



McCleary City Council Agenda

10/09/19- 6:30PM

Flag Salute

Roll Call: ___ Pos. 1-Richey, ___ Pos. 2-Huff , ___ Pos. 3- Heller, ___ Pos. 4- Blankenship, ___ Pos. 5- Iversen

Public Hearing			Critical Areas Ordinance
			Combined Revenue Sources
Mayor Comments			Budget Workshop October 21st at 6 pm
Public Comment			
Minutes	Tab	A	09.11.2019
Approval of Vouchers			
Staff Reports	Tab	B	Chris Coker
	Tab	C	Todd Baun
	Tab	D	Staff Reports
Old Business			
New Business	Tab	E	Amend Ordinance 848
	Tab	F	Merchandise Consignment Contract
			Historical Society Utilities - Discussion
			Chehalis Basin Partnership - Discussion
	Tab	G	Greater Grays Harbor, Inc. 2020 Municipal Services Agreement
Ordinances	Tab	H	Critical Areas Ordinance
	Tab	I	Property Tax Levy Ordinance Introduction
Resolutions	Tab	J	2020 Lemay Rates Resolution
Contracts			
Mayor/Council Comments			
Public Comments			
Adjourn/Recess Meeting			

Please turn off Cell Phones- Thank you

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 La ciudad de McCleary as un proveedor de igualdad de oportunidades y el empleador

TAB - A

CITY OF MCCLEARY
Regular City Council Meeting
Wednesday, September 11, 2019

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

ABSENT None.

MOMENT OF SILENCE Mayor Orffer announced it has been 18 years since the tragic events of 9-11 happened and she asked for a moment of silence to pay respect and honor those affected.

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

MAYOR COMMENTS Mayor Orffer attended the Mayor's cook-off in Aberdeen and had a great time competing with the other Grays Harbor Mayors. The event was to raise money for the food bank.

Staff is starting to work on the 2020 budget and we spoke with Finance Committee about it tonight.

The Mayor attended a Historical Society meeting last night and stated Linda Thompson did a very good job leading the meeting. The Mayor said she was able to offer some insight from her perspective and share some things the City has been working through. She wanted to express her appreciation to the Historical Society for the efforts they are making and to let them know she is here to support them and her door is always open for them.

PUBLIC COMMENTS Teri Franklin saw a published notice of a storm water permit for the Dollar General store in the newspaper and the notice stated all the discharge and runoff will be going into the ground water. Mayor Orffer recommend she review the actual application so she can read the details of what was submitted. The newspaper may be limited in how much they can publish so it would best for her to review the actual documents. Mayor Orffer asked her to connect with Todd Baun and he will provide a copy for her.

EXECUTIVE SESSION Mayor Orffer called for a ten minute Executive Session at 6:43 pm per RCW 42.30.110(1)(c) to discuss property acquisition. She asked Larry Skinner, Building Official, to join them. The Executive Session ended at 6:53 pm.

The City Council is of the mindset that the building is old and has a lot of issues and would not be a good acquisition for the City. There are repairs and potential cost the Council does not want to use City funds for. Linda Thompson asked if she could receive a copy of the Building Official's inspection report and Mayor Orffer said she will be happy to provide her with one.

PUBLIC HEARING None.

MINUTES APPROVED **It was moved by Councilmember Huff, seconded by Councilmember Iversen to adopt the minutes from the August 14, 2019 meeting. Motion Carried 5-0.**

VOUCHERS Accounts Payable checks approved were 46479 - 46534, including EFT's, in the amount of \$226,021.84 and 46535 - 46608, including EFT's in the amount of \$247,822.25.

Payroll checks approved were 46474 - 46559, including EFT's, in the amount of \$199,657.29.

Bank reconciliation for the month of August 2019.

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

CITY ATTORNEY REPORT

Chris Coker has dealt with some public disclosures over the past month. On August 15th, he sent certified letters to property owners Dragt and Dillon. Ms. Dragt contacted him and had scheduled mowing for September. The mowing has only been partially done. She currently has three citations with two of those scheduled for court next Friday. The Dillon properties came into full compliance. Councilmember Blankenship wants Ms. Dragt to be held accountable because she is still not compliant and this has been an ongoing issue. He also wants to see the house on the corner in the same neighborhood to be condemned because of it's in dangerous condition. He is worried about the back porch falling down and the City being held liable because we are aware of its condition. Mr. Coker cannot condemn properties and if this is a bank owned property with an attractive nuisance, if someone was injured, there would be layers of liability. The City would be lower on the list for liability. Mayor Orffer's concern is there is no signage posted such as, "No Trespassing".

The Council wants to know at what point can the City go in and take care of an issue such as mowing? Chris believes there is a chance the property owner can make a claim the City did something that could expose us to a problem by putting us in a liability position. He can ask Ms. Dragt if she would authorize us to go on the property to take care of the compliance and bill her for the work but he does not support accessing her property and cleaning it up without her authorization. Mr. Coker understands these properties are part of a homeowners association, which have rules. He represents a couple of them in Thurston County and this situation comes up all of the time. The homeowners association doesn't want to spend money on legal enforcement when they have people not mowing their yards and paying their dues. His job as the City Attorney is that he can advise as it relates to risk. He takes a conservative approach, which he thinks is the safe approach. He doesn't know in this situation what the homeowners association rules are for these properties. Theoretically, they have the authority to file a lien and go after the property owner.

Chris wouldn't recommend it but the City could authorize him to file a complaint in Superior Court to get an order to go mow the grass. Or, the City at some risk, can take our chances and go mow it and hope she pays it. Councilmember Blankenship is frustrated with the process of getting her in compliance and starting over with the same process as soon as the property is overgrown again. Chris said the citations won't go away because she is partially in compliance. The next step would be either to take action in Superior Court or we go in and mow it and file a lien. It is not his call to make. He needs direction from the Council for that. Councilmember Blankenship would like to see this be filed in Superior Court and get the ball rolling. Councilmember Iversen asked how much it will cost to file and Chris said it will be \$250 to file and could be around \$700 with his cost. Councilmember Richey said since it is already filed in Municipal Court, he would like for Chris to talk with Ms. Dragt and let her know we are serious about this. Chris agreed that is a good idea and stated her court date is on September 20th. Chief Blumer said we are still in the citation stage and have not reached the criminal stage yet. Chief Blumer said he reads the ordinance different. He believes we can go and mow the property right now, however, he is not the City Attorney so he will follow Chris's lead on this. He doesn't disagree with Chris, he just reads the ordinance differently.

Mayor Orffer said she has to disclose she is the President of the homeowners association that is being discussed so she must recuse herself. With Chris Coker asking for direction, she cannot be involved with that discussion so she asked Mayor Pro Tem Huff to Chair the meeting during this part of the discussion. Mayor Pro Tem Huff asked the Council how they want to proceed with direction for Chris. Councilmember Richey wants him to first speak with Ms. Dragt. Chris stated he will let her know how strongly the Council feels about her noncompliance status and let her know she has three days to comply and she also needs to show up for her Municipal Court date. Councilmember Richey added, if she does not comply, we should take her to Superior Court. Mr. Coker said that is a reasonable approach. Chris reiterated he understands he will continue to push this with her infractions in Municipal Court and we will prosecute those to the fullest extent of our authority, based on her track record of noncompliance. Councilmember Blankenship does not want to see us dismiss the tickets. Chris agreed that is fair enough. Mayor Pro Tem Huff asked if the Council was all in agreement, and with no objections, he handed the meeting back over to Mayor Orffer to Chair.

Councilmember Richey said the house behind the Bears Den is atrocious. He asked what the status is on that and Todd said the initial letter has gone out and it is going through the nuisance process.

DIRECTOR OF PUBLIC WORKS
REPORT

Todd Baun provided a written report for the Council. Councilmember Blankenship reminded Todd he asked at the last meeting what percentage of time does Josh devote to code enforcement. Now, we get a copy of the nuisance report and nothing has changed from the last report we received. He is curious if Josh did anything for the last month. Todd responded, yes he did. The report reflects June through August. Any September nuisances will be on the October report. Todd stated Josh only gets paid one to two hours a week for code enforcement compared to the rest of his duties. Some weeks he dedicates two hours and other weeks he dedicates eight to twelve hours a week. It all depends on the nuisance workflow. Josh takes the initial complaint, checks to see if it truly exists, do the initial compliance letter and then passes it onto the police, who are the enforcement agency. Josh is now driving around town looking for nuisances. Mayor Orffer reminded the Council that Josh's title is Public Works Assistant. He is not a code enforcement officer as a job description, it is a part of the job he does. The workload ebbs and flows so his time varies with his duties. Based on Council feedback, we did institute for him to do a weekly ride around looking for issues, taking notes and doing his best to catch things before we get a call.

POLICE CHIEF REPORT

Chief Blumer met with Telecare to go over safety procedures and his officers now know what to expect. Telecare plans on opening this coming Monday.

The truck permitting signs are up and training has been scheduled for the Police Officers.

CRITICAL AREAS ORDINANCE -
LATEST DRAFT

Mayor Orffer asked Helen Hamilton if she has read the draft and she said she has. She isn't sure she understands all of it but time will tell. She just wants to make sure she can sell her property and have someone know what they need to do if they want to do something with the property. She wanted to make sure she can still do something with her building and it sounds like that is now possible. Mayor Orffer said she believes we have worked toward a resolution to support Helen, and Helen responded she wants to thank all the Councilmembers for their time and work. Todd will set up a public hearing for the October 9th Council meeting and the ordinance will be put up for adoption that evening.

COASTAL COMMUNITY ACTION
PROGRAM (CCAP)
AGREEMENT

It was moved by Councilmember Huff, seconded by Councilmember Richey to authorize the Mayor to sign the annual CCAP Agreement. Motion Carried 5-0.

DUCTLESS HEAT PUMP BID
AND AWARD

Todd received bids to have ductless heat pumps installed in several office locations in City Hall and City facilities. These would replace the cadet heaters, baseboard heaters and window mounted air conditioning units. This was a budgeted item in the 2019 Budget. **It was moved by Councilmember Iversen, seconded by Councilmember Blankenship to accept the bid for a ductless heat pump from Bradley Air Conditioning in the amount of \$64,256.19 plus tax. Motion Carried 5-0.**

ROOF REPLACEMENT AND
REPAIR BID

Todd went out for bid to replace some of the City's roofs and gutters. The project is for the Public Works shop, food bank, public facilities office, fire hall and Light & Power. This was a budgeted item in the 2019 budget. **It was moved by Councilmember Huff, seconded by Councilmember Richey to accept the bid from Titan Roofing for replacement of roof and gutter in the amount of \$88,870.00 plus tax. Motion Carried 5-0.**

1ST STREET SPEED LIMIT

Todd is trying to get the speed limit lowered on 1st Street. There is a process to doing this and he stated he didn't know we need to have some type of policy to lower speed limits on certain streets. We need to update the ordinance so Council can lower speed limits without requiring an engineer study, which is what we currently have to do. If we change the ordinance, we can later lower the speed limit. He wants to lower the speed limit on 1st Street from 25 to 20 miles per hour. He will address this at a future meeting.

SITE PLAN REVIEW
COMMITTEE DRAFT

Updates were made in red to the draft ordinance for the Council to review. Councilmember Iversen pointed out in Section 15, it references "town" instead of "city". Councilmember Blankenship asked if when an application comes in and goes to the review committee, the committee is not actually meeting and the application is instead emailed out to the review committee members to review and give feedback? Todd said yes, that is the process unless we get a big project then we will have everybody meet. It all depends on the size of the project.

Councilmember Blankenship asked when an application is emailed to the members, do the comments and recommendations come back in writing? Todd said yes, that is what they currently do. Councilmember Blankenship asked at what point would they meet to discuss the recommendations because you can interpret what is written in an email differently and believes the committee should meet so they can clarify their recommendations. Todd agreed with him. Mayor Orffer asked if that process is in the draft and Councilmember Blankenship said no, and she stated it is something that we need to add.

Councilmember Iversen understands a lot of decisions are taken off the Council and put on this committee and if there are further questions, it goes to a hearing examiner. Todd said that is correct. Mayor Orffer added the hearing examiner would then present to the Council. Todd said the Council appeals to the hearing examiner and Mayor Orffer stated this is why Council cannot serve on the committee.

Councilmember Blankenship asked why the Police Chief is not on the committee because the Fire Chief is on it? Councilmember Iversen thinks the people involved were selected because of their understanding about the actual building process. Councilmember Blankenship commented when a big development is going in, who knows what the traffic impacts will be and Todd said the City engineer always asks for the traffic analysis. Todd reviewed a lot of other cities site review committees and he mirrored the ones that made sense for us and very few have the Police Chief on the committee. Chief Blumer said he doesn't want to be on any committees, but he was consulted with Telecare as part of the conditional use and he was fine with that.

EDDIE BIERS PARK
DEDICATION DISCUSSION

Councilmember Huff was approached by members of Eddie Biers family asking what the City plans on doing with his memorial after the small park that was dedicated in his memory was removed during the 3rd Street project. You can't remove a dedication once it has been given. Eddie Biers was the head of the road crew and still has family and loved ones in the area. After discussion, the best idea for a new dedication would be to name the Park Kitchen after Eddie Biers. Chris Coker will prepare a resolution and the family will be invited when the rededication takes place.

3RD STREET PAY ITEM

Tabled until October.

PUBLIC COMMENT

Councilmember Huff has sent out the nomination ballots for the public to vote for a first responder recognition award. He will keep everyone up to date as we get closer to the deadline.

Mayor Orffer is preparing to begin union negotiations with the IBEW employees. Her role as Mayor is to handle the negotiations, however, she does not have a problem with having one or two Councilmember's participate, if they are interested. None of the Councilmember's offered to partake in the union negotiations so she will handle them.

Mayor Orffer informed the Council the signs for truck permitting have been going up around town and our accounting team, under Wendy's leadership, has gotten everything ready to sell permits and our Chief is going to be training the officers in September so we will have everything in place to implement the process.

Mayor Pro Tem Huff asked Todd if the City put in portable toilets at the transit station. Todd said the City put them up because over the past few months, there has been thousands of dollars of vandalism. The City is working on fixing the restrooms and installing anti-vandalism fixtures before reopening them. Mayor Pro Tem Huff asked when the restrooms are fixed, will they be locked up at night by the Police and opened in the morning by Public Works. Todd responded that has always been the goal but the police officers before weren't locking them because it wasn't their primary function because they were busy doing other things. We are looking at getting timed locks to unlock at six in the morning and locking up at eight at night. Mayor Pro Tem Huff stated he heard about the portable toilets getting knocked over last weekend.

MEETING ADJOURNED

It was moved by Councilmember Iversen, seconded by Councilmember Heller to adjourn the meeting at 8:20 pm. The next meeting will be Wednesday, October 9, 2019 at 6:30 pm. Motion Carried 5-0.

