



McCleary City Council

AGENDA

September 9, 2015

- **Flag Salute**
- **Roll Call**
- **Public Comment**
- **Public Hearing**
- **Executive Session**
 - IBEW Mediation – Scott Snyder
 - Litigation

- **Minutes:**
 - Approval (Tab A)
- **Mayor’s Comments:**
 - Discussion
- **Staff Reports:**
 - Dan Glenn, City Attorney (Tab B)
 - Todd Baun Staff Report (Tab C)
 - Staff Reports (Tab D)
- **Old Business:**
 - IBEW - Discussion
- **New Business:**
 - November Meeting Dates (Tab E)
 - Interlocal Equipment Sharing Agreement (Tab F)
 - Building Official (Tab G)
 - Contract with Evergreen Consulting Group (Tab H)
- **Ordinances:**
 - Water Use Restriction Ordinance (Tab I)
 -
- **Resolutions:**
 - Richard Vatne (Tab J)

- **Approval of 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, August 26, 2015

ROLL CALL AND FLAG SALUTE	Councilmember's Reed, Schiller Catterlin, and Peterson were in attendance.
ABSENT	None.
STAFF PRESENT	Present at the meeting were Todd Baun, Wendy Collins, George Crumb, Dan Glenn, Paul Nott, and Jon Ehresmann.
PUBLIC HEARING	None.
PUBLIC COMMENT	<p>Joy Iverson addressed the Council regarding her application for the vacant position. She was excited to submit her name for the vacancy on the Council. She said we are fortunate to have city managers and workers that are experts in their fields. With remarkable people like Wendy Collins, Todd Baun, Paul Nott, George Crumb and others, we are fortunate to have a great deal of collective knowledge available to use towards creating solutions to our problems and building a positive future. Add in the rest of the city workers who are experts in their professions, then add in the citizens of our community, and we can make great changes. These changes can only be made with the cooperation and transparency of our Mayor, Councilmembers, employees and community. We must all work together. Unfortunately the past few meetings have shown a breakdown of leadership. The meetings have become disorganized, vindictive and bitter. She thanked Mayor Dent for all the years he has worked hard serving the City. However, the time has come when she feels he has worked beyond his ability to be effective as Mayor. She respectively asked Mayor Dent to step down and to allow our City to move forward with new transparency and revitalization. She does not think her ideas can be effective at this time so she is withdrawing her application for City Council. When leadership changes and new ideas can be acceptable, she will step up for a position on the Council. She will continue to support the Council by attending meetings and voicing her ideas and concerns. She wants to be part of the Council when her time and efforts can be productive</p> <p>Gary Atkins apologized to the people he feels he owes one to from the last meeting. He also wanted to second Joy Iverson's motion by asking the Mayor to step down. We don't get answers to questions we ask and only get put off. We are a suburb of Olympia and we are not showing people any reason to move here.</p> <p>Councilmember Schiller would like to advertise longer for Ben Ator's vacancy. He doesn't feel we've had enough time to get enough people to apply for City Council. He thinks there are other people out there that might be interested in it, that did not know there was a vacancy. Councilmember's Reed and Peterson said they want to move ahead with the appointment and not wait.</p> <p>Councilmember Schiller asked if either Pam Ator or Doug Krikava wanted to speak to the public about their desire to be on the Council and Pam Ator declined. Doug Krikava spoke and said he wants to be the voice of compromise. He thinks it's the number one thing this Council needs to move forward. He thinks they need to work together to come up with a resolve. He said the "all or nothing" approach is not working for the police force. He said right now, we can support a two-person force until we can afford more officers and he doesn't know why we have the "all or nothing" position. He doesn't understand why that isn't an option.</p> <p>Mayor Dent said he has a potential way to satisfy the police issue but he's not going to go into it tonight.</p>
EXECUTIVE SESSION	None.
MINUTES APPROVED	It was moved by Councilmember's Reed, seconded by Councilmember Peterson to approve the minutes from the August 12, 2015 meeting. Motion Carried 4-0.
CITY ATTORNEY REPORT	Dan Glenn provided a written report for the Council and is available, if they have any questions.
MAYOR'S COMMENTS	None.

COUNCILMEMBER POSITION #5
APPOINTMENT

Councilmember Reed moved, out of respect for Ben Ator, he feels Pam Ator would be a good choice to continue out Ben's appointment, seconded by Councilmember Peterson. It was moved by Councilmember Schiller, seconded by Councilmember Catterlin to nominate Doug Krikava. Mayor Dent said the Chair gets to decide the swing vote so he supports Pam Ator so that issue is resolved. The Council had not voted so the Mayor took roll call and after a tie vote, Mayor Dent said he still has the deciding vote and welcomed Pam Ator to the Council. Motion Carried 3-2.

Pam Ator asked not to be sworn in tonight because she is not informed yet. She will come by the office later this week for Wendy Collins to swear her in.

DIRECTOR OF PUBLIC WORKS
REPORT

Todd Baun has provided a written report for the Council.

