



# McCleary City Council Agenda

July 13th, 2016- 7:00 PM

## Flag Salute

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

## Presentation

Kayla Dunlap- Port of Grays Harbor Presentation

## Public Comment

Bear Festival Representatives

## Executive Session

## Minutes

Tab A Approval

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

## Approval of Vouchers

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

## Mayor Comments

Grinder Pump Workshop date set

Council Schedule

Garth "Sandy" Jones

Bear Festival

WSDOT Project

## Staff Reports

Tab B Dan Glenn

Tab C Todd Baun

Tab D Additional Staff Reports

## Old Business

Tab E RV Parking ROW Ordinance Update

Tab F RV Parking in Residential Areas

Tab G Museum Utility Bill

Tab H Shoreline Management Plan Adoption

## New Business

Tab I Franchise Request

Tab J Wildcat Lift Station Bid/Contract

Tab K Pickle Ball Court

Tab L Dog Park

Tab M REED fund expenditure

Tab N Draft Emergency Declarations

Tab O Continuous Flow Operations

## Ordinances

Tab P RV Parking ROW Ordinance

**Resolutions**

**Tab Q** Shoreline Management Plan

**Tab R** Vacation Leave

**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, June 8, 2016**

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

ABSENT Councilmember Ator was absent and requested to be excused. **It was moved by Councilmember Peterson, seconded by Councilmember Orffer to excuse Councilmember Ator's absence. Motion Carried 4-0.**

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

PUBLIC HEARING At 7:00 PM Mayor Schiller opened the Public Hearing on the 6-Year Transportation Improvement Plan (STIP). The STIP is an annual WSDOT requirement, which is required if, and when, funding becomes available. The Public Hearing closed at 7:03 PM.

PUBLIC COMMENT Helen Hamilton wanted to mention again how happy she is for the new Public Works Assistant, Paul Morrison. She said he is doing a great job with code enforcement and the town is really cleaning up and looking nice.

Sue Portschy commented on the excessive noise from the VFW during some weekends. The loud music continues after 10:00 pm, which is when the noise ordinance should be enforced. She said a group recently played loud music past 11:30 pm on a Sunday night and upset the residents at the Rainbow Park Apartments. Mayor Schiller recently joined the VFW and will talk to them at their next meeting about what options they have to deal with the noise.

Terry Franklin wanted to know who assigned Dan Glenn to work on the SEPA exemptions, which is on the agenda. Since it is on the agenda, she wants to know if this is just an introduction or will the Council be making a decision tonight. Mayor Schiller said it will be discussed and they may make a decision. He said the City has to do something to survive. Ms. Franklin stated we only have so much wet lands remaining. Mayor Schiller said we are not going to break environmental rules, we are looking at what rules the City can abide to.

EXECUTIVE SESSION None.

MINUTES APPROVED **It was moved by Councilmember Orffer, seconded by Councilmember Peterson to approve the May 11, 2016 minutes. Motion Carried 4-0.**

VOUCHERS Accounts Payable vouchers/checks approved were 41105- 41157 including EFT's in the amount of \$255,755.68 and 41158 - 41194 including EFT's in the amount of \$38,850.93.

Payroll vouchers/checks approved were 41076- 41104 including EFT's in the amount of \$150,972.79.

Bank reconciliation for May 2016 was approved.

**It was moved by Councilmember Peterson, seconded by Councilmember Orffer to approve the vouchers. Motion Carried 4-0.**

MAYOR'S COMMENTS Mayor Schiller said Dan Glenn was recognized by his peers for outstanding service. This is a special honor for Mr. Glenn.

Mayor Schiller met with Dan Holcomb last week and he would like to do something to encourage activity options for McCleary. Pickle ball is a cross between tennis, ping pong and racket ball. He proposed a plan to put pickle ball courts on the current tennis court. The tennis court does not get used and pickle ball is a growing activity that both young and old are playing. He thinks it would be a great idea for a new recreation option for the community. Olympia is the closest area that has pickle ball courts. The cost would be minimal to the City. Mayor Schiller will work on having an estimate for the Council to consider at the next meeting.