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

TAB - B

Younglove & Coker

A PROFESSIONAL LIMITED LIABILITY COMPANY

ATTORNEYS AT LAW

"SINCE 1974"

1800 COOPER POINT ROAD SW, BLDG 16, PO BOX 7846, OLYMPIA, WASHINGTON 98507-7846
TELEPHONE (360) 357-7791 FACSIMILE (360) 754-9268
OFFICE@YLCLAW.COM

Memorandum

TO: Mayor and City Council, City of McCleary
FROM: Christopher John Coker, City Attorney
DATE: October 2, 2019
RE: Significant Legal Activities as of October 2, 2019

Carnell House:

The Carnell family is now represented by Olympia Attorney Kathleen Casper. She and I have spoken a couple of times regarding the situation and I have conveyed to her the position of the City. I also informed her that it is my understanding that the Historical Society has vacated the premises and the Mayor is currently in possession of the keys to the property.

I believe the Carnell's would like to work with the City to come up with a way to dispose of the property in the most efficient manner possible. I believe they would prefer to not take the deed back from the City. City may choose to engage with the Carnell's a plan to sell the property, or the City can simply deed the property back to the Carnells.

Nuisance Properties:

As of the writing of this memo I am dealing with the following properties, with the help of City staff:

1. Libby Jo Tanatchangsang: Libby Jo was served with a lawsuit in Grays Harbor Superior Court in July. She filed what could be perceived as an Answer to the lawsuit with the Court. Currently it is my understanding that the property has been mitigated to a significant degree, however, may not be in full compliance with our nuisance laws. There was also some information received indicating Libby Jo may be trying to sell the property. I don't have any evidence of that at this time. At this point we can move forward with the Superior Court case or hold it in abatement since she may be selling the property or cleaning it up herself.
2. John Allardin: Mr. Allardin entered into a Voluntary Correction Agreement in May of 2019 and has not complied. Mr. Allardin is not in compliance. A motion to revoke the agreement will be filed and addressed at October Municipal Court date. I recommend moving forward with a Superior Court action seeking a warrant for abatement by the City.

3. Doyce Dragt: As of the writing of this memo my understanding is that Ms. Draght is not in full compliance. She is in partial compliance. The infractions issued are set for the October Municipal Court calendar. I recommend having the infractions continue to move forward, and I suggest issuing a second round of infractions based on her most recent failure to fully comply. I do not recommend the City going on to the properties and abating the alleged nuisance without a court order.

If you have any questions or concerns regarding the above, or any other matters, please let me know.

TAB - C

TAB - D

Building and Planning Staff Report

To: Mayor and City Council
 From: Josh Cooper
 Date: October 2, 2019
 Re: Building and Planning Department Activity.

New Permit Activities from June - August 2019

610 N Summit RD	New Accessory Structure	Total Fee - \$310.85
676 W Camas CT	New SFR	Total Fee - \$10,605.59
698 W Camas CT	New SFR	Total Fee - \$11,759.80
382 E Buck ST	New SFR	Total Fee - \$11,747.88
240 E Cedar ST	New SFR	Total Fee - \$12,031.99
198 N Summit RD	Boundary Line Adjustment – Lot Consolidation	Total Fee - \$600.00
514 S 4 th ST	New Gas Furnace & Hot Water Tank	Total Fee - \$99.82
174 Summit Place DR	New Water Heater	Total Fee - \$84.27
405 E Mommsen RD	Placement Permit	Total Fee - \$97.00
Building Department Related Revenues	Total fees charged from September \$51,373.84	Total fees collected from September \$38,648.71

Permit Activity Totals

New Homes Permitted for 2019 25	All Permits Issued for 2019 233	Total Fees Charged for 2019 \$319,212.35
New Homes Permitted for 2018 17	All Permits Issued for 2018 57	Total Fees Charged for 2018 \$212,089.41
New Homes Permitted for 2017 11	All Permits Issued for 2017 104	Total Fees Charged for 2017 \$124,686.92
New Homes Permitted for 2016 24	All Permits Issued for 2016 170	Total Fees Charged for 2016 \$249,258.60

Building and Planning Staff Report

Nuisances of September

***401 S Main St – (8.16)**

***422 W Oak St – (8.16)**

*** 115 S 5th St – (8.16)**

*** 411 W Pine St – (Utility Abatement)**

*** 108 N 10th St – (Utility Abatement, Notice to Vacate)**



MCCLEARY POLICE DEPARTMENT

STEVEN BLUMER – CHIEF OF POLICE

100 S 3RD ST MCCLEARY WA 98557
PHONE 360-495-3107 FAX 360-495-4483



STAFF REPORT

TO: Mayor Orffer and City Council

FROM: Chief Blumer, McCleary Police Department

DATE: October 2, 2019

RE: Police, nuisances and other agenda items

NUISANCES

I have attached a general outline on the steps in the nuisance ordinance process. It seems there may not be a clear understanding of the process. It has been discussed at length but thought it might be clearer written out.

POLICE CALLS FOR SEPTEMBER

Attached is the police activity for September 2019.

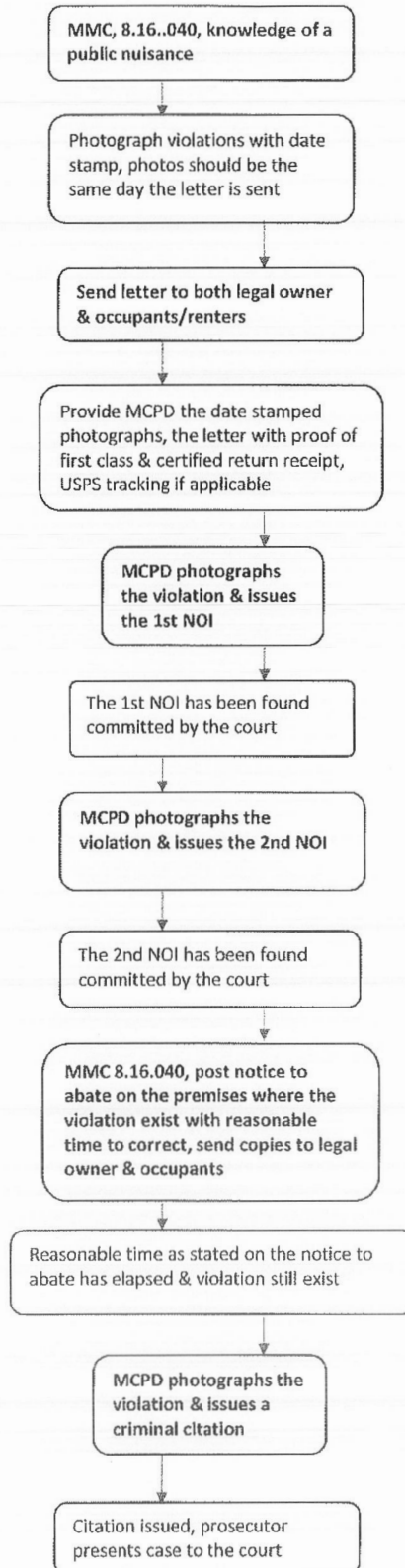
CONTRACT WITH CTM UNLIMITED AUCTIONS

Refer to tab F

AMEND ORDINANCE 848 TRUCK PERMITS

Refer to tab E

NUISANCE PROCESS





MCCLEARY POLICE DEPARTMENT

STEVEN BLUMER – CHIEF OF POLICE

100 S 3RD ST MCCLEARY WA 98557

PHONE 360-495-3107 FAX 360-495-4483



INCIDENTS SEPTEMBER 2019

TRAFFIC STOP	207
FIRE OR AID RESPONDING	32
POLICE GENERAL INFORMATION	16
CODE ENFORCEMENT INFRACTION	1
SUSPICIOUS PERSON/VEHICLE	18
ANIMAL PROBLEM	8
WARRANT ARREST/CONFIRMATION	1
CHECK WELFARE	3
911 HANG-UP OR OPEN LINE	2
MISSING PERSON	2
AGENCY ASSIST	5
DOMESTIC VIOLENCE ACT	3
CIVIL MATTER	1
DISABLED VEHICLE	3
VIO UNIFORM CNTRL SUB ACT	1
COURT ORDERS ISSUED/VIOLATED	2
AUDIBLE ALARM	1
RECKLESS ACT OR DRIVING	5
ABANDONED VEHICLE	1
MOTORIST ASSIST, TRAFFIC HAZARD	6
VEHICLE ACCIDENT WITH INJURIES	2
DISORDERLY CONDUCT	2
JUVENILE PROBLEM	5
NOISE PROBLEM OR COMPLAINT	2
OPEN DOOR OR WINDOW	1
COURT ORDER VIOL IN PROGRESS	4
TRESPASS	1
MALICIOUS MISCHIEF	2

TOTAL INCIDENTS

355

STAFF REPORT

Date: October 2, 2019

To: Todd Baun, Director of Public Works

From: Kevin Trehwella, Water & Wastewater Manager

Subject: WWTP Award

Like many of you, both Jon and I consider ourselves environmentalist who work to be good stewards of the environment. We both are honored to receive this award in recognition of our efforts.

This is the third consecutive year that we have received this award.



At the Waste Water Treatment Plant both Jon and I are constantly looking for ways to improve the performance and process of our treatment plant.

TAB - E

ORDINANCE No. _____

AN ORDINANCE RELATING TO STREET WEIGHT LIMITS AND ROAD USE; AMENDING ORDINANCE NUMBER 848; ADDING A SECTION TO MMC TITLE 10; AND PROVIDING AN EFFECTIVE DATE.

RECITALS:

1. The City has reviewed the street weight limits and found it prudent to update such policy by resolution upon the recommendation of the Council.
2. Maintenance of proper streets is necessary for the public health and safety.
3. Travel over certain streets by trucks or motor vehicles having a weight greater than the amount specified herein creates an undue risk of damage to those streets, thereby creating a hazardous situation.

NOW, THEREFORE, BE IT ORDAINED AS FOLLOWS BY THE CITY COUNCIL OF THE CITY OF McCLEARY:

SECTION I: Ordinance 777 is hereby repealed and replaced.

SECTION II: McCleary Municipal Code (MMC) Section 10.12.020 shall be repealed and is replaced to read as follows:

~~On and after the 1st day of July, 2012, it shall be unlawful for any person to drive or to operate a motor vehicle having a gross weight greater than twenty-six thousand pounds on any street or avenue within the corporate limits except on such streets or avenues designated on Attachment No. 1 of the ordinance codified in this chapter, which ordinance~~

~~is on file in the office of the city clerk treasurer; PROVIDED, however, that vehicles of a greater weight or larger capacity may be operated from said truck route upon other streets when it is necessary to do so for the purpose of making deliveries or for the purpose of picking up merchandise or articles to be transported in such vehicles; PROVIDED that in making such deliveries or pickups they shall be made from the shortest reasonable route from the above-named truck routes; PROVIDED still further that, upon application of the owner or operator, the city engineer may issue a special permit for the operation of a larger vehicle on other streets where it is necessary to do so. Such permit shall specify the street or streets over which the vehicle is to be operated; the time period within which such permits shall be valid; the gross weight limits allowed; and may be conditioned, in the discretion of the city engineer, on the posting of such performance bond as may be reasonably necessary to ensure that any damage done to the streets is repaired.~~

On and after the ____ day of _____, 201_, it shall be unlawful for any person to drive or to operate a motor vehicle having a gross weight greater than fourteen thousand pounds on any street or alley within the corporate limits except on such streets or alley designated on this Ordinance: PROVIDED, however, that vehicles of a greater weight or larger capacity may be operated from said truck route upon other streets when it is necessary to do so for the purpose of making deliveries for the purpose of picking up merchandise or articles to be transported in such vehicles: PROVIDED that in making such deliveries or pickups they shall be made from the shortest reasonable route from the above-named truck routes: PROVIDED still further that, upon application of the owner or operator, the public works director or his designee may issue a special permit for the operation of the larger vehicle on other streets where it is necessary to do so. Such permit shall be valid; the gross weight limit allowed; and may be conditioned, in the discretion of the public works director or his designee on the posting of such performance bond as may be reasonably necessary to ensure that any damage done to the streets is repaired

SECTION III: MMC Section 10.20.030 shall be repealed and is replaced to read as follows:

It is unlawful to park any vehicle having a gross weight greater than ~~twenty-six thousand~~ fourteen thousand pounds on any street not designated as a truck route within the corporate limits, except for the temporary purpose of making a pickup or delivery.

SECTION IV: MMC Section 10.20. 10, F, shall be repealed and is replaced to read as follows:

F. Pickup or light trucks, ~~fourteen thousand five hundred~~ fourteen thousand pounds gross vehicle weight rating (GVWR) or less, with or without a mounted camper unit, which are primarily used by the property owner/renter for transportation purposes are exempt from this section.

SECTION V: Those certain streets and portions of streets or avenues specified in Attachment Number 1 are hereby designated as truck routes.

SECTION VI: Overload permit – Required. It is unlawful, without a valid permit, to operate any vehicle on a street or alley of the city with a licensed gross vehicle weight in excess of fourteen thousand pounds.

SECTION VII: Permit Decal Required. Possession of a permit as required by MMC must be evidenced by a permit decal, issued by the City Clerk’s Office, and prominently displayed on the upper right front windshield of such truck.

SECTION VIII: Overload permit – Application. Permits to operate an overloaded vehicle may be obtained from the city. Application for overload permit shall be in the form prescribed by the city. Said permit shall require the following information:

- A. Name, address and telephone number of the applicant.
- B. Nature of load (type of material and/or equipment to be transported).
- C. Location by name and address of job site or place of delivery.
- D. Vehicle type, year and license number.
- E. Estimate of time in days that the permit will be required.
- F. Gross licensed weight of the vehicle.
- G. Proposed route to be approved by the city setting forth the streets upon which said vehicle will be driven.

- H. Proof of liability insurance as required by state law

SECTION IX: Overload permit – Time limitation. Permits will be valid only for the length of time necessary to complete a particular job or delivery and in no case shall be for longer than one year.

SECTION X: Overload permit – Restrictions. The city shall, following those standards used in RCW 46.44.093, issue or withhold overload permits at its discretion or make

reasonable requirements for the operation of said vehicles when necessary to assure against damage to road or street foundation or surfaces, safety of other traffic and may require such measures to protect the city’s roads, streets and roadbeds.

SECTION XI: Overload permit – Fees. Permit fees shall be established by the city council as set forth in this Ordinance. Applicants may pay for a permit on an annual basis under terms set forth below:

Overload permits (legal load is fourteen thousand lbs.):

Amount over 14,000 lbs.	1 Day	1 Year	Class #
14,001 – 16,000	\$30.00	\$120.00	4
16,001 – 19,500	\$45.00	\$170.00	5
19,001 – 26,000	\$60.00	\$220.00	6
26,001 – 33,000	\$90.00	\$280.00	7
33,001 – 86,000	\$130.00	\$330.00	8
>86,001 Shall Use State Highway System			

If truck is under legal load limit, no charge or permit is required.

