

CITY OF MCCLEARY
City Council Meeting
Wednesday, December 9, 2020

FLAG SALUTE Mayor Orffer Called the Council Meeting to order at 6:30 PM.

ROLL CALL Councilmembers present were Amsbury, Huff, Heller, Miller, and Iversen. The meeting was held via WebEx.

ABSENT None.

STAFF PRESENT Present at the meeting were Clerk-Treasurer Wendy Collins, Director of Public Works Todd Baun, City Attorney Chris Coker, and Police Chief Steve Blumer.

EXECUTIVE SESSION None.

PRESENTATION Councilmember Chris Miller is not only a councilmember, but he is also the Executive Director for the McCleary Civic Renewal Council (MCRC). He gave a detailed presentation explaining the results they received from a public survey they sent out for the year 2020. The PowerPoint presentation details are in the meeting packet for anyone to review that was not present during the online meeting.

PUBLIC HEARING The public hearing on the Final 2021 Budget opened at 7:45 pm. No comments were made. Angela Rittinger, resident of McCleary, had public comments regarding asphalt that is buried at the city well site and asbestos buried at another city site. Because this is off topic of the public hearing, she agreed to wait until the regular meeting open public comment time. The public hearing closed at 7:47 pm.

MAYORS COMMENTS Mayor Orffer informed the Council that city hall will be closed on Christmas Day, the Monday after Christmas and on New Year's Day. The city employees receive a personal floater day each year and they elect to use it on the same day to extend the Christmas holiday.

The Public Relations Committee will hold their fist meeting in January. An update will be shared at that time on how to get information to the committiee and how to contact them.

PUBLIC COMMENT Angela Rittinger spoke regarding asphalt that is buried out by the city well site off of Summit Road. She is curious what affect this will have on our water and what studies were performed. She has made a number of public information requests and is going over the city's wellhead protection plan and the interlocal agreement, which are all written with the intent to protect our environment. It seems like the city is dismissing all of those recommendations. She understands that the disposal site at first was approved for about 8500 square feet for storage of material, not burying it. It appears that the area has exceeded easily 50,000 square feet. She can text pictures in right now, so the city can post them. She is not on video and can't display them.

She called out Councilmember Chris Miller, whom went out to visit the city well site with her. She said he understands what she is talking about. She believes she sent him a picture, which she refers to as the, "blue dot picture", that shows the area that was cleared, which far exceeds what was approved to be out there. Her understanding is that the asphalt is buried , which concerns her with the quality of our soul aquifer in our community. This is our only water source and if this water source gets tainted in any way, and exceeds health concerns, it will impact property investments here. She owns her own home and it concerns her as far as her investment down the line.

She added we have another site where asbestos is being buried and that is a concern for her. We have a big issue downtown with some of the remodeling work that was down there. She understands ORCCA and L&I have been to the city. It concerns her because she has been in and out of that building and proper asbestos handling wasn't done, which is why employees were exposed and why there are five people, which she found out through the public information request, whom were seeking physicals and exams to make sure that they are okay. She thinks the city deserves some answers on that.

Mayor Orffer responded there are a lot of questions in the information she just put forward to the council. She asked if Councilmember Miller had anything to add. Chris Coker stated this really isn't the time for the public to engage with city council and because of the public requests that are out there, he is going to recommend that they don't engage. Ms. Rittinger said this is a council meeting and is the place to ask the council questions and added, "Please don't tell me this is not the place to address the council with this. This is exactly the place to address the council."

Mr. Coker said this is the time for the opportunity to make public comment and she has provided her public comment and the city, through the public works director, whom he is recommending to respond, will respond accordingly. This is not a time for you to engage with individual councilmembers if you have complaints or questions because we are not prepared to have those discussions. If it is on the agenda, we will respond accordingly when we have time to analyze those questions. He added, if she disagrees, that's fine, but this is his position on it and the council can proceed as they see fit.

Ms. Rittinger asked since she is not allowed to engage with the council if she can continue with her statement and Mayor Orffer said yes, if she has more comments, the council is happy to hear it.

What Ms. Rittinger would like the council to know is that she has 100% proof that the asphalt is buried out there. She would implore the council to do some investigating to find out about it. If they go out to the site, and go down about five to seven feet, they're going to find about a 12 to 16 inch layer of asphalt.

