

CITY OF MCCLEARY
Regular City Council Meeting and Council Workshop
Wednesday, July 26, 2017

ROLL CALL AND FLAG SALUTE	Councilmembers Orffer, Richey, Peterson, Ator and Blankenship were in attendance.
ABSENT	None.
STAFF PRESENT	Present at the meeting were Todd Baun, Wendy Collins, Tom Arnold and Dan Glenn.
PUBLIC HEARING	None.
MINUTES APPROVED	It was moved by Councilmember Orffer, seconded by Councilmember's Peterson and Richey to approve the minutes from the meeting held on July 12, 2017. Motion Carried 5-0.
VOUCHERS	Accounts Payable checks approved were 42974 - 43033 including EFT's in the amount of \$182,412.87. It was moved by Councilmember Peterson, seconded by Councilmember Blankenship to approve the vouchers. Motion Carried 5-0.
MAYOR'S COMMENTS	Mayor Schiller announced there is a County-wide burn ban in effect. Mayor Schiller and Todd Baun attended a meeting with local representatives to meet with Governor Inslee in Grays Harbor to discuss issues specific to Grays Harbor County. Todd and Mayor Schiller were able to speak directly with the Governor.
PUBLIC COMMENT	Lonnie Zeller, President of the McCleary School Board, thanked the City and staff for helping them with their school track rehabilitation project. He expressed the School Board's appreciation and stated they value their partnership with the City of McCleary. He extended a thank you for the City's assistance with the recent portable placement at the school. Mr. Zeller would like to start attending more City Council meetings and continue with the supportive partnership between the City and the School District. Gary Atkins thanked the McCleary Police Officers. He stated, "our new Police Chief rocks!" He has seen more done in the last six months than the last several years. It's nice to see the red, white and blue lights going off and the drug houses getting closed down. He wants to give a hats off and a standing ovation for the police department and all they've done. Todd Broderius from Great Rivers Behavioral Health Organization read a lengthy statement to the Mayor and Council. After reading the statement, he said they will be submitting the permits tomorrow.
CITY ATTORNEY REPORT	Dan Glenn provided a written report for the Council. He spoke with Ms. Bednarik from Grays Harbor County and she told him, in order to produce the estimated desired funding from the multi year levy, we should use a five-year time period. Hopefully the revenues will increase, however, you cannot count on them. The five-year time period would allow for more time to collect if the revenues decrease during the levy period.
DIRECTOR OF PUBLIC WORKS REPORT	Todd Baun provided a written report for the Council.
HEARING EXAMINER REPORT	Steven Bean, an attorney from Olympia, is retained by four or five families in McCleary to protect their interest with the mental health facility moving into their neighborhood. He believes there are some incorrect procedures that took place. He respects the Hearing Examiner but believes he misconstrued some things. There is a huge difference between adult family homes and residential treatment centers. They are two different entities and they are treated differently in the law. He stated the Council has to make the decision of what type of zoning should be in this town, not the Hearing Examiner. This type of facility should not be placed in a residential neighborhood. There will be traffic, parking and safety issues that will affect the neighborhood. Everyone knows we need these types of facilities, they just need to be placed in a non-residential area.

Councilmember Ator asked if Mr. Bean was just telling the Council that the Hearing Examiner is wrong. She wants to know if the Hearing Examiner gave her false information. Mr. Bean believes the Hearing Examiner's conclusions, based on the evidence, was wrong. His facts were correct but his conclusion was wrong. It is Mr. Bean's legal opinion that the examiner miss-analyzed because he got confused between an adult family home and a residential treatment center. Adult family homes house up to six or seven people who live in a home. They do not greatly impact the public. A treatment center treats people that need medical attention and there are more than six or seven people there. Sixteen to eighteen mentally ill people living in a neighborhood bothers people. He is not attacking the Hearing Examiner's integrity. He believes the Hearing Examiner's conclusion would not stand the test of law.

Gary Atkins feels we are in this position today because people are not doing what they should have in the beginning, from all sides. He's never seen blue prints or anything showing what the BHO plans to do at Mark Reed. He thinks there wasn't any follow-through from the City after they were told about the project. We are getting sued and he thinks that if we would have been told better information by the BHO and the City had listened better, we wouldn't be where we are at. He thinks the BHO should bring pictures and diagrams of what they plan to do to assure the residents of what is going on. Everybody is afraid of change and of what might be coming.

Councilmember Blankenship agrees with his comments and said it is frustrating every time he asks a question, he gets 14 different responses. He felt blindsided with all of this. The Council is making a decision for the entire community for the next 10 - 30 years. They are not going to rush anything. The Council has to step back and try to absorb all of this in a short period of time.

