



McCleary City Council Agenda

August 10th, 2016- 6:30 PM

Flag Salute

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

Public Comment

Executive Session

RCW 42.30.110- 1(i)

Minutes

Tab A Approval

Introduction **X** Action **X**

Approval of Vouchers

Introduction **X** Action **X**

Mayor Comments

Staff Reports

Tab B Dan Glenn

Tab C Todd Baun

Tab D Additional Staff Reports

Old Business

Tab E RV Parking in Residential Areas

Tab F Grinder Pumps

Tab G Draft Emergency Declarations

Tab H Continuous Flow Operations

New Business

Tab I Council Priorities and Goals for 2017

Tab J FCS Rate Study Update

Tab K Knox Box Home Program

Tab L Cemetery Update

Ordinances

Tab M Civil service change/Council meeting time

Resolutions

Mayor Council Comments

Public Comments

Executive Session

Adjournment or Recess Meeting

Please turn off Cell Phones- Thank you

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CITY OF MCCLEARY
Regular City Council Meeting
Wednesday, July 13, 2016

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

ABSENT None.

STAFF PRESENT Present at the meeting were Todd Baun, Wendy Collins, John Graham, Jon Hinton and Dan Glenn.

PUBLIC HEARING None.

PUBLIC COMMENT The Port of Grays Harbor attended the meeting to give a presentation on what the port has been doing over the past year.

At 7:25 pm the Council recessed the meeting for five minutes and restarted at 7:30 pm.

Gloria Hale announced there will be a Community Watch potluck on July 31st at the Community Center starting around 3-4 pm. Bring a dish and get to know your neighbors.

Austin Wright asked the Council if they would approve three signs at the entrances of McCleary stating it is a Neighborhood Watch area. Mayor Schiller told Austin to work with Todd Baun, Public Works Director, on ordering and installing the signs.

Helen Hamilton explained the importance of public comments during the time it is being discussed on the agenda because sometimes, if the public doesn't comment before or after the meeting, the Council moves forward and votes on something and the public feels they didn't get a chance for their voice to be heard.

Shannon Daniel has been asked by several people if the tennis court can get a net installed. Mayor Schiller told her the Council recently discussed turning the tennis courts into a pickle ball court.

Joanie Sampson spoke in support of allowing RV parking on personal property. They use theirs for not only recreational usage but also it is a potential emergency preparedness housing option.

BEAR FESTIVAL UPDATE Cathy Von Yeck thanked the City for all their help with the Bear Festival this year. She said it costs \$18,000 to \$20,000 to put the festival on. She stated the committee is burned out and are in need of help. They will have a meeting in August and she encourages everyone to please attend and see if they have any spare time to contribute to volunteering for the Bear Festival. One person has stepped up to be the Secretary but they still need a Chair and Co-Chair. The current leadership will help out and assist the new volunteers but they truly need a break after four years. The Bear Festival is too important to allow to fade off and any help is greatly appreciated and necessary for it to continue.

EXECUTIVE SESSION None.

MINUTES APPROVED **It was moved by Councilmember Peterson, seconded by Councilmember Orffer to approve the June 8, 2016 minutes. Motion Carried 5-0.**

VOUCHERS Accounts Payable vouchers/checks approved were 41222 - 41292 including EFT's in the amount of \$125,760.74 and 41293 - 41335 including EFT's in the amount of \$45,324.90.

Payroll vouchers/checks approved were 41195- 41362 including EFT's in the amount of \$234,641.22.

Bank reconciliation for June 2016 was approved.

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

MAYOR'S COMMENTS Grinder pump workshop is set for August 5th at 2:30 pm.

Mayor Schiller thanked Corey Morris, reporter for the Vidette, for the recent article.

The City Council meeting summer schedule is ending in July. Starting in August, the Council will go back to the regular two-meeting per month schedule and will begin starting all meetings at 6:30 pm instead of 7:00 pm.

Garth "Sandy" Jones was a LEOFF1 retiree and was a McCleary Police Officer for many years. He passed away on July 5th and Mayor Schiller took a moment to recognize his commitment to the community and acknowledge the loss of a great man.

WSDOT is scheduling for a bridge project due to the fish passage, which will start in the spring of 2017. The project will effect the west exit/entrance into McCleary from Highway 8 for approximately 2 years.

Mayor Schiller appreciated the Bear Festival and all the hard work that was involved to make it another great success.

CITY ATTORNEY REPORT

Dan Glenn provided a report and is available to respond to any questions.

DIRECTOR OF PUBLIC WORKS REPORT

Todd is working with FCS on scheduling for them to attend a Council meeting in August.

Tenelco is the company that removes the bio solids from the treatment plant. The contract is the same, with the exception of a minimal fee increase. **It was moved by Councilmember Ator, seconded by Councilmember Orffer to authorize the Mayor to sign the contract with Tenelco for two-years at a rate of \$52.00 per wet ton. Motion Carried 5-0.**

A volunteer offered to mow the grass on a City-owned piece of property off of Summit Road, which was purchased for a future fire station. Todd would like to accept his offer to mow as a volunteer, as long as there is no liability involved, to save City funds. **It was moved by Councilmember Orffer, seconded by Councilmember Orffer to authorize the local volunteer to work with the Public Works Director to mow the future fire station property with a waiver of liability. Motion Carried 5-0.**

MUSEUM UTILITY BILL DISCUSSION

Tabled.

RV PARKING ROW ORDINANCE UPDATE

Todd Baun stated that currently residents cannot park RV's on the City right-of-way. He has been working with Dan Glenn to update the ordinance to today's standards. This includes boats, recreational vehicles, and others. We need to define what can be parked and where it can be parked in the public City right-of-way. The issue is enforcement and what should be considered a nuisance. Councilmember Orffer didn't see anything of concern in the ordinance and Dan Glenn said it's basically clarifications spelled out in the ordinance.

RV PARKING IN RESIDENTIAL AREAS

Currently, the municipal code from 1962 is written to say a resident cannot have a trailer parked on private property unless it is an approved trailer park. The City does not have approved trailer parks and only the fire station is zoned as a trailer park. The City needs to correct this in order for residents to have trailers, boats, ATV's, motorcycles and other RV's on their private property. Mayor Schiller thinks they still have to do more work on this. Todd needs more direction on what changes and direction the Council wants him to take so he can bring something back to them that reflects their preference. Councilmember Orffer is in favor of this ordinance but believes there needs to be some definition. Mayor Schiller added there needs to be conditional use. He knows of a trailer that has all the windows knocked out and is tarped. It is not in usable condition. There should be a definition in place of whether that is okay, if so for how long. These things need to be defined. Councilmember Orffer believes the ordinance is very close to being done and she thinks the public will be happy with it. It is not forcing anyone to take their RV's out of town to store, they are not forcing only certain locations on people's property. She said they are trying to be very accommodating. She asked for the public to email an further comments or questions to Todd Baun and he can address them.