GRAYS HARBOR PUD
EASEMENT

Grays Harbor PUD will be installing fiber cable to the cell tower by the City reservoirs. They will be going underground on Cedar Street and will need a utility easement from the City to complete their project. **It was moved by Councilmember Catterlin, seconded by Councilmember Peterson to authorize the Mayor to sign the Grays Harbor Utility Easement with the PUD, cable and telephone companies, in a joint motion. Motion Carried 4-0.**

GENERAL PACIFIC PURCHASE
ORDER APPROVAL

The City is requesting the Council approve a purchase order with General Pacific for the replacement of all of the street lights with LED lights, which comes out to 234 lights throughout the City. We received a grant for \$32,000 from the Washington Department of Commerce and we budgeted another \$32,000 as a city match to purchase the lights. The budget impacts the light and power fund. Three bids were received and General Pacific was the lowest bidder of \$76,578.22, including tax. **It was moved by Councilmember Schiller, seconded by Councilmember Reed to authorize the Mayor to sign the purchase order for General Pacific in the amount of \$76,578.22. Motion Carried 4-0.**

RADWELL PURCHASE

The waste water treatment plant has had several drive failures over the past year. The drivers are old and are now obsolete technology. Staff is asking for a purchase order to purchase an updated driver system to replace one of the obsolete drivers we currently use. This would allow us to get through the year without a catastrophic failure and allow us time to budget for additional drivers for the system in the 2016 budget. The cost will be paid out of the sewer capital improvement equipment fund, which has sufficient available funds. **It was moved by Councilmember Catterlin, seconded by Councilmember Peterson to authorize the purchase order for Radwell in the amount of \$5,377.18, including tax. Motion Carried 4-0.**

ECIVIS SERVICE AGREEMENT

eCivis is a company that provides a grant management system that will assist us in finding grant funding, improving collaboration and can also write grants. Todd Baun used a demonstration of the product and believes it would be very helpful to find, apply and manage successful grants. **It was moved by Councilmember Schiller, seconded by Councilmember Peterson to authorize the Mayor to sing the eCivis Agreement in the amount of \$690.00 annually for 3-years and that Todd Baun is satisfied with the rates. Motion Carried 4-0.**

WATER USE RESTRICTION
ORDINANCE

Water levels are declining but we are not in trouble at this time. Todd Baun would like to get something in place now, before any potential future problem. Tabled.

ORDINANCE 810, ZONING
AMENDMENT

It was moved by Councilmember Catterlin, seconded by Councilmember Reed to adopt Ordinance 810, relating to zoning, amending section 17.20.030 MMC and section 1 (part), Ordinance 709, as last amended by section 2, Ordinance 795, and providing an effective date. Ordinance Adopted 4-0.

ORDINANCE 811, BUDGET
AMENDMENT ORDINANCE

Councilmember Schiller said after the last meeting when things got so heated, he went to the police department and talked things over with them. He also did some research on police departments from the Department of Justice and reviewed the statistics of what the cost is to run various sizes of police departments. It breaks down how they are funded, what the actual operating costs are, and how many are on the force. He made copies and will be happy to share with anyone who is interested. He said people would be surprised to find out what the actual operating budget is to operate a police department for population of under 2500. We are still over budgeted for our police department. The statistics are actual data and is worthy of reviewing. He wanted to share this information before the Council voted on the budget amendment.

Councilmember Schiller would like to make a motion to amend the budget ordinance amendment to state they authorize funding the police department until after the election to see how the residents vote. Todd Baun said we are out of money at the end of the month in the law enforcement line. Councilmember Peterson said he agrees with Councilmember Schiller and will make a second to his motion.

Councilmember Catterlin said the voters need to realize this is funding the police for only one year. It is kicking the can down the road one more year. Wendy Collins stated that when looking at the budget to date, after taking off LEOFF1, which is required, we have \$30,000 left. The cost of wages is \$29,000 per month and other operating costs are another \$4000 to \$6000 a month. It is difficult to do an estimate for what it will actually cost to get to the election. If the levy fails, there is a 30-day notice of lay off that is required so that extends it another month to budget for. Dan Glenn said it would be best to adopt the attachment with the entire \$150,000 to cover all expenses until the election so the Council will not have to adopt another supplemental budget.

Councilmember Schiller wants to budget the police until the end of November. Then we will have to start planning, depending on the vote outcome. Ben Blankenship asked if the City will continue discussions with the County until the November vote. Councilmember Schiller said the City would be covered by the Sheriff Department under the current MOU.

Mayor Dent wants the public to understand that the County collects taxes in both incorporated and unincorporated areas. It's up to the commissioners to decide how they are going to allot it between the various departments. The Sheriff is asking us to pay the County additional money to the tune of \$225,000. In some courts that would be considered double taxation. They are required to be here anyway, if we don't have a force. The issue will be the response time.

It was moved by Councilmember Schiller, seconded by Councilmember Peterson to fund the police department through the end of November and adopt the revised Attachment A. Roll Call taken in the affirmative. Ordinance Adopted 4-0.

PUBLIC COMMENT

Councilmember Schiller said tonight was one of the worst examples he's seen government work. Only two people applying for Council and one bowing out is not the right way to work. You don't go off of neighbors and friends of families' feelings, you go off of people that really have the passion to be on the council. He thinks tonight is an example of how government should not work.

Pam Ator said she probably should have spoken earlier when asked to. She said one of the reasons she wanted to be on the Council is to try to work together. She has served on the Council before and served as Mayor Pro Tem before and she is not here because she is mad at anybody, she wants to see the City, staff, Mayor and public working together. That is what Ben wanted. That is her goal. She is not going to be a yes man to anyone or to appease anyone. Her goal is to do what is best for the City.