SECTION XII: Overload permit – Exemptions. The following vehicles shall be exempt from the permit process described in this chapter.

- A. All vehicles owned and operated by governmental agencies.
- B. Emergency vehicles, solid waste disposal vehicles, and school buses.
- C. Vehicles transporting perishable goods or commodities to locations within the city for local delivery.
- D. Recreational vehicles including motor homes, campers, and travel trailers.
- E. Tractors of combination vehicles belonging to or operated by persons permanently residing within the city limits and used for commuting to work places located outside

of the city limits. Drivers of said vehicles shall register them with the city including the name and address of the owner and/or driver, vehicle license number, and shall obtain from the public works director an approved route into and out of the city. A condition of the issuance of such exemption is that said vehicle will not be allowed to run at idle within the city limits for more than ten minutes and said vehicles shall not park on any city right-of-way, and shall park on hard surfaces such as concrete, asphalt and gravel.

SECTION XIII: Approved routes for overweight vehicles. Overweight vehicles and those vehicles in excess of eight feet in width, those vehicles in excess of thirty feet in length including tractor and trailer, and all vehicles transporting radioactive or hazardous cargo, may operate on the following city streets without permit:

A. West Simpson Ave

B. North Summit Road to the State Route 108 intersection

It is the purpose of this section to restrict truck traffic in the city of McCleary to the maximum extent possible to the state highway system. In furtherance of this purpose, all trucks, truck tractors, truck and trailer combinations or truck tractor and semitrailer combinations over eight feet in width, over 30 feet in length, or over 86,000 pounds licensed gross weight, and all vehicles transporting radioactive or hazardous cargo, shall be restricted to the state highway system.

SECTION XIV: Temporary restrictions. The public works director or his designee may temporarily prohibit the operation of any vehicles or may impose weight limits different than those set forth herein when the public streets due to temporary conditions will be damaged by use by any vehicles unless said use or vehicle weight is restricted. Signs setting forth the temporary conditions shall be erected stating that the use of the street or right-of-way is restricted.

SECTION XV: Overweight vehicle parking restrictions. No overweight vehicle shall be parked within the city except for those vehicles registered with the city pursuant to this Ordinance.

SECTION XVI: Permit Decal Required. Possession of a permit as required by MMC must be evidenced by a permit decal, issued by the City Clerk's Office, and prominently displayed on the upper right front windshield of such truck.

SECTION XVII: Violation – Penalty. Any person violating the provisions of this Chapter shall be subject to the following penalties:

A. Upon a finding of committed as to up to two notices of infraction alleging a violation of this ordinance within any twelve-month period, the party shall be subject to a penalty not to exceed \$300: PROVIDED: that the court upon such finding may also require restitution for any damage suffered.

B. Upon a third or subsequent finding of violation within any twelve-month period, the party shall be subject to punishment as provided in the general penalty provision of the first paragraph of section 1.20.010 M.M.C., as now existing or hereafter amended or supplanted: PROVIDED that, in addition to any fine or fair sentence, restitution for any damage may be required.

PASSED THIS _____ DAY OF _____, 2019, by the City Council of the City of McCleary, and signed in approval therewith this _____ day of _____, 2019.

CITY OF McCLEARY:

BRENDA ORFFER, Mayor

ATTEST:

WENDY COLLINS, Clerk-Treasurer

APPROVED AS TO FORM:

CHRISTOPHER JOHN COKER, City Attorney

STATE OF WASHINGTON)

: ss

GRAYS HARBOR COUNTY)

I, WENDY COLLINS, being the duly appointed Clerk-Treasurer of the City of McCleary, do certify that I caused to have published in a newspaper of general circulation in the City of McCleary a true and correct summary of Ordinance Number _____ and that said publication was done in the manner required by law. I further certify that a true and correct copy of the summary of Ordinance Number _____, as it was published, is on file in the appropriate records of the City of McCleary.

WENDY COLLINS

SIGNED AND SWORN to before me this _____ day of _____, 2019,
by WENDY COLLINS.

NOTARY PUBLIC IN AND FOR THE STATE OF
WASHINGTON, Residing at: _____
My appointment expires: _____

TAB - F

CONSIGNMENT CONTRACT

CTM UNLIMITED AUCTIONS, LLC.

Physical Address: 411 E Main, Oakville, WA 98568
 Mailing Address: PO Box 542, Oakville, WA 98568
 Office # (360)273-5808 Fax (360)273-7783

DATE OF SALE: _____
 Consignor's Name: _____
 Mailing Address: _____

 Phone: _____ Consignor Code: _____

Terms: All vehicles \$25.00 entry fee each per sale plus 10% commission and no minimum if unit is sold.
 If you would like the vehicle washed prior to the auction it's an additional \$35.00 per vehicle.

YEAR:	MAKE:	MODEL:	WASH:
SERIAL NUMBER:		LICENSE #:	MILEAGE:
INTAKE DATE:	LOT #:	MINIMUM BID:	

YEAR:	MAKE:	MODEL:	WASH:
SERIAL NUMBER:		LICENSE #:	MILEAGE:
INTAKE DATE:	LOT #:	MINIMUM BID:	

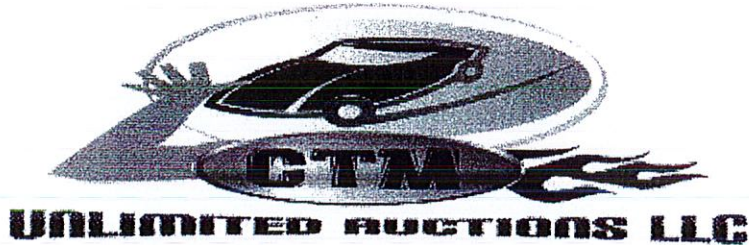
YEAR:	MAKE:	MODEL:	WASH:
SERIAL NUMBER:		LICENSE #:	MILEAGE:
INTAKE DATE:	LOT #:	MINIMUM BID:	

YEAR:	MAKE:	MODEL:	WASH:
SERIAL NUMBER:		LICENSE #:	MILEAGE:
INTAKE DATE:	LOT #:	MINIMUM BID:	

I accept all terms of the auction and will be responsible for delivery of transferable title. CTM Unlimited Auctions, llc. Assumes no responsibility, specifically no commercial general or physical damage liability, to the consignor's property while in our care, custody or control. This Consignment Agreement does not release the owner from any legal responsibility in the ownership of the consigned property. The consignor hereby certifies that he has bodily injury and/or property damage insurance and in the absence of same, assumes all responsibility for the consigned property up to the time of title transfer. Consignor acknowledges that vehicles may be test driven by prospective buyers and is aware of and assumes that liability and responsibility. To the best of their ability, within reason, CTM Unlimited Auctions, llc. Will protect the consignor's interests and property. Seller is to transport vehicles to auction. CTM Unlimited Auctions, llc. Does not transport nor has agents to transport on our behalf.

CONSIGNOR SIGNATURE: _____ DATE: _____

ACCEPTED BY: _____



LOCATION ADDRESS: 411 E. MAIN, OAKVILLE WA 98568

MAILING ADDRESS: PO BOX 542, OAKVILLE WA 98568

OFFICE PHONE: 1-877-396-5808, FAX: (360) 273-7783

E-MAIL: asu98568@yahoo.com

Website: www.ctmunlimitedauctions.com

To: LAW ENFORCEMENT AGENCIES,

I'd like to introduce CTM Unlimited Auctions, llc. Located in Oakville, WA. Our Auction Facility currently handles many evidence room items from several offices, from all over Southwest Washington and we are looking to expand our services and grow to meet your liquidation needs. We have a great success in liquidating all evidence room items from firearms, tools, jewelry, and all miscellaneous items to vehicles, boats, motorcycles, ATV's, RV's, Semi's and even Real Estate. With our competitive rates our facility gets maximum value on all your consignments. We know how unpleasant and time consuming the liquidation process can be, our goal is to make the process as effortless as possible for you.

Our Mission Statement:

To promote the auction method of marketing as an honest and viable method of disposing of real and personal property and to serve our clients with integrity and in a professional, honest and respectful manner.

- To be an auction company with a conscience.
- To treat all clients ethically, honestly, and with integrity.
- To educate both seller's and agents with the right approach to auctions.
- To provide information and communication.
- To be professionally and knowledgeable with a caring attitude.
- To sell all types of property in the most efficient and unique way possible.

At CTM Unlimited Auctions, llc. Our number one goal is to satisfy our clients. We have expert Auctioneers that will work with you to make your auction experience a successful one.

We are a fully licensed and bonded Auction Company. We also retain a Vehicle Dealer License and Firearm License through Washington State. This is to insure that all taxes and transfers are handled properly which relieves your facility of all liability once title is delivered.

Our facility does it all from picking up your item, inventorying, generating catalogs to your specifications, advertising, marketing, displaying, and getting items ready for retail to generate the most revenue, auctioning item to the highest bidder, auditing the sale and distributing funds to your facility.

Cost of our services will be determined on a case by case basis. Fees would be based upon your facilities needs and how much participation to the process your office wants to have. To be negotiated so that all parties are satisfied.

Upon request we would also be glad to provide you with a list of offices that currently use our services. For more information you can give us a call at the numbers provided above, also check out our website at:

www.ctmunlimitedauction.com.

Thank you from all our staff we look forward to meeting you and satisfying your facilities needs regarding disposal of real property.

Robby Shank
CEO/ Manager / Auctioneer #2916
CTM Unlimited Auctions llc

Testimonials:

Hi Jon, (CTM Unlimited Auctioneer),

As we have discussed before, I am happy to give my recommendation to other evidence staff and personnel within Washington State regarding CTM Auctions, and specifically, you! So, here goes nothing:

I started utilizing CTM Auctions shortly after I was unexpectedly assigned to take over the Cowlitz County Sheriff's Office Evidence and Property Room. Until May 2012, our Office had always gone with Property Room. From the little bit of information I could find on them from my predecessor's notes, my impression was that they didn't seem very user-friendly and flexible to meet the needs of our evidence room.

I did some research, perused Google, and made some phone calls to see what my options, other than Property Room, might be. I came across CTM Auctions in Oakville because they were relatively close and appeared to do a large variety of auctions. I called and spoke with Jon Holmes. Jon was immediately professional, yet friendly, and was interested to learn how MY evidence room worked and how he could help me in my job. He wasn't pushy--Property Room has always been pushy (and continues to be such, even though I had notified them numerous times that I no longer need their services).

Jon and all the CTM Auctions staff have been flexible from the start--I use my own log sheet/manifests since that's what works for me and was already in existence--no second form to fill out. I am able to schedule a pick-up pretty much whenever I need to, and Jon comes down--with his funny old side-kick--free of charge, and picks everything up in their trailer. I have two locations and they're always willing to go from one to the other for item collection. From cheap brooms, to jewelry items, to ride-on mowers, he always takes what I have to auction. If there's ever an item I have a question about, he has assured me he will take care of it for me. And he does! I'm often surprised at what he gets at auction for things that I wasn't sure had any value! I've periodically asked about new items to send for auction, and he always does the research and gets back to me on what his shop can do for me, trying to save me money and trips all over the state. He and his co-workers are extremely helpful.

CTM's prices for commission (auction fees) are lower than Property Room, and the quality of work is higher. I have nothing but good things to say for CTM Auctions, and Jon as their lead auctioneer and Robby Shank as their CEO/manager they are my go-to auction guys. They are dependable, trust-worthy, professional, friendly, and easy to reach.

I highly recommended working with Jon and all the CTM Unlimited staff!

Delaney Spencer
Evidence/Property
Cowlitz County Sheriff's Office
Kelso, WA

Grays Harbor County Sheriff's Office Letter of Recommendation:

With the recent changes in procedures by PropertyRoom.com, the Grays Harbor Sheriff's Office in Montesano began looking at alternatives for auctioning our items. Our local drug task force had been using CTM Auctions Unlimited in Oakville and liked them. We were initially leery about using an auction house, as I'd been told that auction houses in general were not best suited for detailed tracking of individual pieces of property.

But after reviewing all our options, I got the go-ahead to meet with CTM owner Rob Shank. I did so and was impressed with Rob and Alicia's willingness to work within our needs. The Shanks asked us to allow them to do a "test run" with them.

We were able to hash out a contract with CTM that met our needs as an accredited law enforcement agency. Once that was signed, CTM came and picked up a little over 100 pieces of property from evidence. In a timely manner, the check arrived for nearly \$3,000, which was significantly more than we made with PropertyRoom.com.

CTM also takes less commission than PropertyRoom.com.

Preparing a manifest for CTM was no more time consuming than it was for PropertyRoom.

This appears to be a positive change in our evidence procedures and I look forward to working more with CTM Auctions in the future.

