

CITY OF MCCLEARY
City Council Meeting
Wednesday, January 27, 2021

CALL TO ORDER

Mayor Orffer called the meeting to order at 6:30 pm.

ROLL CALL

Wendy Collins took roll call. Councilmember's Jenna Amsbury, Brycen Huff, Jaron Heller, Chris Miller, and Joy Iversen were all present.

STAFF PRESENT

Wendy Collins, Clerk-Treasurer, Todd Baun, Director of Public Works, Steve Blumer, Police Chief, and Chris Coker, City Attorney were present.

PUBLIC COMMENT

Chris Vessey, 610 W Ash Street, asked Chris Coker if there is anything legal that can be done to get people on 3rd Street and 5th Street to get their places cleaned up. They are a pigsty and if there is anything that can legally be done can Mr. Coker please forward to Todd, or whomever.

Mr. Vessey went through the minutes and is upset over the software purchase. He understands the city was going to look into getting it and found out the city paid \$30,000 for it. He asked who investigated this software and stated it is asinine to not bring it to the council before it was paid for. He listened to the minutes from the last meeting and thanked Jenna Amsbury, whom he has never met, for voting no on the purchase. It doesn't seem right to him to spend \$30,000 on something that we don't know what we get and how much more it is going to cost us. If there is some way to get out of this, he would like the council to look into it because the money could be used somewhere else since we don't know what we are paying for or getting. He feels like the council was pushed into passing it at the last meeting. He thanked Councilmember Amsbury for voting no and for doing her homework. He thanked the council, mayor, and Todd, for letting him speak.

Suzanna Winstedt, 527 W Simpson, asked about the procedure for getting questions answered. She noticed the process is a little different this time asking for full names and addresses for public comment but she understands she is not coming to the meeting with the expectation of getting her questions answered, so how will the city be responding to her questions? Will the answers be added to the meeting minutes for the next meeting or how will that look like?

Mayor Orffer said staff is trying to prepare written responses that we will post when they are complete. At our last council meeting, for anyone that listened to it, knows there were many, many questions and staff has been working on written responses. Some of the questions required an outreach to Grays Harbor County, for example, and we are waiting for those responses. As soon as we have responses to those questions we will post them as part of the next council packet. If there are easy questions tonight, we can get them posted by the next meeting. It depends on the number of questions and where we have to get our answers from and the amount of research that goes into it.

Suzanna Winstedt asked what the expectation for posting the agendas for the public is, because she looked last week, and again this week, and did not see it until today, which is the day of the meeting. She wants to use the section for public comments from the last meeting to prepare for this meeting.

Mayor Orffer stated we generally try to have the packet ready one week before the meeting. Sometimes we are waiting for information to come in. This week's packet was posted and distributed to Council on Monday. Last Friday, we informed the council we were waiting for items and they would know on Monday.

Suzanna Winstedt asked how to get items on the agenda and Mayor Orffer told her if she has an item for the agenda, she can get it added through a councilmember or to her. Between the council and the mayor, they create the agenda.

Suzanna Winstedt's last item is feedback as a member of the public. She thought that both sides of the argument for public comment was cogent, however, after having public comments at the beginning and then sat through the meeting, there was a lot of content there that fourteen days ago she would have had some proper feedback on, but waiting is not as easy to get that to you and it's also not something that she could have prepared and asked about on the agenda in advance without having the content of the various presentations and discussions to provide feedback on. She knows one of the arguments, with respect of time, anybody that is in this meeting and is concerned about the city is probably willing to wait to comment at the end.

Courtney Eversen, 511 S 3rd Street, has a concern over her next door neighbor at 503 S 3rd Street. The house is currently vacant and she now has a huge rat problem, which she did not have prior to two weeks ago. She asked if there is something they can do about that vacant house. She is sure other people are having rat problems, as well. She is not sure how to go about resolving this, but she is more than willing to help out.

Angela Rittinger, Main Street, I also very close to the house on 3rd Street and would love to see some attention given to that house and the one on 5th Street. They have been eye-sores in the community long enough and need to be addressed.

Angela Rittinger has been piping in on the council meetings and noticed she doesn't hear from the council at all. She feels the meetings are run by the city and not by the council. They are not part of the agenda, we get the agenda a day or two before, and she wonders why the council isn't involved more. She wonders if they like the three minute time limit is and if it is a decision they made.