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

DIRECTOR OF PUBLIC WORKS REPORT	Todd Baun said a power outage is planned for May 20th and 21st to work on the cut-over project. As always, they have planned it during times that will cause the least impact on the residents and businesses.
SIX-YEAR TRANSPORTATION IMPROVEMENT PLAN (STIP)	<b>It was moved by Councilmember Peterson, seconded by Councilmember Richey to approve the 6-Year TIP. Motion Carried 4-0.</b>
MUSEUM UTILITY BILL DISCUSSION	Tabled.
RAY BOLING ZONING DISCUSSION	Ray Boling's property is currently zoned C-1 commercial. He has been trying to get a home improvement loan and has been denied multiple times due to the zoning not being residential. He said they told him they do not provide residential loans on commercial property. He is worried his only options are to try to rezone his property to residential or try to sell the property to the City. After discussion, the Council agreed to have Attorney Dan Glenn prepare a letter to Mr. Boling's potential lender stating that as long as he has his existing house on the property, it will be considered a residential property. The property will have to follow commercial property rules when, and if, his home is demolished on the property. Mr. Boling agreed this would be acceptable. Helen Hamilton offered to find out which lenders have been making loans to people in the same situation as Mr. Boling.
SEPA EXEMPTIONS	Teri Franklin wonders why the City would want to do this. She said the SEPA rules are there to protect us. She thinks the exemption increases should not be approved without talking to the people. Gary Atkins asked what this exemption all about. Todd Baun gave an example of Cedar Heights, which has 17 empty lots. If a developer wanted to come in and turn in a building permit for all 17 lots, he would have to go through the SEPA review process because it's over 4 homes. The whole process was already done when they initially got Cedar Heights started. The whole thing would have to be reviewed again, which is time, energy and cost for the builder. It is a huge deterrent. The lots were already approved by SEPA so this is just a way for the builders to save money on something that was already approved and paid for. It will encourage builders by saving considerable SEPA permit costs. For undeveloped land, they would still have to go through the SEPA process because it has never been reviewed. Councilmember Orffer believes this a good thing for the City to explore because she had a bad experience with the County and how difficult they made building a single dwelling. We need to make our process inviting make people want to come here, build and raise their families. <b>It was moved by Councilmember Orffer, seconded by Councilmember Blankenship to move forward and explore SEPA exemptions. Motion Carried 4-0.</b>
RV PARKING ORDINANCE UPDATE	<p>Todd Baun said there are two parts to this topic. One is regarding the public parking on the City right of way. When the City receives a call reporting someone is parking in the right of way, we cannot address it directly and enforce the ordinance because we have discovered it does not specifically define "trailers". The ordinance is from the 1960's and RV's were not as common as they are now.</p> <p>The second part of this topic is to address the need for people to have an area to park their RV's and currently there are no rules addressing it. If people park in the back, side, or front areas of their property, the City has no rules stating that it is either okay or not. There is no language speaking to any specific owner location as being approved. Dan Glenn said the only issue right now is the right of way issue. As far as where RV's can be parked will be addressed for clarity in a modified ordinance, which we will address at the next meeting. These are two different issues; public property and non public property. Mr. Glenn does not want the two ordinances combined. They are two different issues and should be dealt separately. Tabled for clarity in a new draft ordinance.</p>
NJPA CONTRACT PURCHASING COOPERATIVE	<b>It was moved by Councilmember Orffer, seconded by Councilmember Richey to authorize the Mayor to sign NJPA contract purchasing agreement. Motion Carried 4-0.</b>
BPA CONTRACT UPDATE	<b>It was moved by Councilmember Peterson, seconded by Councilmember Orffer to authorize the Mayor to sign the BPA contract amendment changing from the previous Mayor to Mayor Schiller. Motion Carried 4-0.</b>
SURPLUS TRANSFORMER BIDS	<b>It was moved by Councilmember Orffer, seconded by Councilmember Peterson to approve disposing of surplus material through Clean Harbors at a cost of \$7,644.28 and to receive \$4,400 for the rest of the non-contaminated transformers. Motion Carried 4-0.</b>

FIREWORKS STAND PERMIT **It was moved by Councilmember Peterson, seconded by Councilmember Richey to authorize the City to issue a fireworks stand permit allowing the sale of fireworks in accordance with RCW 70.77.395 to Olympic Christian Center and to be set-up in the parking lot along Summit Road. Motion Carried 4-0.**

RV PARKING ORDINANCE Tabled for more specific information and direction.

RESOLUTION 689 SIX-YEAR TRANSPORTATION IMPROVEMENT PLAN (STIP) **It was moved by Councilmember Orffer, seconded by Councilmember Richey to adopt Resolution 689, a resolution adopting a six-year street plan for the City of McCleary. Resolution Adopted 4-0.**

EXECUTIVE SESSION None.

PUBLIC COMMENT Gary Atkins would like the Council to consider adding a dog park for the residents. There are no areas for people to take their dogs and he thinks it would be a benefit to the community. Mayor Schiller will look into it.

Mayor Schiller has been involved in the Cascadia Rising event and it has been very alarming and shows just how unprepared we are. He hopes we never have to use the training because it was a major eye-opener. He will bring more information back after Grays Harbor County has completed their analysis of the training.

Chief Crumb deals with RV's parked in City right of ways that are dilapidated with people coming and going at all hours of the night. Some trailers are parked on the owner's property that are well maintained, have power running to them and are perfectly fine. Those are the trailers that he has no concerns about. He's concerned about the ones that people leave parked on the street or the City right of way. Councilmember Orffer added that the City is only wishing to address the City right of way parking, not personal property parking for RV's. Staff needs clarity because the ordinance does not speak to right of way parking. The Council is not trying to cause any problems with people that are already parking on their property and taking care of their RV's properly.

