



# McCleary City Council Agenda

**December 13th, 2017 6:30 PM**

Flag Salute

Roll Call: \_\_\_ Pos. 1- Orffer, \_\_\_ Pos. 2-Richey , \_\_\_ Pos. 3- Peterson, \_\_\_ Pos. 4- Blankenship, \_\_\_ Pos. 5- Ator

Mayor Comments

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Mayor/Council Comments

Swearing-in of New Council members

Public Comments

Executive Session

Adjournment or Recess Meeting

Previously Tabled Items

Development incentives, CAO update, Mobile Homes code update

**Please turn off Cell Phones- Thank you**

Americans with Disabilities Act (ADA) Accommodation is Provided Upon Request

The City of McCleary is an equal opportunity provider and employer.

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

**TAB - A**

**CITY OF MCCLEARY**  
**Regular City Council Meeting and Council Workshop**  
**Wednesday, November 8, 2017**

ROLL CALL AND FLAG SALUTE	Councilmembers Richey, Ator and Blankenship were in attendance and Councilmember Orffer attended by telephone. Councilmember Peterson arrived at 6:37 pm.
ABSENT	None.
STAFF PRESENT	Present at the meeting were Todd Baun, Wendy Collins, Jon Hinton and Dan Glenn.
PUBLIC HEARING	None.
EXECUTIVE SESSION	At 6:30 pm, Mayor Schiller called for an executive session to discuss union negotiations per RCW 42.30.140(4)(a) for 45 minutes. The executive session ended at 7:15 pm. No action was taken.
MINUTES APPROVED	<b>It was moved by Councilmember Peterson, seconded by Councilmember Ator to approve the minutes from the meeting held on October 25, 2017. Motion Carried 5-0.</b>
VOUCHERS	Accounts Payable checks approved were 43361 - 43427 including EFT's in the amount of \$172,554.68.  Payroll checks approved were 43294 - 43453 including EFT's in the amount of \$190,267.61.  Bank reconciliation for October 2017.  <b>It was moved by Councilmember Peterson, seconded by Councilmember Blankenship to approve the vouchers. Motion Carried 5-0.</b>
MAYOR'S COMMENTS	Mayor Schiller congratulated Councilmember Blankenship for being elected for another four-year term and he also congratulated Jaron Heller and Brycen Huff, who were in attendance, for being elected to the City Council for the first time. Councilmember Ator congratulated Mayor Schiller for winning the election for another four-year term.
PUBLIC COMMENT	None.
CITY ATTORNEY REPORT	Dan Glenn provided a written report for the Council.
DIRECTOR OF PUBLIC WORKS REPORT	Todd Baun provided a written report for the Council.
LEMAY RATE INCREASE APPROVAL	<b>It was moved by Councilmember Ator, seconded by Councilmember Peterson to authorize the Mayor to accept the Lemay garbage rate increase for 2018. Motion Carried 5-0.</b>
CITY SOCIAL MEDIA POLICY	<b>It was moved by Councilmember Blankenship, seconded by Councilmember Richey to authorize staff to approve the social media policy and change the language to state that the Mayor, Clerk-Treasurer and City Administrative staff can update the social media page and to set the social media page to post information only and not accept public comments. Motion Carried 5-0.</b>
G & O SLUDGE HANDLING ALTERNATIVE ANALYSIS	Jon Hinton addressed the Council regarding the Gray & Osborne sludge handling alternative analysis. He provided a detailed report for the Council to review.
LEVY THE RELEVY	Each year, adjustments are made to the tax rolls after the taxes have been calculated and billed. RCW 84.69.180 authorizes taxing districts to levy a refund levy to recover taxes that were refunded and/or cancelled during the last twelve months. <b>It was moved by Councilmember Blankenship, seconded by Councilmember Ator to authorize the Mayor to sign the Basic refund levy and choose option A for the City of McCleary to certify a refund levy in its Basic Fund for collection in 2018 in the amount of \$1,766.65 to recover net refunds/cancellations. Motion Carried 5-0.</b>

MANUFACTURED HOME DISCUSSION Paul Morrison provided a copy of RCW 35.21.684 on manufactured homes for the Council to review and consider. Dan Glenn has a concern regarding Section 17.32, sub paragraph B, addressing the issue when a pre-existing unit is damaged. He believes the language is too broad. Mr. Glenn stated we need to be consistent between the non-conforming use language that was adopted in the last code change and this language.

SOLAR POWER AND NET METERING The City recently had a customer ask about solar panels and net metering. They are planning on using solar panels and asked if the City has any programs for solar panel users. The City currently does not have any program in place. Todd Baun found that many other electric utilities offer net metering, which is a program for customers who generate their own electricity and it measures the difference between the amount of electricity the customer buys from the utility, and the amount of electricity the customer produces using their own generation system. Todd will be working with Dan Glenn on a net metering program.

DRAFT DEVELOPMENT INCENTIVES Todd has not been able to find any cities that allow discounts for builders that build multiple homes. He only found delayed payment examples. Tabled.

DRAFT CRITICAL AREA ORDINANCE Todd Baun stated the City is required by the State to update its Critical Area Ordinance and we are past due on updating ours. The Department of Ecology is more accepting of this Ordinance. Council is asked to review it and be ready to adopt it at the next regular meeting. Tabled.

BUDGET ORDINANCE Councilmember Orffer does not believe they should pass a budget until they are finished with the employee contract negotiations. Mayor Schiller stated we can always amend the budget in January, if needed. The negotiations may not be settled before the end of the year and that should not prevent the Council from adopting a budget now. Councilmember Blankenship wants to have another budget workshop. The Council decided to recess the meeting until Monday at 6:30pm and work on the budget during the meeting. Councilmember Blankenship felt the last workshop was a waste of time because he didn't have balanced numbers. Councilmember Orffer asked what are the proposed increases in this budget? Is it just electricity? Todd Baun stated no, there are increases in all utilities, including emergency medical services (EMS).

PUBLIC COMMENT Mayor Schiller stated the contract negotiations for EMS availability are ongoing and there are four proposals at this time. He prefers the option of a five-year contract, requiring 3% for the first three-years and 4% for the last two-years. The average is about \$2,000 more per year.

Mayor Schiller also reported that E-911 dispatch is raising their cost for 2018.

Councilmember Orffer asked how we have a zero balance for revenues and expenditures? Wendy Collins responded by stating this is how the budget is balanced each year. We figure out what revenues are expected and then we figure out the expenditures that we can afford and we use the ending cash to help balance the beginning cash, making revenues and expenditures balance with zero difference. This is where everything went sideways at the workshop because we did not balance all the funds to zero. We did not have beginning and ending cash entered in all of the funds and we added all of the expenses from the departments so the Council could review it in rough draft. That is why the ending total was that crazy \$300,000 figure. After the meeting, we cleaned up the expense requests and adjusted the beginning and ending cash making this the balanced budget the Council usually looks at. We should not have come into the budget phase with as rough of a budget as the Council saw at the workshop. This version is how we usually present it, when it's ready to adopt with the revenues and expenditures balanced.