Regarding the asphalt issue, she appreciates the investigation because it shows the momentum moving forward to get to the bottom of it but she cannot wrap her head around why we are paying thousands of dollars on interviews. She spent two hours this morning on her interview, which she is sure the city is being charged a couple hundred dollars an hour for the attorney, and isn't sure how many people are being interviewed. She said the investigator told her it doesn't matter what he finds, the city doesn't have to abide by it. This is strictly for appearances sake and we could have simply spent one hundred dollars to take an excavator out there, dig a few sample holes, and got to the bottom of it. She wonders why the city chooses to spend that kind of money to investigate something that has no bearing at the end and spend the money somewhere else that will benefit the our community better, like what Chris Vessey said earlier.

Mayor Orffer said we are using a third party attorney for the investigation is so we ensure complete objectivity in the investigation and to ensure the people being interviewed do not feel any pressure or influence from city staff or Chris Coker. We want people to have the opportunity to have an open and candid conversation with someone. While he may have stated to Ms. Rittinger that we don't have to respond to what he is bringing to us, it is our full intention to review everything he is bringing to us because we want to get to the bottom of this just as much as the public and council does. The council made the decision to spend the money at the last meeting and that is why we are doing it.

Angela Rittinger asked if there was a reason the council was not allowed to pick the investigator and why Chris Coker picked the private investigator as she though the council would have some input on who the investigation was done by. She thinks it is suspect that another city attorney was picked to do the investigation by our city attorney.

Chris Coker responded by stating he anticipated a belief that it is biased. He has known Mr. Hughes to do investigations. He doesn't know him personally and has met him once and thinks he is a qualified person to do it. He can't make everyone happy in terms of an investigator. He first contacted the Aberdeen Police Department who sent him to the sheriff's office because he figured people wouldn't have issues with a police officer. They weren't willing to do it because it wasn't in their wheelhouse so he picked someone. It's not really the role of the city council to choose an investigator in this type of situation dealing with multiple complaints against the city. He is now hearing people aren't happy with the investigator and this is a neutral investigator and he is going to leave it at that.

Angela Rittinger said they didn't ask for an investigator, the city did. What they did ask for was an excavator to go out to the site for one hundred dollars and dig holes. It will get the same result that this guy spending thousands of dollars on is going to get. She would have felt better if the council had a little bit of input on who was going to do the investigation.

Chris Coker said the council approved Mr. Hughes to do the investigation at the last meeting.

Monique Buechel, 427 S 3rd Street, also wants the rat problem addressed. At the last council meeting, she asked Todd Baun what the qualifications were for asbestos removal and what kind of training you need to have and he said he would not have his workers do any of that kind of work and would contract that work out. She did a public information request and it is actually untrue. He did have his city workers do that work. The only qualifications that they had was for cement pipes, which has nothing to do with kind of work that was done with the hose tower. She also saw there was a fine from ORCAA for \$1,094 for work that was done on the police department. She asked how much is our city going to have to pay for his incompetence and added, it is shocking to her that he is allowed to put city workers, and anybody who is in the building, at risk with moving this asbestos improperly.

Monique Buechel asked if the city has any answers to the questions she asked at the last meeting and Mayor Orffer said this incident will be addressed by Chris Coker during his legal update.

Chris Coker agreed to respond now instead of later in the agenda. He first addressed Chris Vessey's comment regarding the property on 3rd Street. He explained the process under our code that has a progression process.

Josh goes out to the property and responds to the nuisances first. Typically we then cite them civilly and if they don't respond, they get cited criminally, and if they don't respond quickly enough we do a writ of abatement in superior court. We have one of those going right now that when we did it, the person cleaned things up. It's not on the properties we discussed tonight, but the progression of the system will eventually happen if that is what needs to be done.

Chris Coker commented on the issue of the hose tower. He said he has been doing research on that. It was a job that was performed in October 2018. At that time the roof was leaking and the city crew went out there and did some repairs and didn't check for asbestos because they didn't really believe they had a reason to believe there was asbestos. Several months later, actually over a year later, in February 2020 an employee came forward and raised a concern of potential asbestos. The Director of Public Works was given that information and immediately reached out to L&I for direction on what to do. L&I came out and advised to get the area tested, which we did and it came back positive for asbestos. L&I coordinated what we needed to do, which was to inform the employees that worked on the project. There were some interviews that were conducted and asbestos physicals were conducted and L&I came to city hall to meet with the employees. There were no fines that were issued or notice of fines issued related to the issue. In December 2020, the city received a notice from L&I there were no violations. That issue has been vetted as much as knows what to do.