MEETING ADJOURNED **It was moved by Councilmember Peterson, seconded by Councilmember Richey to adjourn the meeting at 8:14 pm. The next meeting will be Wednesday, July 13, 2016 at 7:00 pm. Motion Carried 4-0.**

*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: July 8, 2016  
RE: LEGAL ACTIVITIES as of JULY 13, 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. **EMERGENCY MANAGEMENT**: You are very aware of the emergency management event recently occurring here in the County known as Cascadia Rising. The Mayor, Mr. Baun, and other staff members were directly involved in responding to various theoretical impacts. I would note that, to an extent, it is tied in to the Multi-Hazard Plan which is being developed by Mr. Wallace, the County's management person.

Since the matter of the extent to which a city must take preemptive actions is one which was discussed at the last meeting, I have set out at the end of this Report a summary prepared by MRSC as to the duties of a city or county. I would recommend that, after you review the MRSC material, you consider developing a "what if" resolution setting out a chain of command which goes beyond the mayor-mayor pro tem situation. However, that is strictly within your call.

2. **REGULATING PARKING ON PUBLIC RIGHTS OF WAY ORDINANCE**: Last meeting I provided a draft ordinance which would deal with the use of public rights of way, primarily focusing on the parking issue. It is crucial to recognize that it covers only public rights of way and would not affect existing provisions dealing with the subject of parking on private property. Dealing with the use of private property on such matters is not infrequently handled through provisions of a city's zoning code.

As of this time, I have received no questions or suggestions in relation to the draft. I am certain Todd and Paul

are reviewing the draft. Any suggestions or questions they might provide will be dealt with either by development of a "B" draft or by reference in this Memo.

3. **UTILITY LOCAL IMPROVEMENT DISTRICT**; Over fifteen years ago the City implemented a local improvement district to fund certain improvements to the utility system. As you are aware, an assessment is treated like a tax and is billed annually by the Treasurer and thus collected/paid at the same time as the annual tax bill. It was discovered there were several property owners who had not paid the assessments. As a result, Ms. Collins provided me the contact information and I made either written or telephonic contact with each. In the absence of an agreement, the collection process is basically a lien foreclosure process which, given the amounts in question, would be primarily beneficial to the attorney prosecuting the matter a/k/a me.

Given that reality, I suggested that we attempt to resolve through installment payments. I prepared a draft agreement and provided to Ms. Collins. As to a couple of the property owners, they have chosen that option, although one of them had indicated he may simply pay in full as one of the other property owners did. In any event, one or more installment agreements may be presented to you for authorization. It is a far more tranquil and cost-effective method than the lien enforcement approach.

4. **E-MAIL ADDRESS UTILIZATION**: I believe I have mentioned this before, but I would strongly recommend that for any communications relating to city matters, you utilize the email address provided by Ms. Collins. I recognize that can be a bit of a pain making certain as to the division of communications. The experience we had in Montesano a couple of years ago in which a council member utilized her private email address for communications with various individuals on subject matter associated to city activities and we then had to deal with public record requests affirms the benefit of drawing a careful line in such utilization.

5. **TELE-COMMUNICATION/INTERNET FRANCHISES**: Previously, the City was contacted by Astound Broadband in terms of seeking a franchise from the City. That franchise was granted through the adoption of Ordinance 808. To my knowledge, they have not yet begun to move forward with the actual installation of facilities. However, they have been continuing discussions with both GHPUD and the City about pole use agreements, which are distinguished from the franchise grant.

In June, both McCleary and Elma have been contacted by a company doing business as Rainier Communications in terms of

seeking a franchise to also provide such services within the City. (Rainier acquired Reach One which triggered the involvement/interest in our County.) Upon request the Company's representative has provided me more detail as to what they are seeking which I have provided to Mr. Baun for review by Mr. Nott and himself. They are eager to move forward since apparently they have one or more customers located within the City desirous of utilizing service provided by them.

For background purposes, as part of my usual due diligence, I contacted Ms. Murphy, counsel for the City of Centralia, since they have a record of providing service to the Lewis County area. The relationship with the company has apparently been positive. Prior to this meeting, Mr. Baun and I will get together. At this stage, my request is that you authorize the Mayor to move forward with negotiations on the matter.

6. RURAL ELECTRICAL ECONOMIC DEVELOPMENT FUND (REED): The potential uses of the moneys currently within this special fund have been discussed for some years. I have had recent contact with the legal adviser for the SAO. After review, the indication was that the special uses which have been discussed during prior budget cycles would be appropriate so long as the special Committee created under the Code found them so and made appropriate and specific findings.

The Mayor held a meeting with the members of the REED committee, staff members, and myself a couple of weeks ago to commence discussions in this area. (I provided the Committee Members with an explanatory memorandum in relation to this fund. If any of the Council would like a copy of that memo, let me know and I will provide it directly to you.) It is anticipated that requests will be submitted to the Committee for consideration.

7. SHORELINES MANAGEMENT PLAN: I have prepared a draft ordinance which would adopt the draft plan submitted to you. I am assuming it has been fully reviewed and is acceptable to all. Upon adoption by the Council and approval by the Mayor, it will be submitted for approval to DOE. In reality, until that approval is received, its provisions will not be subject to enforcement. I would note that I am suggesting its codification in the environmental chapter of the Code so as to insure both access and consistency of location.