Mayor Schiller added that this is partially his fault by trying to be more transparent with the budget and letting the Council see how we work through the process. He believes it's his fault because we got it out too early before the numbers were as accurate as they should be. He feels he was trying to be too transparent, too early, with the budget.

Councilmember Orffer does not understand why the 2017 budget has a negative \$156,088.94 ending balance and 2018 is at a zero ending balance. Wendy Collins responded that the negative amount was due to a budget amendment earlier in the year because of the Wildcat Lift Station Project being invoiced in 2017 instead of 2016. We are required to amend the budget when it exceeds the budgeted expenditures. The budget amendment was for the amount of the invoice. Councilmember Ator stated she remembers the amendment and went back and looked it up and found they did it in March 2017.

Tanya Broadfoot commented that she sees the Council doing a lot of hard work on the budget and she thinks everyone should be required to attend at least one budget meeting.

MEETING ADJOURNED

**It was moved by Councilmember Ator, seconded by Councilmember Richey to recess the meeting at 8:05 pm until Monday, November 13, 2017 at 6:30 pm. Motion Carried 5-0.**

**CITY OF MCCLEARY**  
**Regular City Council Meeting and Council Workshop**  
**Wednesday, November 13, 2017**

ROLL CALL AND FLAG SALUTE      Councilmembers Richey, Ator, Orffer, Peterson and Blankenship were in attendance.

ABSENT      None.

STAFF PRESENT      Present at the meeting were Todd Baun and Wendy Collins.

BUDGET ORDINANCE      Todd Baun provided a detailed PowerPoint presentation on the 2018 proposed budget for the Council. It addressed the status of all of the funds and how the resources are allocated and what our projected revenues and expenditures are. The presentation was thorough and the Council reviewed each fund. Mayor Schiller asked the Council to wait to adopt the budget until the next meeting when more of the public is present.

CANCEL MEETING      **It was moved by Councilmember Orffer, seconded by Councilmember's Ator and Richey to cancel the November 22, 2017 meeting. Motion Carried 5-0.**

PUBLIC COMMENT      None.

MEETING ADJOURNED      **It was moved by Councilmember Ator, seconded by Councilmember Peterson to recess the meeting at 8:15 pm until Wednesday, November 29, 2017 at 6:30 pm and to cancel the November 22, 2017 meeting due to Thanksgiving. Motion Carried 5-0.**

*Approved by Mayor Brent Schiller and Clerk-Treasurer Wendy Collins.*

**CITY OF MCCLEARY**  
**Resumed Recessed meeting from November 15, 2017**  
**Wednesday, November 29, 2017**

ROLL CALL AND FLAG SALUTE      Councilmembers Richey, Ator, Orffer, Peterson and Blankenship were in attendance.

   ABSENT      None.

   STAFF PRESENT      Present at the meeting were Todd Baun, Wendy Collins, Chief Blumer and Dan Glenn.

   VOUCHERS      Accounts Payable checks approved were 43528 - 43602 including EFT's in the amount of \$217,814.83.

**It was moved by Councilmember Peterson, seconded by Councilmember Ator to approve the vouchers. Motion Carried 5-0.**

   MAYOR COMMENT      Mayor Schiller congratulated Chief Blumer and the McCleary Officers for the multi-county drug bust yesterday. It was a simultaneous effort from multiple agencies and he is very grateful to Chief Blumer for his part in the successful mission. The Chief did a great job and helped clean up our town.

   ORDINANCE 837 - 2018      Mayor Schiller shared information regarding contract negotiations with Fire District 5. He said they are asking for a huge increase in ambulance fees for next year. He is trying hard to work with them and wants to avoid any bad blood between the City and the Fire District. They are asking to increase their fee to \$100,000 per year. The negotiations are ongoing. **It was moved by Councilmember Ator, seconded by Councilmember Peterson to adopt Ordinance 837, AN ORDINANCE ADOPTING A BUDGET FUNDING THE OPERATIONS OF THE CITY OF MCCLEARY FOR THE CALENDAR YEAR 2018. Roll call taken in the affirmative. Ordinance Adopted 5-0.**

   BUDGET

   PUBLIC COMMENT      None.

   MEETING ADJOURNED      **It was moved by Councilmember Ator, seconded by Councilmember Blankenship to adjourn the meeting at 7:12 pm. The next meeting will be Wednesday, December 13, 2017 at 6:30 pm. Motion Carried 5-0.**

*Approved by Mayor Brent Schiller and Clerk-Treasurer Wendy Collins.*

**TAB - B**



**MEMORANDUM**

TO: MAYOR AND CITY COUNCIL, City of McCleary  
FROM: DANIEL O. GLENN, City Attorney  
DATE: December 7, 2017  
RE: LEGAL ACTIVITIES as of DECEMBER 13, 2017

THIS DOCUMENT is prepared by the City Attorney for utilization by the City of McCleary and its elected officials and is subject to the attorney-client privileges to the extent not inconsistent with laws relating to public disclosure.

1. **BHO CONDITIONAL USE PERMIT**: As you are aware, following the public hearing, Mr. Aaland issued a decision authorizing a conditional use permit allowing the applicant to go forward with implementation of their project. The decision included provisions in relation to compliance with the SEPA determination issued by the City.

As you are aware, the decision by the Hearing Examiner is a final decision in relation to consideration by the City. Any party wishing to challenge that decision must do so under the provisions of the Land Use Petition Act, codified in RCW 36.70C. RCW 36.70C.040 mandates that in order to be timely, the petition seeking review must have been filed and served within 21 days of the issuance of Mr. Aaland's decision. The City, which would have been a necessary party to such an appeal, has received no such service. Thus, the decision is final and the project may go forward so long as it is in compliance with the provisions of the decision and any other provision of the Municipal Code.

2. **AUDITOR'S RECOMMENDATIONS**: Happily this year's analysis by the SAO did not result in any major recommendations. I provided the representative with a report as to the status of legal matters involving the City which, happily, was very boring to read with little content. They have recommended that certain policies be implemented or modified. These include the following:

A. Inventory of Certain Assets:: Modify the current policy adopted earlier this year so as to be more specific as to certain responsibilities as to tracking assets of a certain value through the inventory process, confirmation of inclusion of the Police Department in the policy, and other matters.

B. Depositing of Cash: An updated policy relating to depositing of cash funds received by the City is requested so as to reflect, among other matters, discussions with the bargaining unit.

C. Payroll Policy: A payroll policy dealing with preparation of payrolls. Following certain concerns that came to my mind in reading the document, I contacted the SAO's legal adviser. That discussion confirmed my thought that certain additional specifics need to be done to fully comply.

In any event, each of these matters will be addressed formally in documents submitted to you at a January meeting.

### 3. ORDINANCES

A. Developmental Incentives: As you are aware from the reference in the October 25 Council Report, I have provided to Mr. Baun and Mr. Morrison a draft ordinance which, if adopted, would authorize certain incentives in relation to development. They primarily relate to deferral of payments of certain fees. I have checked with Mr. Baun and it is my understanding that they have basically completed their review. Thus, the ordinance draft will be provided to you at this meeting for your review and then its potential consideration at a meeting in January.

