



McCleary City Council Agenda

August 23rd, 2017 6:30 PM

Flag Salute

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

Public Hearing		Interim Zoning Ordinance 834
Mayor Comments		
Public Comment		
Executive Session		
Minutes		
Approval of Vouchers		

Tab A August 9th Meeting Minutes

Staff Reports		Tab B Dan Glenn
		Tab C

Old Business		Tab D Janitorial Bids - Information provided at meeting
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New Business		Tab E Budget Timeline
Ordinances		Tab F Proposed Rule Changes for WA Wildlife & Recreation Program

Resolutions

Mayor/Council Comments

Public Comments

Executive Session

Adjournment or Recess Meeting

Previously Tabled Items

CAO Update, Dev. Incentives, Fireworks

Please turn off Cell Phones- Thank you

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

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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, August 9, 2017

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

ABSENT None.

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

PUBLIC HEARING None.

MINUTES APPROVED **It was moved by Councilmember Orffer, seconded by Councilmember Richey to approve the minutes from the meeting held on July 26, 2017. Motion Carried 5-0.**

VOUCHERS Accounts Payable checks approved were 43037 - 43070 including EFT's in the amount of \$41,220.63..

Payroll checks approved were 42945 - 43036 including EFT's in the amount of \$174,866.15.

Bank reconciliation for August 2017

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

MAYOR'S COMMENTS Mayor Schiller will be setting up union negotiations for all three unions. He will be working with Attorney, Scott Snyder, again. He added that we will start working on the 2018 budget and also will be addressing expiring agreements and contracts with outside agencies.

PUBLIC COMMENT Gary Atkins asked if the police could start jake brake enforcement. He hears trucks all night long driving through town. Staff will check with the Washington State Department of Transportation. He also is concerned about the driveway into the Shell Gas Station. He said it is not marked and cars are driving over the curb because they can't see it at night. Todd Baun said he would check into it.

CITY ATTORNEY REPORT Dan Glenn provided a written report for the Council.

DIRECTOR OF PUBLIC WORKS REPORT Todd Baun reported that with the hot weather this past week, the City residents and businesses have been using an elevated amount of water. Normally, our 24-hour consumption is 150,000 - 200,000 gallons of water and this past week it increased to almost 400,000 gallons. Kevin Trehwella is watching the usage and will let Todd know if the overage continues.

Todd is finalizing the levy language for the Fire Levy, which must be turned in to the Grays Harbor County Auditor by August 11th.

Mr. Baun was contacted by BPA informing the City they will be increasing their electric rates by 5.22%. The Council will need to discuss and research the impact this will have on our electrical rates.

Todd announced there will be a scheduled outage planned for September. Notice will be provided once the details are set.

POLICE CHIEF REPORT Chief Blumer reported the police served a couple warrants recently. They are being proactive and issuing warrants and cleaning up problem areas. July 19th he received information on funding for a grant for traffic safety. He was awarded the grant in the amount of \$799.00 for a radar unit. The Mayor and Council congratulated Chief Blumer.

