



McCleary City Council Agenda

May 10th, 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

Mayor Comments

Public Comment

Executive Session

Minutes

Tab A

Introduction Action

Approval of Vouchers

Introduction Action

Staff Reports

Tab B Dan Glenn

Tab C Todd Baun

Tab D Staff Reports

Old Business

New Business

Tab E ROW Administrative settlement policy & LPA-003

Tab F Tractor Purchase

Tab G Lemay's 30 Gal. Container

Tab H TIB Repair Grant

Ordinances

Resolutions

Tab I Tom Heller

Tab J Administrative settlement policy

Mayor/Council Comments

Public Comments

Executive Session

Adjournment or Recess Meeting

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

CITY OF MCCLEARY
Regular City Council Meeting
Wednesday, April 26, 2017

ROLL CALL AND FLAG SALUTE	Councilmembers Orffer, Richey, Peterson, Blankenship and Ator were in attendance.
ABSENT	None.
STAFF PRESENT	Present at the meeting were Todd Baun, Wendy Collins, Chief Blumer and Sharon English was present for Dan Glenn.
PUBLIC HEARING	None.
EXECUTIVE SESSION	None.
MINUTES APPROVED	It was moved by Councilmember Orffer, seconded by Councilmember Peterson to approve the minutes from the meetings on April 12, 2017. Motion Carried 5-0.
VOUCHERS	Accounts Payable checks approved were 42607 - 42657 including EFT's in the amount of \$191,340.70. It was moved by Councilmember Peterson, seconded by Councilmember Orffer to approve the vouchers. Motion Carried 5-0.
MAYOR'S COMMENTS	Mayor Schiller highly commended the employees for their hard work during the city-wide clean-up last weekend. He joined them and helped unload debris and said it was hard and dirty work, and the crew worked non stop until it was all disposed of. He said it went smoothly and the staff did an awesome job and the day was very successful. Mayor Schiller announced there will be a Public Hearing on Tuesday, May 16th, 2017 at 6:00 pm at the VFW Hall regarding zoning.
RESOLUTION 703 HONORING RON PITTMAN	Mayor Schiller asked to move the Resolution to the start of the meeting to honor Ron Pittman. Mr. Pittman is present, along with his wife Polly and son Andrew. Mayor Schiller read the Resolution and thanked Mr. Pittman for his years of service on the Fire Department and also for serving as Mayor from 1983 through 1985. He has been a volunteer for over 30 years. Ron is known for always being ready to help and assist anyone in need of roof repair, even during terrible weather conditions. The audience gave a standing ovation for Mr. Pittman and his exemplary service. It was moved by Councilmember Ator, seconded by Councilmember Richey to adopt Resolution 703 RECOGNIZING THE CONTRIBUTIONS OF RON PITTMAN'S SERVICE WITH THE MCCLEARY FIRE DEPARTMENT. Resolution Adopted 5-0.
PUBLIC COMMENT	Joy Iverson thanked Ron Pittman for all he has done for the community and stated we are lucky to have him here.
CITY ATTORNEY REPORT	Dan Glenn provided a written report for the Council and is available to address any questions.
DIRECTOR OF PUBLIC WORKS REPORT	Todd Baun provided a written report for the Council.
POLICE CHIEF BLUMER	Chief Blumer provided a written report for the Council. He said with daylight lasting longer, there has been more questionable behavior such as vehicle prowls, thefts and dealing with more people that are not from this area. He recently was informed that someone didn't call the police because the item that was stolen from them was a planter and they didn't think it was significant enough. Chief Blumer asked them to call anyway because criminals target certain areas and if the police know there is a lot of theft happening in one area, they can patrol it more frequently and keep a closer eye out. Mayor Schiller stated we are currently recruiting a lateral police officer. We can use the new tax to help fund the position. Our target for hire is July but we are running behind on that date.
NUISANCE UPDATE	Tabled.