Polly Thomas
Evidence
Grays Harbor Sheriff's Office
Montesano, WA
360-964-1730

O171 AUCTION 02/22/2015 2/22/2015

LOT #

- 1016lp HANDGUN; TAURUS, .38
S/N#: GH53686
S090339, 13-26590
- 1017lp HANDGUN; RUGAR, P90DC, .45
S/N#: 66109300
S091618, 13-27496
- 1018lp HANDGUN; COLT PYTHON, .357
S/N#: 83895
S092122, 13-27985
- 1019lp HANDGUN; SMITH & WESSON, 19-3, .357
S/N#: 2K78656
S099985, 14-6594
- 1020lp HANDGUN; COLT FRONTIER, .22 MAG
S/N#: 34018K
S099987, 14-6594
- 1111lp BAG; DUFFLE BAG
S89600, 13-25328
- 1209lp TOOL; PLIERS
29759, 04-18392
- 1210lp TOOL; PLIERS, SCREWDRIVER, WRENCH
29760, 04-18392
- 1211lp WINDOW 3x5 DOUBLE PANED
S09254, 05-18904
- 1212lp TOOLS; VARIOUS TOOLS
S60523A, 10-25611
- 1219lp CELL PHONE; BLACKBERRY
SERIAL#80F4617
S60559, 10-25763
- 1220lp CHILDS TRYKE; RADIO FLYER
S80504, 12-21897
- 1221lp KNIFE; KNIFE W/SHEATH
S80985, 12-31119

CATALOG EXAMPLE

LOT #

- 1222lp CELL PHONE; SAMSUNG W/CORD
S82108, 12-35459
- 1223lp TIRE PUMP, PORTABLE
S82109, 12-35459
- 1224lp COLLECTIBLE; BARBIE DOLL
S86342, 13-5890
- 1225lp TOOL; BOX KNIFE
S87541, 13-18066
- 1226lp HOBBY KNIFE; X-ACTO KNIFE
S87750, 13-18664
- 1227lp TOOLS; ALLEN WRENCHES, FLASHLIGHTS
S88603, 13-21797
- 1228lp TOOLS; VARIOUS TOOLS
S88696, 13-21714
- 1229lp GUN CASE; MIL-TECH INC SOFT NYLON
S88857, 13-22388
- 1230lp 2 ROLLS ELECTRICAL TAPE
S89763, 13-26054
- 1231lp SAFE; SENTRY PORTABLE
S90624, 12-26869
- 1232lp KNIVES; BUCK FOLDING & SOG W/SHE.
S91583, 13-27481
- 1233lp WET BAG; OUTDOOR PRODUCTS
S91859, 13-27747
- 1234lp BATTERIES; 8 PACK DURACELL AA
S92303, 13-27859
- 1235lp SAFE; SENTRY PORTABLE SAFE
S92304A, 13-27859

Consignor Settlement

CTM Unlimited Auctions
411 E MAIN
OAKVILLE, WA 98568
Phone: 360-273-5808 Fax: 360-273-7783

CO #:	3230
Date:	2/6/2015
Page:	1

Consignor: LPD
 Ron Cryderman
 Longview Police Department
 1351 Hudson St.
 Longview, WA 98632
 Phone:360-442-5819

*Example
 Consignor Settlement*

Auction: O171 AUCTION 02/22/2015

Lot#	Lead	Transaction Description	Amount
1001lp	RIFLE; REMINGTON MODEL 522 .22 S/N#: 3130496 S001154, 04-22374	Invoice Sale Price(Qty=1)	205.00
		Commission(Qty=1)	(61.50)
1002lp	RIFLE; RUKO - ARMSCOR, M1600, .223 S/N#: A635697 S032574, 07-29667	Invoice Sale Price(Qty=1)	175.00
		Commission(Qty=1)	(52.50)
1003lp	RIFLE; RUGAR M77, 30.06 S/N#: 74-08300 S034858, 08-2433	Invoice Sale Price(Qty=1)	255.00
		Commission(Qty=1)	(76.50)
1004lp	RIFLE; UNKNOWN MAKE W/BAYONET, 7.35 S/N: E-4367 S034860, 08-2433	Invoice Sale Price(Qty=1)	200.00
		Commission(Qty=1)	(60.00)
1005lp	RIFLE; H & R, .308 S/N: CBA159731 S060226, 10-24962	Invoice Sale Price(Qty=1)	235.00
		Commission(Qty=1)	(70.50)
1006lp	SHOTGUN; MOSSBERG 12 GUAGE S/N: UM73605 S061716, 10-29393	Invoice Sale Price(Qty=1)	220.00
		Commission(Qty=1)	(66.00)
1007lp	RIFLE; REMINGTON, 550-1, .22 S/N: NONE S070628, 11-29269	Invoice Sale Price(Qty=1)	165.00
		Commission(Qty=1)	(49.50)
1008lp	HANDGUN; SMITH & WESSON, 38-2, .38 S/N: BPL6240 S076578, 12-17392	Invoice Sale Price(Qty=1)	210.00
		Commission(Qty=1)	(63.00)
1009lp	HANDGUN; SMITH & WESSON, 340PD, .357 S/N: CJD4064 S079610, 12-27027	Invoice Sale Price(Qty=1)	265.00
		Commission(Qty=1)	(79.50)
1010lp	HANDGUN; SMITH & WESSON, SW9M, 9MM S/N: KAA3477 S080032, 12-28612	Invoice Sale Price(Qty=1)	320.00

Consignor Settlement

CTM Unlimited Auctions
411 E MAIN
OAKVILLE, WA 98568
Phone: 360-273-5808 Fax: 360-273-7783

CO #:	3230
Date:	2/6/2015
Page:	1

Consignor: LPD

Ron Cryderman
 Longview Police Department
 1351 Hudson St.
 Longview, WA 98632
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*Example
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Auction: O171 AUCTION 02/22/2015

Lot#	Lead	Transaction Description	Amount
1001lp	RIFLE; REMINGTON MODEL 522 .22 S/N#: 3130496 S001154, 04-22374	Invoice Sale Price(Qty=1)	205.00
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1002lp	RIFLE; RUKO - ARMSCOR, M1600, .223 S/N#: A635697 S032574, 07-29667	Invoice Sale Price(Qty=1)	175.00
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		Commission(Qty=1)	(60.00)
1005lp	RIFLE; H & R, .308 S/N: CBA159731 S060226, 10-24962	Invoice Sale Price(Qty=1)	235.00
		Commission(Qty=1)	(70.50)
1006lp	SHOTGUN; MOSSBERG 12 GAUGE S/N: UM73605 S061716, 10-29393	Invoice Sale Price(Qty=1)	220.00
		Commission(Qty=1)	(66.00)
1007lp	RIFLE; REMINGTON, 550-1, .22 S/N: NONE S070628, 11-29269	Invoice Sale Price(Qty=1)	165.00
		Commission(Qty=1)	(49.50)
1008lp	HANDGUN; SMITH & WESSON, 38-2, .38 S/N: BPL6240 S076578, 12-17392	Invoice Sale Price(Qty=1)	210.00
		Commission(Qty=1)	(63.00)
1009lp	HANDGUN; SMITH & WESSON, 340PD, .357 S/N: CJD4064 S079610, 12-27027	Invoice Sale Price(Qty=1)	265.00
		Commission(Qty=1)	(79.50)
1010lp	HANDGUN; SMITH & WESSON, SW9M, 9MM S/N: KAA3477 S080032, 12-28612	Invoice Sale Price(Qty=1)	320.00

Consignor Settlement

CTM Unlimited Auctions
411 E MAIN
OAKVILLE, WA 98568
Phone: 360-273-5808 Fax: 360-273-7783

CO #:	3230
Date:	2/6/2015
Page:	18

Lot#	Lead	Transaction Description	Amount
1472lp	RIFLE CASE ; ALLEN	Invoice Sale Price(Qty=1)	5.00
		Commission(Qty=1)	(1.50)
1473lp	RIFLE CASE; GREEN & TAN	Invoice Sale Price(Qty=1)	11.00
		Commission(Qty=1)	(3.30)
1474lp	RIFLE CASE; REMINGTON	Invoice Sale Price(Qty=1)	10.00
		Commission(Qty=1)	(3.00)
1475lp	RIFLE CASE; ALLEN CAMO	Invoice Sale Price(Qty=1)	13.00
		Commission(Qty=1)	(3.90)
1476lp	PISTOL CASE; UNCLE MIKE'S SIDEKICK	Invoice Sale Price(Qty=1)	13.00
		Commission(Qty=1)	(3.90)
1477lp	HOLSTER; UNCLE MIKE'S W/ LANYARD	Invoice Sale Price(Qty=1)	11.00
		Commission(Qty=1)	(3.30)
1478lp	HOLSTER; BASKET WEAVE LEATHER	Invoice Sale Price(Qty=1)	21.00
		Commission(Qty=1)	(6.30)
1479lp	RIFLE CASE; DOSKO SPORT	Invoice Sale Price(Qty=1)	27.50
		Commission(Qty=1)	(8.25)
1480lp	RIFLE SCOPE; BSA CLASSIC	Invoice Sale Price(Qty=1)	10.00
		Commission(Qty=1)	(3.00)
1481lp	CLAMP; METAL 102942, 14-7950	Invoice Sale Price(Qty=1)	5.00
		Commission(Qty=1)	(1.50)
2294lp	JEWELRY; WOMAN'S GOLD RING W/PURPLE STONE 002769CC, 04-28427	Invoice Sale Price(Qty=1)	35.00
		Commission(Qty=1)	(10.50)
		Payment to Consignor - Check # 8304	(9,163.03)
		Total Quantity:	265.00
		Total Invoice Sale Price:	13,090.05
		Total Commission:	(3,927.02)
		Total Due to Consignor:	9,163.03
		Total Payments:	(9,163.03)
		Balance:	\$0.00

Inventory Remaining For This Consignment Order

COMMISSION SETTINGS

Calculate Commission By: Invoice Line
 Commission Structure Type: Sliding Scale

Any Amount 30%

TAB - G



Working to Build and Strengthen Business and Industry for a Prosperous Community

Your Regional Chamber of Commerce and Economic Development Council

September 30, 2019

Mayor Brenda Orffer
City of McCleary
100 South 3rd Street
McCleary, WA 98557

Dear Mayor Orffer:

With 2019 quickly coming to a close, I want to thank you for your continued support of Greater Grays Harbor, Inc.

Recently, you received a letter requesting you to include us in the 2020 City of McCleary budget in the amount of \$1,200.00.

Enclosed are two copies of the 2020 service contract between City of McCleary and Greater Grays Harbor, Inc. I would appreciate it if you could review the enclosed contracts and sign if acceptable, keeping a copy for your records and returning a copy to our office.

Once again, thank you for your support of GGHI. These are exciting times for Grays Harbor and your participation in our efforts is greatly appreciated. I look forward to working with you and your staff. Any time we can be of service, please call.

Sincerely,

Dru Garson CEO
Greater Grays Harbor, Inc.

Enclosures

MUNICIPAL SERVICES AGREEMENT

THIS AGREEMENT made and entered into this day by and between the City of McCleary, Municipal Corporation, hereinafter referred to as the "MUNICIPALITY" and Greater Grays Harbor, Inc., hereinafter referred to as the "AGENCY":

WITNESSETH: It is hereby covenanted and agreed as follows:

WHEREAS, the MUNICIPALITY desires to have certain services performed as hereinafter set forth requiring specialized skills and other supportive capabilities; and

WHEREAS, the AGENCY represents that it is qualified and possesses sufficient skills and the necessary capabilities, including technical and professional expertise where required, to perform the service set forth in this contract;

NOW, THEREFORE, in consideration of the terms, conditions, covenants, and performance contained herein, the parties hereto agree as follows:

I. SERVICES

The AGENCY shall perform such services and accomplish such tasks, including the furnishing of all materials and equipment necessary for full performance, as are identified as AGENCY responsibilities throughout this Agreement.

The AGENCY shall provide a comprehensive, cooperative, and planned approach to economic development involving government, business, education, labor and others. Specific tasks shall include, without limitation:

- A. Encourage a favorable business climate;
- B. Encourage competitive and appropriate sites for business location and/or expansion;
- C. Encourage training and retraining of unemployed workers through cooperative efforts;
- D. Encourage tourism to Grays Harbor County through advertising, publicity and distribution of information;
- E. Find and encourage investment of capital in new and/or expanded business facilities and equipment;
- F. Identify, attract and assist relocation of new business to Grays Harbor County;
- G. Assist to correct problems which may hinder or prevent business existence, expansion or creation;
- H. Identify new inventions, innovations, markets and/or marketing potentials, and bring to fruition;
- I. Assist the City of McCleary in identifying and carrying out its responsibilities and function in a cooperative and planned approach to economic development.
- J. Assist in the creation, development, and support of small businesses.

II. REPORTING REQUIREMENTS

The AGENCY shall submit periodic reports as required by the MUNICIPALITY which shall include, but not be limited to, a fiscal year revenue and expenditure report, and final annual evaluation report.

III. DURATION OF AGREEMENT

The effective day of this Agreement shall be January 1, 2020 and shall terminate on December 31, 2020. The Agreement may be extended or amended upon mutual agreement between the parties hereto and pursuant to the terms and conditions of this Agreement.

IV. COMPENSATION AND METHOD OF PAYMENT

The MUNICIPALITY shall reimburse the AGENCY for the services performed under this Agreement, an amount of \$1200.00, payable within thirty (30) days of contract execution.

V. ESTABLISHMENT AND MAINTENANCE OF RECORDS

The AGENCY agrees to maintain books, records, documents, and accounting procedures and practices, which accurately reflect all direct and indirect costs related to the performance of this Agreement. The AGENCY shall retain all books, records, documents, and other material relevant to this Agreement for three (3) years after its expiration. The AGENCY agrees that the MUNICIPALITY or its designee shall have full access and right to examine any of said materials at all reasonable times during said period.

VI. COMPLIANCE WITH LAWS

The AGENCY, in performance of this Agreement, agrees to comply with all applicable federal, state, and local laws or ordinances, including standards for licensing, certification, and operation of facilities, programs, accreditation and licensing of individuals, and any other standards or criteria as described in this Agreement to assure quality of services.

VII. NON-DISCRIMINATION IN EMPLOYMENT

During the performance of this Agreement, AGENCY agrees to comply with federal and state laws prohibiting discrimination in employment and delivery of services, including the Americans with Disabilities Act of 1990, as amended.

VIII. INDEMNIFICATION/HOLD HARMLESS

All services to be rendered or performed under this Agreement will be performed or rendered entirely at the AGENCY's own risk and the AGENCY expressly agrees to indemnify, defend, and hold harmless the MUNICIPALITY and all of its officers, agents, employees, or otherwise, from any and all liability, loss, or damage that they may suffer as a result of claims, demands, actions, or damages to any and all persons or property, costs, or judgments against the MUNICIPALITY which result from, arise out of, or are in any way connected with the services to be performed by the AGENCY under this Agreement.

IX. TERMINATION

If the AGENCY fails to comply with the terms and conditions of the Agreement, the MUNICIPALITY may pursue such remedies as is legally available including, but not limited to, the suspension or termination of this Agreement. Either party may terminate this Agreement upon giving 60 days notice in writing of intent to terminate.

X. ENTIRE AGREEMENT

The parties agree that this Agreement is the complete expression of the terms hereto and any oral representations or understandings not incorporated herein are excluded. Further, any modification of this Agreement shall be in writing and signed by both parties.

IN WITNESS WHEREOF the parties hereto have caused this Agreement to be executed this 30 day of September, 2019.

Greater Grays Harbor, Inc
"Agency"

City of McCleary
"Municipality"



Signature

Signature

CEO

Title

Title

Signature

Signature

Title

Title

TAB - H

ORDINANCE NO. _____

AN ORDINANCE RELATING TO CRITICAL AREAS; ADOPTING DEFINITIONS, AMENDING CERTAIN SECTIONS OF CHAPTER 18.08 MMC, ADDING NEW SECTIONS TO CHAPTER 18.08 MMC, AND PROVIDING FOR INTERPRETATION, SEVERABILITY, AND AN EFFECTIVE DATE.

RECITALS:

1. The Council and Mayor have received the recommendations of the involved City staff as to the updating of the provisions of the Municipal Code relating to critical area delineation, processing, protection, and related matters.
2. All necessary environmental reviews have been completed.
3. It is the intention of the Council to adopt the recommendations as set forth in the following sections.

NOW, THEREFORE, BE IT ORDAINED AS FOLLOWS BY THE CITY COUNCIL OF THE CITY OF McCLEARY:

SECTION I: Section 18.08.030 and Section 2, Ordinance 703 are each amended to read as follows:

Definitions.