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

DG/le



## Emergency management – all cities & towns

*(5) Each political subdivision shall specify by ordinance or resolution that the director of emergency services shall be directly responsible for the organization, administration, and operation of the emergency services organization.*

*(6) In the case of two or more political subdivisions joining in the establishment of a single emergency services organization, each political subdivision shall specify in the ordinance or resolution establishing the organization how the costs of supporting the organization shall be equitably shared between the constituent political subdivisions.*

*(7) Each political subdivision shall submit a copy of the ordinance or resolution establishing its emergency services organization to the state director for evaluation and approval of the organizational plan or structure.<sup>47</sup>*

Read your city's or town's emergency management plan thoroughly. If you have questions concerning your role and authority, review the plan with your city or town attorney. If you feel that changes should be made, review proposed amendments with your council. The state legislature has granted broad authority to cities and towns to take all necessary action to deal with a disaster:

*(2) In carrying out the provisions of this chapter each political subdivision, in which any disaster as described in RCW 38.52.020 occurs, shall have the power to enter into contracts and incur obligations necessary to combat such disaster, protecting the health and safety of persons and property, and providing emergency assistance to the victims of such disaster. Each political subdivision is authorized to exercise the powers vested under this section in the light of the exigencies of an extreme emergency situation without regard to time consuming procedures and formalities prescribed by law (excepting mandatory constitutional requirements), including, but not limited to, budget law limitations, requirements of competitive bidding and publication of notices, provisions pertaining to the performance of public work, entering into contracts, the incurring of obligations, the employment of temporary workers, the rental of equipment, the purchase of supplies and materials, the levying of taxes, and the appropriation and expenditures of public funds.<sup>48</sup>*

In all cities and towns the mayor is the "executive head" who is authorized to take charge when there is an emergency or disaster.<sup>45</sup> All cities are directed to establish a local organization for emergency management and adopt an emergency management plan which is certified as being consistent with the state emergency management plan.<sup>46</sup> Chapter 118 in the Washington Administrative Code (WAC) contains the rules adopted by the State Division of Emergency Management which apply to all municipalities. Because each city and town has its own unique situation, emergency plans vary considerably. While some cities have chosen to establish emergency management director positions and

have delegated extensive authority to those individuals, many smaller cities have chosen to coordinate their plan with the county and rely heavily upon the county for assistance in the event of an emergency.

*WAC 118 06 040 Responsibilities of Political Subdivisions*

*(1) A political subdivision must establish an emergency services organization by ordinance or resolution passed by the legislative body of the political subdivision.*

*(2) In the event that two or more political subdivisions want to join in the establishment of an emergency services organization, each political subdivision must establish said organization by ordinance or resolution passed by the legislative body of the political subdivision. Such ordinance or resolution shall specify the joint relationship being entered into with one or more political subdivisions.*

*(3) Each political subdivision must specify in the ordinance or resolution establishing the emergency services organization that the agency shall be headed by a director of emergency services who shall be appointed by and directly responsible to the executive head of the political subdivision.*

*(4) In the case of an emergency services organization established by two or more political subdivisions, such political subdivisions shall specify in the ordinances or resolutions establishing the organization that the local government agency shall be headed by a director of emergency services who shall be appointed by the joint action of the executive heads of the constituent political subdivisions. The political subdivisions shall specify by ordinances or resolutions that the emergency services director shall be directly responsible to the executive heads of the constituent political subdivisions.*

<sup>45</sup>RCW 38.52.010(8) and WAC 118-06-040

<sup>46</sup>RCW 38.52.070(1)

<sup>47</sup>WAC 118-06-040

<sup>48</sup>RCW 38.52.070(2)

## **STAFF REPORT**

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

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### **Upcoming Public Works Projects:**

Light and Power- Cut over work on Maple St. & brushing.  
Water- Main replacement on Simpson Frontage Road between 8<sup>th</sup> and 9<sup>th</sup> Street  
Sewer- Fixing I&I issues; Wildcat lift station  
Storm- Catch basins and piping at 6<sup>th</sup> and Hemlock areas and 9<sup>th</sup> and Ash St.

### **FCS Rate Study:**

Some City staff had a meeting with FCS over the status of the rate study for Light and Power, Sewer and Water. It was a productive meeting in which the staff was able to answer questions that FCS had. I'm hoping to have FCS in for a presentation to the Mayor and Council in August or September.

# Building and Planning Staff Report

To: Mayor and City Council  
 From: Paul Morrison  
 Date: July 1, 2016  
 Re: June Building and Planning Department activities.