B. Critical Areas Update: This has been an update project originally started by Mr. Mercer in 2014. As a result of his leaving his position with the City, it apparently was put on hold. Since then, Mr. Morrison and I have had several discussions and I have had contact with appropriate staff at DOE. The proposed final draft, which I have characterized in my usual alphabetical sequential approach as the "H" draft, is still being reviewed by Mr. Baun and Mr. Morrison. After they complete their review and you have reviewed it, we will want to get it in place so as to insure compliance with applicable rules and regulations of the State.

C. Manufactured Home Zoning Provision: This was raised by Council Member Blankenship prior to the last meeting. I have had the opportunity to discuss with Ben and will be preparing a draft for initial review. Since it does tie to zoning, it will need to go to the Hearing Examiner for initial consideration and referral to you for final action. For purposes

of cost efficiency, I would suggest that Staff and the Council review the entire situation as to matters associated with zoning so that, if there are other changes in the zoning code which would be appropriate to be considered, they can be heard by Mr. Aaland at the same time.

D. Making Permanent the Provisions of Ordinance #834:

As you will remember, the provisions in relation to the conditional use approach for residential treatment facilities were adopted in an emergency ordinance. Such ordinances have a "drop dead" date of six months after adoption unless extended or confirmed as being permanent. Since the provisions of the Ordinance handled the matters involved in a very efficient manner, it is my assumption you wish to make permanent the changes in the zoning code implemented on a temporary basis by #834. Thus, I have prepared a draft ordinance which would do so. It should be considered for action no later than the first meeting in January.

4. SECOND MEETING CANCELLATION: It is my understanding the anticipation is to cancel the second meeting which would be held on the 27<sup>th</sup>. That is best done by formal action of the Council prior to adjournment of this meeting. As you are aware, if an issue arises, a special meeting may be called on 24 hour notice.

5. NEGOTIATIONS WITH FD #5: The Mayor and I have had the opportunity to review the situation including alternative offers made to the Mayor by the District. It is anticipated that a responsive offer will have been made to the District prior to this meeting and we will hopefully have a positive response for your consideration.

As always, this is not meant to be all inclusive. If you have any questions or comments, please direct them to me.

DG/le

**TAB - C**

## **STAFF REPORT**

To: Mayor Schiller  
From: Todd Baun, Director of Public Works  
Date: December 8, 2017  
Re: Current Non-Agenda Activity

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### **IT Request for Proposals**

I have been working on getting the IT request for proposals ready to send out and hopefully awarded by the first January meeting in 2018.

### **GH County all hazards plan**

I have been working on the City's portion of the Grays Harbor County all hazards plan update.

### **Net Metering**

We have been working with WSU, Town of Steilacoom and Mason PUD 3 to get information, policies, and forms together to get our Net Metering program started. Hopefully we will have something to you at the first January meeting.

**TAB - D**

## 2017 Finance Department Accomplishments

- ) Created cash handling policy
- ) Created payroll policy
- ) Created Utility Billing policy
- ) Created Financial Policies
- ) Updated the Employee Handbook, which should be finalized at the first of the year.
- ) Prepared the 2016 Annual Financial Report
- ) Assisted in hiring the Comprehensive Plan Developer and participated in the process.
- ) Prepared the annual WSDOT report.
- ) Prepared the annual USDA Financial report.
- ) Prepared the annual AWC salary survey.
- ) Invested additional funds into LGIP for higher interest return.
- ) Performed another very successful financial and accountability audit.
- ) Implemented stronger NSF policy.
- ) Reworked budget pay calculations so the ending December balances aligned with the ordinance.
- ) Created an organized filing system for all the new construction projects for the City.

# Building and Planning Staff Report

To: Mayor and City Council  
 From: Paul Morrison  
 Date: December 1st, 2017  
 Re: November, Building and Planning Department Activity.

## New Permit Activities for November 2017

426 South 6 <sup>th</sup> Street "Alley"	Retire Existing Line	Total Fee \$ 130.00
426 South 6 <sup>th</sup> Street	Install New Line	Total Fee \$ 130.00
290 Wildcat Drive	New Ductless Heat Pump	Total Fee \$ 87.70
<b>Building Department Related Revenues</b>	Total fees charged for November \$ 347.70	Total fees collected for November \$ 6,843.48

## Permit Activity Totals

New Homes Permitted for 2017 11	All Permits Issued for 2017 102	Total Fees Charged for 2017 \$ 123,459.29
New Homes Permitted for 2016 24	All Permits Issued for 2016 170	Total Fees Charged for 2016 \$ 249,258.60
New Homes Permitted for 2015 2	All Permits Issued for 2015 52	Total Fees Charged for 2015 \$ 52,499.28
New Homes Permitted for 2014 3	All Permits Issued for 2014 89	Total Fees Charged for 2014 \$ 59,695.93
New Homes Permitted for 2013 3	All Permits Issued for 2013 79	Total Fees Charged for 2013 \$ 69,743.57
New Homes Permitted for 2012 6	All Permits Issued for 2012 97	Total Fees Charged for 2012 \$ 123,164.28
New Homes Permitted for 2011 1	All Permits Issued for 2011 37	Total Fees Charged for 2011 \$ 24,803.65

## Nuisances for the Month of November:

No new nuisance letters were sent for the month of November, rather there was more focus towards the existing cases.

## New Homes:

We have received applications for two more new homes, we are still waiting for the complete submittal. I have also spoken with two of the builders and they are planning on submitting applications for four more new homes between the two of them. If all goes well, we could see six more new homes permitted before the end of the year. If not by the end of the year, then we could see a great start to 2018.



## Building & Planning Department

1. Began scanning & organizing, documents to our server.
2. Finished surplus of the items in the storage bay and 2 vehicles.
3. Installed new large scanner and have begun scanning large documents to our server.
4. Received certificate for permit technician through South Seattle College.
5. Received certificate for Deck Building 101.
6. Received a Limited Special Commission.
7. Mailed nuisance letters to 88 individual addresses, "this does not include multiple letters to the same address".

## STAFF REPORT

To: Mayor Schiller  
From: Paul Nott, Chief  
Date: December 6, 2017  
Re: Year End Fire Department Report



<b>Actual Structure Fires:</b>	<b>2</b>
<b>Fire Calls:</b>	<b>6</b>
<b>Rescue/EMS assists:</b>	<b>39</b>
<b>Motor Vehicle Collisions:</b>	<b>20</b>
<b>Service Calls:</b>	<b>57</b>

2017 seemed to be an average year for the fire department. 122 calls total with the majority, as usual, being Service calls, EMS, and MVC's.

With the purchase of the new district rescue rig it has proven to be a huge asset to the department. Not just by being able to haul all of our equipment but also eliminating the liability of the old rig.

With the passing of the levy, that will also benefit not only the safety of firefighter personnel but also eliminate another liability of out of compliance equipment.

There were no significant reportable injuries to firefighters.

Station 89 beat the Cops in the guns and hoses tournament.