At the pond on Mox-Chehalis Road, at the other dump site, is where the asphalt was supposed to go, but an employee of the city said they didn't want it there, which was years ago, and is why some of it ended out by Summit Road. They have asbestos buried out there and wetlands are in the area. Ponds are being encroached upon and this stuff is being tossed into the pond and dirt is being pushed forward on it. She said she has photos and confirmation that this is out there and she has Todd Baun, as Director of Public Works, on record stating that there is no asphalt buried out there. She has more than one person telling her about it and providing her photos to show that there in fact is asphalt buried there.

She would implore the council to demand an investigation and get out there and dig it up and prove her wrong. She said she will issue a public apology if she is wrong. If the council decides not to do that, then she will release a formal certified public record to all of them, to the City Attorney, to the State Auditor, to Grays Harbor Hazardous Waste, to the Board of Commissioners, and anybody she can think will be getting this letter stating the city council is all on notice and are aware that the asphalt is there. If the Council chooses not to do anything about it, and ten to fifteen years down the line our water is tainted, you are all going to be culpable. She said she would think that as the Mayor, and as the Council, your first job would be to protect the citizens of this town. She concluded by stating, please, I implore you to investigate this and please let me know when I can have interaction with our council to get some answers. She thanked them.

Mayor Orffer thanked her and said we appreciate the comment and information and as Chris Coker suggested, we can have a discussion and engage when council and staff have had the opportunity to put this on the agenda and to make it a conversation.

Gina Scott said she has lived in McCleary for a number of years and has a concern regarding the water and if prior steps were in place prior to burying any potential hazardous or contaminated debris. She would like to see something happen to make sure our precious water source is protected as it should be. Mayor Orffer thanked her.

MINUTES APPROVED

It was moved by Councilmember Iversen, seconded by Councilmember Huff to approve the minutes from the November 18, 2020 meeting. Motion Carried 5-0.

APPROVAL OF VOUCHERS

Vouchers/Checks approved were 48437 - 48497, including EFT's, in the amount of \$170,413.77 and 48532 - 48571, including EFT's, in the amount of \$56,851.98 and 48572 - 48595, including EFT's, in the amount of \$46,316.83 (CARES Act disbursements).

Payroll Checks approved were 48498 - 48531, including EFT's in the amount of \$235,641.38.

Bank reconciliation Treasurer's Report for November 2020.

It was moved by Councilmember Iversen, seconded by Councilmember Heller to approve the vouchers. Motion Carried 5-0.

STAFF REPORTS

Councilmember Amsbury noticed the non-emergency number for outages was listed on the Light & Power Staff Report and thought we would not be using that line for citizens to call because there was a separate line they would call for power outages. Mayor Orffer remembers the problem as being that people could not find the non-emergency number. Councilmember Amsbury thought we had a special city number for people to call, and asked if we are supposed to call the non-emergency number and Todd said any outages after hours is a non-emergency call.

COVID UPDATE & EXPENDITURES REPORT

Mayor Orffer gave an update on COVID-19 and discussed the current status for Grays Harbor County. The Governor has extended the OPMA restrictions until December 21st. Our essential employees are still available even during the times when city hall is closed.

Yesterday, we submitted to the Department of Commerce our application for the CARES Act money and in communication with them, they have indicated that we will receive our money no later than December 30th of this year. The application that we submitted was for the full \$80,550 that had been allocated to our city. She said we issued over \$46,000 in grants to local businesses and organizations. We issued \$4,000 to the local schools and we issued \$16,000 to households that were impacted by Covid-19 and were behind on their utility accounts. We were glad to see over 50% of our allotment to go right back in to our community to help businesses, organizations, and individuals who have been impacted by Covid-19.

The other application we submitted was to FEMA in the amount of approximately \$11,500. We have submitted that for PPE that we have purchased at the city as we respond to Covid-19. We purposely submitted this one item so we could see how this process works; how we submit it to FEMA, how long it takes, and how their approval process works. Once we see how it all works, we can then begin to apply for more reimbursements for things that would be approved by FEMA for Covid-19 response. We will keep council updated on the progress.