Chris Coker addressed the next issue, which is the floor in the police department. He handled that matter because there was a notice of assessment that was issued, which was based on information that ORCAA had received that was incorrect so we appealed it. His appeal was a letter with some photos that showed what the city did. In response, he got a call from the attorney for ORCAA yesterday and they are rescinding the assessment and it was addressed fairly summarily. In his role as the city attorney, it is to advise the council and public and to do the things he can do. When we get complaints from the public that turn into larger complaints, his concern is over optics, as well. He heard from the public there's questions about the validity of the investigator he suggested the city hire. His job is to suggest people that can help the city. He is not biased, he just wants to get to the bottom of what is going on.

Monique Buechel didn't hear that a member of the community say she had problems with who you chose, she had a problem with the optics of the person that Chris Coker had chosen and not the city council members. Chris responded he made a recommendation and ultimately can't choose the investigator, the city council makes that choice.

Ms. Buechel asked what year city hall was built and Chris Coker asked if she was asking him and she stated she was, because it seems like an old building and it seems like common sense to test for asbestos before you did any kind of work. We are talking about our Public Works Director making over \$100,000 a year and don't you think he should know something like that before putting the public and his employees at risk?

Chris Coker defers those questions to L&I. He is not the public works guy and doesn't know how old city hall is so he can't respond to that. That is his legal update. He added that there are a lot of complaints coming in from every angle and his job as the city attorney is to respond to those things as best he can. He can't make everybody happy. The investigation of the asphalt is a big deal, in his opinion, and is worthy of a fairly detailed investigation and anything short of that would not serve the citizens of the City of McClary.

Monique Buechel is the mother of four children and she has not let them drink city water, nor will she cook with it or give it to her pets. It is alarming to her and she really hopes the city will go dig it up.

Chris Vessey thanked Chris Coker for his answers and understands there are hoops that have to be jumped through to keep things legal. He wants the people on 3rd Street and 5th Street to know something is going to be done.

Suzannah Winstedt commented regarding Councilmember Huff's item on the agenda regarding the speed limit discussion and wanted to request extending the sidewalk all the way down Simpson to the apartment building and adding another crosswalk. Lots of people jaywalk across the street. As long as we are addressing public safety on that road, it is worth expanding the scope on that. Councilmember Iversen asked which sidewalk she's referring to and Suzannah explained the sidewalk on Simpson that goes from city hall does not go all the way down to the apartments.

CONSENT AGENDA

- Minutes from the January 13, 2021 council meeting.
- Approval of vouchers Vouchers/Checks approved were 48729 - 48774, including EFT's, in the amount of \$386,613.24.

It was moved by Councilmember Amsbury, seconded by Councilmember Iversen to approve the Consent Agenda. Motion Carried 5-0.

STAFF REPORTS

Light & Power, Finance, WWTP, PW, Building and WWTP submitted staff reports.

Councilmember Iversen asked if all power outages are posted on the cities Facebook and Mayor Orffer replied yes.

Councilmember Amsbury asked Todd if the water system plan that was approved last week was part of the steps in the Capital Facilities Plan or if it is a stand-alone plan and Todd said the water is a stand-alone plan but also the Capital Improvement Plan, and that plan, will go toward the overall Capital Improvement Plan.

LEGAL UPDATE

Chris Coker addressed his update during public comments.

Mayor Orffer wanted to reiterate for the council's sake that the citation we did receive from ORCAA is being rescinded because they based it on misinformation they received from an individual. Upon interviewing any other individuals, and getting the information corrected, they decided the citation was not appropriate. The city will not be paying a fine for that issue.

The letter from L&I also resolved that issue within the series of complaints they investigated, which included the hose tower, the police department remodel, and the public works remodel. They found there was no hazard or violations and no fines were given. Just for the sake of council understanding, in October 2018 when the repairs were made, we had water coming into the building and so a repair was made in an emergency situation. Water was leaking in and we had to make the repair and no one on the crew at that time mentioned anything or had an initial concern about asbestos being in it. City staff beyond the crew that worked there was not given any

notification about their potentially being asbestos in that material for several months later. From October 2018 to February 2020 is when we heard from staff that they were recollecting and wondering if there had been asbestos in that material. The city took action as soon as they had information and called L&I and followed all the directions. She just wants to say that we did not knowingly ask staff to go out and do something and when you are working under emergency conditions such as rain coming down and flooding your police department in the evidence bay, work was done quickly. We did not sit around and make a plan to go do this without thinking.

Normally, our Director of Public Works would ensure that a project was safe. She doesn't want the council to think there was negligence here or incompetence on the part of any of our staff. At the time it was a matter of fixing something that was broken and causing damage.

Councilmember Amsbury thought the hose tower was demolished and gotten rid of, so it was just fixed or repaired and wasn't demolished and Mayor Orffer said part of the repair was taking it apart because it was no longer working, or whatever. Yes, it was removed and the pieces of siding that were removed around it is where the asbestos was.