Gary Atkins said if you look at movie stars and the people they hire to run their checkbooks, but never look at their checkbooks, they end up broke. When you think we are arguing with the Mayor, we are not. He just wants to get answers and understand how we are going to get there, and it's very hard to sit back and take it when he gets lashed at by the Mayor. The Mayor is making it hard to believe in him. He has to give us something in return to believe by answering questions with answers. Mayor Dent said there are treasurer's reports he can come look at. Gary Atkins said that is not what he wants. Just like tonight, don't tell us you have a plan but you won't go over it now. If you have a plan, tell us now so we can stop fighting as neighbors and as a town and we can start supporting you instead of asking you to step down. Mayor Dent said again, he may have a way to resolve it but he's not going into it tonight.

Jeff Geer has sat on the Council and has gone through the budgets. When the budget gets passed, you don't see everything in the future but you should be able to get a lot closer than three months off. He said he hasn't been to a lot of council meetings after Tom Reed beat him in the election and he moved out of town, but he's back. He said that a few months after Tom Reed won the election, he asked Jeff if he wanted his job back. Jeff told him it's easier to throw stones at a glass house from the outside. He is now back in town and is attending the meetings and if he were sitting in a Council chair, he would be embarrassed to be a part of that board. Incompetence is the one word that comes to his mind.

The new Superintendent of McCleary schools spoke to the Council. One of his and his board members concerns, is that as you look at your budgets for the coming year, consider response time in reference to the police department. His number one priority is the safety of the kids at school. Response time is critical because you put the lives of your teachers, administrators and kids at risk. For those of you in the audience, the people sitting up there as the board have tough jobs. This is a democratic process. You voted them in and that includes your Mayor. Right now you are in a business meeting so to be able to speak your mind is appreciated but he doesn't have to let you have that opportunity. Give appreciation to all these members here because it's a hard job and they are volunteering their time. If you feel they are out of place, you are more than welcome to run against them and take their spot. Just remember it is not an easy job.

RESOLUTION 678, BEN ATOR
RECOGNITION RESOLUTION

Councilmember Catterlin asked if the Resolution honoring Ben Ator was going to be presented. **It was moved by Councilmember Catterlin, seconded by Councilmember Peterson to adopt Resolution 678 in recognition of Ben Ator's service to the Council. Resolution Carried 4-0.**

Councilmember Catterlin asked if Dan Glenn would read the resolution for Ben Ator out loud for the public to hear. Dan read the very moving tribute to Ben's service to the community. Bennie Ator will be missed beyond words.

APPROVAL OF VOUCHERS

Accounts Payable vouchers/checks approved were 39930 - 39977 including EFT's in the amount of \$128,603.71 .

It was moved by Councilmember Reed, seconded by Councilmember Peterson to approve the vouchers. Motion Carried 4-0.

MEETING ADJOURNED

It was moved by Councilmember Peterson, seconded by Councilmember Reed to adjourn the meeting at 8:51 pm. The next meeting will be Wednesday, September 9, 2015 at 7:00 pm. Motion Carried 4-0.

Mayor Gary Dent:

Clerk-Treasurer Wendy Collins:

MEMORANDUM

TO: MAYOR AND CITY COUNCIL, City of McCleary
FROM: DANIEL O. GLENN, City Attorney
DATE: September 4, 2015
RE: LEGAL ACTIVITIES as of SEPTEMBER 9, 2015

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.

After the last few reports you have had to work through, the brevity of this report will likely be a source of relief to all who have to read it.

1. INTERLOCAL FOR EQUIPMENT USE: Chief Nott may speak to this in greater detail. Basically, this is what I understand has been worked out among FD #5, Elma, and McCleary.

All three Fire Departments utilize certain breath assistance equipment which is provided to Departmental members for use during certain responses. To assure safety, the units apparently must be tested annually. FD #5 has the appropriate equipment. The agreement allows all departments to utilize the testing equipment.

A. The cost is a three-way allocation of the annual maintenance on the tester, estimated to be approximately \$700.00 divided three ways. Thus McCleary's estimated annual share of maintenance costs would be slightly less than \$234.00.

B. If the equipment is broken or damaged while in use by a party, that party absorbs the cost of repair.

C. Each party holds the others harmless from any claims for damages resulting from the party's usage.

D. It is a one-year agreement with automatic renewals, but is terminable by any party with a 30-day notice.

I would recommend that the Council authorize the Mayor to sign subject to a couple of minor clarifications I will be making in the draft provided by Chief Prater.

2. **RESOLUTION IN RELATION TO DICK VATNE**: It seems only too often we are in the situation where we lose a person who has played a role in the life of the community. That occurred in July when Dick Vatne passed away. With all that has been going on in the weeks since then, that loss was not formally recognized. To correct that fault on my part, I have prepared a draft resolution for your consideration.

3. **IBEW MATTERS**: My understanding is that Mr. Snyder will be present this evening to discuss the current status of contract negotiations. These discussions will be held in a closed session under the provisions of RCW 42.130[4][b]. As you would anticipate, any final action on a contract proposal will have to be taken during the course of the open meeting.

4. **WATER USAGE CONTROL ORDINANCE**: Well, it appears that the absence of rain and the presence of high temperatures has at least been mitigated by the weather pattern of recent days. However, I would ask that, if there are questions or suggestions in terms of the draft I have provided, let me know since it is my opinion it is better to have the tool in place and not have to use it than to need the tool and not have it.

5. **EVERGREEN CONSULTING GROUP AGREEMENT**: The agreement is precise in terms of the services which will be provided to aid in administering the program funded by BPA. I would recommend that the Mayor be authorized to sign subject to the Company's acceptance of an addendum setting out provisions for termination, as well as dispute resolution.