CEDAR HEIGHTS AGREEMENT	The contractor of Cedar Heights has asked to put a cap limit on the contract that was passed at the last meeting. She wants the cap to not exceed \$4,000. Councilmember Orffer believes the developer should pay whatever the cost ends up being and no cap should be added. She stated the slope and concrete has to be specific to the requirements. The job could end up having issues, which should not fall upon the City. After discussion, the Council denied the request. They agreed to keep the original approved contract that does not impose a cap.
COMPREHENSIVE PLAN UPDATE	The Council and staff will begin working on the Comprehensive Plan during a workshop scheduled for August 23rd at 5:30 pm in the Council Chambers. Brian Cole from Building Communities will be attending.
PLAN PUBLIC HEARING FOR ORDINANCE 834	Dan Glenn reported the Council needs to hold a public hearing for the emergency adoption of Ordinance 834. The Council agreed to hold the hearing at 6:30 pm on August 23rd, 2017 during the City Council Meeting.
PUBLIC COMMENT	<p>Mayor Schiller will be working on all three union negotiations soon. He asked for Council volunteers to assist with the negotiations. Councilmembers Ben Blankenship and Pam Ator agreed to work with the Mayor.</p> <p>Mayor Schiller has asked Wendy Collins, Todd Baun and Chief Steve Blumer to work with Scott Snyder on updating the Employee Handbook. Wendy, Todd and Steve met and went over Scott Snyder's suggestions and have sent them to the Mayor for his input. Dan Glenn said Scott Snyder is willing to work with both the City of Elma and McCleary to save money while working on the Employee Handbook.</p> <p>Councilmember Blankenship asked when they will be discussing incentives for builders. Todd Baun said he left them at the old rate for now and will bring it back to the Council for consideration.</p>
EXECUTIVE SESSION	None.
MEETING ADJOURNED	It was moved by Councilmember Ator, seconded by Councilmember Peterson to adjourn the meeting at 7:00 pm. The next meeting will be Wednesday, August 23, 2017 at 6:30 pm. Motion Carried 5-0.

TAB - B

MEMORANDUM

TO: MAYOR AND CITY COUNCIL, City of McCleary
FROM: DANIEL O. GLENN, City Attorney
DATE: August 17, 2017
RE: LEGAL ACTIVITIES as of AUGUST 23, 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. **ZONING ORDINANCE: RTF & HOSPITAL:**

A. Interim Zoning Ordinance: Public Hearing: At the last meeting the interim zoning ordinance in relation to siting of hospitals and residential treatment facilities housing more than six residents was adopted as an emergency action. That was done pursuant to the statutory authority granted by RCW 35A.63.220, the text of which is set out at the end of this Report. Thus, under the authority granting such ability, a public hearing is to be held within sixty days of the adoption. To move things along, the hearing is scheduled for tonight.

As you will note, the statute requires the adoption of findings as to the rationale for the emergency action. Draft findings will be provided to you no later than next Tuesday. Of course, the final draft of the findings will be as you conclude is appropriate.

B. Finalization: Under the authority, the ordinance adopted may remain in effect for up to six months with an exception not likely to be applicable to our situation. Thus, a decision for you to make is whether or not you desire to seek further public comment on the text of the draft, have changes you would like to have reviewed or move forward with adoption. In terms of any application which has been filed, it will be vested under the existing ordinance.

II. CEDAR HEIGHTS ADA COMPLETION AGREEMENT: Ms. Dragt has executed the Agreement authorized by the Council in relation to finalizing/correcting the ADA required sidewalk ramps. It is my assumption that will have meant that the sale of three lots in the development owned by her has now closed. Completion of the improvements will also mean that the future sales will be able to go forward without concern as to the compliance with the requirements.

III. BALLOT MATTERS

A. Levy Proposition: After a bit of reworking, the third version of ballot proposition was accepted by Mr. Spatz's office. Thus, it is on the November ballot for consideration by the City's voters. For voters, additional positive news is that due to the action of the Legislature, it will be easier for the City's voters to deposit their vote. There will be a ballot "box" installed here in the City, likely in close proximity to City Hall. Thus, citizens will not have to deposition their ballot in the mail or take it to Montesano for deposit in the ballot box outside the Courthouse.

B. Mayoral Election: As you will have noticed in reading the recent editions of *The Vidette*, there is an issue related to the ability of one of the candidates for Mayor to serve if he were to be elected. It relates to the statutory condition precedents which must be in order to be qualified to run for an elected position in a OMC city operating under a Council-Mayor format such ss McCleary. They are set out in RCW 35A.12.030 as follows:

No person shall be eligible to hold elective office under the mayor-council plan **unless** the person is a registered voter of the city at the time of filing his or her declaration of candidacy **and** has been a resident of the city for a period of at least one year **next preceding his or her election**. Residence and voting within the limits of any territory which has been included in, annexed to, or consolidated with such city is construed to have been residence within the city.
(Emphasis added.)

