

CITY OF MCCLEARY
Regular City Council Meeting
Wednesday, November 14, 2018

ROLL CALL AND FLAG SALUTE Councilmembers Richey, Huff, Heller, Blankenship and Iversen were in attendance.

ABSENT None.

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

GREATER GRAYS HARBOR INC. PRESENTATION Dru Garson, from Greater Grays Harbor, Inc., gave a presentation on the exciting things they have been involved in over the past year.

PUBLIC HEARING The Public Hearing on the Final Budget opened at 6:58 PM. No comments were made. The hearing closed at 6:59 PM.

PUBLIC COMMENTS None.

MAYOR COMMENTS The Council held their budget workshop a few weeks ago and Mayor Orffer believes we made a lot of progress. She complimented the staff for their work on the budget because it is a big project to put a budget together of this size. She thanked Chief Blumer, Todd Baun and Wendy Collins for all their hard work on the budget.

Mayor Orffer said she met with the Carnell family regarding the museum. We are still working on solutions regarding the museum moving to the Methodist Church building. The City is waiting for word of when the move will be taking place.

The City was approached by members of a group representing Lindsey Baum's memorial tree. She asked for the Council to authorize the group to move the tree previously placed in the park to a new location in the park and to plant a tree that is more conducive to the environment. They also purchased a butterfly park bench they wish to place near the tree. Councilmember Iversen believes the bench is tasteful and nice. She did state the current banner is very negative and has heard concerns regarding it.

Mayor Orffer has received requests to take the banners down because they are offensive to some people and children. It is hanging in the park where our children play and it is a bit off-putting. She wants to make sure the family understands that taking it down is not meant to disrespect the family in any way. Councilmember's Blankenship and Richey agree to removing the signs because they keep the community living in the past. The Council agreed that the new location for the tree and adding the butterfly park bench makes a nice memorial for Lindsey Baum. **It was moved by Councilmember Richey, seconded by Councilmember Iversen to approve moving the Lindsey Baum memorial tree and to move forward with a final proposal and park design for the bench and tree.**

Linda Thompson, Historical Society President, is reaching out to the community for new board members from the VFW Hall, the McCleary School, the local business community and City Council. She would like these new members to attend the Historical Society meetings to share their input and ideas. Discussion arose regarding a conflict of interest if a City Councilmember was on the Historical Society Board and had to vote on something related to the Historical Society during a City Council meeting, would they have to recuse them self and Chris Coker agreed, they would. Councilmember Iversen believes that may cause a problem for a Councilmember. Councilmember Heller asked if a councilmember is a paying dues member of the Historical Society, would that cause a conflict in the same manner. Chris Coker believes that it would be safer for that councilmember to recuse them self. He said it is the perception that causes the problem and could be considered a conflict of interest by others.

VOUCHERS Accounts Payable checks approved were 45035 - 45097, including EFT's, in the amount of \$113,585.63.

Payroll checks approved were 45037 - 45210, including EFT's, in the amount of \$198,047.63

Bank reconciliation for October 2018.

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

MINUTES APPROVED

It was moved by Councilmember Blankenship, seconded by Councilmember Huff to approve the minutes from the meeting held on October 24, 2018. Motion Carried 5-0.

CITY ATTORNEY REPORT

Chris Coker provided a written report for the Mayor and Council.

DIRECTOR OF PUBLIC WORKS
REPORT

Todd Baun provided a written staff report for the Mayor and Council.

POLICE CHIEF REPORT

Chief Blumer provided a written staff report for the Mayor and Council.

BLIGHTED PROPERTIES
DISCUSSION

Councilmember Blankenship included the government exemption in the ordinance, which was requested at the workshop. He responded to some questions from Councilmember Iversen and Chris Coker. Chris is worried this is similar to an issue Ocean Shores previously had. He is worried this could be considered a tax and he believes it is a risk. He can't predict what a court of law would say but he believes this would be a risk to the City when people become aware of this new law and they get their first bill. He believes they will challenge it. If people are sitting on investment property, it means they probably have a little money they can spend on challenging this, which worries him. Councilmember Iversen asked if there has been a cost analysis done on this to determine how much money we will make on this, what will we do with they money we collect and is it enough to cover what the expenses are for the properties that are sitting empty. Councilmember Blankenship said he doesn't look at this as something to make money, he is looking at it to hold property owners responsible for their property.

Councilmember Richey doesn't believe we will make any money but it will make people responsible for their businesses and not leave them empty. Councilmember Iversen said we already have a nuisance code in place for that. Councilmember Richey said he doesn't believe it covers people from leaving their business empty. Councilmember Iversen asked why can't someone invest in property, pay their taxes, keep the property maintained so its not a nuisance, and for whatever reason, choose not to invest in it? She wants to know if they have a right to keep a vacant property and not be penalized for it. Councilmember Richey agreed but asked what do we do about the town? He wants to know what do we do about the empty businesses that are trashed and just sitting there. If a building is so trashed and no improvements are happening and nobody will move in there because the building costs too much to fix up. the buildings will continue to sit there.

Councilmember Iversen believes if someone isn't developing or fixing up their property, they probably can't pay this fine either. She doesn't believe this is enforceable. If the City already sends code enforcement to respond to code enforcement issues, we are already paying to have someone respond. This new ordinance wouldn't replace the code enforcement officers response so that would not be a cost savings. Councilmember Huff thinks this could be used as a good resource and deterrent. He doesn't want to give the government any more money than he has to so if he had a property that is vacant, he will try to get a renter or sell the property before he has to pay a fee.