MUSEUM UTILITY BILL

The Historical Society asked the Council to help them with the utility bills in an effort to keep the museum open. The City owns the building and paid for the utility bills in the past. **It was moved by Councilmember Ator, seconded by Councilmembers Peterson and Richey to authorize the City to pay the museum utility bills and for Dan Glenn to prepare an agreement for the Finance Committee to review and make a recommendation on, and if they agree, the Mayor can sign. Motion Carried 5-0.**

ORDINANCE 818 SHORELINE MANAGEMENT PLAN ADOPTION	We are now at the point of adopting the Shoreline Management Plan after working with The Watershed Company since March 2014. The plan is 119 pages long, which is why it is available online to read and was not printed for review. It was moved by Councilmember Orffer, seconded by Councilmember Ator to adopt Ordinance 818, adopting a Shoreline Master Program, repealing any provision in conflict therewith, providing for codification, and providing for an effective date and transition. Roll call taken in the affirmative. Ordinance Adopted.
RAINIER CONNECT FRANCHISE REQUEST	Rainier Connect, a telecommunications company and internet service provider, and long standing provider in the State of Washington, requested a franchise agreement with the City since they are extending their service to McCleary. This is in the beginning stages and no action is requested at this time.
WILDCAT LIFT STATION BID/CONTRACT	Jon Hinton from Gray & Osborne, Inc., reported on June 22, the City received four bids for the Wildcat Drive Sewage Lift Station Improvements Project. The low responsive bidder was Pease and Sons, Inc. out of Tacoma, Washington. They are a current Washington State registered and licensed contractor and they have relevant qualifications and experience to perform the work on the project. The Council is obligated by law to take the lowest responsible bidder, which is why they cannot approve the local bidder, even though they were only \$200 higher. It was moved by Councilmember Orffer, seconded by Councilmember Ator to authorize the Mayor to sign the Wildcat Lift Station bid contract with Pease and Sons, Inc., in the amount of \$157,077.02. Motion Carried 5-0.
PICKLEBALL COURT	Todd Baun prepared an estimate to establish three pickle ball courts located at the old tennis/skateboard park. The total cost of the project is \$1,936.51. The Council will approve a portion of the project to get it started. It was moved by Councilmember Ator, seconded by Councilmember Orffer to resurface and place lines for the pickle ball court not to exceed \$1,000. Motion Carried 5-0.
DOG PARK	A survey was added to the City's website asking for interest in a dog park. The survey will be kept up on the website for a little longer to get more comments and the topic will be addressed at a future meeting. After discussion, the Council will agree to review any new survey's and discuss location and specifics. Tabled.
REED FUND EXPENDITURE	A request was made to expend \$20,000 from the REED (Rural Electric Economic Development) fund, which currently has \$100,255 available. There are stipulations on how the money can be spent. Doug Krikava, Chairman of the REED Committee, met with the Committee members, Wendy Collins and Todd Baun before the meeting and reviewed the request and agreed this is an appropriate expenditure of the fund. \$12,000 will be used to expand the current Fire Department building and \$8,000 will be used to purchase needed equipment for the Police Department. It was moved by Councilmember Orffer, seconded by Councilmember Peterson to follow the REED Committee's recommendation and authorize \$20,000 to be expended from the REED Fund for Fire Hall expansion and Police Department equipment. Motion Carried 5-0.
DRAFT EMERGENCY DECLARATIONS	Tabled.
CONTINUOUS FLOW OPERATIONS	Tabled.
ORDINANCE 819 - RV PARKING ROW ORDINANCE	It was moved by Councilmember Ator, seconded by Councilmember Peterson to adopt Ordinance 819, relating to parking; adding a new section to Chapter 10.20 of the Municipal Code; establishing penalties; repealing any ordinance, including section 10.20.010.MMC, inconsistent with its terms; and providing an effective date. Roll call taken in the affirmative. Ordinance Adopted 5-0.
RESOLUTION 690 - VACATION LEAVE	After months of consideration, the Council and Mayor are ready to adopt a vacation leave resolution making all Administrative positions fair in the City as to how vacation leave can be used and/or bought out. It was moved by Councilmember Ator, seconded by Councilmember Peterson to adopt Resolution 690, relating to employment policies, amending that certain policy in relation to the ability to receive compensation for unused vacation leave, amending section 4.7 of the City's personnel policies, as adopted by Resolution 574, and providing for transition. Resolution Adopted 5-0.

CEMETERY BUY BACK
AGREEMENT

A citizen asked if the City was willing to purchase back a cemetery plot. Her parents were buried there together on one plot. She is moving out of state and has other plans for her remains. They paid \$400 for the plot and she is asking for the City to pay her the same amount to return the plot to the City, who in turn, can resale the plot at the higher current rate. Dan Glenn agreed to prepare an agreement for future requests to sell back cemetery plots to the City. **It was moved by Councilmember Ator, seconded by Councilmember Peterson to buy back the cemetery plot 2 in block 204 of the McCleary Cemetery from Ms. Judi Harper, for \$400. Motion Carried 5-0.**

COMMUNITY NEIGHBORHOOD
WATCH SIGNS

It was moved by Councilmember Blankenship, seconded by Councilmember Ator to authorize Todd Baun to work with Austin Wright on obtaining and placing neighborhood watch signs at the City entrances. Motion Carried 5-0.

EXECUTIVE SESSION

None.

PUBLIC COMMENT

Tammy Antilla, President of the Historical Society, thanked the Mayor and Council for supporting the McCleary Museum and Historical Society. She said they need more members and volunteers and she encouraged anyone that is interested to please contact her. The museum is open for tours.

Congressman Kilmer attended the Bear Festival for the third year in a row and helped serve stew. He was a pleasure to have attend the festival and the Mayor appreciates his interest in the City of McCleary events.

Gloria Hale would like to see fireworks shortened to less than the current eight days. It's hard on animals and people to have them go off for eight days.

A gentleman from the audience encouraged people to have at least 30 days of preparedness for each individual in their families and also encouraged the RV parking issue to allow the RV's as they are considered a part of emergency preparedness for some people.

Marci Alderman wants the City to be careful as they consider what types of vehicles and trailers are on properties because some of them may not be attractive to certain people but are a huge part of other families. She knows of a horse trailer that is a big part of a certain family and they shouldn't be nit picked because someone else doesn't like it.

MEETING ADJOURNED

It was moved by Councilmember Ator, seconded by Councilmember Orffer to recess the meeting at 9:00 pm. The next meeting will be Wednesday, August 10, 2016 at 6:30 pm. Motion Carried 5-0.

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

MEMORANDUM

TO: MAYOR AND CITY COUNCIL, City of McCleary
FROM: DANIEL O. GLENN, City Attorney
DATE: August 4, 2016
RE: LEGAL ACTIVITIES as of August 10, 2016

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. **SALES TAX LEVY**: It is my understanding that, at this stage, the proposition to impose an additional 3% sale tax to collect funds which may be used only for funding criminal justice a/k/a police and jail services is passing. (RCW 82.14.450). As I noted in the report back in February, the attraction to the County to this approach was likely the allocation method, 60% must go to the County with the remaining 40% allocated among the cities based upon population.

From McCleary's standpoint, there will be benefits. As I indicated back then, Aberdeen Chief of Police Torgerson circulated a document which would project that, if approved, a tax under .450 at 3/10 of 1% would provide the City an estimated \$40,977.00. His figures are extrapolated from the amount received by the Communication Center from its 1/10 of 1% tax. Of course, it is recognized that a lot must happen before any of these funds would be available.

Given the fact that a number of you were not serving in February, for your information I have attached two pages out of a MRSC publication which I believe will be useful through its provision of a bit more detail to the entire concept.

2. **GOVERNMENTAL OPERATION ORDINANCE**: As was discussed at the last session, consideration is being given to moving the "start time" for the Council Meetings from 7:00 pm to 6:30 p.m. I assume that the rationale is basically the same as when Elma moved its start time to 6:00 p.m., allow citizens to attend more

easily. Thus, I drafted the necessary ordinance to amend the pertinent Code section.

