

**CITY OF MCCLEARY**  
**Regular City Council Meeting**  
**Wednesday, May 27, 2020**

ROLL CALL AND FLAG SALUTE	Due to the COVID-19 Pandemic state-wide Stay Home, Stay Healthy mandate, the City Council held their meeting electronically through WebEx Meetings. Councilmembers Present were: Jenna Amsbury, Brycen Huff, Jaron Heller, Ben Blankenship and Joy Iversen. Mayor Brenda Orffer was also present.
ABSENT	None.
PUBLIC HEARING	None.
STAFF PRESENT	Present at the meeting were Clerk-Treasurer Wendy Collins, Public Works Director Todd Baun, Police Chief Steve Blumer and City Attorney Chris Coker.
EXECUTIVE SESSION	None.
MAYOR COMMENTS	<p>Grays Harbor County was approved to move to phase 2 and houses of worship are allowed to meet under the guidance rules.</p> <p>Mayor Orffer said she has received a lot of feedback on how nice the cemetery looks. She thanked Lindsay Blumberg for keeping everything moving with accounts payable for the emergency finance operations.</p>
PUBLIC COMMENT	None.
CITY ATTORNEY REPORT	Chris Coker researched donating the surplus vehicle to the Chaplain's Association and he said they are not directly affiliated with the Washington State Patrol and he is not comfortable advising the City to donate the vehicle. Mayor Orffer stated we will find out the market value of the vehicle so we can sell it to them, if they are interested. Todd said we do not have to do market value because we can put it in an online auction. The city will proceed with the surplus.
DIRECTOR OF PUBLIC WORKS REPORT	Councilmember Huff asked Todd when the crew will be working on the retention pond along Summit Road and Summit Place, including the grassy strips that run along side the road. Todd stated over the last few days, the crew has been working on water leaks so they won't get to it until next week. Councilmember Huff said the grass is getting tall in that area. He asked Todd when the Dollar General store will be putting a barricade or fence around their retention pond and Todd said they will be putting something up after the retention pond is completed. It will be part of the final punch list.
MINUTES APPROVED	<b>It was moved by Councilmember Iversen, seconded by Councilmember Huff to adopt the minutes from the May 13, 2020 meeting. Motion Carried 5-0.</b>
VOUCHERS	<p>Accounts Payable checks approved were 47747 - 47803 including EFT's, in the amount of \$304,537.96.</p> <p><b>It was moved by Councilmember Blankenship, seconded by Councilmember Iversen to approve the vouchers. Motion Carried 5-0.</b></p>
COVID-19 UPDATE	The packet included the fund activity for the Covid-19 Fund. Mayor Orffer stated all of the bills, including salaries, are included in the Covid fund as expenditures. Councilmember Amsbury stated the County has already been receiving feedback from FEMA and she asked if anyone at the City has started talking with FEMA yet because she understands only overtime pay can be charged. She doesn't want the Council to be under the impression that all of the charges are going to be reimbursable. She is not sure a lot of the expenditures listed are going to be reimbursable. Mayor Orffer commented that Councilmember Amsbury is absolutely right and we may not get reimbursed, but right now we are charging it off because our function is to respond to the emergency. She added Chief Blumer made contact and is the person in our organizational chart who is responsible for this and he is working with her to submit for reimbursement in the different areas. He has been on several different webinars, and the rules are changing, and we are waiting for clarification on everything from FEMA. We will submit everything and see what they will cover or deny

