recent information received from the Clerk-treasurer, the Mayor and City Council have undertaken a review of those impacts

3. These allocations, while not included in the budgetary ordinance, were anticipated by the City at the time of the adoption of Ordinance 788.

4. It has also been discovered that the monthly retainer received by the City Attorney has not been adjusted since 2009. The Mayor has made certain recommendations in relation to an adjustment.

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

SECTION I: The Office of the Clerk-treasurer shall be authorized to modify the referenced funds and accounts as may be required and authorized pursuant to the BARS accounting system issued by the Office of the State Auditor to correctly reflect revenues and expenditures. Those modifications shall be as set forth upon Attachment A.

SECTION II: Attachment B of Ordinance 788, establishing compensation levels for the year 2013, is replaced to read as set forth upon Attachment B attached hereto. All adjusted compensation amounts shall be deemed to have become effective January 1, 2013, such retroactivity being found to be in the public interest.

SECTION III: To the extent not amended by Section I, the budget adopted pursuant to Ordinance 788 is reaffirmed.

SECTION IV: If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The Council hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause, and



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

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WENDY COLLINS

SIGNED AND SWORN to before me this \_\_\_\_\_ day of \_\_\_\_\_, 2013, by WENDY COLLINS.

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

## ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE READOPTING AND EXTENDING THE MORATORIUM ON THE ESTABLISHMENT OF MEDICAL CANNABIS/MEDICAL DISPENSARIES AND COLLECTIVE GARDENS; MAKING FINDINGS AND ADOPTING BY REFERENCE DEFINITIONS AND FINDINGS, ESTABLISHING A WORK PLAN, AND DECLARING AN EMERGENCY.

## R E C I T A L S :

1. The Council adopted Ordinance 782 putting in place a moratorium as to the matters covered in that ordinance. That specifically included the establishment of medical marijuana dispensaries and collective gardens.

2. Since that date, the conflicts and ambiguities between existing federal law and the provisions of Chapter 181, Laws of 2011 (the Act) and with the adoption of Initiative 502, which became effective on December 6, 2012, continue to exist.

3. Pursuant to I 502, the Washington State Liquor Control Board (the Board) is in the process of reviewing the existing laws and implementing the provisions of the initiative.

4. Based upon those matters, as well as the matters set forth in Ordinance 1155, said matters and findings being adopted by this reference, the Council has held a public hearing on the matter of the extension of the moratorium as required by the applicable provisions of RCW 35A.63.

5. The Council finds that it needs additional time to conduct the necessary study to understand the effects of the Act and the Initiative, as well as to analyze the provisions adopted by the Board.

6. It has adopted provisions for the utilization of a planning agency for the review of these areas and the development of recommendations to the Mayor and Council as to changes in the City's zoning regulations as a result of the statutory changes.

7. The Council and Mayor have developed a tentative work plan which is set forth in Exhibit #1, that plan being adopted by this reference.

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

SECTION I: The moratorium enacted pursuant to Ordinance 782 is hereby readopted and extended to the date set forth in Section IV. That moratorium prohibits in the City the establishment, location, operation, licensing, maintenance or continuance of any medical marijuana collective garden or dispensary, whether for profit or not for profit, asserted to be authorized or actually authorized under the provisions of Chapter 181, Laws of 2011, Chapter 69.51A RCW, Initiative 502, or any other law of this State.

A. No building permit, occupancy permit, or other development permit or approval shall be issued for any of the purposes or activities listed in this section. Further, no

business license shall be granted or accepted for such purposes while this moratorium is in effect.

B. Any land use approval, business license or other permit or license for any of these operations that may have been or are issued as a result of error or by use of vague or deceptive descriptions of the covered activity during the moratorium shall be null and void and thus without legal effect.

SECTION II: The recitals set forth in this ordinance constitute specific findings of the Council in relation to the adoption of this ordinance and, as noted above, the findings set forth in the recitals and other portions of Ordinance 1115 are adopted by reference.

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

SECTION IV: Effective Date and Term:

A. Based upon the findings made in this ordinance, the Council declares than an emergency exists requiring passage of this Ordinance for the protection of the public health, safety, and welfare. Thus, this ordinance shall take effect immediately upon passage by the Council and approval by the Mayor.

B. This ordinance shall be in full force and effect until midnight, September 6, 2013, unless extended or repealed by action of the Council according to the provisions of applicable law.

PASSED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2013, by the City Council of the City of McCleary, and signed in approval therewith this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

CITY OF McCLEARY:

\_\_\_\_\_  
D. GARY DENT, Mayor

ATTEST:

\_\_\_\_\_  
WENDY COLLINS, Clerk-Treasurer

APPROVED AS TO FORM:

\_\_\_\_\_  
DANIEL O. GLENN, City Attorney

STATE OF WASHINGTON )  
 : ss.  
GRAYS HARBOR COUNTY )

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

\_\_\_\_\_  
WENDY COLLINS

SIGNED AND SWORN to before me this \_\_\_\_\_ day of \_\_\_\_\_, 2013, by WENDY COLLINS.

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

**EXHIBIT #1**

As part of the necessary study and analysis to determine the steps to be taken by the City in relation to the subjects covered by the Ordinance to which this exhibit is attached, the following constitutes the basic elements of the analytical process to be undertaken.

1. Research the nature and effect of the location of dispensaries or collective gardens.

2. Analyze zoning regulations of other Washington cities in relation to the location and operation of dispensaries and collective gardens.

3. Seek and receive public input on the matter of the location and operation of such facilities.

4. Research the provisions of federal and state law seeking to determine the potential implications to the City of any conflict between those laws.