Since that discussion, the City has received a notification from one of the Police Department's officers that he is retiring in the near future. Given the mandate that any department with three or more officers, including the Chief, must operate under the civil service provisions, the selection of a new officer will have to be done through that process. As it turned out, two of the current members of the Civil Service Commission are now on the Council which created an incompatibility of office situation and apparently at least two of the other three positions were vacant. Given some difficulty in the past in obtaining quorums for meetings, the suggestion has been made to reduce the size of the Commission from five members to three. Thus, that is included in this ordinance as well.

Given the critical nature of the timing of process through which the list of officer candidates will be created, I have provided that this ordinance will take effect immediately upon passage. This will allow the Mayor to make appointments to fill the Commission vacancies, such appointments requiring your approval.

3. HISTORICAL SOCIETY: The Society's President has been in touch with the Mayor in terms of the long term relationship between the Society and the City. As you are aware, the Society transferred the building to the City some years ago under an agreement dealing with a variety of issues. Since then, experience has suggested a review of the status.

I have prepared and provided for review two different agreements dealing with two separate aspects of the relationship. One agreement deals with the responsibilities of both parties in terms of occupation of the building. For instance, one area which needed clarification is how the responsibility for the maintenance of the building is to be allocated. The second is in terms of the services to be provided by the Society to the City and the public in consideration of the grant of the right to occupy the building.

The drafts have been provided to the Mayor, Ms. Collins, and Mr. Baun for their initial review. I assume they will also be provided to the Finance Committee given the funding impact issues. Upon initial concurrence, they will be provided to the Society's officers for their review. As usual, nothing will go into place until they have been approved by both the Society and the Council.

4. FRANCHISES:

A. Astound Broadband: As has been reported, discussions were commenced in terms of a request from Astound Broadband to utilize the poles of both the GHPUD and the City. A draft pole use agreement was developed, but the matter seems to be on hold.

B. Rainier Communications: In the interim, both McCleary and Elma have received a request from Rainier Communications, the successor to Reach One Communications, to discuss the approval of a franchise. (As background, the Company has quite a bit of coverage in Lewis County. In doing my usual due diligence, as I believe I may have mentioned I spoke to Shannon Murphy, Centralia's City Attorney, who indicated that they have been an effective provider of services.) I have requested and received information from the Company's representative as to the scope of the intended services. Mr. Baun and I will be meeting to discuss. I would hope that we will have draft franchise and pole use agreements for your review at the first meeting in September.

C. Comcast: Notification was received from this entity as to whether or not we will want to open discussions on updating their franchise. As it true with CenturyLink and the other entities, a fundamental issue may well be updating the fee charged for pole usage.

5. ATV ROADWAY USE: Pursuant to statutory authority, the City has authorized limited utilization of ATVs on certain streets within the City. Recently, MRSC posted an article from a national municipal publication about the potential impacts of such usage. The article makes no reference to Washington State although it should be noted that the equipment enhancements referenced are contained within our requirements. I am providing the article for your information. Happily, to my knowledge we have had no problems related to the allowing of the use.

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

DG/le

Funds Distributed under RCW 82.14.330 – Population, Violent Crime, and Special Programs

Sixteen percent of these funds is distributed on the basis of population, with each city getting a minimum of \$1,000 a year.²⁰⁴ Twenty percent is distributed, again on the basis of population, to those cities that have had an average violent crime rate in the last three years that is 150 percent of the statewide average for those three years.²⁰⁵ These funds are subject to the same spending restrictions as those under RCW 82.14.320, with the exception that they may not be spent on publications and public educational efforts dealing with runaway or at-risk youth.²⁰⁶ (See the discussion in the previous section.)

Fifty-four percent goes to cities on a per capita basis to be spent on innovative law enforcement strategies, such as: alternative sentencing and crime prevention programs like community policing; domestic violence reduction programs; and/or programs for at-risk children or child abuse victim response programs.²⁰⁷

The final 10 percent of the funds is distributed on a per capita basis to cities that contract with another governmental agency for the majority of their law enforcement services. A city must notify the Department of Community, Trade and Economic Development of its contract by November 30 for the upcoming calendar year.²⁰⁸

Optional Sales Taxes²⁰⁹

► 0.1 Percent Sales Tax Under RCW 82.14.340

County commissioners or councils may vote to levy a county-wide 0.1 percent sales tax for criminal justice purposes.²¹⁰ The tax is subject to the same referendum provisions as the second half percent sales tax.²¹¹ Ten percent of the funds collected are distributed to the county, with the remainder allocated to the cities and the county on the basis of population.²¹²

For example, assume that the collections from this tax are \$1 million. The county gets ten percent (\$100,000) off the top, leaving \$900,000 to be shared among the county and cities. If your city has

²⁰⁴RCW 82.14.330(1)(b).

²⁰⁵RCW 82.14.330(1)(a).

²⁰⁶RCW 82.14.330(1).

²⁰⁷RCW 82.14.330(2)(b).

²⁰⁸RCW 82.14.330(2)(a).

²⁰⁹Sales tax rate changes must be made at least 75 days before beginning of a quarter. See discussion on page 19.

²¹⁰At the time this publication was written, 32 counties are levying this tax.

²¹¹See footnote 48 for the referendum procedure.

²¹²Note that there is an additional 0.1 percent sales tax that all counties, other than King County, may levy for juvenile detention facilities and jails, RCW 82.14.350. This tax must be voted on and passed by a simple majority. Permitted expenditures include design, construction, and maintenance of these facilities. This tax is not shared with cities.

a population of 10,000 and the total population (incorporated and unincorporated) in the county is 80,000, your city's share will be $10,000/80,000 = 12.5$ percent of \$900,000, or \$112,500. The statute states that the funds distributed have to be used "exclusively for criminal justice purposes" and cannot be "used to replace or supplant existing funding." Since the year that establishes the base for any measure of supplanting is calendar year 1989, it is unlikely that any city needs to be concerned about supplanting now.

The legislature has defined "criminal justice purposes" in this statute to be:

activities that substantially assist the criminal justice system, which may include circumstances where ancillary benefit to the civil justice system occurs, and which includes domestic violence services such as those provided by domestic violence programs, community advocates, and legal advocates.

▶ 0.3 Percent Sales Tax Under RCW 82.14.450

A county legislative body may submit a ballot proposal to a county-wide vote for a sales tax increase of up to 0.3 percent. Sales of motor vehicles or the lease of motor vehicles for up to the first 36 months are exempt from the tax. The proposal must be approved by a majority of the voters at a primary or general election.

The text of the ballot measure must state the purposes for which the funds will be used. At least one-third of the money must be spent for "criminal justice purposes, fire protection purposes, or both" with no restrictions on type of use for the remaining two-thirds.²¹³ "Criminal justice purposes" is defined as:

activities that substantially assist the criminal justice system, which may include circumstances where ancillary benefit to the civil justice system occurs, and which includes domestic violence services such as those provided by domestic violence programs, community advocates, and legal advocates.

Funds from this tax may not supplant existing funds used for these purposes except as follows: 1) up to 100 percent may be used to supplant existing funding in calendar year 2010; 2) up to 80 percent may be used to supplant existing funding in 2011; 3) up to 60 percent in 2012; 4) up to 40 percent in 2013; and 5) up to 20 percent may be used to supplant existing funding in 2014.²¹⁴

Sixty percent of the funds are distributed to the county, with the cities in the county getting the remaining 40 percent on a per capita basis. The cities must spend the portions they receive in accordance with the uses stated in the ballot measure.