Goals for 2018 are to have another safe year for all personnel and citizens that we serve.

## STAFF REPORT

To: Mayor Schiller  
From: Paul Nott, Light & Power  
Date: December 6, 2017  
Re: Year End Report



	Monthly Statistics;	YTD Totals;
<b>New Services;</b>	<b>4</b>	<b>28</b>
<b>System Outages;</b>	<b>9</b>	<b>26</b>
<b>Pole Replacements;</b>	<b>0</b>	<b>7</b>
<b>Maintenance Work Orders;</b>	<b>16</b>	<b>44</b>
<b>Billable Work Orders;</b>	<b>6</b>	<b>31</b>

2017 was a record year for new service construction. We had 5 primary line extensions which is an actual extension of our service area and 28 new services, primarily to new residences constructed in our area.

We also had a large number of system outages.

- 8 – Weather
- 2 – Maintenance (BPA)
- 11 – Equipment Failure
  - 4-underground
  - 3-bad sleeve
  - 2-bad transformer
  - 2-substation equipment
- 1 – Car vs. Pole
- 4 – Other

BPA had a scheduled maintenance outage in September. Test results showed that the transformer that serves our transmission line was subject to failure. Because of the test results, BPA engineers opted to take the transformer out of service for repairs instead of waiting for repair parts and taking the risk of catastrophic failure and a lengthier unplanned outage. This led to a second outage to bring in the mobile transformer that is currently serving us. Even though, there was some push back from some of our customers blaming the outages on the City. In actuality, we utilized both of these outages to perform our own maintenance/cut over construction work at the same time. BPA is working with our request to have the next outage (removing the temp transformer and replacing it with the repaired permanent one) until next spring when the outage will be less of an impact during the warmer months.

This past year, the crew completed a re-conductor on Mommsen, another in the alley behind the clinic, pulled in the primary conductors for the primary tie between 3<sup>rd</sup> and Mommsen and Maple. Although shorthanded with one lineman recovering from shoulder

surgery we managed to complete what work we could do legally towards completing the cut-over. Another task that we worked on while having a short crew was the construction of the fire hall addition.

The crew along with the Public Works also completed a lot of right of way brush clearing. Whether it was for power line maintenance or City right of way the 2 crews worked together very well accomplishing their goals. Thanks to Steve and his crew for their assistance.

#### 2018 Goals:

Our goals for 2018 are to complete the 12KV tie across Simpson Ave and hopefully eliminate 1 more circuit of the 4KV substation. Also we are starting to have an increase underground faults on specific cables on Luscombe and Oak Meadows. We would like to engineer and replace 3 sections in the Luscombe area and another 3 on Oak Meadows. Another project that will most likely be taking place in 2018 will be constructing the underground infrastructure for the Third St. project.

As always if you have any questions or concerns feel free to contact us...

Have a merry and safe Holiday Season...

City Of McCleary Police Report: Chief Steve Blumer  
 Reporting Officer: Chief Blumer  
 Month Of November  
 2017  
 City Mayor: Brent Schiller



City Council Members:  
 Position 1: Brenda Orffer  
 Position 2: Dustin Richey  
 Position 3: Larry Peterson  
 Position 4: Ben Blankenship  
 Position 5: Pam Ator

**Violent & Property Crimes**

Murder	
Rape	
Assault	2
Robbery	
Harassment / Domestic	2
Theft	
Trespass	2
Stalking	
Found Property	
Warrant Arrest	2
Burglary	2

**TOTAL** 10

**Other Emergent Calls**

FIRE	25
Suicide	
Missing Person	1
Disorderly Conduct	3
Drug Incidents	
Man Down	1
911	4
Alarm	3
Display	
Sex offense	

**TOTAL** 37

**Total Calls For The Month** 154

**Traffic Stops and Violations**

DUI	2
Accident	5
Stolen Vehicle/Recovery	
Abandon Vehicle	3
Parking Enforcement	1
Motorist Assist	5
Fatal Accident	
Subject Stop	
Traffic Stop	31
Reckless	2
Vehicle prowl	

**TOTAL** 49

**Other Non Emergent Calls**

Noises Complaints	
Code Enforcement	6
Agency Assist	5
Police Referral	14
Citizen Assist	
Suspicious	10
Juvenile	3
Welfare Check	1
Other	11
Fraud	2
Court Order	6

**TOTAL** 58



## **MCCLEARY POLICE DEPARTMENT**

STEVEN BLUMER – CHIEF OF POLICE

100 S 3RD ST MCCLEARY WA 98557

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



### **Accomplishments for the McCleary Police Department for 2017**

- 1) **Officer Bunch and Officer Cox performing CPR and saving an individual's life**
- 2) **Hiring of a 4<sup>th</sup> police officer**
- 3) **Largest drug bust in the history of McCleary – Chinese National Illegal Marijuana**
- 4) **Decrease in the number of nuisance properties due to code enforcement officer and city council adoption of enforcement ordinance**
- 5) **Grant award for 3 A.E.D. – Automated External Defibrillators**
- 6) **Grant award for 1 LIDAR Unit for traffic enforcement**
- 7) **A donation by the Chehalis Tribe to the McCleary Police Department for a Fully Equipped Police Chevrolet Tahoe**
- 8) **Passing audits by both WCIA and the State Auditor's Office**

# 2017 Accomplishments

## STREETS

- Asphalt on 3<sup>rd</sup> St. – Grant
- Asphalt around town
- Mowing ROW
- New curb at Cheema's
- New sidewalk on Maple between 4<sup>th</sup> and 5<sup>th</sup>
- Mini storage driveway
- Crack sealing
- Maintain hanging baskets

## STORM

- Added CB in ally between Mommsen and Pine and 2<sup>nd</sup> and 3<sup>rd</sup>
- Storm system on Ash and 9<sup>th</sup>
- Added CB on Frontage and 9<sup>th</sup>
- Maintenance on storm water ponds
- Flush storm lines with vac truck and on our own
- Storm improvement on 6<sup>th</sup> and Oak

## WATER

- Pothole for 6" AC line for replacement at wells
- Valve exercising
- Replace multiple valve risers
- Mole water service on Summit Rd.
- Mole water service on McCleary Rd.
- Upgrade water meter at old hospital
- Fix fence at reservoir
- Fix hydrant and valve at 4<sup>th</sup> and Fir (hydrant twice due to rubbers caught in foot valve)
- Put in locating pins for water main on reservoir road

## SEWER

- Sewer replacement on Spruce
- Checking for I&I in sewer manholes

## CEMETERY

- Put in signs at cemetery
- Mow/Weed eat

## LIGHT AND POWER

- Mowing

## POLICE

- Prepping police cars for surplus

# 2017 Accomplishments

- Paint windows and doors at police station

## FIRE STATION

- Fire station extension

## RANDOM

- Prep/traffic control/take down for Bear Fest
- City wide clean up
- Mow field and trim trees behind 709 Summit Rd.
- Maintain city buildings (Community Center and Library)
  - Replace furnace filters, lights, batteries, etc...