Based upon the information provided up to this point, it appears that Mr. Berken can not meet the second requirement. However, since no elector filed an objection to his being placed on the ballot, his name will appear. I would note that Mr. Spatz and I have had discussions about this matter. It is the position of his office that they do not have either the responsibility or authority to "vet" compliance of a candidate with the statutory requirements as to qualifications nor to provide a candidate with

a document prior to their filing for their review as to those qualifications.

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

DG/le

RCW 35A.63.220

Moratoria, interim zoning controls--Public hearing--Limitation on length.

A legislative body that adopts a moratorium or interim zoning ordinance, without holding a public hearing on the proposed moratorium or interim zoning ordinance, shall hold a public hearing on the adopted moratorium or interim zoning ordinance within at least sixty days of its adoption, whether or not the legislative body received a recommendation on the matter from the planning agency. If the legislative body does not adopt findings of fact justifying its action before this hearing, then the legislative body shall do so immediately after this public hearing. A moratorium or interim zoning ordinance adopted under this section may be effective for not longer than six months, but may be effective for up to one year if a work plan is developed for related studies providing for such a longer period. A moratorium of [or] interim zoning ordinance may be renewed for one or more six-month periods if a subsequent public hearing is held and findings of fact are made prior to each renewal.

TAB - E

2018 Budget Calendar for Cities and Towns

The annual budget process requirements for cities and towns are listed in chapter [35.33 RCW](#) and for code cities in chapter [35A.33 RCW](#).

This calendar provides the statutory deadlines for each of the budget preparation steps. Throughout chapter 35.33 RCW and 35A.33 the statutes read "on or before" or "at least ___ days before", therefore pursuant to budget law, these budget steps can be taken before the dates listed on the calendar. Pre-budget items have been included as recommendation only and are not part of the budget statutory requirements.

We recommend that each city and town develop a time line that best meets their needs, assures compliance with the statutes, and provides sufficient time to prepare this vital financial plan.

June–August	Pre-Budget Items <ul style="list-style-type: none">Council retreatUpdate and/or adopt financial policiesPublic hearings for capital facility plan updatesPublic forums or community outreach (ex: community priorities)Mayor/Manager communicate budget objectives to staff
September	Sept 11 Budget request to all department heads. Sept 11–25 Department heads prepare estimates of revenues and expenditures. Clerk prepares estimates for debt service and all other estimates. Sept 25 Budget estimates from department heads filed with clerk
October	Oct 2 Clerk provides estimates filed by department heads to Mayor/Manager showing complete financial program. Mayor/Manager provides Council with estimates of revenues from all sources including estimates prepared by clerk for consideration of setting property tax levy. Mid-October to Mid-November Suggested public hearing on revenue sources including possible increases in property tax.
November	Nov 2 Mayor/Manager prepares preliminary budget and budget message. Files with clerk and council. Nov 2–20 Publication notice of preliminary budget and final hearing. Nov 2–29 Public hearing(s) on preliminary budget. Public hearing on revenue sources for levy setting. Nov 20 Copies of budget available to public Nov 30 Property tax levies set by ordinance and filed with the County
December	Dec 4 Final budget hearing Dec 29 Budget Adoption

A detailed explanation of the budget preparation requirements, deadlines, and procedural tips are provided on the MRSC webpage: [Budget Preparation Procedures for Cities and Towns](#).

TAB - F

Proposed Changes to Local Government Match Requirements in the Washington Wildlife and Recreation Program's Local Parks, Trails, and Water Access Categories

Recreation and Conservation Office staff recommend the adoption of policies for the Washington Wildlife and Recreation Program (WWRP) to reduce match requirements for some local governments. Currently, all local governments must provide at least 50 percent of project costs (a 50 percent matching share). In the WWRP, local governments are incorporated cities and towns, counties, federally recognized tribes, and special purpose districts with a jurisdiction boundary less than the entire state.

See [Appendix A](#) for background and rationale for these policy proposals.