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: Todd Baun, Director of Public Works
Date: July 17, 2015
Re: Current Non-Agenda Activity

Clinic Project

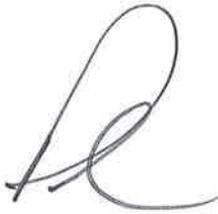
As you have noticed, the clinic project across 3rd street is up and running. I have been working with Joe from Elma, Jon Hinton from Gray and Osborne, and the contractor to make sure everything is going smoothly and the proper permits and regulations are followed.

2016 Budget

Wendy and I have started the beginning process of the 2016 budget. I would like to know of any goals, projects, expectations or expenditures that Council would like to see in the 2016 budget. This will help greatly in getting a good budget together for 2016. Please contact me anytime with your ideas.

STAFF REPORT

To: Mayor Dent
From: Paul Nott, Light & Power
Date: September 3, 2015
Re: June, July, August Report



	Monthly Statistics;	YTD Totals;
New Services;	1	2
System Outages;	3	4
Pole Replacements;	8	29
Maintenance Work Orders;	15	42
Billable Work Orders;	1	5

Since our last report, we have been working primarily on the cut over. We've had three outages, numerous pole and transformer replacements and converting the overhead at Third and Mommsen and up at Black Hills Family Practice to underground.

On Third Street we have completed the re-conductor.

The work at Third and Mommsen is in relation to the cut over and also to remove the pole located on the corner. We've installed a new vault and instead of the up feed going up the existing rotten pole we are reconstructing it to feed up two separate poles.

We are also rebuilding Oak Street from Third to Second Street. All in conjunction with the cut over project.

We anticipate two major outages when we actually cut this area over. We will advise the customers with substantial notice.

As always if you have any questions feel free to contact us...

In case of a power outage, please contact:

Light and Power Department 360-495-4533
City Hall 360-495-3667
Dispatch Non-Emergency 360-533-8765

Staff Report for McCleary Police Department

To: Mayor Dent
From: George M. Crumb, Chief of Police
Date: Friday, September 4, 2015
RE: For September 9, 2015 Council Meeting

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 reports, citizen contacts, US mail, or other officer generated incidents.

1481 Incident histories reported this year as of time of this report, 090415/1408. (95 since last report)

- Assault(s)
- Agency Assist(s)
- Alcohol Offense
- Audible Alarm
- Abandon Vehicle
- Animal Complaint ()
- Burglary
- Curfew Violation
- Citizen Dispute
- Civil
- Court Order Violation
- Citizen Assist
- DUI
- Disorderly Conduct/Verbal/Threats
- Drug Incidents (VUCSA)
- Death Report(s)
- Domestic Violence/Verbal/Mal Mis.
- Extra Patrol Request
- Fire Responses
- Found/Lost Property Report(s)
- Fraud--Firearm- Compl-
- Fight
- Harassment-
- Medical
- Juvenile Problem/Run-a-way
- Motorist Assist
- Malicious Mischief
- Missing Person-/Found-
- Noise Complaints
- No Valid Operator's License (NVOL)
- Police Information-, Protection Order Scv-
- Public Works Assist
- Parking Complaint
- Police Referral
- Speeding Stops
- Speed in School Zone
- Suspicious Person-/Vehicle-/Circumst-
- Subject Stop
- Sex Offense-0/Sex Offen Add Confirmation-
- Suicide-0/Suicide Attempt-
- Traffic Offense-/Reckless-/Hazard-
- Theft Reports/Vehicle-(Shop lifter-)
- Traffic Accident
- Traffic Stop
- Trespass
- Vehicle Prowl-0/Prowler-0
- Warrant Service/Confirmation
- Warrant Search
- X-Patrol request
- Warrant Arrest
- Welfare Check
- Weapons Offense
- 911 Open Line or Hang Up
- No classification-, or Unknown Problem-
- Wire Down

Discussion: Open.

(Unit histories available)(McCleary School started Wednesday, September 2nd)

Council Members Present: ALL.... Mr. Catterlin-Position 1, Mr. Reed-Position 2,
Mr. Peterson-Position 3, Mr. Schiller-Position 4,
Mrs. Ator-Position 5.

Mayor Dent: Present / Not Present _____

Officer Reporting: Chief Crumb _____

STAFF REPORT

To: Mayor Dent
From: Todd Baun- Director of Public Works
Date: September 4, 2015
Re: November Meeting Dates

Wendy has pointed out that we may have scheduling conflicts on the 2 scheduled Council meetings in November. The 1st Council meeting in November is on November 11th, which is the Veteran's Day holiday. The other Council meeting is scheduled for November 25th, the day before Thanksgiving.

We are just bring this up in case you would like to reschedule any of the meeting in November.

Action Requested:

Please discuss and reschedule meetings if you find necessary.

INTERLOCAL AGREEMENT
FOR USE OF CERTAIN EMERGENCY MEDICAL EQUIPMENT
BY AND BETWEEN
GRAYS HARBOR FIRE PROTECTION DISTRICT #5
AND THE CITY OF MCCLEARY

THIS AGREEMENT is entered into between the City of McCleary, hereinafter referred to as "City," a municipal corporation of the State of Washington, and Grays Harbor Fire Protection District #5, hereinafter referred to as "District", a political subdivision of the State of Washington, pursuant to the provisions of Chapter 39.34 RCW, the Interlocal Cooperation Act, and RCW 52.12.031(3), for the purposes stated.

RECITALS

1. Both parties maintain staffing, apparatus, and equipment for the suppression of fires, for the supplying of emergency medical services, and responses to other calls for service.
2. Each party will be benefitted by the execution of this agreement for the provision by the District to the City of certain equipment.