²¹³RCW 82.14.450(4) as amended by ch. 551, Laws of 2009.

²¹⁴Ch. 551, Laws of 2009. An informal opinion from Deputy Solicitor General James K. Pharris to Ron Zirkle, Yakima County Prosecutor, dated December 2, 2005, states that the base for determining whether existing funds have been supplanted is the 2004 level of spending for a tax first imposed January 1, 2005. One can use this "rule" for taxes imposed on other dates.

ATVs and Public Roadways: A Deadly Combination

BY: Mike Maciag | June 20, 2016

For years, officials in rural Delaware County, Iowa, fielded requests to open public roads to ATVs, all-terrain vehicles typically seen ridden on sand dunes or in extreme sports competitions. A proposal earlier this year drew crowds so large that board meetings needed to be moved to a larger venue. After weeks of debate, supervisors eventually signed off on an ordinance permitting ATVs on many of the county's roads.

More than a dozen other local jurisdictions in Iowa and a growing number of places across the country have also opened up roads to ATVs in recent years. But the recreational vehicles are not designed to operate on paved surfaces. More than 300 people a year are killed in ATV-related accidents on public roadways, and the easing of traffic laws has safety advocates concerned that the death toll could rise further.

The U.S. Consumer Product Safety Commission warns against operating ATVs on public roads, as do national safety groups. ATV manufacturers include warning labels instructing riders never to operate on roadways, and the industry-backed Specialty Vehicle Institute of America calls for the prohibition of ATVs on public roads, except for the purpose of crossing them, in its model legislation.

But at the local level, well-organized ATV clubs have successfully lobbied governments to lift such bans. Some officials also view opening up roads to ATVs as a way of boosting tourism and supporting local economies.

Since the early 1990s, annual ATV-related deaths on public roads have increased nearly threefold. Much of that has to do with the fact that there are a lot more of them; annual ATV sales have more than tripled between 1995 and 2005, according to the Specialty Vehicle Institute of America. After peaking in 2008, fatalities dipped slightly, mirroring the decline that occurred in automobile traffic deaths.

Public roads pose particular safety risks for ATV riders. Research published in the health journal *Injury Prevention* found that accidents on public roads account for more than 60 percent of all ATV-related deaths, with the majority occurring on paved surfaces. Since 1998, ATV fatalities on roads have increased at more than twice the rate than those killed off-road through 2008.

Despite the risks, Delaware County pushed forward. Drivers in the rural community were already accustomed to sharing the road with farm equipment and horse-drawn buggies, and some ATV riders had been driving on public roads long before the ordinance became effective this month, according to Shirley Helmrichs, chair of the county's board of supervisors.

Compared to other ATV laws in the state, Delaware County's is stricter. It requires ATVs to be equipped with headlights, taillights, turn signals and a flag at least six feet off the ground.

While such mandates make ATVs more visible to motorists, safety advocates contend they do little to overcome design characteristics that make them unfit for public roads. ATVs feature low-pressure tires with narrow wheelbases, and most models lack rear differential. This improves traction on dirt trails or rocky terrain but causes more skidding on paved surfaces, increasing the likelihood of a rollover.

Charles Jennissen, a University of Iowa professor who researches the issue, says it's a common misconception that the only major safety concern for ATVs is vehicle traffic. His research suggests only about a third of ATV fatalities on public roads involve other vehicles.

"We know it's happening all the time. Legalizing it will only increase deaths and get children killed as well," said Jennissen.

Many of those injured or killed are children. Federal statistics indicate nearly a third of fatal crash victims are under the age of 18. In Minnesota, kids as young as 12 years old can drive ATVs if they complete safety training and are accompanied by a parent.

Alcohol also plays a prominent role in fatal crashes, with 39 percent of operators involved under the influence, according to the National Highway Traffic Safety Administration.

The vast majority of people killed while riding ATVs also weren't wearing helmets.

Jennissen expressed concern that states and localities letting ATVs on roads could be subject to lawsuits from injured riders, although no cases have been filed so far.

A growing number of states -- currently 36 -- have laws permitting ATVs on some public roadways, according to the Consumer Federation of America, a consumer watchdog. New Mexico became the most recent state paving the way for roadway ATV use earlier this year. Most states that don't ban ATVs from public streets leave the decision up to local jurisdictions.

ATV STATE LAWS

ATVs permitted on some state or local public roads	ATVs banned from public roads
<i>SOURCE: Consumer Federation of America</i>	

The problem is worst in West Virginia, which has a per capita fatality rate more than double any other state. West Virginia is home to the Hatfield-McCoy ATV trail system, which spans hundreds of miles and attracts ATV enthusiasts from around the country. Public roads connect some segments of the trail system that runs through towns and spans six counties.

Most of the accidents result from riders' unfamiliarity with either the trail system or their ATVs and occur on public roads, said Terry Ballard, an officer with the state Division of Natural Resources.

"ATVs don't turn as sharp as other vehicles, so they'll end up going too fast around a curve and can go off a road," he said.

Other states with higher ATV fatality rates include Alaska, Idaho and Montana.

Enforcement of ATV bans or regulations can be challenging. In some urban communities, officers aren't authorized to chase ATV riders. Washington, D.C., police recently released surveillance images and are seeking the public's help in identifying 245 suspects seen illegally driving ATVs or dirt bikes on city streets.

If there's good news, it's that national ATV deaths on roadways fell slightly after reaching a peak in 2008. Total ATV fatality counts for 2015 aren't yet available, but early estimates suggest an uptick in

STAFF REPORT

To: Mayor Schiller
From: Todd Baun, Director of Public Works
Date: August 8, 2016
Re: Current Non-Agenda Activity

Cemetery request:

Sandra Morgan has requested to install a border around the headstone of her parents. The border will be ground level and have hole in it for flowers. According to our Ordinance 488 and Resolution 462, authorization has to be granted by the Public Works Director for this item in the cemetery.

I see no reason to not allow this request from Ms. Morgan. Does the Council have any objection to having Ms. Morgan install this border?

STAFF REPORT

To: Mayor Schiller
From: Paul Nott, Light & Power
Date: August 2, 2016
Re: July Report



	Monthly Statistics;	YTD Totals;
New Services;	1	8
System Outages;	1	13
Pole Replacements;	2	6
Maintenance Work Orders;	3	35
Billable Work Orders;	1	8

The month of July consisted of 1 new service connection, 1 outage, and a couple pole replacements.

This last month has primarily consisted of a lot of line maintenance (brushing) in preparation for winter. With crew members taking vacations it leaves us limited on what work we can do legally, so, that's when we cut brush.

We are currently working on the corner of Third and Maple. This work is part of the cut over and we will be rebuilding the entire system in that area.

Friday afternoon and evening we have a scheduled outage for Sing Log Homes. They will be the only customer affected. This outage is to replace a rotten pole at the site.

We had an outage last weekend but it ended up being customer owned equipment.

There has been a significant increase in estimate requests for new services. This is largely due to the increase in construction in Summit II and the rest of the City.

The LED street light conversion is almost complete. We need to order some more lights to complete the project.

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

STAFF REPORT

To: Mayor Schiller
From: Kevin Trehwella, Water & Wastewater Manager
Date: August 5, 2016

Overall operations of both the Water and Wastewater Treatment Plant is very good.