## VIDEO SURVEILLANCE POLICY

Todd Baun said the policy was sent to city staff to make revisions and it was sent to Chris Coker for review. Councilmember Amsbury asked how many cameras they plan on purchasing and will they just be on city property, such as sidewalks? Mayor Orffer said the initial idea was to have a camera at each of the entrances and exits in the city so we can see every vehicle that comes and goes in and out of the city so when something happens, we can quickly trace whose been hear and track down those people. The transit station has had a lot of vandalism at the restrooms so having security cameras on that building will be helpful. There are cameras around city hall to make sure city facilities are secure and we've been talking with staff about other areas with regard to security of the city. The cameras are permanent fixtures that will help us monitor certain areas to prevent damage, or find who is causing damage. We have one inside city hall that monitors the front counter so when we are open to public it can see who is there. It is not focused on, or monitoring, staff activities. It is only for people at the front counter handling cash and credit cards. There is a camera in the hallway to monitor who comes down the hall and there will also be cameras at the wastewater treatment plant. Todd said there will be cameras at all of our critical infrastructure areas, which is the wells, reservoir, substations, treatment plant, and entrances and exits in town. They are broken up into phases right now. Phase one has 12 - 15 cameras we are looking at purchasing, and phase two will have another 6 - 10 cameras, depending on what range we can cover on the cameras. We want to get the policy finished so we can set our guidelines for

Councilmember Iversen asked if a camera was going on HWY 108 near Summit Road and Todd said yes, they will have three at that intersection, three at the intersection of 108 and Simpson, three up at 3rd Street, three each at Mox Chehalis and 3rd Street, and Summit Road and County Line where the roads meet. Councilmember Amsbury has concern over some of the locations where the cameras may be pointed at someone's yard. She wouldn't want to have three cameras pointed at her yard. She understands the cameras will catch people outside around town but it's different when it's recording people 24-7 on their property because they won't be able to enjoy their property knowing they are being surveilled. Todd said we cannot have them pointed at houses, because that is illegal. They have to be pointed at the roadway to catch people traveling in and out of town. She said the language in number 8 of the policy is confusing the way it's written by stating surveillance of residences will be limited. The way it is written sounds like it can be pointed at someone's property. Todd said the intent is not to point at someone's property and they will not be monitoring the cameras. We will only monitor them when we need to know what vehicle drove by an area at a certain time. Councilmember Amsbury would like the policy to state that they are only being monitored for criminal activity and not be ambiguous. Mayor Orffer asked Chris Coker to take a look at the policy and see if there is language that we can tighten up regarding the intent of

Chris Coker said if the camera catches the corner of someone's house, we can't avoid that. Councilmember Amsbury doesn't want people to be able to monitor cameras at will, which could be pointed at homes. If only the police are looking at them, she is fine with that. Todd is going to be putting a camera out front of city hall facing the street on the city website for people to watch for entertainment purposes.

## CORONAVIRUS RELIEF FUNDS

The funds are coming from the federal government and filtered through the state. The city will get around \$53,000. The forms from the Department of Commerce are partially filled out and we have until November 15th this year to submit for reimbursement. We are not sure what will be allowed for reimbursement and Chief Blumer is working on it. Councilmember Iversen asked if this money could help our food bank and Mayor Orffer wasn't sure. Councilmember Iversen isn't sure how our food bank is doing and if they are able to meet the needs of the community. Councilmember Blankenship said he spoke with Larry Peterson recently and gave him some grant information for the food bank and Larry told him all they need right now is a large freezer for storage, which requires three phase power. What he gathered from Larry is that the food bank is doing quite well. Todd will check into the three phase power but said they

Councilmember Amsbury asked if the Clerk-Treasurer normally would be the person to sign a federal grant like this because in the emergency plan, it states the Treasurer is the one doing these things? Who is going to be doing the financial tasks. Mayor Orffer responded in our emergency plan, Wendy is the finance logistic director. That person does the allocations and accounting but the submissions for reimbursement are at a commander level. Councilmember Amsbury stated she wants the finance person involved because we don't want problems with the federal grant, because once you do, you are not eligible for other federal grants. Mayor Orffer said our 3rd Street Project was a really good practice for that. She added that Councilmember Huff stopped by and shared an idea of something he saw where the officers were pulling people over and telling them it is against the law to be out on a hot summer day without an ice cream cone and then they gave a coupon to the driver for a free cone. She thought, in an effort to support local businesses, we could purchase gift cards from the businesses and enable our police department to have a resource to work with on community engagement. Councilmember Amsbury asked if before the city goes out for reimbursement money, will the council get to review a list what is being submitted? Mayor Orffer said once we get reimbursed, it will show in our accounting what was received and what line it was reimbursed in. It will be left up to the emergency operations team to file those reimbursements in the best way we see fits with our expenses