## New Permit Activities for June 2016

414 East Buck Street	New SFR	Total Fee \$10,222.75
400 East Buck Street	New SFR	Total Fee \$10,432.65
422 East Buck Street	New SFR	Total Fee \$10,361.35
458 East Buck Street	New SFR	Total Fee \$10,546.15
428 South 2 <sup>nd</sup> Street	Demolition Permit	Total Fee \$127.00
116 South 4 <sup>th</sup> Street	Placement Permit	Total Fee \$89.00
<b>Permit Revenues</b>	Total fees charged for June \$41,778.90	Total amount collected for June \$218.00

## Permit Activity Totals

New Homes Built for 2016 7	All Permits for 2016 25	Total Fees Charged for 2016 \$ 84,106.95
New Homes Built for 2015 3	All Permits for 2015 40	Total Fees Charged for 2015 \$52,640.28

## 8 Unresolved Nuisances for the Month of May

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

330 South 2<sup>nd</sup> Street

- Storing of junk / rubbish around the property.
- Not retaining collection service. (Lemay's)

413 South 3<sup>rd</sup> Street

- Overgrown yard.

Summit Place II, Bonney Lake

- Overgrown properties.

Summit Place II, David Litowitz

- Overgrown properties.

Summit Place II, James Ryder

- Overgrown properties.

Summit Place II, Nancy Friend

- Overgrown properties.

Summit Place II, NW Central Construction

- Overgrown properties.

126 South 5<sup>th</sup> Street

- Storing of vehicles.
- Use of surrounding properties for the business.
- Violating the Conditional Use Permit.

# Building and Planning Staff Report

Parcel 063003100800

- Overgrown property.

526 South 4<sup>th</sup> Street

- Storing of wrecked automobile.

405 West Fir Street

- Unpermitted Excavation in City Right of Way.

124 South 6<sup>th</sup> Street

- Not retaining collection service. (Lemay's)

943 North Summit Road

- Not retaining collection service. (Lemay's)

605 South 4<sup>th</sup> Street

- Not retaining collection service. (Lemay's)

362 South 1<sup>st</sup> Street

- Not retaining collection service. (Lemay's)

## 5 Unresolved Abatements for the Month of May

### Abatements Issued for the Month of June (Correction Notice)

423 West Pine

- Storing of junk vehicles.
- Storing of a trailer.
- Garbage scattered around the property.
- Garbage scattered in City Right of Way.

622 South Main Street

- Storing of junk vehicles.
- Pile of firewood in driveway, facing the alley.

127 East Hemlock

- Storing of dismantled RV.
- Storing of utility trailers full of junk.
- Overgrown property.
- Unsafe Structure.

### Notice of Infractions Issued for the Month of June

1. 326 South Main Street. (MMC 8.16.020)
2. 423 West Pine Street. (MMC 8.16.020)

### Criminal Citations Issued for the Month of June

1. 221 South Main Street. (MMC 8.16.020 & MMC 8.20.030)

### Resolved Municipal Code Violations for the Month of June

1. Parcel 060501000502.
2. 1460 North Summit Road.
3. Dragt Development. (19 Parcels)
4. 313 South 2<sup>nd</sup> Street.
5. 340 South 2<sup>nd</sup> Street.
6. Parcel 060501000700.
7. 428 South 2<sup>nd</sup> Street.
8. 124 East Beck Street.
9. 124 South 6<sup>th</sup> 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 for McCleary Police Department**

**To: Mayor & Council**  
**From: George M. Crumb, Chief of Police**  
**Date: July 10, 2016 Time: 0740**  
**RE: For July 13, 2016 Council Meeting**

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**SUMMARY OF POLICE INCIDENTS / ACTIVITIES:**

The below listed information are calls or contacts received by McCleary Police Officers either generated by Grays Harbor County dispatch 911 service, citizen reports, call in reports, citizen contacts, US mail, or other officer generated incidents. From 060116 to 063016

1384 Incident Histories at time of report this year. 1332 at June 30<sup>th</sup>, 247 Incident History calls for June.

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32-Agency Assist(s)	03-Noise Complaints
02-Abandon Vehicle	07-Police Information, Protection Order Scv
03-Alarm	03-Public Works Assist (Mommson water line)
11-Animal Complaint	07-Parking Complaint
00-Burglary (information)	09-Police Referral/RSO-
12-Citizen Assist- /Motorist, Emergency	01-Fight
02-Civil-1 –Court Order Service-1	03-Fraud
04-Code Enforcement	17-Suspicious Person-/Vehicle-/Circumstance
01-DUI-	02-Subject Stop
06-Disorderly Conduct/Verbal	01-Suicide-0/Suicide Attempt-Suicidal-1
01-Drug Incidents (VUCSA)	02-Threats
02-Death Report(s)	08-Traffic Offense-/Reckless-/Hazard-
02-Domestic Violence Assault w/1 Arrest	06-Theft Reports-/Vehicle-1(recovered-1)
13-Fire Responses	33-Traffic Stop(s)
01-Missing Person	11-Vehicle Prowl- / Prowler-
07-Sex offender address verification	01-Man Down
06-Found Property	01-Fireworks Complaints
00-X-Patrol request	01-Open Door
01-Welfare Check05-Juvenile Problem/Run-a-way	03-Warrant Arrest/Service
00-Motorist Assist	05-911 Open Line or Hang Up
15-Malicious Mischief	05 -No classification-, or Unknown Problem-
01-Trespass	

Saved On call hours: Jan-112, Feb-210, March-220. April-250., May-234., June-207 hrs.

IH Log Book Available.