Councilmember Orffer added that the real challenge is getting good feedback from the legal community. For every attorney, there is a different opinion and perspective. It is really hard to get your head around what is really acceptable and required and how the City can be in compliance. They are trying to protect the City and stay in compliance. They have to consider the community as well as protecting the City from a risk management perspective. They do not want to invite a bunch of lawsuits because they adopt an ordinance that does not comply with state, federal and local laws. Part of their frustration is getting good legal feedback to go on. The Council is reading through the legal opinions and they are not attorneys. It's hard to make sense of it all.

Mr. Bean submitted a letter to the City Council asking to be notified when the City would be meeting to consider the recommended amendments. He found out by pure happenstance because nobody contacted him. He is now asking on the record to be notified when this happens again on this issue. Councilmember's Orffer and Ator said the City uses public notices.

Councilmember Orffer asked Dan Glenn what the timeline is from here. Dan Glenn hopes the Council will be ready in two weeks to make a formal adoption.

CEDAR HEIGHTS AGREEMENT

When the Cedar Heights development was finalized, they still needed to correct the condition of 2 ADA (American's with Disabilities Act) ramps in order to meet ADA standards. Only one of the ramps had been corrected. The developer contacted the City stating she has a buyer for three of her lots and she asked what process would allow closing of the transactions while the ADA corrections are underway. Dan Glenn recommended an agreement be entered into, under which a deposit of \$3,000 for the estimated cost of the repairs be placed with the City until after the approved repairs are completed. At that time, the money would be released back to her company. Councilmember Orffer is concerned the payment and/or work may not happen. **It was moved by Councilmember Orffer, seconded by Councilmember Richey to authorize the Mayor to sign and execute the agreement between the City of McCleary and Dragt Development, LLC and affirm the \$3,000 check clears the bank first. Motion Carried 5-0.**

COMPREHENSIVE PLAN FIRM CHOICE	<p>Todd Baun, Paul Morrison, Wendy Collins, Chief Steve Blumer and Councilmember's Richey and Blankenship sat in on the interviews for firms to prepare our comprehensive plan. We agreed on Brian Cole's company and he comes highly recommended. Councilmember Richey said Brian Cole from Building Communities, Inc., is highly knowledgeable, energetic and has written two books on the subject. He thinks he will bring his energy and passion to the project. Councilmember Blankenship agreed with his comments. Mr. Cole will also provide his grant writing skills as part of the agreement. It was moved by Councilmember Blankenship, seconded by Councilmember Richey to authorize the Mayor to sign and execute the agreement between the City of McCleary and Building Communities, Inc., to update the Comprehensive Plan. Motion Carried 5-0.</p>
BPA ENERGY CONSERVATION CONTRACT	<p>The City received an updated Energy Conservation Agreement from Bonneville Power Administration (BPA), which updates the previous contract that expires on September 30, 2017. This program is used to provide rebates for energy conservation in our electric service area. It was moved by Councilmember Ator, seconded by Councilmember Blankenship to authorize the Mayor to sign and execute the City of McCleary's Energy Conservation Agreement, Contract No. 17ES-11510. Motion Carried 5-0.</p>
JANITORIAL BID	Tabled.
CHEHALIS JAIL CONTRACT	<p>The Chehalis Tribal Jail Contract is expiring at the end of the month. The contract has a 30-day termination clause. The per diem increase is approximately \$4.00 - \$5.00 per day. It was moved by Councilmember Blankenship, seconded by Councilmember Peterson to authorize the Mayor to sign and execute the Chehalis Tribal Jail Contract with a 30-day termination clause with per diem increase of \$4.00 - \$5.00 per day. Motion Carried 5-0.</p>
ORDINANCE 833 FIRE LEVY PROPOSAL ADDED TO GENERAL ELECTION	<p>Mayor Schiller made corrections to the copy presented to Council. The total levy amount, should be \$250,000, not \$220,000 and \$70,00, not \$40,000, will be transferred from the REED fund, not the REIT fund. If the total amount of the levy is collected before the end of the five year period, the remaining amount to be collected can be discontinued. Doug Krikava, Pam Ator and Brent Schiller are all on the REED Committee. Mr. Krikava was present and stated he is in support of using the REED Fund money to support the fire equipment purchases. Councilmember Orffer asked if this will prevent the police from using any of the REED Fund money. Mayor Schiller stated the police will be receiving radios along with the fire department out of the REED Fund money. Dan Glenn stated the City of Montesano did a ten year levy lid lift and they chose to borrow money from another fund to pay for the purchased items up-front and then use the levy money to pay the loaning fund back. It is an option for McCleary to do a similar loan. Councilmember Orffer would like to see the ballot language changed to something that is easier to understand. It was moved by Councilmember Ator, seconded by Councilmember Orffer to adopt Ordinance 833 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCCLEARY RELATING TO REGULAR PROPERTY TAXES; PROVIDING FOR THE SUBMISSION TO THE QUALIFIED ELECTORS OF THE CITY AT THE GENERAL ELECTION TO BE HELD ON NOVEMBER 7, 2017, A PROPOSITION AUTHORIZING THE CITY TO LEVY REGULAR PROPERTY TAXES IN EXCESS OF THE LIMITATIONS OF CHAPTER 84.55 RCW; AND SETTING FORTH THE TEXT OF THE BALLOT PROPOSITION. Roll Call taken in the affirmative. Ordinance Adopted 5-0.</p>
RESOLUTION 709, AMENDING RESOLUTION 671 UPDATING INFORMATION FOR LGIP	<p>The Local Government Investment Pool (LGIP) must be updated after each Mayoral and/or Clerk-Treasurer change. Mayor Schiller needs to be added as the Mayor to the required resolution. It was moved by Councilmember Blankenship, seconded by Councilmember Peterson to adopt Resolution 709 AUTHORIZING INVESTMENT OF THE CITY OF MCCLEARY'S MONIES IN THE LOCAL GOVERNMENT INVESTMENT POOL AND TO UPDATE THE MAYOR POSITION. Resolution Adopted 5-0.</p>
PUBLIC COMMENT	<p>Josh Martin, the new Summit Pacific Medical Center's new CEO, introduced himself to the Council and residents. He stated Gary Atkins was correct that the hospital could have done a better job as an organization by communicating better to the Council and community. He is willing to take ownership of that. He said the Mark Reed facility is licensed under their single hospital district licenser and is open for conditional use. Up until 2016 they had a clinic there. Regardless of the decision the Council makes, keep in mind, as long as it doesn't impact the health care or future use of that facility, it's important that we don't restrict access or care. He added that a new manager has been hired in the McCleary Clinic and she and her husband live in McCleary. He also attended the Bear Festival this year with his family and was very pleased with the activities and events.</p>