Our [WWRP Web page](#) gives a general program overview.

Current WWRP Policies for the Local Parks, Trails, and Water Access Categories can be found in [Manual 10a, Washington Wildlife and Recreation Program, Outdoor Recreation Account \(March 2016\)](#).

Previously funded WWRP projects can be viewed on the RCO Web site using [Project Search](#) (look under "Theme or Fund Source")

To aid in policy review:

To get population estimates of cities, towns, and counties, go to Washington State Office of Financial Management [Population Estimates Web site](#).

For other information about communities such as income and education enrollment go to [U.S. Census American Fact Finder Web page](#) (select the 2015 ACS 5-Year Population Estimate).

Policy Statements (and Questions)

The public is asked to comment on whether the Recreation and Conservation Funding Board should approve, or amend and approve, or reject, four policy statements ("Policy Pathways") contained in this public comment packet. Staff recommends adoption of all four. If adopted, these shall apply to applications submitted in 2018.

Comment on any aspect of these policies and RCO's implementation of the statutory change that allows reducing or waiving match. In addition, RCO would like you to consider the following questions:

- Are the population and income thresholds for the various policies appropriate?
- Is there a better measure of need (for reduced match) than median household income?
- Given finite grant funding, RCO's goal is to recommend policies that identify need in the most resource-deficient local governments in the state rather than every local government. Do you think that was accomplished?
- For "college towns," should college-enrolled populations be removed to get a "truer"

approximation of total population and median income?

- For the Federal Disaster Pathway, is the per capita damage value threshold appropriate? For those communities with no "direct" damage from the disaster event, is a sustained drop in an agency's gross revenue a good way to measure the need for reduced match?
- Trails projects may extend outside of a jurisdiction's boundary serving people otherwise not in a "community in need" or "underserved." Likewise, a Water Access project may be located in an affluent area but serve a much larger service area. Should the Trails and Water Access category policies speak to the unique qualities of these project types?

1) Policy Pathway: Communities in Need

Intent

Reduce the match required for projects located in smaller and less affluent jurisdictions where the ability to raise match is likely constrained.

Policy¹

If the grant applicant is a jurisdiction (city, town, tribe, special purpose district,) of 20,000 residents* or less, and the median household income of that jurisdiction is below the state median household income, the applicant is eligible for a match reduction. The corresponding minimum match applies as detailed in Table 1.

Table 1. Minimum Match for Communities in Need

Jurisdiction's Median Household Income* as a Percent of State Median Household Income*	Minimum Match Required
0 to 50	10%
50.01 to 60	20%
60.01 to 80	30%
80.01 to 99.99	40%

Additional requirements:

1. The reduced match for a single project is limited to no more than \$500,000.
2. At least 10 percent of total project cost must be provided in the form of a non-state, non-federal contribution.
3. Existing grant limits apply.
4. Projects sponsored by more than one organization ("co-sponsors") shall not be eligible for a match less than 50%.

* If the jurisdiction is home to an institution of higher learning (college, university) and the jurisdiction's population enrolled in college or graduate school makes up 20 percent or more of the applicant's jurisdictional population, 1) RCO shall recalculate the jurisdiction's population by removing the number of enrolled, and 2) RCO shall use the Median Family Income² and the State Family Median Income³ instead of the Median Household Income and State Median Household Income to determine the minimum match required.

¹Data source shall be the best and most currently available from the US Census Bureau, or the Washington State Office of Financial Management, or other sources as may be appropriate.

² US Census

³ US Census

2) Policy Pathway: Underserved Populations

Intent

For a low income jurisdiction (city, town, tribal area, special purpose district) of any population size, create a match reduction for projects located in a subarea of that jurisdiction where the income is lower than the jurisdiction as a whole.

Policy⁴

Minimum match shall apply to the applicant if the applicant:

- 1) Is a jurisdiction (city, town, tribal area, special purpose district), whose median household income* is 80% or less of the state median household income; and
- 2) the project is also located in a census block group where the median household income falls within the ranges as detailed in Table 1.