GHCOG GRANT AWARD	The City received a letter from the Council of Governments that stated we received an award for additional funding for the 3rd Street Project, which we can work on next spring. After receiving the funding, we still have to match it with 13.5 %, which we are working with the TIB for. Hopefully we will get the matching funds so it won't have to come out of the City budget. Mayor Schiller added that Todd has acquired roughly 1.5 million dollars for this project and he gives kudos to Todd for his efforts.
WSDOT LPA-001 FORM	It was moved by Councilmember Orffer, seconded by Councilmember Ator to authorize the Mayor and Director of Public Works to sign the LPA-001 form to allow the Public Works Director to oversee ROW activities for federally funded transportation projects. Motion Carried 5-0.
CRITICAL AREAS ORDINANCE (CAO) UPDATE	Paul has been working with the Department of Ecology representatives to update our critical areas ordinance. A first draft copy has been provided to the Council for review with the proposed updates.
PUBLIC HEARING IN MAY	Todd provided the Public Hearing notice for the Council, which Mayor Schiller mentioned at the start of the meeting. Both Dan Glenn and the Hearing Examiner recommended the Council not attend and provided information to the Council explaining their position.
RATE STUDY FINAL DOCUMENT	Todd Baun provided the final documentation related to the electric rate study and the water and sewer fiscal health reviews. The extended documentation includes the initial rate recommendations, council action and the revised rate strategy to get back to normal operating conditions with our limited capital. This finalizes the scope of services with the FCS Group.
RFP JANITORIAL SERVICES	Mayor Schiller is exercising his right retained in the contract for janitorial services to terminate. He gave notice of termination of the contract for our janitorial services. Staff is asking the Council to authorize them to move forward with Request for Proposals and review the proposals when received. It was moved by Councilmember Orffer, seconded by Councilmember Blankenship to confirm the Mayor's decision to terminate the contract for janitorial services and give authorization for giving of a notice for request for proposal to provide janitorial services for the City. Motion Carried 5-0.
4056-DR-WA PUBLIC ASSISTANCE GRANT CLOSE OUT	The City has an open Public Assistance Grant that is ready to close. It was moved by Councilmember Ator, seconded by Councilmember Peterson to close out the 4056-DR-WA Public Assistance FEMA Grant. Motion Carried 5-0.
RESOLUTION HONORING TOM HELLER	Tabled.
PUBLIC COMMENT	<p>Mayor Schiller reiterated his appreciation for City Staff for their hard work during the City-wide clean-up. He enjoyed working with them and said they did a fantastic job.</p> <p>He also announced there will be a cell tower coming in at the end of Mommsen Road.</p> <p>The City also has six new homes that will be under construction. Building is picking up.</p> <p>Councilmember Richey told Ron Pittman that his service to the community for over 30-years is big commitment and he thinks it is really great to hear someone give that much of themselves to helping others.</p> <p>The Council was asked when someone gets a permit to build a house, do they have to show proof that they have a bond and license. Todd Baun responded, stating that they do not have to because they are on private property and it's up to the property owner to require that. If it's on the public right of way, the City would require a bond and license.</p>
MEETING ADJOURNED	It was moved by Councilmember Ator, seconded by Councilmember Orffer to adjourn the meeting at 7:06 pm. The next meeting will be Wednesday, May 10, 2017 at 6:30 pm. Motion Carried 5-0.

MEMORANDUM

TO: MAYOR AND CITY COUNCIL, City of McCleary
FROM: DANIEL O. GLENN, City Attorney
DATE: May 4, 2017
RE: LEGAL ACTIVITIES as of MAY 10, 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. **CRITICAL AREAS ORDINANCE**: The City is required to update this ordinance. Mr. Morrison has been working on this drafting utilizing the 2016 version desired by DOE. I have had the opportunity to review and comment. I have suggested to Paul that it may be more clear and cost effective to do what our Congress is supposedly going to do with a particular act, repeal and replace the entire chapter so that consistency is certain and the DOE will likely have less concern or objection. However, one way or the other, we will be submitting a draft to DOE for their review.

2. **JAIL SERVICES**: In light of a dispute, since resolved among Yelm and the Nisqually Tribe on one side and the family of a prisoner who died while in custody on the other, Sheriff Scott has indicated he will not have his deputies take Oakville defendant's to the Chehalis Tribal Jail. Also, recently both Elma and Oakville received a replacement contract from the Chehalis Tribe which makes a number of changes, including the daily confinement rate and increasing the level of insurance. However, for whatever reason, McCleary does not yet seem to have received such a document. However, I have spoken to the Mayor and Chief Blumer about the matter of correctional facility utilization.

At this stage, so as to bring the issues to a better point of resolution I have taken certain steps.

A. I forwarded the draft contract with the Tribe received by Elma to the Washington Cities Insurance Authority (WCIA), our insurer. The logic was so their legal consultant can provide us her/his opinion on the terms and, most importantly, the issue of lack of authority to contract with Tribes for this service. He has done so and I have had a discussion with him as to his view on the potential legal issues, both in terms of authority to contract, which was the Yelm issue, and other issues tied to waiver of sovereignty, insurance coverage, and the like.