When used in this Chapter, the following definitions shall apply:

1. Administrator or Director: the (~~City Administrator~~) Director of Public Works or his/her designee.

2. Applicant: any person who files a permit application with the City of McCleary and who is either the owner, beneficial owner, contract purchaser, or authorized agent of such owner of the land on which the proposed activity would be located.

3. Aquifer recharge area: areas with a critical recharging effect on aquifers used for potable water, including areas where an aquifer that is a source of drinking water is vulnerable to contamination that would affect the potability of the water, or is susceptible to reduced recharge.

4. Critical areas: includes the following areas and ecosystems as defined in RCW 36.70A.030 and WAC 365-195-200, as now existing or hereafter amended or succeeded:

- a. Wetlands;
- b. Areas with a critical recharging effect on aquifers used for potable water (referred to herein as “aquifer recharge areas”);
- c. Fish and wildlife habitat conservation areas;
- d. Frequently flooded areas; and e.

Geologically hazardous areas.

5. Fish and wildlife habitat area: land managed for maintaining species in suitable habitats within their natural geographic distribution so that isolated subpopulations are not created. This does not mean maintaining all individuals of all species at all times, but it does mean cooperative and coordinated land use planning is critically important among counties and cities in

a region. In some cases, intergovernmental cooperation and coordination may show that it is sufficient to assure that a species will usually be found in certain regions across the state. Fish and wildlife habitat conservation areas include areas with which endangered, threatened, and sensitive species have a primary association; waters of the state; state natural area preserves and natural conservation areas; and streams and rivers planted with game fish by a governmental agency.

6. Frequently flooded areas: lands in the flood plain subject to a one percent or greater chance of flooding in any given year. These areas include, but are not limited to, streams, rivers, lakes, coastal areas, wetlands, and the like. The 100-year flood plain designations of the National Flood Insurance Program delineate the presence of frequently flooded areas.

7. Geologically hazardous areas: areas that, because of the susceptibility to erosion, sliding, earthquake, or other geological events, are not generally suited to locating commercial, residential, or industrial development consistent with public health or safety concerns. Geologically hazardous areas have slopes greater than 15% with known erosion, landslides, settling, rockslide, debris flow and/or seismic hazards as defined by the US Department of Agriculture Soil Conservation Service.

8. Wetland or wetlands: areas that are inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from non-wetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street,

or highway. Wetlands may include those artificial wetlands intentionally created from non-wetland areas created to mitigate conversion of wetlands.

9. Qualified expert: a person preparing a technical assessment who has expertise appropriate to the relevant critical area. Expertise shall consist of professional credentials and/or certification, any advanced degrees earned in the pertinent scientific discipline from a recognized university, the number of years of experience in the pertinent scientific discipline, recognized leadership in the discipline of interest, formal training in the specific area of expertise, and field and/or laboratory experience with evidence of the ability to produce peer-reviewed publications or other professional literature. Geologists preparing technical assessments shall meet the requirements of a licensed geologist under Chapter 18.220 RCW. A qualified expert for aquifer recharge areas must be a currently licensed Washington State geologist holding a current specialty license in hydrogeology.

SECTION II: Section 18.08.040 and Section 3, Ordinance 703 are each amended to read as follows:

Compliance with critical areas protection.

All public and private land uses in the city of McCleary subject to the provisions of this chapter shall comply with the requirements of this chapter as a condition to the issuance of any permit requested under Titles 15, 16 and 17 of the McCleary Municipal Code. The city shall deny any permit that fails to protect a critical area as required in this chapter, except as provided in Section (~~18.08.040 and~~) 18.08.050 or the issuance of which is otherwise required or authorized by a provision of this chapter.

SECTION III: Section 18.08.050 and Section 4, Ordinance 703 are each amended to read as follows:

Exempt Activities in Critical Areas.

The following uses or activities within a critical area or critical area buffer are exempt from the requirements of this Article to the extent that they are not prohibited by other state or federal laws and do not degrade the critical area:

A. Conservation, enhancement, restoration, or preservation measures or projects;

B. Low intensity, passive recreational uses;

C. Short-term scientific studies and educational uses;

D. Repair and maintenance of existing public roads, bridges, and storm water facilities;

E. Walkways (~~without structures~~) and trails, provided that those pathways are limited to minor crossings having no adverse impact on water quality. They should be generally parallel to the perimeter of the wetland, located only in the outer twenty-five percent (25%) of the wetland buffer area, and located to avoid removal of significant trees. They should be limited to pervious surfaces no more than five (5) feet in width for pedestrian use only. Raised boardwalks utilizing non-treated pilings may be acceptable.;

F. Public parks;

~~GF.~~ Site investigation work necessary for land use applications; and

~~HG.~~ (~~Forest practices governed by RCW 76.09~~) The growing and harvesting of timber, forest products and associated management activities in accordance with the Washington Forest Practices Act of 1974, as amended, and regulations adopted pursuant thereto; including, but not limited to, road construction and maintenance; aerial operations; applications of fertilizers and pesticides; helispots; and other uses specific to growing and

harvesting timber forest products and management activities, except those Forest Practices designated as "Class IV -General Forest Practices" under the authority of the "Washington State Forest Practices Act Rules and Regulations," WAC Chapter 222, as now existing or hereafter amended or succeeded, PROVIDED FURTHER THAT compliance with this chapter is required for all new construction, grading, land clearing, and other uses subject to Section 18.08.080, and any Class IV Conversion Permit issued pursuant to the State Forest Practices Act, which involves conversion to a Permit Required Use.

SECTION IV: Section 18.08.070 and Section 6, Ordinance 703 are each amended to read as follows:

Technical assessments required.

A. Applications for any permit approval under Titles 15, 16 and 17 of the McCleary Municipal Code shall indicate whether any critical area is located on, under, or within ~~(two)~~ three hundred (300) feet of the site. The ~~(administrator)~~ director or designated representative shall visit the site, and in conjunction with a review of the comprehensive land use plan, information provided by the applicant, and any other suitable information, make a determination as to whether or not sufficient information is available to evaluate the proposal. If it is determined that the information presented is not sufficient, the administrator shall notify the applicant to provide additional information in the technical assessments before the issuance of any determination of completeness under Titles 16 and 17 or permit issued under Title 15.

B. It is the responsibility of the applicant to provide the city with appropriate technical assessments prepared by a qualified expert, whose selection is acceptable to the city, to fulfill the requirements of an application for a permit under Titles 16 and 17, or a building permit issued under Title 15. The applicant shall pay all expenses associated with the

preparation of any technical assessment required by the city. Technical assessments shall use the best science available in accordance with RCW 36.70A.172.

SECTION V: Section 18.08.080 and Section 7, Ordinance 703 are each amended to read as follows:

Wetland delineation and protection.

A. Fundamental Goals: The city shall regulate development activities to protect wetlands. Development activities shall not diminish the capacity of wetlands to:

1. Provide flood and storm water control;
2. Recharge the aquifer;
3. Improve surface and ground water quality by trapping sediments, removing nutrients, and providing chemical detoxification;
4. Stabilize the streambed along Wildcat Creek;
5. Preserve or enhance anadromous fisheries; and
6. Protect (~~Jeopardize~~) federally listed endangered and threatened species.

B. Identification and Delineation. Identification of wetlands and delineation of their boundaries pursuant to this Chapter shall be done in accordance with the approved federal wetland delineation manual and applicable regional supplement. All areas within the City meeting the wetland designation criteria in that procedure are hereby designated critical areas and are subject to the provisions of this Chapter. Wetland delineations are valid for five years; after such date the City shall determine whether a revision or additional assessment is necessary.

C. Rating. Wetlands shall be rated according to the Washington Department of Ecology wetland rating system, as set forth in the Washington State Wetland Rating System

for Western Washington: 2014 Update (Ecology Publication #14-06-029, or as revised and approved by the Department of Ecology).

D. The city adopts by reference the following maps and best available science resources for wetlands in the city of McCleary and the urban growth area:

1. National Wetlands Inventory Map, US Fish and Wildlife Service.
2. Soil Survey of Grays Harbor County Area, Pacific County, and Wahkiakum County Washington, Map Sheet 41, USDA, 1986.

~~(3. Washington State Wetlands Identification and Delineation Manual, Washington Department of Ecology, 1997, Publication #96-94;~~

~~4. Washington State Wetland Rating System for Western Washington, Washington Department of Ecology, 1993, Publication #93-74; and 5)~~

E. If the location, designation, or classification of a wetland shown on any map adopted through the ordinance codified in this chapter or the comprehensive land use plan is in conflict with the determination of any field investigation, the latter shall prevail.

F. The city prohibits development activities in wetlands unless:

1. No practical alternative exists for locating the project elsewhere on the property; or
2. The prohibition precludes any reasonable use of the property.

~~A wetland buffer that separates a wetland boundary from a regulated use is mandatory to mitigate adverse impacts of development activities. The following standards shall apply when determining buffer widths:~~

G. A wetland buffer that separates a wetland boundary from a regulated use is mandatory to mitigate adverse impacts of development activities. The following buffer widths have been established in accordance with the best available science. They are based on the category of wetland and the habitat score as determined by a qualified wetland professional using the Washington State Wetland Rating System for Western Washington: 2014 Update (Ecology Publication #14-06-029, or as revised and approved by Ecology). The adjacent land use intensity is assumed to be high.

1. Buffer widths are measured perpendicularly from the wetland boundary. ~~Buffer widths are determined according to a wetland's rating:~~

- ~~a. Category I wetlands require a buffer width of two hundred feet;~~
- ~~b. Category II wetlands require a buffer width of one hundred feet;~~
- ~~c. Category III wetlands require a buffer width of fifty feet; and~~
- ~~d. Category IV wetlands require a buffer width of twenty-five feet.~~

2. For wetlands that score 5 points or more for habitat function, the buffers in Table F.1 can be used if the following criteria are met:

a. A relatively undisturbed, vegetated corridor at least 100 feet wide is protected between the wetland and any other Priority Habitats as defined by the Washington State Department of Fish and Wildlife.

b. The corridor must be protected for the entire distance between the wetland and the Priority Habitat by some type of legal protection such as a conservation easement.

c. Presence or absence of a nearby habitat must be confirmed by a qualified biologist. If no option for providing a corridor is available, Table F.1 may be used with the required measures in Table F.2 alone.

e. The measures in Table F.2 are implemented, where applicable, to minimize the impacts of the adjacent land uses.

3. For wetlands that score 3-4 habitat points, only the measures in Table F.2 are required for the use of Table F.1.

4. If an applicant chooses not to apply the mitigation measures in Table F.2, or is unable to provide a protected corridor where available, then Table F.3 must be used.

5. The buffer widths in Table F.1 and F.3 assume that the buffer is vegetated with a native plant community appropriate for the ecoregion. If the existing buffer is unvegetated, sparsely vegetated, or vegetated with invasive species that do not perform needed functions, the buffer should either be planted to create the appropriate plant community or the buffer should be widened to ensure that adequate functions of the buffer are provided.

~~A technical assessment prepared by a qualified expert may reduce the required buffer width if it will not adversely affect the function of the wetland or that the use of other mitigation measures achieves the same result.~~

Table F.1 Wetland Buffer Requirements for Western Washington if
 Table F.2 is Implemented and Corridor Provided

Wetland Category	Buffer width (in feet) based on habitat score			
	3-4	5	6-7	8-9
Category I: Based on total score	75	105	120	150
Category I: Forested	75	105	120	150
Category I: Bogs and Wetlands of High Conservation Value	190			
Category I: Upland	150			
Category II: Based on total score	75	90	120	150
Category II: Vernal pool	150			
Category II: Forested	75	105	120	150
Category III (all)	60	90	120	150
Category IV (all)	40			

Table F.2 Required measures to minimize impacts to wetlands
(Measures are required if applicable to a specific proposal)

Disturbance	Required Measures to Minimize Impacts
Lights	<ul style="list-style-type: none"> · Direct lights away from wetland
Noise	<ul style="list-style-type: none"> · Locate activity that generates noise away from wetland · For activities that generate relatively continuous potentially disruptive noise, such as certain heavy · For activities that generate relatively continuous
Toxic runoff	<ul style="list-style-type: none"> · Route all new, untreated runoff away from wetland while ensuring wetland is not dewatered · Establish covenants limiting use of pesticides within
Stormwater runoff	<ul style="list-style-type: none"> · Retrofit stormwater detention and treatment for roads and existing adjacent development · Prevent channelized flow from lawns that directly enters the buffer
Change in water regime	<ul style="list-style-type: none"> · Infiltrate or treat, detain, and disperse into buffer new runoff from impervious surfaces and new lawns
Pets and human disturbance	<ul style="list-style-type: none"> · Use privacy fencing or plant dense vegetation to delineate buffer edge and to discourage disturbance
Dust	<ul style="list-style-type: none"> · Use best management practices to control dust

Table F.3 Wetland Buffer Requirements for Western Washington if Table F.2 is NOT Implemented or Corridor NOT provided

Wetland Category	Buffer width (in feet) based on habitat score			
	3-4	5	-7	8-9
Category I: Based on total score	100	140	220	300
Category I: Bogs and Wetlands of High Conservation Value	250			300
Category I: Coastal Lagoons	200		220	300
Category I: Interdunal				300
Category I: Forested	100	140	220	300
Category I: Estuarine	200 (buffer width not based on habitat scores)			
Category II: Based on score	100	140	220	300
Category II: Interdunal Wetlands	150		220	300
Category II: Estuarine	150 (buffer width not based on habitat scores)			
Category III (all)	80	140	220	300
Category IV (all)	50			

H. Buffer averaging to improve wetland protection may be permitted when all of the following conditions are met:

1. There are no feasible alternatives to the site design that could be accomplished without buffer averaging.

2. The averaged buffer will not result in degradation of the wetland's functions and values as demonstrated by a critical areas report from a qualified wetland professional.

3. The total buffer area after averaging is equal to the area required without averaging

4. The buffer at its narrowest point is never less than either $\frac{3}{4}$ of the required width or 75 feet for Category I and II, 50 feet for Category III and 25 feet for Category IV, whichever is greater.

~~If an application for development activities makes it necessary to alter or eliminate a wetland, the applicant shall enhance or replace the wetland based upon a technical assessment and mitigation plan prepared by a qualified expert. Altered wetlands may require enhancement to ensure the same level of wetland function that existed at the time of the permit application. The replacement of eliminated wetlands shall be at a ratio of 1:1, have an equal or greater wetland rating, and be at a location approved by the city.~~

I. Compensatory mitigation for alterations to wetlands shall be used only for impacts that cannot be avoided or minimized and shall achieve equivalent or greater biologic functions. Compensatory mitigation plans shall be consistent with Wetland Mitigation in Washington State—Part 2: Developing Mitigation Plans—Version 1, (Ecology Publication #06-06-011b, Olympia,

WA, March 2006, or as revised), and *Selecting Wetland Mitigation Sites Using a Watershed Approach (Western Washington)* (Publication #09-06-32, Olympia, WA, December 2009).