Table 1. Minimum Match for Underserved Populations

Census Block Group's Median Household Income* as a Percent of State Median Household Income	Minimum Match Required
0 to 55	10%
55.01 to 60	20%
60.01 to 65	30%
65.01 to 70	40%

Additional requirements:

1. The reduced match for a single project is limited to no more than \$500,000.
2. At least 10 percent of total project cost must be provided in the form of a non-state, non-federal contribution.
3. Existing grant limits apply.
4. Projects sponsored by more than one organization ("co-sponsors") shall not be eligible for a match less than 50%.

* If the jurisdiction is home to an institution of higher learning (college, university) and the jurisdiction's population enrolled in college or graduate school makes up 20 percent or more of the applicant's jurisdictional population, RCO shall use the Median Family Income⁵ and the State Median Family Income⁶ instead of the Median Household Income and State Median Household Income to determine the minimum match required.

⁴ Data source shall be the best and most currently available from the US Census Bureau, or the Washington State Office of Financial Management, or other sources as may be appropriate.

⁵US Census

⁶Us Census

3) Policy Pathway: Counties in Need

Intent

Reduce the match required for projects located in counties where the ability to raise match is constrained.

Policy⁷

Table 1 shows the match reductions (from 50%) that apply for any county in the state.

Table 1. Match for Counties in Need

Variables (Any or all may apply)	50% Match Shall be Reduced by: (Cumulative)
County Median Household Income less than 70% of State Median Household Income	10%
County Median Household Income less than 65% of State Median Household Income	10%
County is " Distressed " as defined by WA Office of Financial Management	10%
60% or more of land is non-taxable*	5%
75% or more of land is non-taxable*	5%

*Includes properties/land where the county receives payments in lieu of taxes.

Example:

County A: Starting minimum match is 50%. County A has a median household income of 68% of the state median income which is a 10% reduction in required match. County A meets no other variables. So minimum match requirement in this case is 50% minus 10%. County A's minimum required match is 40%.

County B: Starting minimum match is 50%. County B has a median household income of 64% of the state median income, is a "Distressed" county, and 80% of its land is non-taxable. Therefore, County B has met all 5 equaling a match reduction of 40%. 50% minus 40% is 10%. County B's minimum required match is 10%.

Additional requirements:

1. The reduced match for a single project is limited to no more than \$500,000.
2. At least 10 percent of total project cost must be provided in the form of a non-state, non-federal contribution.
3. Existing grant limits apply.
4. Projects sponsored by more than one organization ("co-sponsors") shall not be eligible for a match less than 50%.

⁷ Data source shall be the best and most currently available from the US Census Bureau, or the Washington State Office of Financial Management, or other sources as may be appropriate.

4) Federal Disaster

Intent

Create a match reduction for jurisdictions adversely impacted by a federally declared disaster. The intent of the policy is to support the recovery of assets damaged as well as long term economic/community recovery.

Policy

Any eligible jurisdiction (city, town, county, special purpose district, and tribal area) that is a federally declared disaster area (Major Disaster), or located in a jurisdiction declared a federal disaster area (Major Disaster), shall have the following minimum match requirements for grant applications submitted within 5 years of the start of the (disaster) incident period.

Table 1. Minimum Match for Jurisdictions Declared a Federal Disaster or in a Disaster Jurisdiction

Threshold(s)	Minimum Match
1) Applicant is, or is within, a jurisdiction the President has declared a Major Disaster area under the Stafford Act, and the value of damage to the applicant ⁸ is at least \$3.61 per capita ^{9,10} .	10%
2) Applicant is within a jurisdiction the President has declared a Major Disaster area under the Stafford Act, and its annual gross revenues since the start of the (disaster) incident period have declined by 40% or more for two or more years since the start of the incident period.	25%

Additional requirements:

1. The reduced match for a single project is limited to no more than \$500,000.
2. The board's requirement that at least 10 percent of total project cost must be provided in the form of a non-state, non-federal contribution does not apply.
3. Existing grant limits apply.
4. Projects sponsored by more than one organization ("co-sponsors") shall not be eligible for a match less than 50%.
5. Grant requests using this Federal Disaster match policy shall be limited to 2 per jurisdiction (per biennium).