All employees continue to work and we have all PPE available for them, we continue to implement protocol, we have installed plexiglass between certain employees, and we continue to communicate and receive feedback and are open to any concern employees have. Safety is our first priority. Councilmember Amsbury asked if any of the \$34,000 in CARES Act money was for the police department and Mayor Orffer and Chief Blumer said the \$34,000 was all for the sewer treatment plant and \$46,000 went to businesses and non-profit agencies. Councilmember Amsbury asked if the staff time was included and Mayor Orffer said it was all for the chemicals and bio solids due to more processing from all the people that are staying home. Councilmember Amsbury asked if we were \$34,000 over our normal cost and Chief Blumer said yes, way over \$34,000. Our rolling average is \$64,000 and we currently are well over \$100,000. Councilmember Amsbury is glad to hear that because she was unaware the cost was that high.

Councilmember Amsbury thanked the staff for getting the CARES Act money out by November 30th for the businesses because it was something she had brought up multiple times and is really happy we were able to help the community so much. Mayor Orffer said we were delighted to do it and have received great feedback from people that were grateful. Some businesses said they had applied in several different places and had been denied. The schools and utility customers were also very grateful.

HEARING EXAMINER RFP
DISCUSSION

We did an RFP for a new hearing examiner and we had received some proposals. Mayor Orffer asked if Todd added them to the packet and he said no, we don't have them in the packet. He said the committee hasn't sat down and made a choice. He has recommendations from Chris Coker and himself but not everybody else. Mayor Orffer asked what committee he was referring to and he said there was a committee that was supposed to review the applications and he hasn't heard anything from anybody. He said he'll have to reach out to Mayor Orffer, Wendy, and Chief who were also supposed to review them and get them down to a candidate. We received two proposals that have not been shared with council. Councilmember Amsbury recommended staff to bring the council a recommendation for them to review for when they have to approve a contract. Councilmember Iversen agreed with that recommendation. Mayor Orffer will bring a recommendation to the Council at the next meeting.

GREATER GRAYS HARBOR, INC.,
ANNUAL AGREEMENT

Councilmember Iversen asked what things has Greater Grays Harbor, Inc., done that our community has benefited from and Todd said they run small business grants through Commerce. Councilmember Amsbury said they get leads from Department of Commerce and promote our properties and bring new business here. It's good to always let them know when we have properties available so they can help bring business to us. **It was moved by Councilmember Amsbury, seconded by Councilmember Iversen to approve the Greater Grays Harbor, Inc., Annual Agreement for \$1,200. Motion carried 5-0.**

WSDOT PROPERTY PURCHASE

The property owned by WSDOT at SR 8 and McCleary interchange, which the city planned on purchasing in 2020, is ready for final sale. The city wants this property for future utility expansion. The council agreed upon the price of \$28,100 and that amount was budgeted in the current 2020 budget in the water fund. Councilmember Amsbury asked if this was only for water utility expansion and Todd said it could also possibly be for sewer utilities. He said we already have power there. **It was moved by Councilmember Iversen, seconded by Councilmember Heller to approve the purchase of the WSDOT property for \$28,100. Motion carried 5-0.**

BPA NETWORK OPERATING
AGREEMENT

This copy of the agreement has all of the agreed upon changes from the last council meeting where it was adopted. It is the final draft and was approved already so it's just for the council's information.

COMCAST AGREEMENT

Comcast has updated their agreement to incorporate all current laws. Councilmember Amsbury asked if the council has a policy and if they need to hold a public hearing over this because the county does it that way. Chris Coker responded by stating we do not need to hold a public hearing because it is considered a general approval only and is just like a contract. Councilmember Amsbury asked if we are keeping the percentage the same and Todd wasn't sure. She read it currently was at 5% and Councilmember Heller said he saw the same percentage. Todd said it is the same as it was in the past and this agreement is just updating the federal regulations. **It was moved by Councilmember Heller, seconded by Councilmember Iversen to authorize the Mayor to sign the Franchise between the City of McCleary and Comcast Cable Communications management, LLC. Motion carried 5-0.**

ORDINANCE 862 FINAL 2021 BUDGET

Councilmember Amsbury asked about the list of questions that were discussed at the workshop that were going to be addressed. She remembers the council had talked about vehicles, which she understands are now switched from a leasing option to a finance option, and Mayor Orffer confirmed that was correct and added, the next opportunity to use the financing purchase option is not until February of next year. Councilmember Amsbury said the other question was about the sewer three-year plan. She is not comfortable with the budget until she has a full understanding of what the project scope is and what the full amount will be. Mayor Orffer asked Todd if he got the information from Kevin at the treatment plant and Todd said yes, we have it and it's the same thing Kevin handed out when he was talking at the budget workshop.