Councilmember Huff asked if Fire Chief Paul Nott expressed anything the fire department needs for pandemic response and Mayor Orffer said the only thing he mentioned was the need for a smaller vehicle for non-emergency calls. As far as PPE and supplies, they have what they need. **It was moved by Councilmember Iversen, seconded by Councilmember Huff to authorize Chief Steve Blumer to sign the Corona Relief Funds Contract. Motion Carried 5-0.**

SANCTUARY CITY  
RESOLUTION

Councilmember's Blankenship and Huff worked together on preparing this resolution. Councilmember Huff saw the idea in California, which was created to protect the residents in a community. Because Grays Harbor County has had a low count of covid-19 infected people and zero deaths, he thought this was a good option for the city to move forward and stand separate from the rest of the state. He explained his reasons for taking this position. Councilmember Blankenship agreed with him and added additional comments. He read a statement to the council outlining his stance. After discussion, all of the Councilmembers agreed with the reasons for this resolution and appreciate what he is trying to do. Their reservations are for the business owners who may think this resolution exempts them from the state's requirements. They could still be fined. Councilmember Amsbury noted Governor Inslee stated more businesses could be sited. She agrees with everything Councilmember Blankenship said but she doesn't want some businesses to think that we are telling them its okay to open and there won't be any penalties because L&I is telling them they can fine them up to \$10,000. That could be equally crippling for some of these businesses. Councilmember Iversen agrees with her and is worried a \$10,000 fine would put some of our businesses out of business. Councilmember Blankenship said section three of the resolution clearly states that we don't have the authority to regulate what the state does. Councilmember Amsbury said, that is if people read all the way through to the end of the resolution

Councilmember Heller asked Councilmembers Huff and Blankenship if they were able to find any examples of the Governor or Attorney General asking any local jurisdictions to enforce any of their dictates so far? He spent a half an hour looking and couldn't find anything. Councilmember Blankenship said he did find something and spent a lot longer than a half an hour looking. He read the guidelines of Governor Inslee's proclamation. If an individual is snitching on a neighbor, they are to contact the local police department. Councilmember Heller said he didn't see any stories about jurisdictions doing that. He found that any jurisdictions responding, were not taking any enforcement action. The RCW states they cannot take enforcement action. The majority were simply informing them of the Governor's order. Councilmember Blankenship agrees with that from what he has heard, he just does not want any civt resources to enforce this overreach of government.

Councilmember Iversen asked if it is their job to direct the police to not enforce the governors allowable limits. Mayor Orffer said her understanding from Chief is they are there to educate the community and the way he has instructed his officers to do that comes from guidance he himself, has received. She does not tell the Chief how to run his department. He comes to her if he has problems, but she does not run the police department. She understands the police are only responding to situations that are at an elevated level.

Councilmember Blankenship said we have had zero covid-19 cases in McCleary. The residents understand what social distancing is and following the CDC guidelines and we can't sit here all night asking, "what if". Councilmember Iversen is trying to share her concerns, which she said are, how will our police handle this if they come upon a situation, and if one of our businesses gets caught and has to pay a fine, what happens then? Councilmember Blankenship said if a business gets caught, it will be done by a state agency and not by local law enforcement. We will not be making that initial contact. Councilmember Iversen stated she understands that and knows it would be L&I that would fine the business. Councilmember Heller doesn't see why we would make initial contact anyways. If we are not making contact, what is the need for this resolution? It would be better to put the guidance message out to all of the local businesses on what the local jurisdiction is doing. We are here to educate and share what is currently happening and to help them understand what they might face if the state does come in

Mayor Orffer has a point to add from Chief Blumer who just texted her. He stated that during the construction closure, we were contacted daily with complaints from residents regarding the construction crews working and the police had to respond to those calls on a daily business. The people were reporting on things that actually were allowed, so educating people goes both ways. Councilmember Iversen doesn't see the need for the resolution since it doesn't give anyone any more or less rights than they currently have and we are in phase two so we are headed in the right direction. Councilmember Huff asked if anyone from the public was a business owner and would like to speak and there was no response.