B. I have contacted Sheriff Scott and requested that he provide us a draft of a written contract under which his agency would provide jail services to the City. We currently do not have a formal contract for those services.

Hopefully, I will be able to provide you a summary of both responses at your June meeting.

3. RIGHT OF WAY ADMINISTRATIVE ACQUISITION/SETTLEMENT

POLICY: Since the City is moving forward with a project which is governmentally funded, in part, and might require the temporary or permanent acquisition of privately owned property in the right of way, the state and federal agencies require the City to have in place a policy which will allow under certain circumstances the acquisition of these rights administratively. Mr. Baun did a search and found a format with which he felt comfortable. He provided to me and I, of course, have prepared a draft resolution which is a bit longer and more detailed. However, there are certain details, primarily fiscal, which remain to be decided by you. It is also my opinion that since it is granting authority to expend City funds, as the SAO will confirm the devil will be in the detail, such as the limits on authority and the duty to report settlements to the Council.

As an associated matter, I contacted Mr. Starks, Elma's Director of Public Works, about what they had to do to satisfy WADOT on a project they have in place. He was kind enough to provide that to me. Thanks to that courtesy, I have provided Todd with the policy which was adopted by Elma at WADOT's suggestion governing this same type of issue. It is a lot longer, but is certain to meet the approval of WADOT. Hopefully, by Wednesday we will have this area quite a bit more clear as to whether the short approach will satisfy the agency since we certainly do not want to have the project delayed as, I understand, may have happened to another city in this county.

4. RESOLUTION HONORING TOM HELLER: My understanding is that this was set over due to Tom's absence. No changes have been

made other than it is likely I will provide a hard copy showing adopting in May, rather than April.

5. **THE LEGISLATURE:** Well, the special session continues. The hope is that in finalizing their budget, the Legislature will not continue to "transfer" funds previously received by cities from various taxes (liquor, etc.) to the State so as to balance the State's budget. However, we will not know for a bit. If you have not signed up to receive the updates from the Association of Washington Cities (AWC), I would urge you to do so.

The good news is that they have adopted two bills relating to requests for public records that aid the City. (Ms. Collins can tell you about a request she recently received from a firm in Florida and the breadth of it.) Among other steps, the bills include the ability to collect a small fee for records provided electronically, provides a method to deny overly broad requests, create a special fee for requests which are very complex, and to reject the type of computer generated request that is characterized as a "bot" request.

6. **UTILITY BILLING PROVISIONS:** Based upon issues resulting from the current provisions in relation to allowing assignees such as tenants to be initially responsible for payment of utility bills, Ms. Collins, Ms. Hanson and I have had a brief discussion about suggesting changes. At this stage I am reviewing the applicable law on the matter and, after completing that review, anticipate meeting with the Mayor, Ms. Collins and Ms. Hanson to discuss potential changes.

We will keep you informed.

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

DG/le

STAFF REPORT

To: Mayor Schiller
From: Todd Baun, Director of Public Works
Date: May 5th, 2017
Re: Current Non-Agenda Activity

Fire Hall Expansion

We have started the Fire Hall expansion. Things have been going well and running smoothly.

Building and Planning Staff Report

To: Mayor and City Council

From: Paul Morrison

Date: May 1st, 2017

Re: April, Building and Planning Department activities.

New Permit Activities for April 2017

100 South 3 rd Street	Gas line at the fire hall	Total Fee \$ 130.00
1571 North 4 th Street	Detached garage	Total Fee \$ 336.15
216 East Cedar Street	New SFR	Total Fee \$ 3,565.90
216 East Cedar Street	New driveway approaches	Total Fee \$ 115.00
226 East Pine Street	Install new gas line	Total Fee \$ 95.00
1504 North 4 th Street	Install sidewalk	Total Fee \$ 95.00
160 Wildcat Drive	Install fireplace insert	Total Fee \$ 80.25
403 West Pine Street	Carport	Total Fee \$ 93.00
342 South 1 st Street	Freestanding canopy	Total Fee \$ 93.00
160 Wildcat Drive	Install new water line	Total Fee \$ 57.00
225 West Simpson Ave	Install sign	Total Fee \$ 50.00
Building Department Related Revenues	Total fees charged for April \$ 4,710.30	Total fees collected for April \$ 24,728.52

