

**CITY OF MCCLEARY**  
**Regular City Council Meeting**  
**Wednesday, August 22, 2012**

FLAG SALUTE Mayor Dent Called the Regular Meeting to order at 7:00 PM with the Flag Salute.

ROLL CALL Council members Catterlin, Schiller, Reed, Lant and Ator.

ABSENT None.

STAFF PRESENT Present at the meeting were Dan Glenn, Wendy Collins, Nick Bird, George Crumb, Randy Bunch, John Graham and Jon Hinton from Gray & Osborne.

PUBLIC COMMENT Jeff Catterlin would like to address the issue of pan handlers in the City limits at a future meeting. This is a problem in many Cities and should be addressed before it becomes a problem.

MINUTES APPROVED **It was moved by Councilman Catterlin, seconded by Councilman Reed to approve the minutes from July 25, 2012 meeting. Motion Carried 5-0.**

MAYOR'S COMMENTS The Park & Cemetery fund is in the red, even though a portion of the budgeted allocation of REET money has been transferred. Mayor Dent stated he cannot take property sales tax from current expense to give to Park & Cemetery. The Mayor discussed selling the float shed to Light and Power and also entertained the option of terminating the summer workers because they are paid out of the Park & Cemetery fund.

Mayor Dent expected a mob from the school to be present tonight regarding compliance requirements for a restroom in the new play shed project. He is surprised there were no representatives from the school district after hearing comments they were preparing to attend the City Council meeting to make a statement.

The court is above in their revenues. There is \$100,000 in outstanding fines and fees that have been sent to collection. Mayor Dent is working with the Court Clerk on how to enforce the collection of the outstanding debt to the City.

Mayor Dent discussed the Fire Mitigation money that can be used for building or acquisition of property. We have five or six months to either purchase property or make a decision on what we can do with the money.

CITY ATTORNEY REPORT Dan has provided a report for the Council.

DIRECTOR OF PUBLIC WORKS REPORT A report was provided for the Council and Nick Bird welcomes any questions.

MMC-TITLE 6-DOGS Residents Harold Earl Barnes and Terri Mount attended the meeting to discuss an dog dispute. Mr. Barnes recently moved in and has repeated incidents while walking his dog from Ms. Mounts dogs. He read the city ordinance and noticed there is no limit to how many animals a resident can have on their property.

Ms. Mount stated she has not had any issues with her dogs in the past. She says she keeps her dogs contained, has raised her fence, is taking them to training and is a responsible dog owner. Mayor Dent asked the Council to read through the municipal code and the topic of animal limitations can be discussed at a future meeting.

Dan Glenn stated there are many ways to approach the issue and he has other City models we can review.

Councilman Schiller asked Mr. Barnes if the dogs had come up to him and wanted to know how the incident started. Mr. Barnes stated Ms. Mounts dogs have run his on his porch twice and put their mouth on his puppy and on another occasion, the dogs have met him at his door and aggressively would not let him out of his own house.