Councilmember Blankenship said a good example is the old abandoned tavern. If you talk to the restaurant owner, and they state they are tired of the roof leaking into their business, why should they be responsible for the damage caused by the tavern owner? He believes this is an avenue to get people to take care of their properties and to get owners to sell at a responsible price.

Councilmember Richey asked Chris Coker what part of this ordinance scares him and Chris stated all of it does. He said if there is a person that owns a vacant business downtown and they keep it up, they would get this fine. He doesn't know how this will work. Chris stated he does not legally think the Council should do this. He agreed to check into the Liberty Lake blighted properties ordinance to see how they are legally doing it.

Councilmember Iversen stated if she bought a piece of vacant property and chose not to build on it for five years until after her retirement, she would get this fee. She believes this will hurt investors and prevent people from coming to our town and investing in McCleary.

Ben Blankenship thinks it will encourage people to buy here. He has a house built in a neighborhood with 19 undeveloped lots that are overpriced that nobody will buy. His property value goes down because of the unkept vacant lots. He thinks the more people will have to pay the fee, the more apt they will be to keep their properties up.

Chris Coker asked if he owned a piece of property in town and he kept it mowed but he didn't want to build on it, would he be subject to the fee? What benefit would he be getting from the fee? Councilmember Blankenship said there really isn't a benefit to the fee for the owner. Councilmember Iversen said it is a penalty, not a fee. She would feel penalized if she wanted investment property for her future and was subject to this fee. Councilmember Blankenship thought this was a good idea and Councilmember Iversen said she originally did too, until she thought about it in more detail.

Councilmember Richey thinks maybe the amount of money is too much. He likes the idea of this ordinance and thinks it's great but he thinks the amount of money is too much. Mayor Orffer suggested looking into exemptions for someone like the example Councilmember Iversen was talking about. If someone wants to buy a vacant lot next to their property and never wants to build on it, they should have an exemption for that.

Councilmember Heller said when he moved in to his house, the neighbor was taking care of his property, even though it was vacant. Since then, he comes once a year to mow and that's it. Mayor Orffer said that is a nuisance issue. Councilmember Heller said the house needs paint and is in need of upkeep and wonders how long until it hurts his own homes value. Mayor Orffer has property in Maine she bought for retirement and would not want to pay a fee for not developing the property. She would fight it if she received notice of a fee. She said nuisance and development are two different things.

Chris Coker will do more research but said legally, he does not think the City should do this. He said it begs litigation. Mayor Orffer asked him to look for the things that allow it and see what is out there. He will contact Liberty Lake for more details of how theirs works.

CAPITAL FACILITIES PLAN

Jon Hinton from Gray & Osborne stated the work performed for the Capital Facilities Plan will include inventorying existing public facilities, look at what needs to be updated, make recommendations, talk to staff about what they feel needs to be done, and present those things to council. For the water, sewer and storm drain, they already have a good idea because they have done plans in the past. The roads and sidewalks will take more work to inventory them. The plan he will create will be like a road map for the council and staff to use. Todd Baun wants the plan so the city has a direction for deciding which projects to work on and in what order. The cost is budgeted in the 2019 budget and is approximately \$51,000.

INDIGINET DEFENSE CONTRACT

It was moved by Councilmember Iversen, seconded by Councilmember Richey to authorize the Mayor to sign the indigent defense contract with Tom Creekpau III, from the firm Ingram, zelasko & Goodwin, LLP. Motion Carried 4-0, with Councilmember Heller abstaining due to being a relative of Mr. Creekpau.

BPA TC-20/BP-20 SETTLEMENT INFORMATION

Todd Baun reported that BPA went into a settlement agreement with their current contract holders for the rate period of 2020 and this has been going on for a year now. The customers are upset at the rates so BPA is renegotiating their rates. It is a long and drawn-out process. Todd will have more information at the next meeting.

ORDINANCE 846 CREATING MANAGERIAL FUNDS

It was moved by Councilmember Iversen, seconded by Councilmember Richey to Adopt Ordinance 846, AN ORDINANCE OF THE CITY OF MCCLEARY TO CREATE FUND ACCOUNTS AND TRANSFER FUNDS TO NEW ACCOUNTS FOR THE PURPOSE OF CREATING MANAGERIAL FUNDS. Roll Call taken in the affirmative. Ordinance Adopted 5-0.

EXECUTIVE SESSION

None.

PUBLIC COMMENT

Councilmember Iversen asked if the Council could receive quarterly updates on the Comprehensive Plan so she will know where we are in the process.

Councilmember Richey asked Todd if there are steps they can take to improve the park. Todd responded that there is money in the budget for park improvements. Councilmember Richey asked Todd, if it's okay if someone built some benches and donated them to the City. Todd said that would be fine and the city would install them.

Councilmember Blankenship asked about the cost threshold for purchases to be made without Council approval, if it had been budgeted for. Mayor Orffer said Todd is working with Chris on this.

Mayor Orffer stated that the police department has been understaffed for many months. This has caused a budget savings in the police budget and Chief Blumer would like to use the surplus to purchase two new police cars. The Chief has requested to use the salary and benefit surplus, along with some of the public safety tax money and also use \$20,000 that was allocated in the 2018 budget for a police vehicle. She spoke to the finance committee tonight and they were in support of it. She doesn't believe we need a budget amendment for this because we are not changing anything since we are spending money that is already available and we are not spending above the budgeted expenditures. She wants complete transparency and asked if anyone on the Council had any concerns. The Council had no objections to the purchase of two police vehicles.

MEETING ADJOURNED

It was moved by Councilmember Huff, seconded by Councilmember Heller to adjourn the meeting at 8:56 pm. The next meeting will be Wednesday, November 28, 2018 at 6:30 pm. Motion Carried 5-0.

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