3. It is anticipated a similar agreement will be executed with another city for which the District provides emergency medical transport services.

Now therefore it is agreed as follows:

SECTION 1. PURPOSE: The purpose of the Agreement is for provision of the use by the City of specialized equipment owned by the District in accordance with and subject to the provisions set forth below.

SECTION 2. TERM OF AGREEMENT: This Agreement shall be effective for a period of one year commencing from the date of filing. However, the agreement shall be automatically continued from year to year unless terminated as provided pursuant to Section 6.

SECTION 3. SCOPE OF SERVICES: The scope of service to be provided by the District is to make available to the City upon request certain equipment utilized in the provision of fire suppression and emergency medical services, primarily a Respiratory FIT Tester (the Tester). As indicated, it is recognized the provision shall be upon request of the City, but is subject to the availability of the equipment.

SECTION 4. PROVISION FOR REIMBURSEMENT OF COSTS:

A. As to the Tester, the City shall reimburse the District the cost of the required annual calibration, servicing, and/or repairs to the Tester: PROVIDED THAT, these costs shall be equally split between any and all agencies that use the Tester. The District shall send to the City an invoice with copies of all receipts for reimbursement after the annual calibration, service, and/or repairs have been completed.

B. The City agrees to pay for any and all repairs to or replacement of any equipment provided to the City upon the City's request that is damaged while in the City's possession. Such payment shall be made directly to a certified repair facility or vendor.

SECTION 5. INDEMNIFICATION:

A. The District agrees to hold harmless, indemnify, and defend the City, its officers, agents, and employees, from and against any and all claims, losses, or liability, for injuries, sickness, or death of persons, including employees of the District, or damage to property, arising out of any willful misconduct or negligent act, error, or omission of the District, its officers, agents, subcontractors, or employees, in connection with the services required by this Agreement, provided, however, that:

(1) The District's obligations to indemnify, defend and hold harmless shall not extend to injuries, sickness, death, or damage caused by or resulting from the sole willful misconduct or sole negligence of the City, its officers, agents, or employees: and

(2) The District's obligations to indemnify, defend, and hold harmless for injuries, sickness, death, or damage caused by or resulting from the concurrent negligence or willful misconduct of the District and the City shall apply only to the extent of the negligence or willful misconduct of the District.

B. The City agrees to hold harmless, indemnify, and defend the District, its officers, agents, and employees, from and against any and all claims, losses, or liability, for injuries, sickness, or death of persons, including employees of the City, or damage to property, arising out of any willful misconduct or negligent act, error, or omission of the City, its officers, agents, subcontractors or employees, in connection with the services required by this Agreement, provided, however, that:

(1) The City's obligations to indemnify, defend, and hold harmless shall not extend to injuries, sickness, death, or damage caused by or resulting from the sole willful misconduct or sole negligence of the District, its officers, agent or employees: and

(2) The City's obligations to indemnify, defend, and hold harmless for injuries, sickness, death, or damage caused by or resulting from the concurrent negligence or willful misconduct of the City and the District shall apply only to the extent of the negligence or willful misconduct of the City.

SECTION 6. TERMINATION: Either party may terminate this Agreement upon ninety (90) days' written notice. If this Agreement is so terminated, the parties shall be liable only for the payment in accordance with the terms of this Agreement for services/use rendered prior to the effective date of the termination.

SECTION 7. AGREEMENT, ADMINISTRATION, AND NOTICES: This Agreement shall be administered by the Fire Chief of Grays Harbor Fire Protection District #5 and the Fire Chief of the City of McCleary. Any notice under this Agreement shall be sent postage pre-paid by regular mail or delivered personally. Any notice so posted shall be deemed received five (5) business days after the date of mailing unless personally delivered. Notices shall be mailed or delivered to the following officials at the following addresses:

District:

City:

Fire Chief
Grays Harbor Fire District #5
428 Stamper Road
P.O. Box 717
Elma, WA 98541

Clerk-treasurer
City of McCleary
100 South 3rd St.
McCleary WA 98557

SECTION 8. MODIFICATION: The District and City may modify this Agreement in writing by mutual consent. No alteration or variation of the terms of this Agreement shall be valid unless made in writing and signed by the parties hereto.

SECTION 9. SEVERABILITY: Should any clause, phrase, sentence, or paragraph of this Agreement or its application be declared invalid or void by a court of competent jurisdiction, the remaining provisions of this Agreement or its application of those provisions not so declared shall remain in full force and effect.

SECTION 10. LEGAL COUNSEL REVIEW: Each Party has had the opportunity to have this agreement reviewed by Counsel of their Choice.

SECTION 11. BENEFITTED PARTIES: This agreement shall be deemed solely between the parties and shall not be for the benefit of any third party.

SECTION 12. COMPLETE AGREEMENT: This Agreement constitutes the entire agreement between the parties and may not be changed

or modified other than by a written agreement executed by the parties.

SECTION 13. GOVERNING LAW AND STIPULATION OF VENUE: This Agreement shall be governed by the laws of the State of Washington. Any action hereunder must be brought in the Superior Court of the State of Washington for Grays Harbor County.

IN WITNESS WHEREOF, the undersigned have affixed their signatures in execution thereof.