◦ *Vehicle maint.*



**TAB - E**

# City of McCleary Cash Handling

## **Effective Date:**

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Section 3 Procedure

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Section 6 Record Retention

Section 7 Procedures for Cash Register Out of Balance Condition

## **Section 1. Purpose**

Strong internal controls for cash collection are necessary to prevent mishandling of city funds and are designed to safeguard and protect employees from inappropriate charges of mishandling funds by defining their responsibilities in the cash handling process. The City cash handling policy requires that departments receiving cash be approved by the Finance Department and be designated as cash collection points. A cash collection point is defined as a department that handles cash on a regular basis.

"Cash" is defined as coin, currency, checks, and credit and debit card transactions.

Required procedures for cash collection include the following:

1. Accounting for cash as is it received.
2. Adequate separation of duties which includes cash collecting, depositing and reconciling.
3. Proper pre-numbered receipts given for any cash received by BIAS.
4. Approval of voided cash receipts by BIAS.
5. Deposit of cash weekly, on or before Wednesday, into an authorized City account.
6. Reconciliation of validated deposit forms to supporting cash register receipts.
7. Approval by the Finance Department of any changes in cash handling procedures.
8. Proper safeguarding of cash.

The use of non-city checking or other bank accounts by City personnel for depositing City cash is prohibited. The Finance Department will conduct periodic reviews of cash handling procedures.

## **Section 2. Who Should Know About This Policy**

Any official or administrator with responsibilities for managing City cash receipts and those employees who are entrusted with the receipt, deposit and reconciliation of cash for City related activities.

## **Section 3. Procedure**

### Establishing Cash Collection Points

The Finance Department must authorize all cash collection points. The main cash collection point will be City Hall. Additional departments (i.e. Police Department, off site events such as the annual Cleanup Day) may require status as a cash collection point if city funds are collected. Prior to authorization, the department must make the request to the Clerk-Treasurer that includes:

1. Reason(s) why cash collection point is needed.
2. A list of those positions involved with the cash collection point, a description of their duties and how segregation of duties will be maintained.
3. A description of the reconciliation process, including frequency of reconciliation.
4. A description of the process for safeguarding cash until it is deposited.

The request will be reviewed, and if appropriate, approved by the Clerk-Treasurer.

### Procedures for Cash Collection Points

The following list of procedures is required for the operation of cash collection points:

1. All cash received must be recorded through an individual cash drawer and entered in BIAS. The customer is presented a numbered receipt issued and printed from BIAS.
2. Cash collection must maintain a clear separation of duties. An individual should not have complete responsibility for more than one of the cash handling components: collecting, depositing and reconciling without a secondary signature.
3. The funds received must be reconciled between the cash drawer and the BIAS Software system at the end of the day. Each cashier has their own cash drawer. Cash must be reconciled separately from checks/credit cards by comparing actual cash received to the cash total entered in BIAS. BIAS separates cash from checks and cards.
4. All checks, cash and credit card receipts must be protected by using a cash register or safe until they are deposited. A secure area for processing and safeguarding funds received is to be provided and restricted to authorized personnel.

5. Checks must be made payable to the City of McCleary and must be endorsed promptly with a restrictive endorsement stamp payable to the City.
6. Checks or credit card transactions will not be cashed or written for more than the amount of purchase with the intention of receiving cash back. Any check written for more than what is owed will be added to the account as a credit balance.

The Clerk-Treasurer waives the daily deposit requirement for the City. The deposits to the bank will be made weekly, on or before Wednesday.

All funds must be deposited intact, and secured in a plastic security bank deposit bag.

Refunds or expenditures must be paid through the appropriate budget with a City generated check through accounts payable.

The Clerk-Treasurer will reconcile the monthly bank accounts by using BIAS reconciliation software and the City monthly bank statements.

#### **Section 4. Instructions**

##### Cash received in person

1. A receipt must be issued for each payment received. Receipts must include the date, mode of payment (cash, check or credit card), and the person issuing the receipt.
2. All checks must be endorsed immediately with a restrictive endorsement stamp payable to The City.
3. Only authorized cashiers are allowed to access a cash drawer.
4. Cash must be kept in a locked cash drawer or safe until it is deposited.

##### Cash received Through the Mail and Drop Box

1. The mail must be opened as soon as possible and all checks must be endorsed with a restrictive endorsement stamp. All receipts of coin or currency received by mail or picked up in the payment drop boxes must be logged and verified by two people.

##### Balancing of Cash Receipts

1. All funds collected must be balanced daily, by mode of payment, by comparing the total of the cash, checks and credit cards to the totals entered in BIAS receiving system, including the totals of the money received by mail or drop box.
2. Over/short amounts must be recorded on the daily balance sheet and investigated and resolved to the extent possible. Two people will independently verify the amounts and reconcile the deposit. See Procedures for Cash Register Out of Balance Conditions.

## Preparation of Deposits

1. Checks must be made payable to The City of McCleary. A calculator tape of the individual cash drawer checks should be included with the checks bundled together. A tape of all drawer bundles will be added to the final deposit.
2. Cash and coin must be recorded on the deposit slip in the appropriate space.
3. All daily transactions are balanced to the individual cash drawers and a report is printed from BIAS per drawer. A second employee verifies and signs the balanced drawer total.
4. Two employees prepare and sign the daily cash reconciliation and prepare deposit.
5. The utility payments/treasurer receipts deposit must be delivered to the bank on a weekly basis.
6. Plastic security bank deposit bags are available at the Finance Department for use when depositing in the Night Drop Box.

## Reconciliation of Cash Collected

1. The Clerk-Treasurer reconciles the bank accounts to the bank statements each month. A Treasurer's Report is printed, showing balanced accounts and provided to the Council for signature.

## **Section 5. Exceptions**

The Finance Department must approve exceptions to these procedures. For example, in cases where there is not enough staff available to maintain complete separation of duties, an alternate process to safeguard City funds must be established and approved by the Finance Department.

## **Section 6. Record Retention**

All cash receipts and related documents must be maintained in accordance with Record Retention schedules. Cash drawer reconciliations, deposit deposits, credit card receipts, copies of manual cash receipts, etc. should be kept for six-years.

## **Section 7. Procedures for Cash Register Out of Balance Conditions**

Utility Clerk or other employee verify out of balance condition:

1. Re-check all figures on a reconciliation sheet.
2. Verify Daily Reconciliation to the checks and cash from the cash drawer.
3. Check the adding tape used for the cash drawer checks for any errors.

4. Re-count money, making sure that no bills or checks are stuck under the cash drawer, all denominations are together, and no bills are commingled in the wrong slot (i.e. \$10 bill in the \$1 slot, etc).

Check the office area (trash cans, behind the counter, the floor area around the register, under the cash register) to see if a check or cash was dropped or misplaced.

Check with the other employees if they had any over/under rings, unusual transactions, or issues with BIAS that could have resulted in the discrepancy.

If the shortage still has not been reconciled by the Utility Clerk or other employee, the Clerk-Treasurer will:

1. Follow steps 1 to 4 above.
2. Record and report the discrepancy. For overages or shortages of \$25.00 or more, you must notify the Mayor.
3. Shortages or overages must be officially documented and recorded the day of the occurrence in the departmental accounting records.