Discussion: Open. Malicious Mischief incidents were high due to spray paint, as well as disorderly conduct and vehicles prowls

Council Members Present: ALL.... Mrs. Orffer- Position 1, Mr. Richey-Position 2,  
Mr. Peterson-Position 3, Mr. Blankenship-Position 4,  
Mrs. Ator-Position 5.

Mayor: Brent Schiller Present / Not Present \_\_\_\_\_

Officer Reporting: Chief Crumb \_\_\_\_\_  
Sgt. Graham \_\_\_\_\_

## STAFF REPORT

To: Mayor Schiller  
From: Paul Nott, Light & Power  
Date: July 5, 2016  
Re: June Report



	<b>Monthly Statistics;</b>	<b>YTD Totals;</b>
<b>New Services;</b>	1	7
<b>System Outages;</b>	1	12
<b>Pole Replacements;</b>	0	4
<b>Maintenance Work Orders;</b>	2	32
<b>Billable Work Orders;</b>	1	7

The month June consisted of a new service connection, 1 underground fault and a lot of line maintenance.

We connected 1 new service in Summit II, a couple of temporary services for new construction, and have completed 4 additional estimates for new homes being constructed in the development.

We had another underground fault off of the E Elma Hicklin, this section of underground cable needs to be replaced as that it is faulting approximately every 6-8 weeks. I will be providing an estimate to Todd for the replacement.

We were in the process of replacing 2 poles on Maple Street and our line truck broke. The PTO and extension shaft stripped out not allowing us to use the truck. It is in the process of being repaired as this memo is being typed.

With the line truck being out of service and guys on the crew taking vacations, it has allowed us to work on some line maintenance throughout town and on Sand Creek. We do have a lot more to complete during times that we are short on crew members.

We also have another project that needs to be addressed at Sing Log homes. The structure that holds up the three phase transformers has a rotten pole. Once we get our truck repaired and the poles in on Maple, we will, at the minimum, replace the rotten pole and then looking into redesigning that service to a more up to date construction standard by installing a 3 phase pad mount transformer and eliminating the structure completely.

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

## STAFF REPORT

To: Mayor Schiller  
From: Todd Baun- Director of Public Works  
Date: July 5, 2016  
Re: RV Parking on City ROW Ordinance Update

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The City has several residents in the City that own a travel trailer, Recreational Vehicle or Motorhome and like to park them on City's Right of Way (ROW). For your reference, our definition of Right of Way is:

### **16.08.185 Right-of-way.**

"Right-of-way" means land dedicated or conveyed to the public or a unit of government, for the primary purposes of providing for the movement of vehicles and pedestrians and providing for access to adjacent parcels, or providing space for utility lines and appurtenances and other devices and facilities benefiting the public.

When the City gets a complaint for these items parking on City ROW, we investigate the complaint and may start the process for correction as set out in our municipal code. The corrective actions may include the following:

**8.16.205 Abatement by city-** In all cases where the city has determined to proceed with abatement, the city shall acquire jurisdiction to abate the condition at the person's expense as provided in this chapter. Upon the abatement of the condition or any portion thereof by the city, all the expenses thereof shall constitute a civil debt owing to the city jointly and severally by such persons who have been given notice as provided in this chapter. The debt shall be collectible in the same manner as any other civil debt owing to the city. To the extent allowed by law, whether statute, ordinance, rule or regulation, including, but not limited to, the provisions of the Building Code, Fire Code, or Uniform Code relating to the abatement of abandoned or dangerous buildings, it shall become a lien against the property and may be collected in such manner as may be allowed by law.

### **8.16.230 Violation--Penalty**

A. Any person violating any of the provisions of the ordinance codified in this chapter shall be subject to the following penalty or punishments:

1. In the event of a first violation within any six-month period, be issued a notice of infraction and, upon a finding of committed, be subject to a penalty of up to two hundred fifty dollars.
2. In the event of a second violation within any six-month period, be issued a notice of infraction and, upon a finding of committed, be subject to a penalty of up to five hundred dollars, one hundred fifty dollars of which may be neither suspended nor deferred.
3. In the event of a third and subsequent violation within any six-month period, be subject to issuance of a criminal citation, and upon conviction, be guilty of a misdemeanor and, subject to punishment by a fine not to exceed one thousand dollars, two hundred fifty dollars of which shall be neither suspended nor deferred, by imprisonment in jail not to exceed ninety days, or by both such fine and imprisonment.



If the City finds a nuisance is being committed by a travel trailer, Recreational Vehicle or Motorhome being parked on City's ROW, we have been using the following code:

**8.16.020 Public nuisance declared**

9. Deposit, keep or leave or to permit to be deposited, kept or left in any place accessible to children, or in any place viewable from a public street or alley, any abandoned, unused, unlicensed, non-running or discarded automobile, trailer, truck, or other such vehicle, or any vehicle hulk or any part thereof. For the purposes of this subsection, "abandoned, unused, non-running" refers to a vehicle which is not movable under its own power and which has been in a stationary position for more than fourteen days.

