



McCleary City Council Agenda

07/11/18- 6:30PM

Flag Salute

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

Mayor Comments	<input type="checkbox"/>	
Public Comment	<input type="checkbox"/>	
Minutes	<input type="checkbox"/>	Tab A
Approval of Vouchers	<input type="checkbox"/>	

Guests Telecare

Staff Reports	<input type="checkbox"/>	Tab B Sharon English
	<input type="checkbox"/>	Tab C Todd Baun
	<input type="checkbox"/>	Tab D Staff Reports

Old Business	<input type="checkbox"/>	Tab E All Hazards Mitigation Plan
	<input type="checkbox"/>	Tab F Beehive Proposal

New Business	<input type="checkbox"/>	Tab G Legal Services
	<input type="checkbox"/>	Tab H Teamsters Agreement

Ordinances

Resolutions	<input type="checkbox"/>	Tab I All Hazards Mitigation Plan
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Mayor/Council Comments	<input type="checkbox"/>	
Public Comments	<input type="checkbox"/>	
Executive Session	<input type="checkbox"/>	
Adjourn/Recess Meeting	<input type="checkbox"/>	
Previously Tabled Items	<input type="checkbox"/>	Developer incentives

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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, June 13, 2018

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

ABSENT None.

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

PUBLIC HEARING At 6:31 pm, Mayor Pro Tem Orffer called the Public Hearing to order for the Six-Year Transportation Improvement Plan. No comments were made. The Public Hearing closed at 6:31 pm.

VOUCHERS Accounts Payable checks approved were 44448 - 44499, including EFT's, in the amount of \$57,915.81.

It was moved by Councilmember Iversen, seconded by Councilmember Heller to approve the vouchers. Motion Carried 4-0.

MINUTES APPROVED **It was moved by Councilmember Blankenship, seconded by Councilmember Huff to approve the minutes from the meeting held on May 23, 2018. Motion Carried 4-0.**

PUBLIC COMMENTS None.

MAYOR COMMENTS None.

EXECUTIVE SESSION At 6:38 pm, Mayor Orffer called for an Executive Session per RCW 42.30.110(1)(i), to last 10 minutes to discuss potential litigation. The Executive Session ended at 6:48 pm.

BEAR FESTIVAL ROYALTY Anabelle Morris is the current Bear Festival Queen and she brought Bear Festival buttons for the Mayor, Council and staff. The buttons can be used to get a bowl of bear stew after the parade, during the Bear Festival weekend. She thanked the City and Council for their support and personally invited them to the Bear Festival. She posed for a picture with the Mayor and Council.

Karen Waddington, Bear Festival Board member, shared information regarding the special events that are planned for Bear Festival weekend.

CITY ATTORNEY REPORT Sharon English provided a written report for the Council.

DIRECTOR OF PUBLIC WORKS REPORT Todd Baun provided a written report for the Council. The crew is prepping for Bear Festival.

Paul Morrison recently passed the police reserve academy. Mayor Pro Tem Orffer congratulated him and wanted to recognize that he was the top student in his class. She stated that she and the Council are very proud of him.

NEW MEDICATION DROP BOX Chief Blumer announced there is a new drop box located outside the police department for people to drop off their old and expired medications and for disposing of medications from deceased family members.

MAYOR APPOINTMENT **It was moved by Councilmember Blankenship, seconded by Councilmember Iversen to appoint Brenda Orffer as Mayor. Roll call taken in the affirmative. Motion Carried 4-0.**

Wendy Collins swore in Brenda Orffer as the new Mayor. Mayor Brenda Orffer is the first female Mayor to serve in McCleary.

CITY COUNCIL POSITION #1 VACANCY Mayor Brenda Orffer resigned from Position #1. The Council agreed to advertise the position and accept applications until July 6, 2018. The Council will interview the applicants during the July 11th City Council meeting and may appoint someone that night.