J. Mitigation ratios shall be consistent with the following table. Mitigation requirements may also be determined using the credit/debit tool described in *Calculating Credits and Debits for Compensatory Mitigation in Wetlands of Western Washington: Final Report* (Ecology Publication #10-06-011, Olympia, Washington, March 2012, or as revised)

consistent with subsection H of this Chapter.

K. Wetland Mitigation Ratios: Category and Type of Wetland	Creation or Re-establishment	Rehabilitation	Enhancement
Category I: Bog, Natural Heritage site	Not considered possible	Case by case	Case by case
Category I: Mature Forested	6:1	12:1	24:1
Category I: Based on functions	4:1	8:1	16:1
Category II	3:1	6:1	12:1
Category III	2:1	4:1	8:1
Category IV	1.5:1	3:1	6:1

L. A qualified expert shall prepare any wetland technical assessments

required by the city. The report shall include:

1. The exact location of the wetland boundary;
2. An evaluation of wetland functions and values;
3. An analysis of how the proposed use would or would not diminish the wetland protection standards under subsection A of this section; and
4. Recommendations for mitigating adverse environmental impacts on wetland values and functions during construction and post-construction.

18.08.100 Aquifer recharge areas delineation and protection.

A. The city shall regulate development activities in aquifer recharge areas to protect groundwater quality and quantity for use as a potable water source.

B. The city adopts by reference the following best available science resources for delineating aquifer recharge areas in the city of McCleary and the urban growth area:

1. Geohydrology of the Chehalis River Valley, McCleary to Oakville, Grays Harbor County, Washington, Paul Eddy and Robert Carson, Washington Department of Ecology Geohydrologic Monograph No. 3, 1973;

2. Hydrogeologic Characterization for Protection of Wildcat Creek Aquifer, Grays Harbor County, Washington, HartCrowser, April 12, 1994;

3. If the location, designation, or classification of an aquifer recharge area shown on any map adopted by reference under the UDC is in conflict with the determination of any field investigation, the latter shall prevail.

4. Letter from HartCrowser dated January 15, 2003.

5. Water Quality Standards for Groundwater, Chapter 173-200 WAC.

C. A qualified expert who is a licensed geologist shall prepare any technical assessment required by the city for an aquifer recharge area. The report shall include:

1. A characterization of the site and its relationship to the aquifer;

2. A discussion of the effects of the proposed development activities and its ability to meet the establish standards of subsection A of this section; and

3. Recommended mitigation measures to ensure compliance with the standards set forth under subsection A of this section.

(Ord. 703 § 9, 2003)

SECTION VI: Section 18.08.110 and Section 10, Ordinance 703 are each amended to read as follows:

Fish and wildlife habitat conservation areas: delineation and protection.

A. The city shall regulate development activities in fish and wildlife habitat conservation areas to maintain species in suitable habitats within their natural geographic distribution and to prevent isolated subpopulations. In addition, the city shall consider conserving or protecting anadromous fisheries in Wildcat Creek.

B. The city adopts by reference the following maps and best available science resources for fish and wildlife habitat conservation areas in the McCleary urban growth area:

1. Priority Habitat Maps, Washington Department of Fish and Wildlife; and

2. Salmon and Steelhead Limiting Factors, Water Resource Inventory Areas 22 and 23, by Carol Smith and Mark Wenger, Washington Conservation Commission, June 2001.

C. A qualified expert shall prepare any technical assessment required by the city for development activities on parcels located within two hundred feet of a fish and wildlife habitat conservation area. The technical assessment shall include:

1. An analysis and discussion of species or habitats known or suspected to be located within two hundred feet of the site;

2. Evaluation of the effects of the proposed development activities and its ability to meet the established standards of Section 18.08.100(A) of this chapter; and

3. Recommended mitigation measures to ensure compliance with the standards set forth under Section 18.08.100(A). In cases where a fish and wildlife habitat conservation area is on or adjacent to a development site, the following provisions shall apply: ~~a minimum separation of up to fifty feet may be required for regulated uses if the technical assessment indicates the need for such a buffer.~~

a. Types 1 and 2 streams, will be regulated by the City of McCleary Shoreline Master Program.

b. Type 3 streams or other perennial or fish bearing streams that are five to 20 feet wide, a minimum separation of up to 200 feet may be required for regulated uses if the technical assessment indicates the need for such a buffer.

c. Type 3 streams or other perennial or fish bearing streams that are less than five feet wide, a minimum separation of up to 150 (feet) may be required for regulated uses if the technical assessment indicates the need for such a buffer.

d. Type 4 and 5 streams or intermittent streams with low mass wasting potential, a minimum separation of up to 150 feet may be required for regulated uses if the technical assessment indicates the need for such a buffer.

e. Type 4 and 5 streams or intermittent streams with high mass wasting potential, a minimum separation of up to 225 feet may be required for regulated uses if the technical assessment indicates the need for such a buffer.

These widths are measured on each side of the stream, starting at the ordinary high-water line. However, if the stream reach is located in a broad, alluvial valley and able to migrate across the valley, these width measurements begin at the edge of the channel migration zone (the area within which a stream has or may migrate laterally under its current geomorphic regime-it is commonly defined by historic meander limits or meander belt width.

D. The Public Works Director may allow the recommended habitat area buffer width to be averaged in accordance with a critical area report, the most current, accurate, and complete scientific or technical information available, and the management recommendations issued by the Washington State Department of Fish and Wildlife, only if:

1. It will not reduce stream or habitat functions;
2. It will not adversely affect salmonid habitat;
3. It will provide additional natural resource protection, such as buffer enhancement;
4. The total area contained in the buffer area after averaging is no less than that which would be contained within the standard buffer; and
5. The buffer area width is not reduced by more than 25 percent in any location.

E. The following alterations may be made within the buffer upon approval of a plan by the Public Works Director, when consistent with all other provisions of this chapter:

1. Outdoor recreational activities, including fishing, bird watching, hiking, boating, horseback riding, swimming, canoeing, and bicycling;

2. Flood control activities;

3. Normal maintenance, repair, or operation of existing serviceable structures, facilities, or improved areas;

4. Minor modification of existing serviceable structures within a buffer zone;

5. Trails, footbridges, and water-related public park facilities;

6. Utility lines and related facilities.

SECTION VII: A new section shall be added to Chapter 18.08 MMC to read
as follows:

Existing Non-Conforming Uses

The following provisions shall apply to existing uses and/or buildings and/or structures that do not meet the specific standards of this chapter:

A. The lawful use of any building, structure, land, or premises existing on the effective date of the adoption or amendment of this chapter or authorized under a permit or approval issued, or otherwise vested, prior to the effective date of the adoption or amendment of this chapter may be continued, subject to the provisions for a nonconforming use in MMC 17.36.00

B. Expansion, alteration, and/or intensification of a nonconforming use, building or structure, excluding normal maintenance, is prohibited if such use will produce impacts that degrade the critical area, including but not limited to vegetation clearing; additional impervious surfaces; generation of surface water runoff; discharge, or risk of discharge of pollutants; increased noise, light or glare.

C. Nonconforming structures that are destroyed by fire, explosion, flood, or other casualty may be restored or replaced in kind if there is no alternative that allows for compliance with the standards of this chapter; provided, that the following are met:

1. The reconstruction process is commenced within 36 months of the date of such damage; and
2. The reconstruction does not expand, enlarge, or otherwise increase the nonconformity, except as provided for in subsection B of this section.

SECTION VIII: A new section shall be added to Chapter 18.08 MMC to read as follows:

Temporary Uses.

The Public Works Director shall have the authority to authorize temporary uses pursuant to the terms and conditions of this section. This section provides a process for authorizing certain uses or activities of a nonpermanent nature for a limited duration.

A. The application shall contain those requirements the Public Works Director deems appropriate based on the duration of the use and its potential for environmental impact.

B. Temporary uses shall be consistent with all standards set forth in this Chapter. For any temporary use the city shall impose such other reasonable conditions as may be found necessary to ensure that the activity or use is not incompatible with surrounding conforming uses and will not result in a potential environmental impact.

C. Certificates of Temporary Use shall expire according to the terms set forth in the approval and / or may be revoked by the Public Works Director if terms of the Temporary Use are not followed.

SECTION IX: A new section shall be added to Chapter 18.08 MMC to read as follows:

Reasonable use exceptions.

A. If the application of this Chapter would deny all reasonable use of a site, development may be allowed pursuant to this section which is consistent with the general purposes of this Chapter and the public interest. Nothing in this Chapter is intended to preclude all reasonable use of property.

B. An applicant for a development proposal may file a request for a reasonable use exception which shall be considered by the Public Works Director. Such an application shall contain the following information:

1. A description of the areas of the site which are critical areas and/or resource lands or within setbacks required under this Chapter;
2. A description of the amount of the site which is within setbacks required by other jurisdiction standards;
3. A description of the proposed development, including a site plan;
4. An analysis of the impact that the amount of development would have on the resource lands or critical areas;
5. An analysis of whether any other reasonable use with less impact on the resource lands or critical areas is possible;
6. A design of the proposal so that the amount of development proposed as reasonable use will have the least impact practicable on the resource lands and/or critical areas;

7. Such other information as the Public Works Director determines is reasonably necessary to evaluate the issue of reasonable use as it relates to the proposed development.

C. After review of the application and the completion of any necessary reviews, the Public Works Director may approve the reasonable use exception if the Public Works Director determines all of the following criteria are reasonably met:

1. There is no other reasonable use or feasible alternative to the proposed development with less impact on the resource lands or critical areas;

2. The proposed development does not pose a threat to the public health, safety or welfare on or off the site;

3. Any alteration of the resource lands and/or critical areas shall be the minimum necessary to allow for reasonable use of the property;

4. The inability of the applicant to derive reasonable use of the property is not the result of actions by the applicant in subdividing the property or adjusting a boundary line thereby creating the undevelopable condition after the effective date of the Chapter; and

5. The proposal mitigates the impact on the resource lands and/or critical areas to the maximum extent possible, while still allowing reasonable use of the site.

SECTION X: A new section shall be added to Chapter 18.08 MMC to read as follows:

Building Setback Lines.

Minor structural intrusions into the area of the building setback identified pursuant to this Chapter may be allowed if the Public Works Director determines that such intrusions will not negatively impact the wetland.

SECTION XI: A new section shall be added to Chapter 18.08 MMC to read as follows:

Signs and Fencing of Wetlands and Buffers.

As a condition of any permit or authorization issued pursuant to this chapter, the Public Works Director may require the outer perimeter of the wetland buffer and/or the clearing limits identified and marked in the field with signs and/or fencing in such a way as to ensure that no unauthorized intrusion will occur. The marking is subject to inspection by the Public Works Director or his/her designee, prior to the commencement of permitted activities. This temporary marking shall be maintained throughout construction and shall not be removed until permanent signs, if required, are in place.

As a condition of any permit or authorization issued pursuant to this chapter, the Public Works Director may require the applicant to install permanent signs and/or fencing along the boundary of a wetland or buffer.

SECTION XII: A new section shall be added to Chapter 18.08 MMC to read as follows:

Signs and Fencing of Fish and Wildlife Habitat Conservation Areas.

A. The outer perimeter of the habitat conservation area or buffer and the limits of those areas to be disturbed pursuant to an approved permit or authorization shall be marked in the field in such a way as to ensure that no unauthorized intrusion will occur and verified by the Public Works Director or his/her designee prior to the commencement of permitted activities. This temporary marking shall be maintained throughout construction and shall not be removed until permanent signs, if required, are in place.

B. As a condition of any permit or authorization issued pursuant to this chapter, the Public Works Director may require the applicant to install permanent signs and/or fencing along the boundary of a habitat conservation area or buffer.

SECTION XIII: A new section shall be added to Chapter 18.08 MMC to read as follows:

General provisions.

A. All development proposals, whether public or private, shall comply with the requirements and purposes of this chapter and the adopted administrative rules. Lots approved for development prior to adoption of this chapter shall be vested. Responsibility for enforcement of this chapter shall rest with the director. For the purposes of this chapter, "development proposals" include proposals which require any of the following: building permit, shoreline substantial development permit, shoreline variance, shoreline conditional use permit, conditional use permit, unclassified use permit, variance, zone reclassification, shoreline environment redesignation planned unit development, subdivision, short subdivision, master plan development, binding site plan, or any subsequently adopted permits or required approvals not expressly exempted from this chapter

B. When sufficient information to evaluate a proposal is not available, the director shall notify the applicant that special studies are required. A special study shall include a site analysis, a discussion of potential impacts, and specific mitigation measures designed to mitigate the potential impacts. A monitoring program may be required to evaluate the effectiveness of the mitigation measures.

C. Prior to accepting a development application tendered pursuant to the zoning code or the subdivision code, the data maps shall be consulted for the purposes of determining

whether or not the property subject to the application is within any area shown as a critical area or resource land. When such areas are encountered, the applicant will promptly be notified and the type(s) of critical or resource areas disclosed. Instructions shall be provided to the applicant on the type of evaluation and site-specific analysis that will be required as a supplement to the application materials necessary to bring the application up to a standard that can be characterized as complete and eligible for processing. If the subject property does not lie within or partly within the critical areas or resource lands as depicted on the data maps, the application will be considered complete, provided the application requirements of the ordinance governing the process at issue are satisfied.

D. From the effective date of the ordinance codified in this chapter, no development application processed under the zoning or platting/subdivision titles shall be approved without a written finding that this chapter has been considered, additional information has been assembled under this chapter or was not required, and that the purpose and intent of this chapter has been accorded substantial consideration.

E. The requirements set forth in this chapter shall be considered as minimum requirements in the processing of development applications under subdivision and zoning titles and represent standards in addition to the requirements set forth in those titles.

F. No site analysis required by this chapter will be considered complete without a detailed resume of the principal author(s) which disclose(s) their technical training and experience and demonstrates their stature as qualified professionals.

Interpretation:

A. In the event that any standard, map, best available science resource adopted by reference in this Chapter is superseded by an updated successor, that successor shall be deemed to

have been adopted automatically by this reference and thereafter shall be utilized in processing, consideration, and approval or denial of any application submitted after such adoption.

B. In the event that an area which is within the Critical Areas classification is also within an area subject to the City's Shoreline Management Plan, the latter shall preempt the application of the Critical Areas provisions.

C. Unless specifically exempted, compliance with this chapter is required for all new construction, grading, land clearing, and other uses subject to Titles 15, 16 and 17 of MMC, and any Class IV Conversion Permit pursuant to the State Forest Practices Act, which involves conversion to a Permit Required Use.