⁸ Eligible reported costs used to meet the county Public Assistance – Public Infrastructure Thresholds, published by The Federal Emergency Management Agency or the Washington Military Department..

⁹ As reported to Washington Military Department and eligible for public assistance

¹⁰ Subject to change. Per capita dollar value will be the current public assistance county or tribal damage threshold as published annually by the Federal Emergency Management Agency or the Washington Military Department.

Appendix A.

Background and Rational

Statutory Change

The state Legislature mandated that the Recreation and Conservation Office (RCO) conduct a review¹¹ of the Washington Wildlife and Recreation Program (WWRP) in 2015. The following year Substitute Senate Bill 6227¹² implemented many of its recommendations. Among other changes to the WWRP, the bill (now public law) added the following underlined language to the existing statute¹³:

"(4) The board may not approve a project of a local agency where the share contributed by the local agency is less than the amount to be awarded from the outdoor recreation account. The local agency's share may be reduced or waived if the project meets the needs of an underserved population or a community in need, as defined by the board."¹⁴

The terms "underserved population" and "community in need" are statutorily undefined. The WWRP statute defines local agencies as "a city, county, town, federally recognized Indian tribe, special purpose district, port district, or other political subdivision of the state providing services to less than the entire state."¹⁵ Therefore, the match waiver or reduction shall apply only to the WWRP grant categories in the Outdoor Recreation Account for which local agencies may apply.¹⁶ Local Parks, Trails, and Water Access.

Policy Development

At the February 2017 Recreation and Conservation Funding Board (board) meeting staff briefed the board on efforts to implement the new law (see [Item 13](#) from the February meeting), as well as the substance of an RCO-commissioned [report](#) by the [Washington State University Social and Economic Research Center](#). Staff also provided a summary of policy discussions with a statewide stakeholder work group (WWRP Match Waiver Work Group) that assisted this policy-making effort.

At the June 2017 meeting of the WWRP Match Waiver Work Group, attendees agreed on the four policy proposals ("pathways") now out for public comment. In addition, Dr. Alan Hardcastle confirmed that these pathways for obtaining a match reduction were generally aligned with his [2016 study's recommendations](#).

At the board's July meeting, staff presented [these current policy proposals, policy outcomes](#). Staff also provided notes on a recently commissioned [white paper](#) ("report") (and [work book](#)) from the Washington State Department of Commerce that provided insights on different ways to evaluate the ability of local governments to raise capital for park projects.

Policy Rational

Based on feedback from the work group, the reports, and consultation with numerous professionals and public administration practitioners, staff concluded that median household income should be a foundational measure in identifying an underserved population and community in need. Measures of

¹¹Washington Wildlife and Recreation Program Review: [Report to the Washington State Legislature \(December 2015\)](#)

¹²[Substitute Senate Bill 6227](#),

¹³[Revised Code of Washington 79A.15](#)

¹⁴[Substitute Senate Bill 6227](#), Sec 7(4), Rows 15-20, p12

¹⁵Revised Code of Washington 79A.15.010(7)

¹⁶Revised Code of Washington 79A.15.050

income (and unemployment) can serve as a proxy for other socioeconomic indicators of a population's or community's hardship. Measures of income also may be a proxy for the strength or weakness of a community to raise revenue. Similarly, the size of an agency's population may be a factor in its ability to raise revenue for parks. Larger (populous) agencies likely can more easily raise money for parks as opposed to smaller agencies where revenue generation may be constrained. Considering the per capita cost of park development in smaller communities, larger communities may be better positioned to fund park development. Therefore, providing local governments more than one pathway to qualify for a match reduction responds to the inherent differences of agencies and their operating environments across the state.