14. Signature Pages:

DATED: _____

City Of McCleary

D. Gary Dent, Mayor

Paul Nott, Fire Chief

Daniel O. Glenn, City Attorney

Attest:

Wendy Collins, City Clerk-Treasurer

DATED: _____

Grays Harbor Fire District 5

Gerald Bailey, Chair
Board of Commissioners

Dan Prater, Fire Chief

Attest:

Patty Smith, Board Secretary

STAFF REPORT

To: Mayor Dent
From: Todd Baun- Director of Public Works
Date: September 4, 2015
Re: Building Official Discussion

As you are aware, Colin left the City in early July. We have advertised his positions for several weeks without any response to fill the position of part time Building Official. We have been using City of Elma's Building Official, Joe Chrystal to handle our Building Official duties until we find a replacement.

The problem we have run into is the amount of permits that have come in since July. From January until June the building department had processed 14 permits. Since July, we have processed 42 permits, with more coming in. This has been putting an unfair stress on Joe along with our staff trying to help permit applicants and permit holders.

I have talked with Scott Snyder about the lack of applicants and he has talked to the IBEW about possibly of the City contracting out the building department services. Scott may have more detail on his discussions with the IBEW.

I have been in contact with several companies that will perform building official duties. I will be bringing proposals to you at the next council meeting.

Action Requested:

Please discuss and let me know if this is the route you would like to take with the Building Official at this time.

STAFF REPORT

To: Mayor Dent
From: Todd Baun- Director of Public Works
Date: September 4, 2015
Re: Contract with Evergreen Consulting Group

The City has been working with BPA for several years on our Conservation program. This program offers residents and businesses options to take advantage of, receive a rebate, save energy and keep utility costs from increasing. Colin ran this successful program for the City.

Even though Colin has left, we are still getting applications for this program. I have been trying to learn the process of completing the applications, but I have not been able to fully process the applications with my limited knowledge of the program.

I have reached out to BPA for assistance and they have recommend Mike Porter from Evergreen Consulting Group. I have talked to Mike about our situation, and his company works with many utilities in similar situations. Mike has even taken a few of our applications and processed them at his cost, so we can see how they perform. They have been great to work with my limited time I have been in contact with them.

I have provided a contract with Evergreen Consulting Group. This will not cost the City any money out of pocket, since the City receives “performance payments” from BPA to cover internal customer administrative costs incurred in support of energy savings activities.

Action Requested:

Please discuss and allow the Mayor to sign the contract with Evergreen Consulting Group.

City of McCleary (CMC)
Commercial and Residential Energy Efficiency Programs
Technical Assistance proposal from Evergreen Consulting Group (ECG)
September 1, 2015 through September 30, 2016
DRAFT 8/14/15

Scope:

Provide program management and operation support for CMC's Commercial and Residential Energy Efficiency Programs.

Included in the management and operations of the program are the following elements:

- Providing technical energy efficiency program assistance to CMC's customers (at the direction of Todd Baun) at their sites in the CMC service area for up to two days a month. The technical assistance can consist of conducting commercial lighting audits, pre and post verifications of commercial lighting projects, pre and post verifications of residential weatherization and ductless heat pump projects and other site verifications as requested by Todd Baun for CMC's customer energy efficiency projects. It will also include preparing proposals for CMC customers including recommending energy efficient lighting, consulting with Trade Allies to encourage their participation in CMC's programs.
- Preparing customer agreements (CMC's agreement), ensuring they are signed and customers are instructed as to the necessary documentation for Incentives from CMC once the energy efficiency project is completed.
- Assembling the completed packages of paper work including the customer agreement, pre and post verifications, customer invoices, disposal forms and incentive request forms. These completed packages will be provided to CMC management.
- There will be a monthly tracking report presented to CMC management.
- CMC will be responsible to issue the incentive checks to the customer (further discussion will follow for entering the energy efficient projects into the BPA reporting system – ECG will need an approval from CMC and approved by BPA to enter this data into the BPA reporting system).
- Evergreen will submit monthly invoices to CMC for Evergreen's Labor and other expenses.

The on site technical assistance will be provided typically by Andy Gerde or other Evergreen Lighting Specialists with backup from Mike Porter or Roger Spring.

Agreed to the above:

Agreed to the above:

City of McCleary

Evergreen Consulting Group, LLC

Date

Date

STAFF REPORT

To: Mayor Dent
From: Todd Baun- Director of Public Works
Date: July 17, 2015
Re: Water Conservation Ordinance

With our current weather and dry conditions, I have started looking at ways to keep our water system safe. Since the City has nothing on Water Conservation, I have been talking with Dan about this issue of drafting a Water Conservation Ordinance. Dan has drafted an Ordinance that I think will help protect our valuable water.

This issue started to pop up in early June. Kevin and I started reviewing our well outputs, and we were seeing that our current well levels were currently at levels normally seen in late August and September. With this information, we consulted Gray and Osbourn about what we could do to help with our declining water in the well field. They gave us some suggestions on turning down output from the wells and possibly limiting our back washing cycles. Both items were implemented and have helped our wells slowly recover.

The City has also cut our normal irrigation usage in half, stopped flushing hydrants unless necessary and have put a message on our website asking for voluntary water conservation. I have put the website message on page 2 for your information.

Action Requested:

Please allow the Mayor to sign the Ordinance for Water Conservation measures.

With our drier than normal winter, dry warm spring and early summer, the City and our ground water supplies are at risk of overuse. The demand on our aquifer can be greater than the amount supplied by rain and snowmelt. Water conservation is an important measure to help with, due to increases with demand on the City's potable water resource.