SECTION XIV: Severability.

If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The Council hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause, and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases had been declared invalid or unconstitutional, and if for any reason this Ordinance should be declared invalid or unconstitutional, then the original ordinance or ordinances shall be in full force and effect.

SECTION XV: This Ordinance shall take effect upon the fifth day following date of publication: PROVIDED THAT Any project which is subject to this Chapter for which a completed application has been submitted to and accepted by the City prior to the effective date of this ordinance shall be governed by the provisions of the Code in effect as of the date the application is deemed complete in keeping with MMC 17.40.040.

SECTION XVI: Corrections by the Clerk-treasurer or Code Reviser. Upon approval of the Mayor and City Attorney, the Clerk-treasurer and the Code Reviser are authorized to make necessary corrections to this ordinance, including the correction of clerical errors, references to other local, state, or federal laws, codes, rules, or regulations, or ordinance number and section/subsection numbering.

PASSED THIS ____ DAY OF _____, 2019, by the City Council of the City of McCleary, and signed in approval therewith this ____ day of _____, 2019.

CITY OF McCLEARY:

BRENDA ORFFER, Mayor

ATTEST:

WENDY COLLINS, Clerk-Treasurer
APPROVED AS TO FORM:

CHRISTOPHER COKER, City Attorney

STATE OF WASHINGTON)
 : ss.
GRAYS HARBOR COUNTY)

I, WENDY COLLINS, being the duly appointed Clerk-Treasurer of the City of McCleary, do certify that I caused to have published in a newspaper of general circulation in the City of McCleary a true and correct summary of Ordinance Number _____ and that said publication was done in the manner required by law. I further certify that a true and correct copy of the summary of Ordinance Number _____, as it was published, is on file in the appropriate records of the City of McCleary.

WENDY COLLINS

SIGNED AND SWORN to before me this _____ day of _____, 2019,
by WENDY COLLINS.

Print Name _____
NOTARY PUBLIC in and for the State
of Washington, residing at _____
Commission expires: _____

TAB - I

ORDINANCE NO. ____

AN ORDINANCE RELATING TO THE ESTABLISHMENT OF THE REGULAR TAX LEVY FOR THE YEAR 2019 FOR COLLECTION IN THE YEAR 2020; MAKING FINDINGS; AND RESERVING RIGHTS.

RECITALS:

1. The City Council of the City of McCleary has met and is considering its budget for the calendar year 2020.

2. At a public hearing held on October 9, 2019, the City Council provided the opportunity to receive comment from the Citizens of the City on the elements of revenue projections and the ad valorem tax levy. Following that hearing, the Mayor and Council are going forward with the consideration of the City 's budget.

3. Based upon the information provided by the Office of the County Assessor, the City 's actual annual ad valorem levy amount for 2019 was \$340,261.83. Further, that a 1% increase would equal \$3,402.62.

4. As to new construction valuation, the information from the Office of the County Assessor has not been provided. No property was shown as annexed during the period.

5. The City has a population of less than 10,000 citizens.

6. The City Council of the City of McCleary, following the required public hearing and after duly considering all relevant evidence and testimony presented, has determined the City of McCleary will exercise its authority to increase the regular tax levy by the authorized one percent.

7. The action carried forth by the Ordinance is based upon a Council finding there is a significant necessity for the property tax revenue to be increased in the next calendar year in order to meet the expenses and obligations of the City.

8. In adopting this ordinance, the City is relying upon the accuracy and completeness of the information provided to it by the Office of the County Assessor.

NOW, THEREFORE, BE IT ORDAINED AS FOLLOWS BY THE CITY COUNCIL OF THE CITY OF McCLEARY:

SECTION I: The regular property tax levy is hereby authorized for 2019 for collection in 2020 in an amount of \$380,000.00, a figure which the Office of the County Assessor has indicated represents the increase allowed by RCW 84.55.0101 from the amount levied and collected the previous year: PROVIDED THAT, it is to be recognized as follows: [a] the intent of this ordinance is to exercise the authority to increase the levy here in question by the 1 percent allowed under the provisions of RCW 84.55 and

to include additional revenue resulting from assessment of any new construction, improvements to property, any increase in the value of state assessed property or utilities, any annexations which have occurred, or any refunds made and [b] if the amount finally determined allowed under those provisions is greater than the specific figure set out, that newly determined figure shall be the amount utilized.

SECTION II: This ordinance is based upon the information from the Office of the County Assessor as to amounts and calculations, as well as advice from County officials that this ordinance can be amended to modify the tax rate established herein by adoption of an appropriate amendatory ordinance. The City specifically reserves the right to take such amendatory action up to and including the last day allowed. Upon execution by the Mayor, a certified copy of this Ordinance shall be provided to the appropriate officials of the County so as to provide for appropriate assessment.

SECTION IV: If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The Council hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause, and phrase thereof, irrespective of the fact that any one or more sections; subsections, sentences, clauses, or phrase had been declared invalid or unconstitutional, and if for any reason this Ordinance should be declared invalid or unconstitutional, then the original ordinance or ordinances shall be in full force and effect.

SECTION V: This ordinance shall take effect upon the fifth day following the date of publication.

PASSED THIS ____ DAY OF _____, 2019, by the City Council of the City of McCleary, and signed in approval therewith this ____, day of _____, 2019.

CITY OF McCLEARY:

BRENDA ORFFER, Mayor

ATTEST:

WENDY COLLINS, Clerk-Treasurer

APPROVED AS TO FORM:

CHRISTOPHER JOHN COKER, City Attorney

TAB - J



HAROLD LEMAY ENTERPRISES, INC.

4201 Olympic Hwy, Aberdeen, WA 98520

Phone 360-533-1251

September 17,2019

Mayor and Council Members
City of McCleary
100 South 3rd Street
McCleary, WA 98557

Re: Contract for Garbage, Recyclables and Yard Waste Collection, Annual Increase

Dear Mayor and Council Members,

The Company is requesting the garbage and recycling rates to be increased effective January 1, 2020 pursuant to item 32 of the Garbage and Curbside Recycling Contract.

The Consumer Price Index for one year ending June 2019 has increased 2.49%. The contract allows 80% of the CPI for a 1.99% increase in the existing rates

The contract also allows the pass through of any disposal increase. Effective January 1, 2020 the county is increasing the tip fee at the Central Transfer Station from \$104.85 to \$106.77 per ton for an increase of \$1.92 per ton

If you have any questions or would like to discuss the calculations, we would be happy to meet at your convenience. I can be reached at (360) 533-8286 or rogers@wasteconnections.com . It's always a pleasure working with you.

Your consideration is appreciated.

Sincerely,

Roger Swalander
Site Manager

Cc: Laura Kapuscinski, Lesley Gordon, Matt O'Connell, Tom Rupert, Delroy Cox,

McCleary Rate Worksheet

2020

Current Gate Rate \$ 104.85
 New Gate Rate \$ 106.77
 Gate Rate Increase \$ 1.92
 Per Pound Increase 0.001

CPI 2.49%
 City % of CPI 80%
 Adjusted CPI 0.0199

Item I. <u>Residential Service</u>	Current Rate	Adjustments			Proposed Rate	Summary	
		CPI	Disposal	Other Adj		Total Adj	Delta %
65/30 Gallon Monthly	\$ 11.43	\$ 0.23	\$ 0.03		\$ 11.69	\$ 0.26	2.27%
65 Gallon Monthly	\$ 15.78	\$ 0.31	\$ 0.06		\$ 16.16	\$ 0.38	2.40%
65 Gallon EOW	\$ 22.12	\$ 0.44	\$ 0.14		\$ 22.70	\$ 0.58	2.62%
65 Gallon Weekly	\$ 34.42	\$ 0.68	\$ 0.28		\$ 35.38	\$ 0.96	2.79%
Additional 65 Gallon (each)	\$ 10.23	\$ 0.20	\$ 0.06		\$ 10.49	\$ 0.27	2.62%
90 Gallon Monthly	\$ 17.96	\$ 0.36	\$ 0.10		\$ 18.41	\$ 0.45	2.52%
90 Gallon EOW	\$ 30.39	\$ 0.60	\$ 0.21		\$ 31.20	\$ 0.81	2.67%
90 Gallon Weekly	\$ 44.48	\$ 0.89	\$ 0.42		\$ 45.78	\$ 1.30	2.93%
Additional 95 Gallon (each)	\$ 14.58	\$ 0.29	\$ 0.10		\$ 14.96	\$ 0.39	2.65%
Return Trip	\$ 14.27	\$ 0.28			\$ 14.55	\$ 0.28	1.99%
Extra Unit [can, bag, box] (30 Gallon)	\$ 4.74	\$ 0.09	\$ 0.03		\$ 4.86	\$ 0.13	2.67%
Drive in Service	\$ 7.92	\$ 0.16			\$ 8.08	\$ 0.16	1.99%
Item II.							
<u>Commercial Cart Service</u>							
65 Gallon EOW	\$ 22.12	\$ 0.44	\$ 0.14		\$ 22.70	\$ 0.58	2.62%
65 Gallon Weekly	\$ 34.42	\$ 0.68	\$ 0.28		\$ 35.38	\$ 0.96	2.79%
90 Gallon EOW	\$ 30.39	\$ 0.60	\$ 0.21		\$ 31.20	\$ 0.81	2.67%
90 Gallon Weekly	\$ 44.48	\$ 0.89	\$ 0.42		\$ 45.78	\$ 1.30	2.93%
Return Trip	\$ 14.27	\$ 0.28			\$ 14.55	\$ 0.28	1.99%
Extra Unit [can, bag, box] (30 Gallon)	\$ 4.74	\$ 0.09	\$ 0.03		\$ 4.86	\$ 0.13	2.67%
Cart roll out charge each 5 to 25 ft	\$ 2.63	\$ 0.05			\$ 2.69	\$ 0.05	1.99%
For each added 25 ft	\$ 1.66	\$ 0.03			\$ 1.69	\$ 0.03	1.99%
Item III.							
<u>Permanent Commercial Container Service</u>							
1 cubic yard box							
One pickup per week	\$ 99.36	\$ 1.98	\$ 0.78		\$ 102.12	\$ 2.76	2.78%
Each additional dump per week	\$ 85.33	\$ 1.70	\$ 0.78		\$ 87.81	\$ 2.48	2.90%
Special or Additional pickup each	\$ 31.55	\$ 0.63	\$ 0.18		\$ 32.36	\$ 0.81	2.56%
1.5 cubic yard box							
One pickup per week	\$ 153.05	\$ 3.05	\$ 1.17		\$ 157.26	\$ 4.22	2.75%
Each additional dump per week	\$ 135.29	\$ 2.69	\$ 1.17		\$ 139.15	\$ 3.86	2.85%
Special or Additional pickup each	\$ 44.88	\$ 0.89	\$ 0.27		\$ 46.04	\$ 1.16	2.59%
2 cubic yard box							
One pickup per week	\$ 196.46	\$ 3.91	\$ 1.56		\$ 201.93	\$ 5.47	2.78%
Each additional dump per week	\$ 167.36	\$ 3.33	\$ 1.56		\$ 172.25	\$ 4.89	2.92%
Special or Additional pickup each	\$ 57.86	\$ 1.15	\$ 0.36		\$ 59.37	\$ 1.51	2.61%
3 cubic yard box							
One pickup per week	\$ 260.20	\$ 5.18	\$ 2.34		\$ 267.72	\$ 7.52	2.89%
Each additional dump per week	\$ 229.17	\$ 4.56	\$ 2.34		\$ 236.08	\$ 6.90	3.01%
Special or Additional pickup each	\$ 78.17	\$ 1.56	\$ 0.54		\$ 80.27	\$ 2.10	2.68%
4 cubic yard box							
One pickup per week	\$ 348.33	\$ 6.93	\$ 3.12		\$ 358.38	\$ 10.05	2.89%
Each additional dump per week	\$ 314.56	\$ 6.26	\$ 3.12		\$ 323.94	\$ 9.38	2.98%
Special or Additional pickup each	\$ 103.12	\$ 2.05	\$ 0.72		\$ 105.90	\$ 2.77	2.69%

6 cubic yard box						
One pickup per week	\$ 511.99	\$ 10.19	\$ 4.68	\$ 526.85	\$ 14.87	2.90%
Each additional dump per week	\$ 465.96	\$ 9.27	\$ 4.68	\$ 479.91	\$ 13.95	2.99%
Special or Additional pickup each	\$ 135.49	\$ 2.70	\$ 1.08	\$ 139.27	\$ 3.78	2.79%

8 cubic yard box						
One pickup per week	\$ 682.64	\$ 13.58	\$ 6.24	\$ 702.47	\$ 19.82	2.90%
Each additional dump per week	\$ 621.28	\$ 12.36	\$ 6.24	\$ 639.88	\$ 18.60	2.99%
Special or Additional pickup each	\$ 180.65	\$ 3.59	\$ 1.44	\$ 185.68	\$ 5.03	2.79%

Temporary Commercial Container Service

1 yard temporary service

Delivery	\$ 20.60	\$ 0.41		\$ 21.01	\$ 0.41	1.99%
Rent per day	\$ 0.59	\$ 0.01		\$ 0.60	\$ 0.01	1.99%
Each pickup	\$ 25.37	\$ 0.50	\$ 0.18	\$ 26.06	\$ 0.68	2.70%

1.5 yard temporary service

Delivery	\$ 20.60	\$ 0.41		\$ 21.01	\$ 0.41	1.99%
Rent	\$ 0.59	\$ 0.01		\$ 0.60	\$ 0.01	1.99%
Each pickup	\$ 33.45	\$ 0.67	\$ 0.27	\$ 34.39	\$ 0.94	2.80%

2 yard temporary service

Delivery	\$ 20.60	\$ 0.41		\$ 21.01	\$ 0.41	1.99%
Rent	\$ 0.59	\$ 0.01		\$ 0.60	\$ 0.01	1.99%
Each pickup	\$ 42.22	\$ 0.84	\$ 0.36	\$ 43.42	\$ 1.20	2.84%

3 yard temporary service

Delivery	\$ 24.78	\$ 0.49		\$ 25.27	\$ 0.49	1.99%
Rent	\$ 0.93	\$ 0.02		\$ 0.95	\$ 0.02	1.99%
Each pickup	\$ 78.18	\$ 1.56	\$ 0.54	\$ 80.28	\$ 2.10	2.68%

4 yard temporary service

Delivery	\$ 24.78	\$ 0.49		\$ 25.27	\$ 0.49	1.99%
Rent	\$ 1.10	\$ 0.02		\$ 1.12	\$ 0.02	1.99%
Each pickup	\$ 103.11	\$ 2.05	\$ 0.72	\$ 105.89	\$ 2.77	2.69%

6 yard temporary service

Delivery	\$ 27.87	\$ 0.55		\$ 28.43	\$ 0.55	1.99%
Rent	\$ 1.67	\$ 0.03		\$ 1.70	\$ 0.03	1.99%
Each pickup	\$ 135.49	\$ 2.70	\$ 1.08	\$ 139.27	\$ 3.78	2.79%

8 yard temporary service

Delivery	\$ 27.87	\$ 0.55		\$ 28.43	\$ 0.55	1.99%
Rent	\$ 1.96	\$ 0.04		\$ 2.00	\$ 0.04	1.99%
Each pickup	\$ 180.65	\$ 3.59	\$ 1.44	\$ 185.68	\$ 5.03	2.79%

Access Fee Weekly (Monthly Charge)	\$ 8.92	\$ 0.18		\$ 9.09	\$ 0.18	1.99%
Access Fee EOW (Monthly Charge)	\$ 4.46	\$ 0.09		\$ 4.55	\$ 0.09	1.99%
Access Fee 2x Weekly (Monthly Charge)	\$ 17.84	\$ 0.36		\$ 18.20	\$ 0.36	1.99%
Lock Fee (each)	\$ 5.15	\$ 0.10		\$ 5.25	\$ 0.10	1.99%
Cable Fee (each)	\$ 10.30	\$ 0.20		\$ 10.50	\$ 0.20	1.99%
Return Trips, Containers	\$ 28.12	\$ 0.56		\$ 28.68	\$ 0.56	1.99%
Add'l Yard (1 to 4 cubic Yards)	\$ 25.26	\$ 0.50	\$ 0.18	\$ 25.95	\$ 0.68	2.70%
Additional Yard > 4 Yards	\$ 18.41	\$ 0.37	\$ 0.18	\$ 18.96	\$ 0.55	2.97%

Item IV.