# City of McCleary

## Payroll Policies

### **Effective Date:**

Table of Contents

Section 1 Purpose

Section 2 Timesheets

Section 3 Procedure

Section 4 Pay Dates

Section 5 Benefits

Section 6 Payroll Taxes

### **Section 1. Purpose**

These payroll accounting policies and procedures serve as a basis for preparing, processing, and recording payrolls and maintaining internal controls.

### **Section 2. Timesheets**

All employees are required to accurately complete a timesheet and will be held accountable for the accuracy of the information provided on the timesheet. Employees are expected to thoroughly complete a timesheet. All supervisors are required to review and verify the accuracy of information provided on timesheets by their assigned personnel. Supervisors are expected to complete their review in a timely manner and notify payroll when they are finished. If an employee is absent due to illness, out-of-town assignment, authorized absence or emergency and is unable to complete a timesheet, the supervisor is responsible to ensure that the employee's time is submitted in an accurate and timely manner. Upon return of the employee, the supervisor will ensure the employee has reviewed and is agreeable to the accuracy and completeness of the employee's timesheet. Any timesheet corrections or late timesheet information will be processed the following pay period (does not include draws).

Employees may not complete a timesheet for another employee unless a supervisor, manager or department director has granted permission. Employees record their daily hours worked in the MyBIAS timesheet program. All days worked, leave hours, holidays, overtime and all other leave and accrual types are reported on a weekly basis.

At the end of the month, the timesheets are reviewed by the Department Head/Supervisor for accuracy. When review is completed, the Department Head/Supervisor notifies payroll

the timesheets are ready for processing. Timesheets are considered electronically approved and authorized by the employees on the payroll due date, which is determined each month by the payroll office.

No advances on salaries or loans to employees will be made. Discrepancies will be resolved using the regular employee grievance procedure as described in The City of McCleary's Employee Handbook.

A new employee will not be put on payroll without a W-4 Form and an I-9 Form with proper documentation.

### **Section 3. Procedure**

The timesheets are uploaded into BIAS payroll and reviewed again by the payroll processor (Clerk-Treasurer or Deputy Clerk). All appropriate deductions are taken out of each payroll check.

After all entries have been reviewed, the checks go through a final review process.

All payroll entries are set up for either a direct deposit check or manual check. All employees are encouraged to use the direct deposit (EFT) option.

EFT's are uploaded to the City's bank and a copy of the paystub is printed for the employee. All paper checks are printed and both paper checks and EFT stubs are given to the Mayor for approval and signature.

### **Section 4. Pay Dates**

The City pays twice a month. The monthly payroll runs from the 1<sup>st</sup> of the month to the last day of the month and is paid the 5<sup>th</sup> of the following month. On the 20<sup>th</sup> of the month, if the employees choose to, they may receive a draw check in an amount not to exceed 40% of their monthly gross pay. Not all employees are required to take a draw. The monthly payroll is distributed on the 5<sup>th</sup> of the month unless the 5<sup>th</sup> falls on a weekend or holiday. If the 5<sup>th</sup> falls on a weekend, pay day will be on the Friday before the 5<sup>th</sup>. If the 5<sup>th</sup> falls on a holiday, pay day will be on the day before the holiday.

### **Section 5. Benefits**

All appropriate deductions are taken out of each payroll check. Mandatory deductions include:

- Federal and state income taxes (based on an individual's W-4 filing status; W-4 filing status may be changed at any time by filing a new W-4 form with the Payroll office)
- Social Security taxes



- Medicare taxes
- Payroll ensures compliance with collective bargaining agreements and requirements of federal, state and city taxing authorities.
- Insurance deductions
- Associations dues
- Wage garnishments
- Other benefit deductions as required

Staff are instructed to verify that the deductions are correct and maintain their pay stubs.

## **Section 6. Payroll Taxes**

It is an important Payroll responsibility to ensure that quarterly and annual employment tax returns, required by regulatory agencies, are filed in a timely manner. Payroll tax liabilities are remitted to taxing authorities within the due date.

One of the significant components of the City's annual budget is the payroll budget. Payroll compiles and prepares the payroll budget. The salary and benefits analysis is coordinated with the employees' contracts. Position control is also maintained in accordance with the budget.

Additionally, Payroll is involved in various projects. Research and analyses are conducted to prepare special reports for auditors and gather data for inclusion to the financial statements. In the course of contract negotiation between the City and bargaining groups, Payroll creates reports as necessitated by management. Payroll also responds to numerous surveys and provides statistical data to the Association of Washington Cities and Washington Cities Insurance Authority and other agencies as requested.

Payroll prides itself in its ability to provide exceptional customer service through timely and informative responses to all internal and external inquiries.

**TAB - F**

**STAFF REPORT**

To: Mayor Schiller  
From: Todd Baun, Director of Public Works  
Date: December 8, 2017  
Re: Copy Machine Contract

---

Our current copier is nearing the end of its contract and also has needed a few repairs lately. Paul M. has researched and found a new copier on WA state contract that will save us an average of \$46 per month. This new copier is also faster and has updated technology along with it.

**Action Requested:**

Please allow the Mayor to sign the new lease attached on the next page.

# State of Washington Operational Lease

Purchase Order #8908

Date: 10/30/2017

**Bill To:** City of McCleary  
100 S 3rd ST  
McCleary, WA 98557

**Vendor:** Kelley Imaging

Attn: Stephannie Rodgers  
3907 North 34th St  
Tacoma, WA 98407

**Remit To:** Kelley Imaging  
PO Box 660831  
Dallas, TX 75266-0831

**Contact:** Paul Morrison  
**Phone:** 360-495-3667  
[paulm@cityofmcclary.com](mailto:paulm@cityofmcclary.com)

**Contact:** Stephannie Rodgers  
**Phone:** 253-861-6861  
**Fax:** (360) 438-0244

**Ship To:** City of McCleary  
100 S 3rd ST  
McCleary, WA 98557

**Contact:** Paul Morrison  
**Phone:** 360-495-3667

ITEM	Quantity	Description	Monthly Payment	Total Price
1	1	63 Month operational lease	\$228.68	\$12,159.00
1	1	Toshiba e-Studio 5506ACT		
1	1	DSDF Dual Doc Feeder		
1	1	Large Capacity Drawer		
1	1	50 Sheet Finisher/Stapler		
1	1	Holepunch		
1	1	Fax Unit		
1	1	Formax FD_300 Folder		
Kelley will satisfy remaining stream of payments on current lease in the amount of \$1,075.96				
Network Print/Scan Connection/Install				
The per copy charges set out include all costs and expenses, including but not limited to maintenance, repairs, and supplies, other than the copy paper utilized which shall be provided by the City.				
Black: \$0.0065 and Color: .0332 (*Only billed as used)				
This PO is subject to NASPO Contract #3091 and State of Washington PA #05214				

Signature: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

**TOSHIBA**  
Leading Innovation >>>



**TAB - G**



December 5, 2017

14044

Mr. Todd Baun  
Public Works Director  
City of McCleary  
100 South 3<sup>rd</sup> Street  
McCleary, WA 98557

**Re: Third Street Improvements  
Contract Time Extension – Supplement 8**

Dear Todd:

The design contract (Supplements 5-7) for our Third Street Improvements project is due to expire on December 31, 2017. We are currently completing the right of way phase (Supplement 7) and preparing plans to go to WSDOT for review and construction obligation, to be completed by March 2018. Depending on WSDOT review time the project will be ready for advertisement in early 2018.