Dan Glenn asked Josh Martin if the Grays Harbor Community Hospital has a facility that could be used as a mental health facility. Mr. Martin said that is incorrect. He believes Mr. Glenn is referring to the east campus, which has a chemical dependency clinic there and it is in use. It is not vacant and does not have expansion for a chemical dependency operation.

Dan Glenn said the BHO mentioned tonight they are going to file an application tomorrow. He believes it was done so the Council will make a choice. One choice is to adopt a moratorium and the second is to adopt an ordinance tonight that has the conditional use approach. Councilmember Orffer would like to request an executive session to discuss this. The Council would like to have a 30 minute executive session.

EXECUTIVE SESSION

At 7:38 pm, Councilmember Orffer called for a 30 minute Executive Session to discuss agency litigation, per RCW 42.30.110[1][j]. The Executive Session ended at 8:08 pm.

ORDINANCE 834 EMERGENCY
ZONING ORDINANCE
EFFECTIVE TONIGHT

Mayor Schiller reopened the agenda item refereing to the zoning ordinance. Councilmember Orffer said the Council is trying their best to digest the information provided to them and to make the best decision for all. The ordinance provided tonight with the conditional use approach, which was version C, addresses the hearing examiners recommendation. Councilmember Ator prefers version C, for six months with an emergency clause to go into effect tonight. It is an effort to provide guidance for City staff. If this has an interim basis and is passed now, we will have an ordinance with guidance to keep the city in compliance and make if fair for those who want to start businesses and build in our area. **It was moved by Councilmember Orffer, seconded by Councilmember Ator to adopt Emergency Ordinance 834 RELATING TO ZONING, AMENDING SECTIONS 17.12.030 AND 17.36.020 MMC UPON AN INTERIM BASIS, DECLARING AN EMERGENCY AND PROVIDING FOR SEVERABILITY & CORRECTION AND TO BE EFFECTIVE TONIGHT AND TO BE IN EFFECT FOR SIX MONTHS. Roll Call taken in the affirmative. Ordinance Adopted 5-0.**

MEETING ADJOURNED

It was moved by Councilmember Ator, seconded by Councilmember Richey to adjourn the meeting at 8:14 pm. The next meeting will be Wednesday, August 9, 2017 at 6:30 pm. Motion Carried 5-0.