Permanent Drop Box

10/20 cubic yard drop box

First haul each month	\$ 235.41	\$ 4.68		\$ 240.09	\$ 4.68	1.99%
Each additional haul	\$ 149.78	\$ 2.98		\$ 152.76	\$ 2.98	1.99%

30 cubic yard drop box

First haul each month	\$ 269.65	\$ 5.37	\$ 275.01	\$ 5.37	1.99%
Each additional haul	\$ 166.90	\$ 3.32	\$ 170.22	\$ 3.32	1.99%
40 cubic yard drop box					
First haul each month	\$ 295.70	\$ 5.88	\$ 301.58	\$ 5.88	1.99%
Each additional haul	\$ 190.88	\$ 3.80	\$ 194.68	\$ 3.80	1.99%

Temporary Drop Box

10/20 cubic yard drop box					
Delivery	\$ 148.64	\$ 2.96	\$ 151.60	\$ 2.96	1.99%
Rent per day	\$ 5.43	\$ 0.11	\$ 5.53	\$ 0.11	1.99%
Each pickup	\$ 153.21	\$ 3.05	\$ 156.26	\$ 3.05	1.99%
30 cubic yard drop box					
Delivery	\$ 148.64	\$ 2.96	\$ 151.60	\$ 2.96	1.99%
Rent per day	\$ 6.56	\$ 0.13	\$ 6.69	\$ 0.13	1.99%
Each pickup	\$ 177.18	\$ 3.53	\$ 180.70	\$ 3.53	1.99%
40 cubic yard drop box					
Delivery	\$ 148.64	\$ 2.96	\$ 151.60	\$ 2.96	1.99%
Rent per day	\$ 7.42	\$ 0.15	\$ 7.57	\$ 0.15	1.99%
Each pickup	\$ 210.28	\$ 4.18	\$ 214.47	\$ 4.18	1.99%

Customer owned compactor

20 cubic yard compactor drop box					
Each scheduled pickup	\$ 218.29	\$ 4.34	\$ 222.63	\$ 4.34	1.99%
30 cubic yard compactor drop box					
Each scheduled pickup	\$ 229.69	\$ 4.57	\$ 234.26	\$ 4.57	1.99%
40 cubic yard compactor drop box					
Each scheduled pickup	\$ 258.24	\$ 5.14	\$ 263.38	\$ 5.14	1.99%
Drop box lids per month	\$ 13.70	\$ 0.27	\$ 13.97	\$ 0.27	1.99%
Disposal rate per ton	\$ 104.85	\$ 1.92	\$ 106.77	\$ 1.92	1.83%

ITEM V.

Miscellaneous

Small Appliances, Furniture, etc	\$ 28.47	\$ 0.57	\$ 29.04	\$ 0.57	1.99%
Large Appliances, Refrigerators, Freezers	\$ 62.66	\$ 1.25	\$ 63.91	\$ 1.25	1.99%
Special haul rate packer-load & travel time	\$ 54.92	\$ 1.09	\$ 56.01	\$ 1.09	1.99%

EXHIBIT A

CITY OF McCLEARY

RATES EFFECTIVE 01/01/2020

RESOLUTION NO. _____

AS AMENDED _____

A RESOLUTION RELATING TO PUBLIC SERVICES; ESTABLISHING AND CONFIRMING FEES; AND PROVIDING FOR EFFECTIVE DATES.

RECITALS

1. Pursuant to Resolution _____, the Council and Mayor set forth fees to be charged for specified City provided services and provided for certain mechanisms in relation to the adjustment thereof. The fees were set after analysis by the Mayor and Council, after receiving the advice of LeMay, Inc., and City staff, as to the minimum levels necessary to adequately maintain and provide funding for the various services involved.

2. The necessity of the continued collection of the authorized levels of fees and the mechanisms for their adjustment has been confirmed by the Mayor and Council.

3. Pursuant to review of the provisions of

Resolution _____ carried out by Staff of the City and LeMay, modification in certain areas have been determined to be necessary to reflect a number of factors, including the decision of the City to cease the provision of billing services. Thus, it is found to be appropriate to incorporate those changes in this resolution.

4. It is the intention of the Mayor and Council, in the adoption of this resolution, to achieve the continuing goal of providing the citizens adequate service and protecting the health and safety of the Citizens through continuation of a program of mandatory solid waste disposal.

5. While only certain areas are changed, it is found be in the interest of operational efficiency and ease of reference to adopt the entirety of the schedule and repeal the existing resolution.

NOW THEREFORE, BE IT RESOLVED AS FOLLOWS BY THE CITY COUNCIL OF THE CITY OF McCLEARY, THE MAYOR SIGNING IN AUTHENTICATION THEREOF:

SECTION I: Commencing upon the dates set forth in Section II and continuing thereafter until changed as provided therein, the provision of solid waste service within the

corporate limit shall be carried out pursuant to the terms, conditions, and rates set forth as follows:

<u>Item I.</u>	2019	2020
<u>Residential Service</u>	Rate	Rate
65/30 Gallon Monthly	\$ 11.43	\$ 11.69
65 Gallon Monthly	\$ 15.78	\$ 16.16
65 Gallon EOW	\$ 22.12	\$ 22.70
65 Gallon Weekly	\$ 34.42	\$ 35.38
Additional 65 Gallon (each)	\$ 10.23	\$ 10.49
90 Gallon Monthly	\$ 17.96	\$ 18.41
90 Gallon EOW	\$ 30.39	\$ 31.20
90 Gallon Weekly	\$ 44.48	\$ 45.78
Additional 95 Gallon (each)	\$ 14.58	\$ 14.96
Return Trip	\$ 14.27	\$ 14.55
Extra Unit [can, bag, box] (30 Gallon)	\$ 4.74	\$ 4.86
Drive in Service	\$ 7.92	\$ 8.08

<u>Item II.</u>		
<u>Commercial Cart Service</u>		
65 Gallon EOW	\$ 22.12	\$ 22.70
65 Gallon Weekly	\$ 34.42	\$ 35.38
90 Gallon EOW	\$ 30.39	\$ 31.20
90 Gallon Weekly	\$ 44.48	\$ 45.78
Return Trip	\$ 14.27	\$ 14.55
Extra Unit [can, bag, box] (30 Gallon)	\$ 4.74	\$ 4.86
Cart roll out charge each 5 to 25 ft	\$ 2.63	\$ 2.69
For each added 25 ft	\$ 1.66	\$ 1.69

<u>Item III.</u>		
<u>Permanent Commercial Container Service</u>		
1 cubic yard box		
One pickup per week	\$ 99.36	\$ 102.12
Each additional dump per week	\$ 85.33	\$ 87.81
Special or Additional pickup each	\$ 31.55	\$ 32.36
1.5 cubic yard box		
One pickup per week	\$ 153.05	\$ 157.26
Each additional dump per week	\$ 135.29	\$ 139.15
Special or Additional pickup each	\$ 44.88	\$ 46.04
2 cubic yard box		
One pickup per week	\$ 196.46	\$ 201.93
Each additional dump per week	\$ 167.36	\$ 172.25
Special or Additional pickup each	\$ 57.86	\$ 59.37

3 cubic yard box		
One pickup per week	\$ 260.20	\$ 267.72
Each additional dump per week	\$ 229.17	\$ 236.08
Special or Additional pickup each	\$ 78.17	\$ 80.27

4 cubic yard box		
One pickup per week	\$ 348.33	\$ 358.38
Each additional dump per week	\$ 314.56	\$ 323.94
Special or Additional pickup each	\$ 103.12	\$ 105.90

6 cubic yard box		
One pickup per week	\$ 511.99	\$ 526.85
Each additional dump per week	\$ 465.96	\$ 479.91
Special or Additional pickup each	\$ 135.49	\$ 139.27

8 cubic yard box		
One pickup per week	\$ 682.64	\$ 702.47
Each additional dump per week	\$ 621.28	\$ 639.88
Special or Additional pickup each	\$ 180.65	\$ 185.68

Temporary Commercial Container Service

1 yard temporary service		
Delivery	\$ 20.60	\$ 21.01
Rent per day	\$ 0.59	\$ 0.60
Each pickup	\$ 25.37	\$ 26.06

1.5 yard temporary service		
Delivery	\$ 20.60	\$ 21.01
Rent	\$ 0.59	\$ 0.60
Each pickup	\$ 33.45	\$ 34.39

2 yard temporary service		
Delivery	\$ 20.60	\$ 21.01
Rent	\$ 0.59	\$ 0.60
Each pickup	\$ 42.22	\$ 43.42

3 yard temporary service		
Delivery	\$ 24.78	\$ 25.27
Rent	\$ 0.93	\$ 0.95
Each pickup	\$ 78.18	\$ 80.28

4 yard temporary service		
Delivery	\$ 24.78	\$ 25.27
Rent	\$ 1.10	\$ 1.12
Each pickup	\$ 103.11	\$ 105.89

6 yard temporary service		
Delivery	\$ 27.87	\$ 28.43
Rent	\$ 1.67	\$ 1.70
Each pickup	\$ 135.49	\$ 139.27
8 yard temporary service		
Delivery	\$ 27.87	\$ 28.43
Rent	\$ 1.96	\$ 2.00
Each pickup	\$ 180.65	\$ 185.68
Access Fee Weekly (Monthly Charge)	\$ 8.92	\$ 9.09
Access Fee EOW (Monthly Charge)	\$ 4.46	\$ 4.55
Access Fee 2x Weekly (Monthly Charge)	\$ 17.84	\$ 18.20
Lock Fee (each)	\$ 5.15	\$ 5.25
Cable Fee (each)	\$ 10.30	\$ 10.50
Return Trips, Containers	\$ 28.12	\$ 28.68
Add'l Yard (1 to 4 cubic Yards)	\$ 25.26	\$ 25.95
Additional Yard > 4 Yards	\$ 18.41	\$ 18.96

Item IV.

Permanent Drop Box

10/20 cubic yard drop box		
First haul each month	\$ 235.41	\$ 240.09
Each additional haul	\$ 149.78	\$ 152.76
30 cubic yard drop box		
First haul each month	\$ 269.65	\$ 275.01
Each additional haul	\$ 166.90	\$ 170.22
40 cubic yard drop box		
First haul each month	\$ 295.70	\$ 301.58
Each additional haul	\$ 190.88	\$ 194.68

Temporary Drop Box

10/20 cubic yard drop box		
Delivery	\$ 148.64	\$ 151.60
Rent per day	\$ 5.43	\$ 5.53
Each pickup	\$ 153.21	\$ 156.26
30 cubic yard drop box		
Delivery	\$ 148.64	\$ 151.60
Rent per day	\$ 6.56	\$ 6.69
Each pickup	\$ 177.18	\$ 180.70

40 cubic yard drop box		
Delivery	\$ 148.64	\$ 151.60
Rent per day	\$ 7.42	\$ 7.57
Each pickup	\$ 210.28	\$ 214.47

Customer owned compactor

20 cubic yard compactor drop box		
Each scheduled pickup	\$ 218.29	\$ 222.63

30 cubic yard compactor drop box		
Each scheduled pickup	\$ 229.69	\$ 234.26

40 cubic yard compactor drop box		
Each scheduled pickup	\$ 258.24	\$ 263.38

Drop box lids per month	\$ 13.70	\$ 13.97
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Disposal rate per ton	\$ 104.85	\$ 106.77
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ITEM V.

Miscellaneous

Small Appliances, Furniture, etc	\$ 28.47	\$ 29.04
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Large Appliances, Refrigerators, Freezers	\$ 62.66	\$ 63.91
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Special haul rate packer-load & travel time	\$ 54.92	\$ 56.01
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M. In addition to the sums stated by the prior paragraphs, there shall be an additional \$2.00 per customer per month added to the basic collection charge by and as costs of the City's billing and collection, including enforcement actions, to the extent and in the manner allowed by law, undertaken by the City to assure compliance with the mandatory solid waste disposal provisions of the City code. This charge shall be assessed as against each bill for service rendered. Additionally, state-imposed or city-imposed excise tax shall be added to the extent and in the manner provided by law.

SECTION II: INTERPRETATION

A. The rates established by Section I shall be effective as of the 1st day of January, 2020.

B. The annual adjustment provided for therein shall be implemented as provided. Rates set by the CITY OF McCLEARY/HAROLD LeMAY ENTERPRISES, INC. CONTRACT FOR GARBAGE, RECYCLABLES AND YARD WASTE COLLECTION; Section 32, Rates and Rate Adjustments Items A. and B.

C. As of the date of the adoption of this resolution, Resolution ____ shall be deemed repealed, superseded and of no further effect, but such repeal and supersession shall not effect the any obligation of a customer arising from services delivered under the provision of any prior resolution or enactment, including Resolution 614.

PASSED THIS _____ DAY OF _____, **2019**, by the City
Council of the City of McCleary, and signed in approval
therewith this _____ day of _____, **2019**.

CITY OF McCLEARY:

D. Brenda Orffer, Mayor

ATTEST:

WENDY COLLINS, Clerk-Treasurer

APPROVED AS TO FORM:

City Attorney