Keep in mind that it is often cheaper, easier, and safer to use less water and there are many ways for homeowners to conserve water. It is important for our consumers to use water wisely to assure an adequate supply of water for our community. Following are some conservation measures will help reduce water usage during hot, dry weather:

Outdoor and Lawn watering tips:

- The average lawn requires only one inch of water per week to stay green. Overwatering doesn't improve your lawn's health and results in runoff and water waste. Place a series of shallow containers throughout your lawn. Turn the sprinklers on and water your grass. When you're finished, measure the water in the dishes. Adjust the time until the water is about one inch deep.
- Regularly check and adjust your sprinklers. Water only your lawn and not the driveway, streets and sidewalks.
- In order to reduce the amount of water lost to evaporation, the best time to water your lawn is in the mornings between 6am-9am.
- Mow your lawn with blades set high; grass that is 2"-3" tall promotes a healthier root system and helps retain soil moisture.
- Consider replacing lawn with native plants to use less water, fewer chemicals, and eliminate mowing.
- Apply mulch around plants and trees to retain moisture and inhibit weed growth.
- Use a broom, not a hose, to clean driveways and sidewalks

Indoor water conservation tips:

- Don't use the toilet as a wastebasket. Each flush wastes water.
- Check toilets and faucets for leaks and fix any problems.
- Run your dishwasher only when it's full.
- Wash only full loads of laundry or use the proper water level setting for your load size.
- Don't leave the water running when brushing your teeth or shaving. With the tap running at full force, shaving takes 20 gallons of water, teeth-brushing takes 10.
- Take shorter showers or use less water in your bath. A full bathtub requires about 36 gallons of water. A five-minute shower using a water-conserving showerhead will use just 15 to 25 gallons.
- Consider installing water-efficient toilets, faucets and showerheads as a water-saving investment.

ORDINANCE NO. _____

AN ORDINANCE RELATING TO PUBLIC UTILITIES,
ADDING A NEW CHAPTER TO TITLE 13 OF THE
MUNICIPAL CODE, PROVIDING FOR PENALTIES,
ENFORCEMENT, AND SEVERABILITY.

R E C I T A L S:

1. The Director of Public Works has reported to the Mayor and Council that the source of the City's water supply is currently at a level normally reached in the early Fall.

2. The indication is such an unusual level of availability is associated with the weather of the recent months which has involved much less rainfall than would be normal.

3. A review of the Municipal Code has disclosed no existing provisions authorizing the implementation of measures to control water usage in situations arising from a shortage of supply.

4. As a protective measure for the public good, it is found appropriate to implement the provisions set forth below so that, in the event such action becomes necessary, specific guidelines as to steps to be taken to protect the public health and safety are in place.

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

SECTION I: When, as the result of information provided by the Director of Public Works (the Director), it is deemed necessary in the judgment of the Council to conserve water within the City's domestic water supply system during critical water shortage periods, the Council may by resolution declare an emergency condition and direct the Director to implement any or all of the following actions after publication of notice thereof in a newspaper of general circulation distributed in the city. In the event the Director has determined it necessary to make this recommendation and more than fourteen calendar days must pass before the next regular meeting of the Council, the Mayor may issue a proclamation declaring the emergency which shall remain in place until the Council ratifies, reverses, or modifies the action of the Mayor at its next meeting.

Based upon the information provided to the Council or the Mayor, as the case may be, the resolution or declaration shall define the emergency as a mild, moderate, or severe emergency. Such definition shall govern the steps taken in the implementation of the program. Upon implementation of a program, the public works department shall monitor the supply and demand for domestic water on a daily basis and the Director shall provide reports to the Mayor and Council on a weekly basis of the status of the domestic water system.

SECTION II: Upon adoption of a water supply emergency resolution, the Director shall implement a water consumption

curtailment program corresponding to the emergency level declared by Council. The water curtailment program shall consist of the following measures and any other measures necessary, in the judgment of the Director, to maintain the operational capabilities of the City's water supply system and thus insure the safety and health of those served by it.

A. Stage I-Mild:

1. The public works department shall place a notice of a water supply emergency upon the City's website and any social media service upon which it maintains a "site". It shall also notify the newspapers of general circulation within the City of this situation.

2. The public works department shall prepare and send a water status report to large water users as identified in the city's utility billing system.

3. The Director may take such steps as may be deemed appropriate requesting that domestic water users using city water for irrigation conform to the following landscape watering schedule, such watering to be allowed before 9:00 am and after 6:00 pm:

a. Even-numbered addresses water on even-numbered calendar days.

b. Odd-numbered addresses water on odd-numbered calendar days.

4. The public works department may develop and distribute to customers within the water utility billing system a water conservation guide.

B. Stage II-Moderate: In addition to the following measures, all of the measures indicated in the mild stage water emergency shall apply.

1. A representative of the public works department shall meet with the large water users as identified in the water utility billing system to inform them of the current condition and request a voluntary percentage reduction in their water consumption.

2. Mandatory landscape water restrictions shall be implemented. Landscape watering restriction may include required schedules up to and including prohibition of landscape watering.

3. Washing of streets, sidewalks, driveways, or decks shall be prohibited except as necessary for public health and safety.

4. Washing of boats and vehicles shall be prohibited unless at a commercial car washing facility equipped with water recycling equipment.

5. The filling of swimming pools, spas, and similar artificially created water features is prohibited.

6. Construction operations receiving water from a hydrant shall not use water unnecessarily for any purposes other than those required by regulatory agencies.

7. All restaurants that provide table service shall be requested to post in a conspicuous place a notice of emergency water conditions as provided by the Director and shall refrain from serving water except upon a specific request by a customer.