DEVELOPER INCENTIVES	Todd Baun said several months ago, the Council left off at an undecided position regarding developer incentives. Councilmember Blankenship spoke with Paul Morrison and he suggested coming up with an ordinance for a separate tax for land owners that have property that is undeveloped with no plans of building. He would like to have some incentives for properties such as the abandoned gas station across from the park, and for Cedar Heights, because the developer refuses to do anything with the property. He suggested creating a registry listing all vacant properties in McCleary, then contact the owners with a time-frame to do something with the property or they would be subject to a tax. He believes it will drive the price down on properties because people will have more properties to choose from. It will save the City money by eliminating code enforcement on certain properties. Paul Morrison added that the properties which are wetland, or can't be built on, would be exempt. Councilmember Blankenship thinks it is a great idea and will help the town grow. Once Paul Morrison and Councilmember Blankenship have something more formalized, they will bring it to the Council.
SIX-YEAR TRANSPORTATION IMPROVEMENT PLAN	Todd Baun provided a resolution, which needs to be adopted before June 30th.
ANNUAL FINANCIAL REPORT APPROVAL	The annual financial report is required each year. Wendy Collins asked the Council to approve the report, which was submitted in May. It was moved by Councilmember Iversen, seconded by Councilmember Huff to approve the 2017 Annual Financial Report. Motion Carried 4-0.
SUMMER SCHEDULE FOR CITY COUNCIL MEETINGS	The City Council agreed to holding one meeting per month for the months of June, July, August and September. They agreed to meet on the second Wednesday for the months of June through September. They will cancel the meetings held on June 27th, July 25th, August 22nd and September 26th, 2018. They agreed to hold another meeting, if anything urgent arises.
BEEHIVE DISCUSSION	The Beehive Retirement Center has a building that currently occupies part of City property, which they lease and pay rent annually for. The City property also has a 4KV substation on it. The Beehive is working on refinancing their loan through HUD and they need to get an appraisal on the property and work with the County to split the parcel. Their Executive Director, Erin, stated they want to purchase the parcel from the City and are willing to pay fair market value and draft a quit claim deed. Todd Baun does not have any reservations if the Beehive purchased the portion of the property they have their building on.
FIREWORKS STAND PERMIT	It was moved by Councilmember Iversen, seconded by Councilmember Huff to authorize the annual fireworks permit for the Olympic Christian Center. Motion Carried 4-0.
HONORING BRENT SCHILLER	Sharon English prepared a Resolution to honor Brent Schiller for his service on the City Council and as Mayor. A special award was prepared to present to Mayor Schiller, including a card, cake and ice cream. Mr. Schiller was not able to attend the meeting. The Council will pass the resolution at a later date and will make sure he receives his award and card.
RESOLUTION 716 SIX-YEAR TRANSPORTATION IMPROVEMENT PLAN	It was moved by Councilmember Huff, seconded by Councilmember Blankenship to adopt Resolution 716, A RESOLUTION ADOPTING A SIX-YEAR STREET PLAN FOR THE CITY OF McCLEARY. Resolution Adopted 4-0.
AUTHORIZE DISTRIBUTION FOR RECORD REQUEST PAYMENT	The City received a record request for a previous employee's personnel file. Mayor Orffer stated that there was a legal fee incurred from this request and she asked the Council if they want to consider this a personnel issue and allocate that legal fee across all budgets, like all other fees, or do they want to assess it upon the department the previous employee worked in. The Council agreed it should be spread across all funds like other legal fees. It was moved by Councilmember Iversen, seconded by Councilmember Huff to authorize the expenditure for the record request for personnel records to be paid from all funds. Motion Carried 4-0.
EXECUTIVE SESSION	None.
PUBLIC COMMENT	Mayor Orffer made her first official Mayor comment and thanked the Council for the appointment and is looking forward to working with everyone and serving the community.