Permit Activity Totals

New Homes Permitted for 2017 2	All Permits Issued for 2017 18	Total Fees Charged for 2017 \$ 19,202.60
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

Building and Planning Staff Report

Nuisances for the Month of April

695 North Summit Road

- 8.16.020 (14, 15)

120 Wildcat Drive

- 8.16.020 (11, 14)

541 South 3rd Street

- 13.34.020

Notice of Abatement Issued for the Month of April

None

Notice of Infractions Issued for the Month of April

None

Criminal Citations Issued for the Month of April

None

Resolved Municipal Code Violations for the Month of April

427 South Main Street

225 West Simpson Ave

There are several properties that have contacted me and I am currently working with them to comply.
There are several that have yet to contact me or comply.

City Of McCleary Police Report: Chief Steve Blumer
 Reporting Officer: Chief Blumer
 Month Of April
 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	
Aggravated Assault	
Robbery	
Harassment / Domestic	2
Theft	2
Trespass	5
Stalking	
Found Property	2
Warrant Arrest	1
Burglary	2

TOTAL 14

Other Emergent Calls

FIRE	20
Suicide	1
Missing Person	
Disorderly Conduct	1
Drug Incidents	1
Man Down	

TOTAL 23

Total Calls For The Month 135

Traffic Stops and Violations

DUI	
Accident	6
Stolen Vehicle	
Abandon Vehicle	
Parking Enforcement	
Motorist Assist	2
Fatal Accident	
Subject Stop	7
Traffic Stop	26

TOTAL 41

Other Non Emergent Calls

Noises Complaints	1
Code Enforcement	1
Agency Assist	3
Police Referral	9
Citizen Assist	4
Suspicious	6
Juvenile	2
Welfare Check	7
Other	22
Court Order	2

TOTAL 57

Calls In City Limits 128

Overtime Hours 14.5

STAFF REPORT

To: Mayor Schiller
From: Todd Baun., Director of Public Works
Date: May 5, 2017
Re: ROW Administrative settlement policy and LPA-003

Attached is the LPA-003 form and proposed policy for Right of Way (ROW) Administrative settlements. This is part of the ROW requirements we have to have for our 3rd Street project.

Action Requested:

If in agreeance, please allow the Mayor to sign the ROW Administrative settlement policy and the LPA-003 form

Appendix B

City of McCleary

**Administrative Settlement Procedures pertaining to Right of Way
Acquisition Procedures**

Administrative Settlements that are in excess of just compensation shall be prepared by the Acquisition Agent for review by the Program Administrator, Director of Public Works, Todd Baun.

When deemed complete the administrative settlement shall be submitted for approval by the McCleary City Council prior to dispensation.

Approved By:

_____ - Mayor

_____ -Date

WAIVER OF APPRAISAL PROCEDURE

The City of McCleary, hereinafter referred to as “AGENCY”, desiring to acquire Real Property according to 23 CFR, Part 635, Subpart C and State directives, and desiring to take advantage of the \$25,000.00 appraisal waiver process approved by the Federal Highway Administration (FHWA) for Washington State, hereby agrees to follow the procedure approved for the Washington State Department of Transportation (WSDOT) as follows:

Rules

- A. The AGENCY may elect to waive the requirement for an appraisal if the acquisition is simple and the compensation estimate indicated on the Project Funding Estimate (PFE) is \$25,000.00 or less including cost-to-cure items. A True Cost Estimate shall not be used with this procedure.
- B. The AGENCY must make the property owner(s) aware that an appraisal has not been completed on the property for offers \$10,000 or less.
- C. The AGENCY must make the property owner(s) aware that an appraisal has not been completed on the property for offers over \$10,000 and up to \$25,000, and that an appraisal will be prepared if requested by the property owner(s).
- D. Special care should be taken in the preparation of the waiver. As no review is mandated, the preparer needs to assure that the compensation is fair and that all the calculations are correct.

Procedures

- A. An Administrative Offer Summary (AOS) is prepared using data from the PFE.
- B. The AOS is submitted to the Director of Public Works, Todd Baun for approval.
- C. The Director of Public Works, Todd Baun signs the AOS authorizing a first offer to the property owner(s).