8. Operators of commercial establishments offering lodgings, including by way of example bed and breakfasts and motels, shall be requested post in each room a notice of emergency water conditions as provided by the Director.

C. Stage III-Severe: In addition to the following measures, all of the measures indicated in the mild stage and moderate stage water emergencies shall apply.

1. All watering of any lawn, yard, city park, landscaping, recreational area, or any other area containing vegetation shall be prohibited.

2. Hydrant permits shall be rescinded and no new permits issued.

3. In the event the above measures do not prevent a shortage of water supply available for the basic function of health and sanitation, the Director may be authorized to implement a rolling system of water system outages as necessary to preserve basic health and sanitation.

SECTION III. Enforcement:

A. Accountability: For the purposes of this ordinance, the legal owner of any premises upon which a violation of this section occurs or, in the case of rented or leased

premises, the legal occupant thereof, shall be deemed accountable for the conduct of all other persons being present thereon or having access to the premises. Any such owner or occupant may be found to have committed a violation of this ordinance upon proof of the commission of a violation of this section and proof that the named individual is the owner or legal occupant of the premises upon which the violation occurred, though the persons claimed to have committed the violation have not been prosecuted or convicted, or have been acquitted.

B. Violations & Penalties:

1. It is unlawful for any person to violate any provision of this ordinance. For the purpose of this section, person includes, in addition to the definition provided in MMC 9.04.160, those accountable for the conduct of others as defined in this section. Notices of infraction or citations, as may be merited under subparagraph 2, may be issued for violations of this ordinance.

2. Any person found to have violated any provision of this ordinance shall be deemed to have committed a civil infraction subject to a civil penalty as set forth in MMC 8.16.230: Provided that, if the same violator has been found to have committed an infraction violation for the same or similar conduct two separate times, with the violations occurring at the same location, involving the same or similar sections of the Municipal Code or other similar codes, and having been issued

within a thirty day period, the third or subsequent violation shall be issued as a citation and shall be deemed to constitute a misdemeanor, punishable as provided in MMC 9.02.030.

C. Discontinuance of Service: If a person accountable for service at a location has been given written notification of violation of the provisions of this ordinance and has failed to timely take reasonable efforts to correct the violation, in addition to the enforcement provisions set forth in the prior subparagraphs, in the Director's discretion, a written notification of intention to discontinue service may be given. It shall be given no less than five business days in advance of the intended date of discontinuance of service. The person may appeal such notification pursuant to the procedure set forth in Sections 5.04.030 and 5.04.040. Such notice of appeal must be filed within three business days of the giving of the notice. All other provisions of the two sections apply, including staying of the actual termination of service.

SECTION IV: Severability: If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The Council hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause, and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases had been

declared invalid or unconstitutional, and if for any reason this Ordinance should be declared invalid or unconstitutional, then the original ordinance or ordinances shall be in full force and effect.

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

SECTION VI: Corrections by the Clerk-treasurer or Code Reviser: Upon approval of the Mayor and City Attorney, the Clerk-treasurer and the Code Reviser are authorized to make necessary corrections to this ordinance, including the correction of clerical errors, references to other local, state, or federal laws, codes, rules, or regulations, or ordinance number and section/subsection numbering.

SECTION VII: Codification: Sections I through III shall constitute a new chapter in Title 13 of the Municipal Code.

PASSED THIS _____ DAY OF _____, 2015, by the City Council of the City of McCleary, and signed in approval therewith this _____ day of _____, 2015.

CITY OF McCLEARY:

D. GARY DENT, Mayor

ATTEST:

WENDY COLLINS, Clerk-Treasurer

ORDINANCE -C- 8
07/15/2015
DG/le

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

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 _____, 2015, by WENDY COLLINS.

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

RESOLUTION NO. _____

A RESOLUTION RECOGNIZING THE PASSING OF
RICHARD "DICK" VATNE.

R E C I T A L S:

1. On July 22nd, Dick Vatne passed away. With Dick's death, McCleary lost one of its larger citizens, large in the sense of physical size, but also in spirit and personality.

2. Dick served the Citizens of the City as an elected official in two positions, one as a council member and one as mayor. It has been a little over five and one-half years since Dick ended his service on the Council. Until relatively recently, we were fortunate enough to have Dick in attendance at various meetings of the Council sitting in the back row. He did not allow the health problems with which he had to deal prevent him from stopping by City Hall and discussing matters with City staff.

3. As was noted in the resolution honoring his service as a Council Member, it was his style to be polite and open to receiving comments with which he might not agree. He also had the ability to utilize the English language in a manner which made it enjoyable to listen to his comments. We can all only wish that as he would say, we "resemble that remark."

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

SECTION I: The Council and Mayor reaffirm their sorrow of Dick's passing and want his extended family to know how much the City benefitted over the years from his presence and involvement. They also wish to express the Community's appreciation for all that Dick did which helped to make McCleary the city that it is.

SECTION II: The Clerk-treasurer shall provide a certified copy of this resolution to Dick's family for inclusion in their memorabilia about the life of an individual who might well have qualified for the observation of being larger than life.

PASSED THIS _____ DAY OF _____, 2015, by the City Council of the City of McCleary, and signed in authentication thereof this _____ day of _____, 2015.

CITY OF McCLEARY:

D. GARY DENT, Mayor

ATTEST:

WENDY COLLINS, Clerk-Treasurer

APPROVED AS TO FORM:

DANIEL O. GLENN, City Attorney

RESOLUTION - 3
09/03/2015
DC/le

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