Councilmember Iversen asked where we are in the process with the two nuisance houses mentioned. Chris Coker said the one on 3rd has a civil infraction filed and their response date was January 15th and he doesn't think they have responded to the infraction. At the next court date that will be found committed and we will then set another infraction through Josh or the police. He said there are processes where that can be sped up but he hasn't had any discussions with anybody at the city yet. They haven't been put on his radar until recently.

Councilmember Iversen asked Courtney Eversen about the house being empty and she said the people moved out two weeks ago.

Chief Blumer gave a recap of the nuisance process. He said the city gets a nuisance complaint and Josh Cooper drives out and verifies there is a violation of city ordinance and then tries to talk to the resident. He will send a certified letter requesting response within ten days. If they don't respond in ten days, Josh hands it over to the McCleary Police Department where Chief Blumer reviews it and sees that it was certified and he physically looks at the property himself and takes photos of it to confirm they are still in violation. The police then issue an infraction and it goes to court. With covid, these cases get delayed. He never knows when the cases go to court. Our court dates are the third Friday of every month. That doesn't mean the case is always heard on that court date because the person could ask for a continuance and get a later court date. Until that person is found committed of that first infraction, we don't issue a second infraction. It is a progressive discipline process. Once the criminal side is issued, it can go to abatement. It takes at least 45-days between each criminal process. If it is a life and safety definition such as wires running out of the wall and it's a fire danger that could burn down a neighborhood there are a few exceptions. The 3rd street address had the citation issued to the owner, not the people that lived there as tenants, and the owner still has to be found guilty of the first citation before we can issue a second one.

Councilmember Iversen asked if the rats could be considered life and safety and Chief Blumer said maybe because we have an ordinance that address rodent infestation so we would have to give a notice now that is different than the original notice and give them the ability to address the rodent issue.

Chris Coker said there are private nuisances. If there is a smell coming from a mushroom farm, which is a private nuisance.

Councilmember Iversen asked about the problem on 5th Street, which she is not familiar with and Chris Coker said it is not ringing a bell. He said if the public has a problem nuisances, the first contact is Josh Cooper. He is our ordinance employee that goes out and documents things.

Councilmember Amsbury said the house on 5th street is on his nuisance list.

Mayor Orffer said there is a nuisance form that is the first step for anyone that has a problem. Once it gets to the court, we have little control over the delays from covid. We can only do one step at a time and we will keep doing what we can do.

SPEED LIMIT DISCUSSION

Mayor Orffer thinks this is a good discussion to go to our Public Safety Committee to research. Councilmember Huff provided links to studies he found. He has been hearing from people on adjusting the speed limits on Summit Road and Simpson Avenue. When we have tourist traffic during the summer months, the speed limit of 30 mph on Summit Road is dangerous to the lack of shoulder. He is strong believer of being proactive instead of reactive. He did research and looked at a study from the City of Seattle and they dropped their speed to 25 mph after their results. He also did a practice run going down the mentioned streets at 25 mph and it did not significantly increase the time it took but it does significantly increase the safety to the public.

Councilmember Iversen observed when they lowered the speed limit on Summit Road from 35 mph to 30 mph, it's extremely rare anyone does 30 mph. She wonders if changing the speed limit will make any difference and who decided to drop it originally to 30 mph. Todd said the city council requested it to the State DOT, who set the speed limits on Summit Road and Simpson. At that time they did an engineering study and found no reason to drop the speed limit to 30 mph because there were no issues or data to support it. They dropped it to 30 mph only because the city council asked for it.

Councilmember Amsbury asked if we have reached out to the state to see if they would do a joint partnership for sidewalks on Summit Road. She remembers we have discussed this in the past and wasn't sure what conversations have taken place. Todd said we have had several conversations with the state about sidewalks and they do not have the money and we are lacking in money. It is several million dollars just to do sections of it. She thought it could be a legislative ask now so ten years from now maybe they will fund it. You never know! Todd said the state bases all their stuff off their data and they have no data of crashes, pedestrians getting hit, or anything happening on Summit Road.

Councilmember Heller thinks dropping it to 25 mph would help with public safety considering this is a big ask and could take years to happen. Public safety is the first concern.

Councilmember Iversen asked Chief Blumer if he thinks lowering the speed limit will help and he said no, we are so proactive at patrolling that people are slowing down. Our officers pull people over that are ten miles over the speed limit, not five like people are claiming. She asked if we can put speed bumps on a highway and he said he doesn't think so.

Councilmember Huff is happy to work with Councilmember Heller on this and bring back a recommendation.