As we did last summer, to keep operations at the Water plant operating smoothly, we have throttled the pump flow down from 400gpm to 325gpm. This is done prevent damage to the pumps.

Please remind your neighbors to conserve water whenever they can.

At the Wastewater Treatment Plant, we are working in conjunction with City Hall to ramp up communications urging the citizens of McCleary to avoid flushing wipes. Wipes that say “Flushable” do not break down like toilet paper does.

“Wipes Clog Pipes”.

Just last week we had a sewer line plugged due to wipes.

This problem is not particular to McCleary. This is a nationwide problem. We have equipment that is getting plugged every day due to wipes getting caught up in the equipment. We have pulled out as much as 10 gallons a day in wipes.



Some of the above items may look familiar. They contribute to the increased cost to the city for maintaining the Sewer lines and the Wastewater Treatment Plant.

Building and Planning Staff Report

To: Mayor and City Council

From: Paul Morrison

Date: August 1, 2016

Re: July Building and Planning Department activities.

New Permit Activities for July 2016

125 North 7 th Street	Front Porch	Total Fee \$ 93.60
503 South 3 rd Street	Home Repairs	Total Fee \$ 154.50
618 West Ash Street	New SFR	Total Fee \$ 2,071.90
419 East Buck Street	New SFR	Total Fee \$ 10,141.90
420 East Huckleberry	New SFR	Total Fee \$ 9,480.80
323 South Main Street	New SFR	Total Fee \$ 10,268.95
Permit Revenues	Total fees charged for July \$ 32,211.65	Total amount collected for July \$ 19,212.90

Permit Activity History Totals

New Homes Permitted for 2016 11	All Permits Issued for 2016 71	Total Fees Charged for 2016 \$ 116,068.50
New Homes Permitted for 2015 2	All Permits Issued for 2015 52	Total Fees Charged for 2015 \$52,499.28
New Homes Built 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

7 Unresolved Nuisances for the Month of June

Unresolved Nuisance Letters for the Month of July (MMC 8.16 & 8.20)

309 South 5th Street

- Storing of unused/unlicensed vehicle

7 Larson Road

- Storing of unused/unlicensed vehicles

121 South 3rd Street

- Not retaining collection service (Lemay's)

229 East Beck Street

- Not retaining collection service (Lemay's)

414 South Main Street

- Not retaining collection service (Lemay's)

807 North Summit Road

- Not retaining collection service (Lemay's)

511 West Ash Street

- Not retaining collection service (Lemay's)

503 West Simpson Avenue

- Not retaining collection service (Lemay's)

627 West Simpson

- Not retaining collection service (Lemay's)

560 North Summit Road

- Not retaining collection service (Lemay's)

411 West Pine

- Not retaining collection service (Lemay's)

119 West Maple Street

- Storing of unused/unlicensed vehicle

322 South 3rd Street

- Storing of unused/unlicensed vehicle

131 South 5th Street

- Storing of unused/unlicensed vehicle

226 East Pine

- Unsafe Structure

328 West Pine

- Storing of unused vehicle

108 North 10th Street

- Tarp on roof, tires on top of the tarp, water jugs with rope to hold tarp down
- Miscellaneous junk in the front driveway and in the backyard
- Not retaining collection service (Lemay's)
- Notice to Abate Unlawful Conditions (living in the home with no utilities)

Building and Planning Staff Report

3 Unresolved Abatements for the Month of June

Abatements Issued for the Month of July (Correction Notice)

810 North Summit Road

- Storing of unused/unlicensed vehicles

Parcel 061700001200

- Overgrown Empty Lot

1060 North Summit Road

- Storing of unused vehicles
- Junk scattered around the property
- Overgrown Property

330 South 2nd Street

- Junk scattered around the property
- Overgrown property

Notice of Infractions Issued for the Month of July

503 South 3rd Street (2nd NOI)

- Junk scattered around the property
- Unused unlicensed vehicle

211 East Beck Street (2nd NOI)

- Junk scattered around the property
- Unused unlicensed vehicles

423 West Pine Street (1st NOI)

- Junk scattered around the property
- Unused unlicensed vehicles

Owner of 203, 211, 302 East Beck

Resolved Municipal Code Violations for the Month of July

- 120 South 5th Street
- 526 South 4th Street
- 810 North Summit Road
- 362 South First Street
- 124 South 6th Street
- 943 North Summit Road
- 405 West Fir Street
- 413 South 3rd Street

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.

STAFF REPORT

To: Mayor Schiller
From: Todd Baun- Director of Public Works
Date: August 3, 2016
Re: RV Parking on Private Property Update

After adding some changes recommended in the last Council meeting, this is the language that we would like to see in our Municipal Code that would update our current Code.

Parking and Storage of Recreational, Utility and Commercial Vehicles in Residential Areas

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

2. Recreational and Utility Vehicles: Recreational and utility vehicles are defined as travel trailers, folding tent trailers, motor homes, truck campers removed from a truck or pickup, horse trailers, boat trailers with or without boats, other recreation trailers and utility trailers, boats, motorcycles, snowmobiles and other motorized recreation vehicles. Recreational and utility vehicles may be parked in residential areas provided the following conditions are met:

- a. Vehicles shall not intrude into public right-of-way or obstruct sight visibility from adjacent driveways;
- b. Vehicles shall not be parked in the front building setback unless there is no reasonable access to the building side yards or rear yards because of topography or other physical conditions on the site.
- c. The registration and license must be kept current for each Recreational and Utility Vehicle stored or parked on premises. Recreational and Utility Vehicles must be owned or leased by the property owner or the property tenant.
- d. The recreational vehicles shall be maintained in a clean, tidy, and well-kept state which does not detract from the appearance of the surrounding area. Clean, tidy, and well-kept state would be characterized by order and neatness; free from disorder.
- e. Recreational and Utility Vehicles must be in operable condition and be able to move under its own power or be towed or carried by another vehicle.
- f. Recreational vehicles equipped with liquefied petroleum gas containers shall meet the standards of the Interstate Commerce Commission. Valves or gas containers shall be closed when the vehicle is stored, and, in the event of leakage, immediate corrective action must be taken;
- g. At no time shall parked or stored recreational vehicles be occupied or used as a permanent or temporary dwelling unit except that guests who travel with a recreational vehicle may reside in the vehicle on the host's premises on a temporary basis not to exceed thirty days per year.

- h. No Recreational or Utility vehicle shall be parked or stored on any privately owned vacant property in a residential zone.
- i. Screening Requirements:
 - I. Vehicles parked in the front, on the side or rear of a residential property must be covered or sight screened from the closest abutting street right of way when the vehicle is not parked perpendicular to the right-of-way.
 - II. Fitted covers are permitted and may be used as long as they are specifically designed for the Recreational or Utility Vehicle. No temporary coverings such as tarps or cloth screens are permitted. Sight screening may include fencing, landscaping or other alternative method approved by the Director of Publics works or his/her designee.

3. Service Connections: A recreational vehicle located in a residential area shall not be permanently connected to separately metered gas, water, or sewer service, but may be temporarily connected to existing metered water service and electric service for the purpose of maintaining moisture or temperature control within the vehicle.

Action Requested:

Please discuss to see if this is the approach you would like to take with travel trailers, recreational vehicles and motorhomes parked/stored on private property.

STAFF REPORT

To: Mayor and Council
From: Todd Baun- Director of Public Works
Date: August 8, 2016
Re: Grinder Pumps

For your reference, I have attached all the history of this subject since April of 2016.