We also have been using the following Municipal Codes: (You can see that the codes existed pre-Dan)

**10.20.010 House trailers.**

No house trailer shall be parked or stationed upon the public streets, alleys or other public property of the city after nightfall or for a longer period than three consecutive hours during daylight unless the owner or operator of such house trailer, or some person in his behalf, procure the consent of the chief of police of the city for such parking or stationing of the house trailer and the location thereof. In case any person shall propose to park or station a house trailer on the streets, alleys or other public property so that it constitutes a danger to the public or an obstruction of the public property, the chief of police shall designate a safe parking or stationing location on the public property for such house trailer and it shall thereafter while in McCleary be parked or stationed at such location. Any person failing to comply with this section or to carry out the lawful orders of the chief of police issued pursuant to its provisions shall be guilty of a misdemeanor. (Ord. 138 § 1, 1955)

**15.20.030 License requirements.**

A. It is unlawful for any person to place, stand, park or locate any occupied trailer in the city, except within a trailer park; provided, however, that the same may be parked and occupied outside of a trailer park and on private property only for a period not to exceed thirty days. It is unlawful for any person to establish, operate, maintain or permit to be established, operated or maintained upon any property owned or controlled by him a trailer park within the limits of the city without having first secured a license therefor and for each of them from the board of investigators, granted and existing in compliance with the terms of this chapter. Such license will expire one year from the date of issuance but may be renewed under the provisions of this chapter for additional periods of one year each. All applications for licenses shall be made to the board which may issue a license upon compliance by the applicant with the provisions of this chapter and of any regulations adopted pursuant thereto. No license shall be transferable. Every person holding such a license shall give notice in writing to the board within forty-eight hours after having sold, transferred, given away or otherwise disposed of his interest in or control of any trailer park. Such notice shall include the name and address of the persons succeeding to the ownership or control of such trailer park. The application for license shall be in writing, signed by the applicant and shall be filed with the chairman of the

board of investigators which application shall be accompanied by an affidavit of the applicant containing the following information and data:

1. The name and address of the applicant;
2. The location and legal description of the trailer park;
3. A complete plan of the trailer park, showing compliance with all applicable provisions of this chapter and regulations, adopted thereunder;
4. Such further information as may be requested by the board to enable it to determine that the proposed trailer park will comply with all legal requirements.

B. Before such licenses may be issued, there must be a favorable recommendation by a majority of the city council and the premises must be inspected and approved by at least a majority of the members of the board of investigators (or their duly authorized representative or agents) as complying with all the provisions of this chapter. (Ord. 202 § 3, 1962)

**Staff Recommendation:**

As you can see, our code varies on the issue of parking travel trailers, Recreational Vehicles or Motorhomes on the City's ROW. Paul and I have reviewed the draft ordinance and we think that it will provide a clear and simple approach for travel trailers, Recreational Vehicles or Motorhomes that are parked on the City's ROW.

**Action Requested:**

Please discuss and allow the Mayor to sign the Ordinance for parking on City Right of Ways.

## STAFF REPORT

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

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We also have the issue of where travel trailers, Recreational Vehicles or Motorhomes are allowed/stored in the City. Currently our code is vague and states: It is declared to constitute a public nuisance to *“Deposit, keep or leave or to permit to be deposited, kept or left in any place accessible to children, or in any place viewable from a public street or alley, any abandoned, unused, unlicensed, non-running or discarded automobile, trailer, truck, or other such vehicle, or any vehicle hulk or any part thereof. For the purposes of this subsection, "abandoned, unused, non-running" refers to a vehicle which is not movable under its own power and which has been in a stationary position for more than fourteen days.”*

Paul and I have looked up several other Cities codes on dealing with travel trailers, Recreational Vehicles or Motorhomes and where they are allowed/stored in their Cities. We have come up with the following language that we would like to see to 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. However, not more than one recreation and/or utility vehicle shall be parked in the front setback, with no more than three stored outside per single-family lot;
- c. 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;

- d. 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;
- e. 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.
- f. 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. Covers are to be an approved cover specifically made for Recreational vehicles. 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 Schiller  
From: Todd Baun- Director of Public Works  
Date: July 5, 2016  
Re: Museum Utility Bill

---

The Historical Society came to the Council several months ago asking for help with their utility bill. We have done research on the property and have attached the agreement with the Historical Society that was signed in 2003 and also attached the billing history since 2014. Dan is working on the analysis of the SAO's position on the authorization of special rates for non-profit operations.

**Action Requested:**

Depending on Dan's research, please advise on the direction you would like to see the City pursue with the Museum and Historical Society.

## AGREEMENT

THIS AGREEMENT entered into by and between the McCLEARY HISTORICAL SOCIETY, a non-profit association, hereinafter "SOCIETY"; and the CITY OF McCLEARY, a municipal corporation, hereinafter "CITY".

### RECITALS:

1. The SOCIETY currently owns certain real property, the legal description of which is attached as Exhibit Number 1.
2. The SOCIETY is desirous of transferring the real property to the CITY under a Quit Claim Deed upon certain conditions.
3. The CITY is willing to accept that property subject to compliance by the SOCIETY with the conditions.
4. The SOCIETY has represented to the CITY that the transfer may be effectuated without violating any term or condition of the existing Deed.