PERMISSIVE USE PERMIT

We have a request for a permissive use permit for a fence in the city right of way. We do not see any issue with it and there is still a shoulder big enough for people to drive on it. **It was moved by Councilmember Iversen, seconded by Councilmember Amsbury to authorize the permissive use permit. Motion carried 5-0.**

COUNCIL MEETING SCHEDULE

The council discussed the meeting schedule for the year. The agreed to meeting for two meetings for the months of February 10th and 24th, March 10th and 24th, , April 14th and 28th, May 12th and 26th, June 9th, July 14th, August 11th, September 8th, October 13th and 27th, November 10th and December 8th. Councilmember Amsbury thinks we should have two meetings in September so we have one more session for budget reviews so we are not so crunched with one meeting in November and December and we could do some preliminary reviews at that September meeting. Councilmember Iversen asked if we are going to have a strategic plan this year for when we do the budget as a council and Mayor Orffer said we can do that again and may have to be virtually. Councilmember Iversen suggested in the summer. Councilmember Heller is fine with Councilmember Amsbury's suggestion of having the second meeting in September and so is Councilmember Iversen. The finance committee meets before the first meeting of each month at 5:30 pm.

Councilmember Iversen, seconded by Councilmember Heller to set the council meeting schedule for the year 2021 as follows: February 10th and 24th, March 10th and 24th, , April 14th and 28th, May 12th and 26th, June 9th, July 14th, August 11th, September 8th and 22nd, October 13th and 27th, November 10th and December 8th. Motion carried 5-0.

Todd asked if we have a committee that goes over regulations and polices. Both Councilmember's Iversen and Amsbury are on it, but believe it is best to have other councilmembers on it since they are both on the finance committee. Wendy will prepare a list of committees for the next meeting for council's review.

MAYOR'S COVID-19 UPDATE

The city continues to operate in an emergency operations and we are well stocked with PPE and sanitation. We check in with our departments bi-weekly and we are continuing to track financials. Guidance's keep changing and we encourage everyone to keep up on how it impacts your world and your business to assure you are maintaining compliance.

MAYOR'S UPDATE

The Bear Festival contacted the city and is hosting a fund raiser with Queen Coral and Princes Taryn for Valentine's Day. They have online ordering for a candy bouquet they will deliver to your doorstep before Valentine's Day.

The McCleary School started back this week with pre-K to second grade.

The next meeting is February 10th and we will try to get the packet out by February 3rd.

Mayor Orffer revisited the hose tower discussion to address Councilmember Amsbury's question to make sure she didn't give any misinformation and she asked Todd Baun if the hose tower had since been demolished and he said it is still up there. We got down to the good wood and left it up there as much as possible, so basically it got half way torn down. Mayor Orffer wanted to make sure the repair was made in response to the leak that was happening at that time.

Chris Vessey would like the council to look into replacing the pickups and line truck. He would like to see the city hold off on the pickups but the line truck is very important to our city. It may not show wear by hours but it does by hours on the engine and the hydraulics and they wear out. Todd asked him if he was speaking about the bucket truck or the line truck and Chris was referring to the bucket truck. Todd said we already ordered a new one and it is being manufactured at this time.

Mayor Orffer wanted to address the software issue with Chris Vessey. At the last meeting, Todd had a meeting with the software company a few days after that meeting. For clarification, the software package that we purchased was approved in the budget for 2020. The proposal was brought to council and they were able to see what we were getting. What we purchased was all in that proposal. What we don't know is whether we will purchase ongoing support or customized reporting or templates or document types. We bought a software package that would accommodate what we think we need to supply our needs to digitize our many years and multiple file boxes full of paper into electronic files. We knew what we were buying when we bought it, but what we don't know is whether we will need ongoing support or customized information and tailoring of that software in the future, and if we do, that would also come back to council. We are not entirely able to determine if we need customizing until we actually have the software and implemented. She knows it's a difficult conversation to have and to explain when you are not part of a process. She did apologize to Council and Councilmember Amsbury that she did not get to see that before we sent the check, but we couldn't get to that place. There was no effort to sneak something in and get something that wasn't approved. She hopes it helps to clarify things.

Chris Vessey thanked her and stated he saw some hesitation in the council, which is why he brought it up and thanked her for her clarification. She has no problem providing inside information and answering questions, and that one she knew the answer to so she is happy to provide it. More information will be available as we move forward on the project. Todd put information on the screen to show what the project plan is that he discussed at his meeting.

ADJOURNMENT

It was moved by Councilmember Iversen, seconded by Councilmember Heller to adjourn the meeting at 7:56 pm. The next City Council meeting will be held at 6:30 pm on February 10, 2021.