AGENCY

By: _____ Mayor

Date: _____

APPROVED:

Local Programs Right of Way
Manager

STAFF REPORT

To: Mayor Schiller
From: Todd Baun- Director of Public Works
Date: May 5th, 2017
Re: Purchase of Utility Tractor with Attachments

We budgeted \$30,000 to purchase a new utility tractor in 2017. This is to replace the old utility tractor that we surplused in 2015. I have been searching on the WA state contract for a utility tractor for purchase. I have found what I think is the best fit for the City. It's a brand new machine that is off the state contract. The utility tractor with attachments bid comes in at \$26,492.65.

This tractor will be coming out of several budgets and will be used for various tasks in the park, cemetery, storm ponds, and on several properties that we own and maintain.

Action Requested:

Per Washington State contract #10212 and #00816. Please approve the purchase of the utility tractor with attachments in the estimate from Jennings Equipment Inc. The total cost will be \$26,492.65 with tax included.



HAROLD LEMAY ENTERPRISES, INC.

4201 Olympic Hwy, Aberdeen, WA 98520

Phone 360-533-1251

December 13, 2016

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

Re: 30 Gallon Service

Dear Mayor Schiller and Council Members,

The Company would like your consideration in changing the 30 gallon monthly service. At this time the contract reads 65 gallon with a 30 gallon insert monthly. We would like to ask that this be changed to 30 gallon monthly service.

With this change we would use a smaller 30 gallon cart instead of the larger 65 gallon cart with a 30 gallon insert. This we feel would be a huge benefit for the cities residents. The 30 gallon carts would be much easier for the elderly and physically impaired customers.

With the acceptance of this change and after the Company is able to purchase the above mentioned, 30 gallon carts. The company would supply new starts or service change with the smaller 30 gallon carts. We would also change out the existing accounts that are using the 65 gallon carts with insert as needed.

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

Your consideration is appreciated.

Sincerely,

Roger Swalander
Lemay Aberdeen – Site Manager
Cc: Jeff Harwood, Tom Rupert, Delroy Cox

STAFF REPORT

To: Mayor Schiller
From: Todd Baun, Director of Public Works
Date: May 5th, 2017
Re: TIB Repair Grant

The Transportation Improvement Board has approved funding for a one-time 2017 Emergency Repair Program in recognition of state and local emergency proclamations regarding severe winter weather. The program is limited to grants up to \$50,000. Our City does not require any match for this grant.

Action Requested:

We have several areas that need repair that fall under the requirements of this grant. Please allow the Mayor to sign the TIB grant application for the Emergency Repair Program.

RESOLUTION NO. _____

**A RESOLUTION RECOGNIZING THE CONTRIBUTIONS
OF TOM HELLER'S SERVICE WITH THE McCLEARY FIRE
DEPARTMENT.**

R E C I T A L S:

1. In January of this year, the City's Fire Department saw two long time members retire from service. One of those members was Thomas "Tom" Heller.

2. Tom began his service as a volunteer with our Fire Department in 1990. During the next twenty-six years, he served the Department and thus the citizens of the City in a variety of roles. Whether it was being present at training sessions, responding to calls for emergency service at fires or medical situations, or simply being a nice person as the Department's membership meetings, Tom was consistently there to do what he could to fulfill the Department's needs.

3. In 2011, the Department created a position of Safety Officer. That was done in recognitions of the dangers the Department's members face in performing their service. Since that time, Tom has carried out his very important task with care and

commitment. Few of us want to be told that how we are doing something is not the correct way. However, as a Department member has indicated, "whenever he observed an issue, he had the best way of approaching the individuals and correcting the situation" thus insuring the safety of not only the Department's personnel on scene but also the citizens. In short, he carried out a difficult task with care and respect.

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

SECTION I: Upon behalf of all who have benefitted from the volunteer service he has provided over the last twenty-six years, the Council and Mayor wish to express their thanks, appreciation and respect for not only what Tom has done but also how he had done it. We also want to thank Tom's wife, Kim, for tolerating the many hours he was away from the house providing his service to the citizens.

SECTION II: It is our hope that Tom takes advantage the increased amount of free time he has to have fun. We are certain that he will continue to play an active role in the life of our City while enjoying the fact that he no longer has to gently say "maybe you should consider doing this in a little different way."

SECTION III: The Clerk-treasurer shall provide Tom with

a certified copy of this Resolution.

PASSED THIS 10th DAY OF MAY, 2017, by the City Council of the City of McCleary, and signed in authentication thereof this 10th day of May, 2017.

CITY OF McCLEARY:

BRENT SCHILLER, Mayor

ATTEST:

WENDY COLLINS, Clerk-Treasurer

APPROVED AS TO FORM:

DANIEL O. GLENN, City Attorney