Supplemental Agreement 8 (attached) moves the completion date to March 31, 2018 to allow time for construction services during advertisement once we receive construction obligation. This supplement is a time extension only. We are also prepared to negotiate a construction management contract in that time frame.

Please review and have it signed if acceptable. Once signed please return a fully executed copy to us for our files.

Thank you.

Sincerely,

**Skillings Connolly, Inc.**

A handwritten signature in blue ink, appearing to read 'G. Smith'.

Gerald E. Smith, PE  
Senior Project Manager

Enclosure

**ENGINEERING • SURVEYING • ENVIRONMENTAL • REAL ESTATE SERVICES**

PO Box 5080 • Lacey, WA 98509  
(360) 491-3399 • Fax: (360) 491-3857  
[www.skillings.com](http://www.skillings.com)

<b>SUPPLEMENTAL AGREEMENT No. 8</b>		ORGANIZATION AND ADDRESS
AGREEMENT NUMBER <b>14044</b>		<b>Skillings Connolly, Inc. PO Box 5080 Lacey, WA 98509-5080</b>
PROJECT NUMBER		PHONE <b>(360) 491-3399</b>
PROJECT TITLE <b>Third Street Improvements</b>		NEW MAXIMUM AMOUNT PAYABLE <b>\$416,255.00</b>
DESCRIPTION OF WORK <b>Time Extension Only</b>		

The Local Agency of **City of McCleary** desires to supplement the agreement entered into with **Skillings Connolly, Inc.** executed on **June 26, 2014** and identified as Agreement No. **14044**. All provisions in the basic agreement remain in effect except as expressly modified by this supplement.

The changes to the agreement are described as follows:

SECTION 1, SCOPE OF WORK, is hereby changed to read:

**See Exhibit A, and by this reference is made part of this agreement**

SECTION IV, TIME FOR BEGINNING AND COMPLETION, remains unchanged at **March 31, 2018**.

SECTION V, PAYMENT, shall be amended as follows:

<b>Original Agreement</b>	<b>\$322,914.00</b>
Supplement No. 1 – Time Extension Only	--
Supplement No. 2 – Time Extension Only	--
Supplement No. 3 – Add Jeffrey B. Glander to Contract	7,000.00
Supplement No. 4 – Time Extension Only	--
Supplement No. 5 – Time Extension Only	--
Supplement No. 6 – Real Estate Kickoff Meeting	3,000.00
Supplement No. 7 – Move \$1,093.48 from Design Budget to Right of Way Phase Budget	<u>(1,093.48)</u>
<b>Total Design Budget</b>	<b><u>\$331,820.52</u></b>
<b>Supplement No. 7 --Right of Way Phase</b>	<b>\$83,341.00</b>
Plus \$1093.48 from Design	<u>1,093.48</u>
<b>Total Right of Way Phase</b>	<b><u>84,434.48</u></b>
<b>New Maximum Amount Payable</b>	<b><u>\$416,255.00</u></b>

If you concur with this supplement and agree to the changes as stated above, please sign in the appropriate spaces below and return to this office for final action.

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

By: **Skillings Connolly, Inc**

  
Principal

By: **City of McCleary**

\_\_\_\_\_  
Signing Authority

**TAB - H**



## STAFF REPORT

To: Mayor Schiller  
 From: Todd Baun, Director of Public Works  
 Date: December 8, 2017  
 Re: AED/First Aid Equipment Purchase

The public works crews have gone through and identified several first aid and safety needs that are required or needed for the City to be compliant with several safety standards including L&I and OSHA.

The items quoted are part of U.S. Communities contract pricing. U.S. Communities is a national cooperative purchasing program that we are part of.

The items are as follows:

Quantity	Description	Cost	Total	Departments
3	4 SHELF WIDE FULL	\$202.38	\$607.14	L&P, PW Shop, WWTP
3	SD 16 GAL EYE STATION	\$281.28	\$843.84	L&P, PW Shop, WWTP
3	ANTIMICROBIAL ADDITVE 8OZ	\$14.34	\$43.02	L&P, PW Shop, WWTP
3	EYE WASH STATION SERVICE	\$64.60	\$193.80	L&P, PW Shop, WWTP
15	10 UNIT KIT METAL FULL	\$40.58	\$608.70	L&P, PW, WWTP Vehicles and Shops
5	ZOLL AED PLUS - AUTOMATIC	\$1,516.20	\$7,581.00	L&P-3, City Hall-1, PW Shop-1
5	AED PRESCRIPTION 1 YR	\$50.00	\$0.00	
1	Service Charge	\$5.63	\$5.63	
Total			\$9883.13	L&P- \$5369.73,PW- \$2403.44, WWTP- \$593.76, City Hall- \$1516.20

### **Action Requested:**

Please allow the Mayor to sign the Purchase Order for the First Aid and Safety Supplies.

**TAB - I**



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

Your Regional Chamber of Commerce and Economic Development Council

October 31, 2017

Mayor Brent Schiller  
City of McCleary  
100 South 3rd Street  
McCleary, WA 98557

Dear Mayor Schiller:

With 2017 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 2018 City of McCleary budget in the amount of \$1,200.00.

Enclosed are two copies of the 2018 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, 2018, and shall terminate on December 31, 2018. 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 \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Greater Grays Harbor, Inc  
"Agency"

City of McCleary  
"Municipality"

  
\_\_\_\_\_  
Signature

\_\_\_\_\_  
Signature

CEO  
\_\_\_\_\_  
Title

Mayor  
\_\_\_\_\_  
Title

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Title

\_\_\_\_\_  
Title

**TAB - J**

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE RELATING TO ZONING, AFFIRMING THE AMENDING OF SECTIONS 17.12.030 and 17.36.020 MMC IMPLEMENTED BY ORDINANCE 834 UPON AN INTERIM BASIS, AND PROVIDING FOR SEVERABILITY AND CORRECTION.

R E C I T A L S :

1. The provisions of the City's Uniform Development Code, as codified in Title 17 of the Municipal Code, govern the land use within the corporate limits.

2. Pursuant to Ordinance 830, certain changes were made to the definitional provisions of Section 17.12.010 by the clarification of the definition of a hospital and the addition of the definition of a residential treatment facility. This was done so as to insure consistency of application with applicable state laws, rules and regulations, as now existing or hereafter amended or succeeded. Thereafter, the matter of specific zoning provisions in relation to the utilization of those definitional authorization was referred to the Hearing Examiner who conducted the necessary hearing and submitted his recommendations to the Council and Mayor.