In April of 2016, we had an inquiry from a land owner that is developing some lots North of City limits. His question, would the city have an interest in allowing him to connect to the city sewer from his lots on Hicklin road? He proposes using the E-One system that would require a single line from the project and each lot would have its own grinder pump. He has a total of 15 lots that he would connect. Since they are outside of City limits the County only requires onsite septic but the developer will get more usable space if he connects to our sewer (this also provides less impact on the aquifer for our drinking water).

That current area has 2 zones. One zone is RR- rural residential, which a minimum of 1 house per acre. There are currently 10 building lots and that are between 1 and 2.07 acres. The other zone is G5- General Development 5, which is a minimum of 1 house per 5 acres. There currently are 5 lots in this zone that range from 5 acres to 7.5 acres.

I have also asked Jon Hinton and Kevin (our WWTP manager) to attend the meeting to answer any questions you may have.

Action Requested:

Please discuss and give direction on if you are in favor or against connections of grinder pumps to our sewer system. If in favor, can you start thinking what kind of conditions we would allow the grinder pumps? i.e. maintenance agreements, increased rates, future connections.



STAFF REPORT

To: Mayor and Council
From: Todd Baun- Director of Public Works
Date: April 5, 2016
Re: E-One Grinder Pumps

We recently had an inquiry from a land owner that is developing some lots North of City limits. His question, would the city have an interest in allowing him to connect to the city sewer from his lots on Hicklin road? He proposes using the E-One system that would require a single line from the project and each lot would have its own grinder pump. He has a total of 15 lots that he would connect. Since they are outside of City limits the County only requires onsite septic but the developer will get more usable space if he connects to our sewer (this also provides less impact on the aquifer for our drinking water)

We had a similar request for the same type of system in September 2006 for the Cedar Heights development. That request was turned down for Cedar Heights by the City Council at that time, but the Council left the issue open to be revisited for future developments.

A possible drawback is once you allow grinder pumps, you will probably be getting requests to use them on almost every developer extension that needs a pumping system. This is a big decision because Ecology's policy is the City is responsible for any problems, even when the pump is on private property. The City should have an easement and a maintenance agreement with each property that is using a grinder pump. If there is a problem with the system, causing a potential health hazard (sewage spill) and the property owner won't fix it, the City needs documentation allowing them to come on the property, fix the problem and back charge the property owner. Cities that allow grinder pumps typically have a few new pumps on the shelf for this purpose.

On the PRO side, since grinder pump systems are cheaper to install than a conventional pump station, allowing them may stimulate the potential for development within the City. We just need to be aware of the potential for increased cost for engineering review, easements, maintenance agreements and maintenance.

I have attached a brochure about E-One systems. I have also asked Jon Hinton to attend the meeting to go over more pros and cons of this type of system and answer any questions you may have.

Action Requested:

Please discuss and give direction on if you are in favor or against connections of grinder pump to our sewer system.



STAFF REPORT

To: Mayor and Council
From: Todd Baun- Director of Public Works
Date: April 22nd, 2016
Re: E-One Grinder Pumps

After discussion at last council meeting, I provided each Council member with a copy of the City Comprehensive Land Use Plan, the amendments to the plan and the Wildcat creek aquifer agreement. I didn't provide them in this packet due the size of the attachments.

From all information that I have researched about our sewer and water systems, it is up to City Council to choose if the City will allow the extension of municipal sewer and water service beyond city limits under such terms and conditions as are found to best serve the interests of the City specifically, and of the area, generally.

Action Requested:

Please discuss and give direction.



STAFF REPORT

To: Mayor and Council
From: Todd Baun- Director of Public Works
Date: May 6th, 2016
Re: Grinder Pump information

At the last council meeting, it was requested that I get some rate comparisons from communities that have grinder pumps. I have compiled the information that I found in the table below.

City	Base Rate-Residential	Grinder Pump Surcharge	Percentage Above Base
Bremerton	\$ 34.24	\$ 11.03	32%
Bonney Lake	\$ 53.45	\$ 18.00	34%
Tenino	\$ 94.00	\$ 3.00	3%
Bainbridge Island	\$ 50.00	\$ 23.59	47%
Sammamish Plateau	\$ 75.19	\$ 35.04	47%

I have made contact with Olympia, and they specifically call for the E-One system due to the reliability of the pumps. They are very happy with the E-One pumps that are currently in their system. They also do not charge a surcharge for customers that utilize grinder pumps. Homeowners are also responsible for the maintenance and repair of their pumps. The City does keep a minimal amount of parts on the shelf in case a home owner has an "overflow" event and cannot get it repaired in a timely manner. The City will then repair the pump to stop the "overflow".

For training personnel to work on the pumps, it will require minimal time to get up to speed on trouble shooting issues. The pump system is similar to our lift stations that we currently maintain. It has an alarm, float and pump just like our lift stations.

There is a 5 year warranty on these pumps. Parts for one of these pumps range in the area of \$2,000-\$5,000 depending on pump size.

Action Requested:

Please discuss and give direction.

STAFF REPORT

To: Mayor Schiller
From: Todd Baun- Director of Public Works
Date: July 5, 2016
Re: Draft Emergency Declarations

This items was tabled at the July 13th meeting.

Since the Cascadia Rising drill, we have found that we are lacking some items that will make declaring an emergency easier. By having these draft declarations, the Mayor or approved official, can sign the declaration without having to contact the attorney to draft a declaration. This can save time, resources and worry, in case we cannot communicate with the attorney during a disaster.

The Mayor has requested the following draft declarations ready in case we ever face these types of disasters.

- Earthquake
- Wind Strom
- Flooding
- Wild land Fire
- Hazardous Materials
- Snow and Ice

Action Requested:

Please review the request and let us know if this is something to continue pursuing and if there are any other disasters that need to be included.

STAFF REPORT

To: Mayor Schiller
From: Todd Baun- Director of Public Works
Date: July 5, 2016
Re: Continuous Flow of Operations

Tabled from July 13th Meeting.

Also something we learned in the Cascadia Rising drill, we do not have continuous flow of operations in case of an emergency.

Continuous Flow of Operations is an effort within individual executive departments and agencies to ensure that Primary Mission Essential Functions (PMEFs) continue to be performed during a wide range of emergencies, including localized acts of nature, accidents and technological or attack-related emergencies. The ultimate goal of continuity in the executive branch is the continuation of National Essential Functions (NEFs). In order to achieve that goal, the objective for organizations is to identify their Essential Functions (EFs) and ensure that those functions can be continued throughout, or resumed rapidly after, a disruption of normal activities

Currently we have the following positions list, in the order as it appears below have full authority to act on behalf of the City to protect people, city assets, environment, and economy, to include instituting Revised Code of Washington 38.52., by formally declaring an Emergency and/or Disaster.