FOP CONTRACT	<b>It was moved by Councilman Lant, seconded by Councilman Catterlin to authorize the Mayor to approve the Fraternal Order of Police (FOP) labor contract, retroactive to January 1, 2012. Motion Carried 5-0.</b>
BUSHING REPLACEMENT PROJECT FINAL	<b>It was moved by Councilman Lant, seconded by Councilman Ator to authorize the City to pay Progress Estimate #1. The amount to be paid is \$34,142.68 and the amount to be deposited in the Retainage Account is \$1,651.00. Motion Carried 5-0.</b>
GENERATOR SERVICE AGREEMENT	The Council discussed the bid that was received and were unhappy there were no local bids submitted. Nick Bird informed the Council he did not go out to bid. The Council asked to table the topic until Nick Bird advertises for bids so local companies have an opportunity to bid in an effort to keep the opportunity local.
PUBLIC SEWERS REVISION	Vern Merryman has developed a draft Grease Management Program intended for our food preparing customers because fats, oils and grease discharged to the collection system can have a devastating impact on the collection system capacity and cause havoc in the treatment process. A draft copy of the revisions to the Municipal Code have been provided for the Council's review and staff will try to provide the final draft at the next meeting.
G & O AMENDMENT NO. 2	<b>It was moved by Councilman Lant, seconded by Councilman Schiller to authorize the City to execute amendment #2 to the 2012 Contract with Gray &amp; Osborne with the minor change being the total amount available to be authorized per task is \$600 and the aggregate amount of \$5,000 remains unchanged. Motion Carried 5-0.</b>
FD #13 CONTRACT	<b>It was moved by Councilman Lant, seconded by Councilman Reed to authorize the City to extend and approve the revised amended FD 13 Contract through December 31, 2012. Motion Carried 5-0.</b>
ORDINANCE NO. 781, WATER SERVICE REQUIREMENT	There are residents in the City that do not pay their bill and their account has gone into shut-off status. They continue to inhabit the home with no running water or operational sewer facilities. This Ordinance will prevent the resident from residing in a home that does not have operational sewer and water. <b>It was moved by Councilman Ator, seconded by Councilman Catterlin to adopt Ordinance No. 781, an Ordinance relating to utility service, confirming the requirement of water service for residential habitation, making findings, establishing penalties, providing for severability, and adding a new chapter to Title 13 of the municipal code. Roll call taken in the affirmative. Ordinance Adopted 5-0.</b>
SPECIAL EVENT PERMIT	Tabled.
ORDINANCE NO. 782, MEDICAL MARIJUANA MORATORIUM	<b>It was moved by Councilman Schiller, seconded by Councilman Lant to adopt Ordinance No. 782, an Ordinance establishing a moratorium on the establishment of medical marijuana dispensaries, collective gardens, and the licensing and permitting thereof; defining "medical marijuana dispensary," providing for a public hearing; establishing an effective date; declaring an emergency; and providing that the moratorium, unless extended, will sunset within six (6) months of the date of adoption. Roll call taken in the affirmative. Ordinance Adopted 5-0.</b>
BUDGET AMENDMENT	Mayor Dent discussed the inconsistency with administrative staff, which are non represented employees, salaries and the union contract employees. He shared a chart that showed how many raise increases the union employees have received over the past five years compared to the non represented employees. Administrative staff have not received comparable raises and do not have a set step increase for years of service and experience, as the union employees have. Mayor Dent has included a step increase option, along with percentage raises, for the non represented employees. The topic will be brought up again at the next meeting and the Mayor will ask the Council for approval of the budget amendment, which will include the administrative staff options and the union employee increases.
EXECUTIVE SESSION	<b>It was moved by Councilman Lant, seconded by Councilman Ator to go into executive session to discuss litigation with AT&amp;T and potential litigation with Mark Reed Hospital for ten minutes, starting at 8:05 PM. Motion Carried 5-0.</b>

The executive session ended at 8:15 PM.

AT&T SETTLEMENT

**It was moved by Councilman Catterlin, seconded by Councilman Schiller to authorize the chair to proceed with the settlement with AT&T. Motion Carried 5-0.**

APPROVAL OF VOUCHERS

Vouchers/Checks approved were 35164-35261 including EFT's in the amount of \$95,131.06 and 35102-35162 including EFT's in the amount of 36,496.01.

**It was moved by Councilman Lant, seconded by Councilman Catterlin to approve the vouchers. Motion Carried 5-0.**

PUBLIC COMMENT

Helen Lake will provide the Council and Nick Bird with a list of foreclosure homes in the City.

Councilman Lant asked if property can be transferred between different funds. He would like to have the oldest running Crown Victoria car be transferred from the Police Department to the Fire Department. Chief Crumb does not have any objection with it and Mayor Dent said he will support it.

Mayor Dent stated he was contacted by the IRS in regards to "unreported income" from the employee involved in the embezzlement claim.

Councilman Lant commented in regards to the District 5 Contract that stated the fire departments will get together and talk, as of Monday, they still have not had any talks.

MEETING ADJOURNED

**It was moved by Councilman Lant, seconded by Councilmen Ator to adjourn the meeting at 8:17 PM. The next meeting will be on September 12, 2012 at 7:00 PM. Motion Carried 5-0.**

Mayor Gary Dent:

---

Clerk-Treasurer Wendy Collins:

---