3. Pursuant to the authority granted by RCW 35A.63.220, the Council adopted and the Mayor signed an emergency ordinance adopting changes to the City's Zoning Code in relation



to the covered matter as recommended by the Hearing Examiner, a copy of whose report is attached as Exhibit #1.

4. Ordinance 834, adopted on July 26, 2017, provided for interim zoning and land use controls applicable to hospitals and residential treatment facilities as defined in Ordinance 830.

5. Following the provision of required public notice, a hearing was held at the August 23 meeting of the City Council to allow public comment upon the action.

6. The City has completed review of the adoption of final regulations concerning residential treatment facilities and ~~other mental health uses and finds that the regulations adopted~~ in Ordinance 834 are appropriate for permanent adoption.

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

SECTION I: The chart set forth in Section 17.20.030 and Section I, Ordinance 709, as last amended by Section I, Ordinance 810, and temporarily amended by Section I, Ordinance 834, shall be amended in the following respects:

Residential treatment facilities shall be shown as a conditional use in the following zones: R-1, R-2, R-3, C-1, C-2, and C-3.

SECTION II: Section 17.40.100 and Section I, Ordinance 709, as last amended by Section 2, Ordinance 738 and temporarily amended by Section I, Ordinance 834, are each amended to read as follows:

A. Certain uses possess unique and special characteristics with respect to the location, design, size, method of operation, circulation, and/or demand on public facilities. The Table of Land Uses in Section 17.20.030 lists such uses as conditional uses. The conditional use permit process reviews these uses to assure their compatibility with neighboring properties as well as to Section 17.40.070(A) of this chapter to prevent or control:

1. Environmental hazards and pollution;
2. Traffic hazards and congestion;
3. Street and road capacities in the surrounding area;
4. Location and amount of off-street parking;
5. Visual and auditory impacts;
6. Obtrusive visual blight; and/or
7. Any other unusual impact associated with the proposed conditional use.

B. A request for a conditional use permit shall be commenced by the filing of a written application with the office of the clerk-treasurer. The application shall meet the requirements set by the provisions of this code and shall be accompanied by the payment of such fees and costs as may be required by applicable provisions of this code and any implementing resolution. The land use hearing examiner shall conduct a public hearing on the conditional use permit

application at least fifteen days after the city gives public notice. The permit application shall meet the following conditions for approval:

1. The use will not cause or allow conditions that create general nuisances or hazards to life or property;

2. The use conforms to the comprehensive plan; and

3. The use meets all conditions and requirements of the zone in which it proposes to locate, the ordinance in general, and other city laws and requirements.

C. In granting any conditional use permit, the land use hearing examiner may attach conditions to the permit necessary to mitigate any possible adverse impacts, including, but not limited to, those set forth in sub-section H.

D. The decision of the land use hearing examiner shall be final unless appealed to superior court within ten days or within such other time period as may be mandated by applicable state law.

E. Subsequent Invalidity.

1. A conditional use permit shall become invalid if not exercised within the time prescribed in such permit, or, if the date is not specified, within one year of the effective date thereof. A conditional use permit shall be deemed to have been exercised by (a) the obtaining of and compliance with any necessary building permit, including substantial completion of

any required construction or, for uses not requiring a building permit, either by substantial completion of any anticipated construction and/or by commencement of the use.

In either event, if all necessary construction is not completed within twelve months of the issuance of the permit or such other date as may be set forth in the permit and an extension is not requested as provided by subsection F of this section, the permit shall be deemed to have become invalid.

2. Conditional use permits shall become invalid if the approved use is abandoned or discontinued for any continuous period of one year or more.

3. Any conditional use permit issued for a specific time period shall become null and void after the expiration of that time period unless an extension for a time certain is requested in the manner authorized under subsection F of this section.

F. Extensions.

1. A conditional use permit which would otherwise become invalid for noncompliance with subsection (E)(1) of this section may be extended for a period of up to one additional year upon approval of the city council so long as the holder of the conditional use permit files the written request for such extension with the office of the clerk-treasurer prior to the expiration of the permit. The request shall specify the bases for

the necessity of the extension and the period of extension sought. For conditional use permits granted between January 1, 2005, and December 31, 2005, the holder may file the request for the extension at any time until October 1, 2006; provided, that such extension as may be granted shall be retroactive to the date of the expiration of the original permit.

2. A conditional use permit covered under the provisions of subsection (E)(3) of this section which would otherwise become invalid due to expiration of the granted term may be extended for such period as may be deemed appropriate by action of the city council under such conditions as may be deemed appropriate by the council so long as the holder of the conditional use permit files the written request for such extension with the office of the clerk-treasurer prior to the expiration of the permit. The request shall specify the bases for the necessity of the extension and the period of extension sought.

3. The filing of any request for extension sought under either of the prior subsections shall not be deemed filed unless it meets the requirements set by the provisions of this code and is accompanied by the payment of such fees and costs as may be required by applicable provisions of this code and any implementing resolution. If an extension sought under either of the prior subsections is not granted, then the permit shall be deemed invalid as of the date of the denial of the request for

extension; provided, that if a judicial appeal is taken of a decision made in relation to such request, it shall be taken within the time limits established by subsection B of this section and the permit shall remain valid until the exhaustion of such appeal.

G. The original applicant of an approved conditional use permit may transfer it to any successors in interest and all special requirements shall continue in effect as long as the use continues. The land use hearing examiner may limit the right of transfer of the conditional use permit as a requirement of approval.

H. In recognition of the unusual characteristics of the particular use, as to applications for conditional use permits for the following uses, if issued the permit shall specifically require the following criteria to be met:

1. As to hospitals, the following:

a. The location shall be upon a collector or arterial street,

b. The structure shall not exceed a height of thirty-five (35) feet, and

c. The front, side and rear yard setbacks shall be one foot for each one foot of building height or the minimum setbacks for the zoning district within which it will be located, whichever requirement is greater.

2. As to residential treatment facilities, the following:

a. Shall not be located within 300 feet of a similarly licensed facility,

b. No resident shall be released from residency without having motorized transport present for utilization to transport the resident to a location no closer than 300 feet of the facility unless the resident's regular residential location is a lesser distance.

c. Shall have such security facilities and staffing as are deemed reasonably necessitated by such use taking into consideration the size of the structure, the nature of the condition being treated, and the number of residents.

I. A permit, other than for off-street parking, issued pursuant to the provisions of this section which would otherwise become invalid under subsection E may be extended in the same manner as is provided for extension of a conditional use permit through utilization of and conditioned upon compliance with the process and requirements set forth in Section 17.40.110(F) of this chapter.

SECTION III: 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 IV: 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 \_\_\_\_\_, 2018, by the City Council of the City of McCleary, and signed in approval therewith this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

CITY OF McCLEARY:

\_\_\_\_\_  
BRENT SCHILLER, Mayor

ATTEST:

\_\_\_\_\_  
WENDY COLLINS, Clerk-Treasurer



APPROVED AS TO FORM:

DANIEL O. GLENN, 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 \_\_\_\_\_, 2018, by WENDY COLLINS.

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

**TAB - K**