TAB - B

Younglove & Coker

A PROFESSIONAL LIMITED LIABILITY COMPANY

ATTORNEYS AT LAW

"SINCE 1974"

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Memorandum

TO: Mayor and City Council, City of McCleary
FROM: Sharon English, City Attorney
DATE: July 6, 2018
RE: Legal Activities as of July 6, 2018

1. Janus v. State, County and Municipal Employees. This case was decided by the U.S. Supreme Court on June 27, 2018 and held that "Neither an agency fee nor any other payment to the union may be deducted from a nonmember's wages, nor may any other attempt be made to collect such a payment, unless the employee affirmatively consents to pay. By agreeing to pay, nonmembers are waiving their First Amendment rights, and such a waiver cannot be presumed." I have notified the Clerk-Treasurer of this very recent case, and will work with her to determine what, if any, impacts there may be on city payroll practice, and my office will continue to advise the Council on what additional action may be required.
2. Salary Adjustments. A question was very recently brought to my attention regarding potential salary adjustments for the Council and Mayor. It is my understanding that the most recent raises occurred over 12 years ago. Here is an excerpt of what MRSC says on the matter:

Periodically a legislative body may conclude that the salaries paid its elected officials should be changed and, typically, increased. Article 11, section 8 of the Washington Constitution, however, prohibits any salary increase or decrease after an election and during the term of office for those officials who set their own salary. Accordingly, the prohibition only applies to city and county councilmembers, county commissioners, and special district commissioners (see Washington State Const. art. 30, sec. 1). A mayor's salary, on the other hand, can be increased anytime, provided the mayor does not vote to break a tie on the proposed increase. An elected official's salary may not be *decreased* in any case after his or her election or during the term of office.

Since a salary increase will generally only be effective for an official who is newly elected or reelected, what happens if someone fills a vacant position by appointment during the current term or by election for the remainder of a term? Does he or she take the "old" salary, or any new and pending increased salary? In

this case, the appointed person receives the same salary as the person who previously held the position during the current term. The constitutional prohibition against increase in the salary of a councilmember applies to the term of office rather than to the individual who is holding the office (see *State ex rel Wyrick v. City of Ritzville* and AGO 1999 No. 1).

Further, in accordance with RCW 35.27.130, councilmember and mayoral salaries must be adopted by ordinance. Therefore, the Council would need to vote to amend the current ordinance setting salaries (Ord. 723, MMC 2.04.330) if the council wishes to increase councilmember salaries, and that increase will not apply to the current term of office of any councilmember, but rather any such increase will go into effect for a newly elected or reelected councilmember. As already stated, there is no such restriction on the timing of a salary increase for a mayor.

3. Legal Services. As you are aware, I am transitioning out of my employment with Younglove & Coker, PLLC, and this upcoming July 11 council meeting will be my last. The contract between the City of McCleary and Younglove & Coker, PLLC, for legal services remains in effect through April 30, 2019 (unless either side sooner wishes to terminate the agreement). My leaving the firm will not impact the parties' rights under this agreement. Chris Coker will be present at the council meeting to meet everyone and address any questions or concerns. It has been a sincere pleasure serving the City for years as your City Prosecutor, and more recently as City Attorney. I thank you for the opportunity and wish you all the best!

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

TAB - C

STAFF REPORT

To: Mayor Orffer
From: Todd Baun, Director of Public Works
Date: July 9, 2018
Re: Current Non-Agenda Activity

Bear Festival

The Bear Festival was this last weekend and I would like to thank all staff involved to make it a successful festival. The City staff puts in countless hours preparing the City and showing off our City.

TAB - D

TAB - E

STAFF REPORT

To: Mayor Orffer
From: Todd Baun, Director of Public Works
Date: July 9, 2018
Re: Hazard Mitigation Plan

Since September of 2017, we have been participating in the process of completing a Grays Harbor County Hazard Mitigation Plan.

For the last several months, the Grays Harbor HMP has been in review with the State and FEMA Region, and was advised that the plan has made it through review with no required changes or modifications.

This means that we will now need to adopt the plan through a Resolution that is provided later on the agenda.

I emailed the plan on July 3rd to all Council members for your review. If you did not receive the email, here are the links to the plan.

http://www.co.grays-harbor.wa.us/Emergency%20Management/Planning/Grays%20Harbor%20County%20HMP_Plan_Final_2018.pdf

http://www.co.grays-harbor.wa.us/Emergency%20Management/Planning/GraysHarborCountyHMP_Vol2_2018_Final.pdf

TAB - F

STAFF REPORT

To: Mayor Orffer
From: Todd Baun, Director of Public Works
Date: July 9, 2018
Re: Beehive Proposal

We have received an offer for the property and staff is in process of analyzing the proposal and will have more at the council meeting.