Wendy searched her notes and she found discussion at the workshop included the vehicle purchase versus lease topic, two new cameras, and FEMA funding for future remodeling. Councilmember Amsbury's notes show that the sewer cost was \$75,000 to \$100,000 for phase one, phase two was \$175,000, and phase three was \$12,000, but that's all she wrote down. With the amount being so high, she wants to make sure this is the route we want to go. After further discussion, the Council discussed moving to adopt. Councilmember Amsbury asked if there was only one new position in the budget and Mayor Orffer said it was a new category that was added that could be hired and is for an operator in training at the treatment plant for our succession plan we are working on. After the person retires, the employees in the lower positions will move up and the training position will not be filled. **It was moved by Councilmember Iversen, seconded by Councilmember Huff to adopt Ordinance 862 ADOPTING A BUDGET FUNDING OPERATIONS OF THE CITY OF McCLEARY FOR THE CALENDAR YEAR 2021. Roll call taken in the affirmative. Ordinance adopted 5-0.**

Councilmember Amsbury thanked everyone for answering all of her questions. With this being the first year working on the budget, it's a lot to take in. Councilmember Iversen said she is being responsible and it's the right thing to do.

MOTOROLA SOLUTIONS PURCHASE
ADDENDUM

This is a contract to update to Spillman Forms for Cosmopolis PD, Elma PD, McCleary PD, Montesano PD, Ocean Shores PD, and Westport PD. The other agencies not listed are already using this software packet. The total startup installation cost is \$23,487.13. The costs were broken down by call volume and size of agency. This software packet will reduce time in the field and in the office by approximately 30 minutes per person for data entry purposes and should pay for itself in the 1st month. **It was moved by Councilmember Huff, seconded by Councilmember Amsbury to approve the purchase of Motorola Solutions for \$1,499.18. Motion carried 5-0.**

PUBLIC COMMENT Councilmember Amsbury asked if they could be updated with information before the next meeting so they are kept in the loop with what is going on after the public comments tonight.

MAYOR COMMENTS Mayor Orffer asked the Council if they want to hold a second meeting in December, which is scheduled for December 23, 2020. The Council agreed to cancel the second meeting of the month and will meet again in January for the regularly scheduled meeting.

She added this has been a strange year with Covid-19. She never imagined we would be having council meetings via WebEx and she understands we have had to adapted to new ways and she appreciates the council working with us and sticking it out and remaining effective under the circumstances. She stated she appreciates the city staff who have been adaptive, nimble, patient, and working with us because we don't always have the answers and can't always make decisions due to constant changes and updates from the Governor's office. Things change on a dime and she appreciates the staff hanging in there, as well.

This year Mayor Orffer said she is doing a fun little thing she calls the Mayor's Merry Medley that she is streaming live on the city's Facebook page and will be live from the McCleary Museum at 7:00 pm. She will be sharing stories along with songs she will be singing for the community.

She also thanked Chris Coker for his legal counsel and she appreciates his work and says we've definitely received our value from his retainer this year.

Councilmember Huff said Eddie Biers family met with him on November 30th and were appreciative for the park kitchen dedication and keeping Eddie's memory alive. They were extremely pleased with the artwork from Tyler Hansen for the sign.

The council wished each other and everyone a Merry Christmas!

ADJOURNED MEETING **It was moved by Councilmember Amsbury, seconded by Councilmember Heller to adjourn the meeting at 8:50 PM. The next meeting will be on January 13, 2021 at 6:30 PM. Motion Carried 5-0.**

Mayor Brenda Orffer: _____

Clerk-Treasurer Wendy Collins: _____