Mayor Orffer asked Chris Coker if there is any way a business could come back on the city if we pass this ordinance and they end up getting a fine from L&I and Chris said that would be limited because it is not a good defense. L&I's jurisdiction would trump any city resolution so he is not worried about it. Councilmember Amsbury is not willing to vote in favor of this at this time. Councilmember Blankenship asked her to reconsider because we owe it to the people of McCleary. His concern is we are not being allowed the opportunity to recover. Councilmember Amsbury is willing to consider something that doesn't involve the business aspect of it. She completely agrees with his views on how this has gone down at the governor's level. She is concerned it will be misconstrued by businesses. Councilmember Iversen also agrees with the views of the resolution and she also agrees she doesn't want the businesses to misunderstand they could be fined regardless of the resolution. Councilmember Heller is willing to join in on a future letter to the governor's office that addresses moving to phase three

**It was moved by Councilmember Blankenship, seconded by Councilmember Huff to adopt Resolution 731, A RESOLUTION OF THE CITY COUNCIL, OF THE CITY OF MCCLEARY AFFIRMING THE CITY'S COMMITMENT TO FUNDAMENTAL RIGHTS OF LIFE, LIBERTY, AND THE PROPERTY, AND DECLARING THE CITY OF MCCLEARY A SANCTUARY CITY FOR ALL BUSINESSES. Roll call was taken to confirm each member's vote was recorded correctly. Motion Failed with Councilmember's Blankenship and Huff voting in the affirmative and Councilmember's Amsbury, Heller and Iversen voting against.**

Mayor Orffer responded to Council from last meeting's request to look at refinancing some of the city loans. Todd and Wendy have been reaching out to banks. We have heard back from Banner Bank and Umpqua Bank. Umpqua is the bank the city currently uses. The bank can do a loan for 2.6 percent interest. We looked at loans for 10, 15, 20 and 25 years. A 15 year loan would save us in cash flow each year and would drop a 25-year loan to a 15-year loan, saving the city money. She asked Chris Coker what process we need to go through. Chris said have the Finance Committee review and bring it to Council at the next meeting on June 10th. The Council agreed to proceed. Todd asked if the Council wants any specific terms they want and Councilmember Iversen said both lower payments and lower length of loan.

Councilmember Amsbury wants to see potential savings to our rates because they are high. Todd said if we do this, our rates won't go down because our rates include capital expenditures in the future along with what improvements have been done. Just because we refinance the loans, we aren't just going to go lower rates, or we shouldn't just go lower rates. Sewer has over ten million in capital improvements to do and water has over five million in capital improvements to do. If you lower rates, you will be taking away money for the future for doing those projects. Councilmember Amsbury said that leads into some of her grant and project questions. We need to make sure we are in the position to apply when things are available for those type of grants because that is one of her priorities; making the water and sewer rates more affordable. If there is a way to get other funding available out there, that is big for tax pavers.

Mayor Orffer said by cutting off ten years on this loan, it does save the rate payers overall. Like Todd said, they may not see a reduction month to month, they will save in the big picture. Todd said we might be able to not have to increase each year 3% and instead increase it only 1%.

PUBLIC COMMENT

Mayor Orffer is working with the city team and AWC on reopening strategy.

MEETING ADJOURNED

**It was moved by Councilmember Huff, seconded by Councilmember Blankenship to adjourn the meeting at 8:12 pm. The next meeting will be Wednesday, June 10, 2020 at 6:30 pm. Motion Carried 5-0.**

*Approved by Mayor Brenda Orffer and Clerk-Treasurer Wendy Collins.*