TAB - G

TAB - H

**WASHINGTON TEAMSTERS WELFARE TRUST
SPECIAL AGREEMENT – NON-BARGAINING UNIT EMPLOYEES**

This agreement is entered into by and between the Trustees of the Washington Teamsters Welfare Trust (herein termed Trust) and the below referenced Employer:

NAME, ADDRESS AND TAX ID NO. OF LABOR ORGANIZATION

Name	Employer EIN (Tax ID No.)
Address	
City, State, Zip Code	

WITNESSETH:

Whereas, it is intended that contributions be paid into the Trust on behalf of certain employees of the Employer who are not covered under the provisions of a collective bargaining agreement with a union party to the Washington Teamsters Welfare Trust and whereas, it is the desire of the parties to enter into a written agreement which sets forth the detailed basis upon which such contributions are to be made, now, therefore, in consideration of the foregoing and the mutual covenants herein contained it is agreed:

Commencing _____ Based on _____ hours,

the Employer shall pay into the Washington Teamsters Welfare Trust such amounts as the Trust shall determine from time to time as the monthly contribution required to provide the following benefits:

Type of Coverage	Plans Available	Plans Chosen	Contribution Rate
Medical	A, B, C, and Z		\$
Life/AD&D	A, B, and C		\$
Time Loss	A, B, C, D, and E		\$
Long Term Disability Income	LTD		\$
9-Month Disability Waivers	Medical		\$
Dental	A, B, and C		\$
Vision	EXT		\$
Domestic Partners	Medical, Dental, Vision		\$

Note: Coverage may not exceed highest benefits provided for a participating Teamster unit at this employer.

*Coverage is provided by the Trust in the second month following the month in which employment is rendered except when the employer ceases contributions on an employee's behalf due to resignation, retirement or withdrawal from the Trust. In such cases, coverage terminates at the end of the month the final contribution is made.

ELIGIBILITY THRESHOLD

These payments shall be made respectively for each member of the unit described below who meets the same eligibility threshold and waiting period provisions that apply to the bargaining unit employees of the Employer as specified in the labor agreement covering those bargaining unit employees.

DESCRIPTION OF UNIT

All employees of the Employer who are not otherwise covered by a collective bargaining agreement with any union providing the aforementioned benefits under the Trust for said employees. (Sole proprietors and partners are not eligible to participate.)

CONTRIBUTIONS

The total amount due for each calendar month shall be remitted in a lump sum no later than ten (10) days after the last business day of each month. The Employer agrees to abide by such rules as may be established by the Trustees of said Trust to facilitate the determination of the hours for which contributions are due, the prompt and orderly collection of such amounts and accurate recording of such hours, and such amounts paid on behalf of each member of the unit.

TERMS OF AGREEMENT

The Employer accepts and agrees to be bound by the terms of the Trust Agreement governing the Trust Fund and any subsequent amendments to the Trust Agreement. The parties accept as their representatives for purposes of participating in the Trust the Trustees serving on the Board of Trustees and their duly appointed successors.

Provided, however, that in the event that either Section 2 or 3 of Article VIII of the Trust Agreement of the Washington Teamsters Welfare Trust is emended to change or modify an Employer's liability as specified therein, such amendment will not be deemed applicable to an Employer until such time as the Employer enters into a successor Collective Bargaining Agreement after the expiration of the Employer's then current Collective Bargaining Agreement.

This agreement shall remain in full force and effect during the term of the existing Collective Bargaining Agreement between

Teamsters Union Local No. _____ and the Employer.

Dated this _____ day of _____

Employer

By _____

Title _____

APPROVAL OF TRUSTEES

This Agreement has been approved by the Board of Trustees of the Trust Fund.

Date: _____ Administrative Agent _____
Washington Teamsters Welfare Trust

TAB - I