Mayor
Mayor Pro-Tem
Council

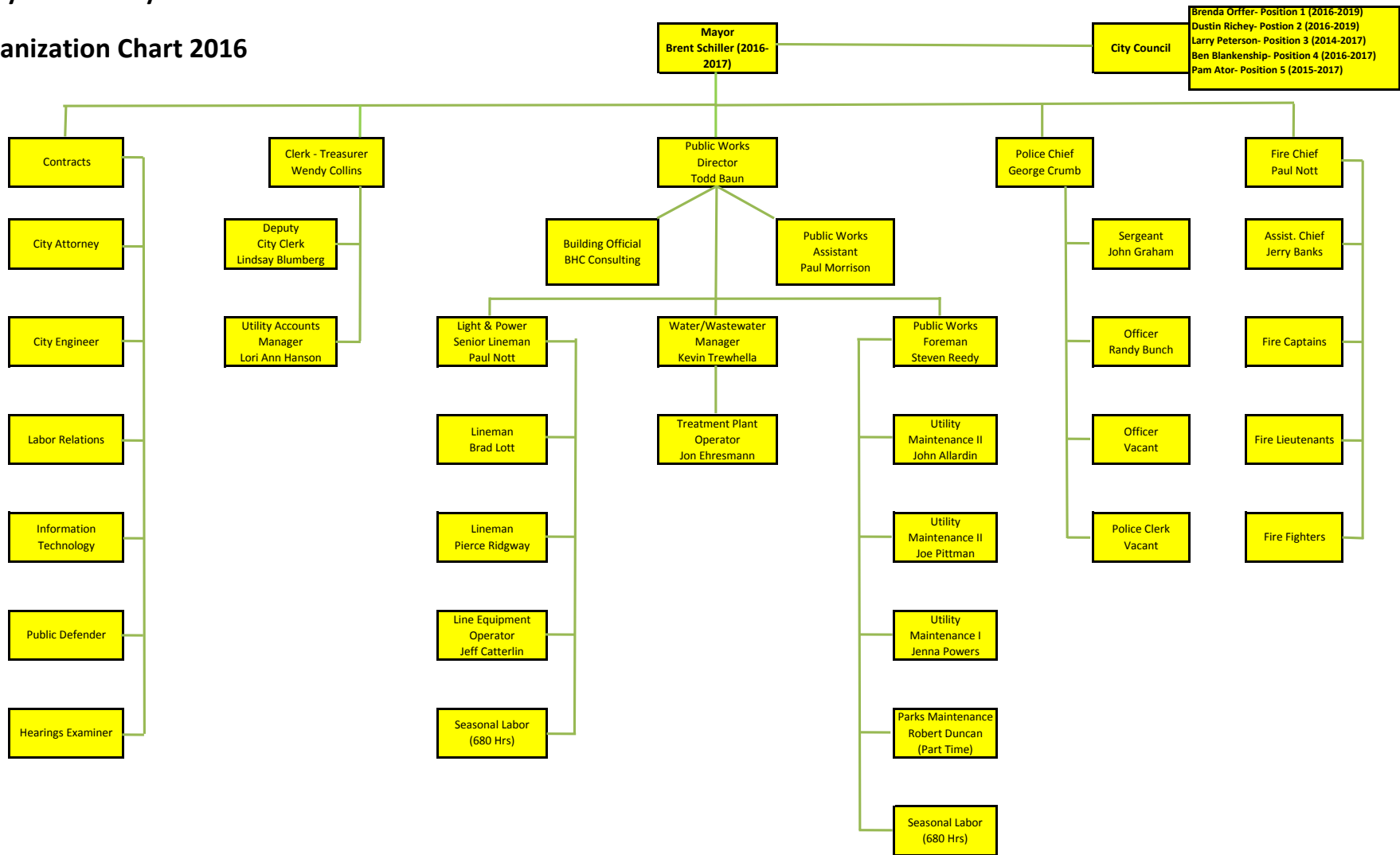
What happens if we can't get ahold of the people in the positions above? That is why I'm requesting is a documented procedure showing our operations in case of an emergency. I have also attached our current organizational chart for your review.

Action Requested:

Please review the information above and give guidance on how you would like to proceed.

City of McCleary

Organization Chart 2016



STAFF REPORT

To: Mayor Schiller
From: Todd Baun- Director of Public Works
Date: August 5th, 2016
Re: Council Priorities and Goals for 2017

The budget process has started. To help us with the budget process, I would like Mayor and Council to start thinking about priorities and goals for 2017.

Please consider the following while coming up with the priorities and goals you would like to accomplish in 2017.

- The time involved
- The personnel resources required.
- The money required.
- The projects that didn't get done because of higher priority projects.
- The time, resources, and money necessary to maintain the advances of 2016.
- Any unforeseen events that transpired which caused us to be less effective than you would have liked.

In July's meeting, I will be handing out "homework" for the Mayor and Council to complete by August's meeting. I will then compile the goals and see if we can work together to come up with a list of goals for 2015.

The last time that this was done was back in 2009. For an example of what will help us out is attached below. They are goals from the Mayor and Council in 2009.

GOALS

Prepare for Growth

- Improve the maintenance of streets, sidewalks, parks and city facilities
- Restore cemetery turf, build fence and expand facility
- Expand water system capacity
- Implement recommendations of Wildcat Creek Aquifer studies
- Implement plan for improved drinking water quality
- Plan for completion of Light & Power cutover to new substation
- Plan for emergencies, protection of the City's infrastructure
- Process applications for new developments to comply with regulations and in a timely manner

Improve Public Safety and Health

- Maintain current level of police
- Increase efforts to eliminate "nuisances" – comply with codes
- Begin planning for a new fire station

STAFF REPORT

To: Mayor Schiller
From: Todd Baun- Director of Public Works
Date: August 5th, 2016
Re: FCS rate study update

FCS is getting closer to completing our electrical rate study, along with the water and sewer rate reviews. The next step is setting a date to meet with staff and the finance committee. That meeting will go over results they have so far and to get the final information and details needed to complete the study. The dates that we are looking at are Aug. 19th, 26th or Sept. 2nd. Once we have that meeting, FCS will perform the final presentation, which is tentatively scheduled for September 14th for the council.

Action requested:

Please review and let me know what date will work for the staff and finance committee. The dates are Aug. 19th, 26th or Sept. 2nd.

STAFF REPORT

To: Mayor Schiller
From: Todd Baun- Director of Public Works
Date: August 3, 2016
Re: Knox Box Home Program

The McCleary Fire Department would like the Council to know that we are now registered for the Knox Box Home Program. This program is for residential property owners, at-risk residential occupants, and persons responsible for at risk occupants who need the ability to grant fire departments access to a residential property in an emergency without property damage, Knox® HomeBox™ is the most secure, residential-grade, key safe that is trusted and supported by your local fire department. Unlike "universal" or "realtor" residential-grade boxes that can be opened by anyone who has a common key or PIN, Knox HomeBox is a high security, weather-resistant key safe that can only be accessed by your fire department 24 hours a day, 7 days a week to provide peace of mind and safety to your property, loved ones, and pets.

Purchasing is easy;

- The customer goes to www.knoxbox.com
- Scroll down on the home page, to Knox HomeBox
- Click on – to learn more here- tab
- Then just follow the instructions.
- The pricing appears to be in the range of \$160.00 - \$175.00.

K

STAFF REPORT

To: Mayor Schiller
From: Todd Baun- Director of Public Works
Date: August 5th, 2016
Re: Cemetery Update

Brent and I met with several citizens that are concerned about our current cemetery rules and regulations. Specifically, they are frustrated that their items are removed/missing from their family/friend/relatives grave sites. The City has been performing “sweeps” of the cemetery several times a year to remove items that are damaged, faded, dead or frayed. We came up with a couple of options to help let our citizens know when we be performing the “sweeps” of the cemetery and also alert the citizens of our rules and regulations. The options we are going to start off with are the following:

- Move the cemetery rules and regulation on the website to an easier access point.
- Post rules and regulations at each entrance to the cemetery. The city removal schedule will also be on the sign.
- Hand out the rules and regulations with the deeds when new plots are purchased.

For your information, I have attached the Rules and Regulations, we have posted on the website, at the end of this report. The rules and regulations are from Ordinance 488, adopted in 1985 and from Resolution 462, adopted in 2001.

Action requested:

Please review and let us know you have any additional ideas or information you would like to add.

RULES- Ordinance 488

It is unlawful to perform or conduct any of these items within the McCleary Cemetery.

1. Place or erect any sign, board, billboard, or similar device of any kind.
2. Create, place or erect any structure.
3. Exhibit or distribute any handbills, circulars, or signs in any manner that interferes with or obstructs the normal use or passage of people or vehicles.
4. Remove, destroy, mutilate, or deface any structure, monument, wall, fence, railing, bench, shrub, tree, lawn, grass, plant, flower, lighting system, or sprinkler system, or any other property of thing lawfully installed.
5. Physical alterations, whether in the form of additions, modifications, or removal without written approval of the City.
6. Adding of any foreign matter (including without limitation such materials as sawdust or sand) without written approval of the City.
7. To allow dogs, pets, horses and other quadrupeds, or domesticated animals on any area covered by turf or in any structure. (except for service animals) unless specifically authorized or by special permission in writing by the City.
8. Selling of beverages or merchandise without written consent of the City.
9. Solicit contributions.
10. Operate, ride, drive any wheeled device, sled, vehicle, or animal over, across, or through the cemetery, except along designated paths, drives, or streets.
11. Operate, ride, or drive any device listed above in excess of 5mph.
12. To stand or park any vehicle except where so designated and posted.
13. To utilize any toy wheels, (skateboards, roller blades, scooters, bicycles, radio controlled toys, etc.) but not to include, carriages for infants, strollers, children's wagons, and similar items.
14. Camping.
15. Golf and other sporting activities.
16. Build or have a fire.
17. Set off fireworks or any type.
18. Utilization of public address systems, loudspeakers, or other sound amplifying device. Except for such instruments utilized during the ordinary course of a funeral ceremony, without written authorization from the City.
19. Possession of any alcoholic beverage, whether opened or unopened.
20. Littering.
21. To utilize the cemetery outside of the hours of 6:30 a.m. to 10:00 p.m.

REGULATIONS- Resolution 462

- All grave markers, headstone, outline markers, fences or items of a similar nature or purpose shall be no higher than three (3) feet above the ground level.
- No shrub, tree, or bush of a woody fibrous nature shall be planted or permitted except as part of a landscape program established and maintained by the City or specifically authorized in writing.
- No gravesite cover other than natural grass or decorative rock shall be utilized without prior authorization from the City.
- Planting of bulbs and other flowers around family plots and on individual gravesites shall be allowed: PROVIDED that any such planting shall be subject to approval of the city and subject to removal when deemed necessary and appropriate by the City.

- Fresh flowers may be placed upon gravesites. All fresh flowers must be placed in containers which are at ground level and otherwise approved by the City, the receptacle for which is an integral aspect of the grave marker or headstone. Flowers shall be subject to removal by the City when deemed necessary and appropriate.
- Exception to fresh flower requirement- artificial flowers, wreaths, potted plants, baskets, and similar items during such time periods as may be authorized by regulations. Items so placed shall be subject to removal by the City when deemed necessary and appropriate.
- No digging of holes or placing of rods or braces to insert or support pots or containers upon a gravesite which would constitute a risk of injury to person or property.
- No glass containers for flowers or any other material shall be allowed at any time.
- All earth interments shall be enclosed in a vault or liner manufactured for the purpose of burial of human remains into the ground. Installations shall be performed by City staff or an approved supplier.

Lots shall only contain the uncremated remains of one person. With prior consent, it may also contain the cremated remains of up to five (5) persons. Multiple interments shall provide satisfactory proof of relationship to the City for approval.

ORDINANCE NO. _____

**AN ORDINANCE RELATING TO
ADMINISTRATION, CHANGING THE MEETING TIME
OF THE CITY COUNCIL AND THE SIZE OF THE
MEMBERSHIP OF THE CIVIL SERVICE
COMMISSION, AMENDING SECTIONS 2.04.010 AND
2.56.020 OF THE MUNICIPAL CODE, PROVIDING
FOR THEIR IMMEDIATE EFFECTIVENESS AND
SEVERABILITY.**

R E C I T A L S:

1. The regular meetings of the City Council have commenced at 7:00 p.m. on the second and fourth Wednesdays of the month.

2. To enhance citizen participation, it is the belief of the Mayor and Council that modifying the commencement time of the meetings to an earlier time would make it easier for citizens to attend.

3. Concurrently with this matter, the Mayor and Council have been informed that one of the three members of the Police Department is retiring shortly. It has been confirmed that currently the Commission does not have membership due to the lapse of terms of three members and the fact that the other two members now serve on the City Council

which automatically ended their ability to serve concurrently on the Commission.

4. It has been indicated that previously, given the size of the Commission and the commitments of members to other areas of service, too often it was impossible to obtain a quorum. Thus, the Mayor had recommended reducing the size of the Commission.

5. Given the requirements of the provisions of RCW 41.12 relating to mandate use of the civil service system to select officers and the importance of a fully staffed Department to the City's citizens, it is found necessary to implement these changes immediately so that the selection process for both members of the Commission and thus the police officer may go forward as promptly as is possible.

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

SECTION I: Section 2.04.010 MMC and Section 1, Ordinance 458, as last amended by Section 1, Ordinance 608, shall be amended to read as follows:

A. The council shall hold regular meetings on the second and fourth Wednesday of each month, such meetings to convene at six-thirty (~~seven~~) p.m.; provided, that the

council shall have the authority to cancel, continue, or recess such meetings as it deems appropriate. These meetings shall be subject to the following conditions:

1. As to the council, the same shall be regular sessions and final action on any particular item may be taken.

2. As to the committees of the city council, to the extent that such committee meetings are required by the Open Meetings Law of the state to be held at such regularly scheduled meetings, then the committees shall so meet; provided that nothing established in this chapter shall prevent or hinder a committee of the city council from meeting at another time to the extent that such meeting is not subject to the provisions of the Open Meetings Law of the state in relation to scheduling and notice. A committee shall have the right at meetings held pursuant to the schedule established by this section, to take any and all action which may be authorized under the Open Meetings Law of the state, as it may from time to time exist.

B. Nothing within this section shall in any way restrict the right of the city council or a committee thereof to call and/or hold special meetings in the manner allowed by the laws of the state as those laws may from time to time

exist or from taking such action or carrying forth such discussions or receiving such information as may be allowed by the laws of the state.

SECTION II: Section 2.56.020 MMC and Ordinance 351 § 1 as last amended by Ord. 682 § 1, is amended to read as follows:

There is established in the city, pursuant to RCW Chapter 41.12, a police civil service commission, which shall be composed of ((five)) three persons appointed by the mayor, and subject to confirmation by a vote of the city council.

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: Immediate Effectiveness:

Based upon the facts surrounding the adoption of this Ordinance, including the recitations contained herein, there is found to be a situation requiring immediate action and thus an emergency is hereby declared; and this Ordinance shall become effective immediately upon passage: PROVIDED THAT, to insure public knowledge a synopsis shall be published in the usual manner.

SECTION V: 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 _____, 2016, by the City Council of the City of McCleary, and signed in approval therewith this _____ day of _____, 2016.

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 _____, 2016, by WENDY COLLINS.

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