NOW, THEREFORE, for good and valuable consideration, it is agreed as follows:

SECTION I: Subject to its compliance with the provisions of Section II, the SOCIETY shall transfer that certain real property described more fully upon Exhibit Number 1 to the CITY.

SECTION II: The CITY will accept and retain ownership of the real property subject to the SOCIETY's compliance with the following terms and conditions:

A. Maintaining the property in good and operable condition in compliance with any applicable Codes.

B. Maintaining any and all obligations in relation to the property, including, but not limited to, utility bills, real estate and personal property taxes, to the extent that they may at any time be applicable to the property, and insurance payments in a current status.

C. Obtaining and maintaining a general liability policy of no less than \$1,000,000 providing for premises liability, including, but not limited to, injury of person or property: PROVIDED THAT, the CITY agrees that it will cooperate in determining if the CITY's current insurer is able and willing to provide coverage satisfactory to the CITY. In that event, the SOCIETY shall reimburse the CITY for the additional cost.

D. Maintaining and operating the structure as a site of a historical display.

SECTION III: So long as the SOCIETY is in compliance with its responsibilities under this agreement, the CITY agrees that it will execute a written lease with the SOCIETY so that the SOCIETY may continue the use of the property as a museum and cultural facility as well as uses reasonably related thereto. The lease shall contain including provisions satisfactory to the CITY and the WASHINGTON CITIES INSURANCE AUTHORITY as to the matter of the SOCIETY's responsibility to hold the CITY harmless from any liability arising from the use or possession of the property. It shall further include provision for termination in the event of non-compliance, after the giving of appropriate notification by the CITY and an opportunity to cure any non-compliance identified by the CITY.

SECTION IV: In the event the SOCIETY fails to comply with the terms and conditions of Section II, then, at its sole option, the CITY may take the following steps:

A. Execute a Quit Claim Deed returning the ownership of the property to the SOCIETY; or

B. Execute a Quit Claim Deed to the holder of any reversionary interest in the property which is understood by the CITY to be the heirs, successors, and assigns of IRIS ESTHER CARNELL. Prior to taking these steps, the CITY may, but is not required to, give the SOCIETY notice of its intention and of the particular violations which are triggering the exercise of the intention.

Upon the giving of the deed, any responsibility of the CITY as to the property, whether under this agreement, any lease which may be executed in furtherance of this agreement, or otherwise, shall be terminated.

SECTION V: Each party agrees that it has had the opportunity to have this agreement reviewed by counsel of its choices. In recognition of that, the rule of interpretation against the initial drafter shall not apply.

EXECUTED IN MULTIPLE COPIES UPON THE DATES STATED BELOW.

CITY OF McCLEARY:

3/08/03  
DATE  
Wallace Bentley  
WALLACE BENTLEY, Mayor

ATTEST:

Donnie Rostedt  
DONNIE ROSTEDT, Clerk-Treasurer

APPROVED AS TO FORM:

\_\_\_\_\_  
DANIEL O. GLENN, City Attorney

McCLEARY HISTORICAL SOCIETY:

3-11-03 By Ellsworth Curran  
DATE  
ELLSWORTH CURRAN, Its President  
By Donna Curran  
, Its Secretary



# UTILITY ACCOUNT HISTORY

City Of McCleary  
MCAG #: 0344

Time: 09:46:42 Date: 06/09/2016  
Page: 1

01/01/2014 To: 06/09/2016

Historical Society Museum Acct #: 2326 Tap #: 010300.1

314 S 2ND ST

	Current	Previous	Water Usage	Sewer Usage	Current	Previous	electric Usage	Demand	Chg/Pymt	Balance
01/29/2014 Bill	3529	3481	48		9180	8982	198		192.72	
02/26/2014 Bill	3558	3529	29		9367	9180	187		192.27	
03/27/2014 Bill	3575	3558	17		9523	9367	156		189.84	
04/28/2014 Bill	3614	3575	39		9693	9523	170		190.94	
05/28/2014 Bill	3647	3614	33		9848	9693	155		189.76	
06/26/2014 Bill	3701	3647	54		10014	9848	166		190.62	
07/29/2014 Bill	3769	3701	68		10175	10014	161		190.23	
08/27/2014 Bill	3837	3769	68		10330	10175	155		189.76	
09/26/2014 Bill	3887	3837	50		10484	10330	154		189.69	
10/28/2014 Bill	3932	3887	45		10658	10484	174		191.26	
11/24/2014 Bill	3956	3932	24		10838	10658	180		191.72	
12/24/2014 Bill	3984	3956	28		11059	10838	221		194.93	
01/27/2015 Bill	4016	3984	32		11242	11059	183		191.96	
02/25/2015 Bill	4052	4016	36		11396	11242	154		189.69	
03/26/2015 Bill	4101	4052	49		11546	11396	150		189.37	
04/24/2015 Bill	4172	4101	71		11730	11546	184		192.04	
05/26/2015 Bill	4228	4172	56		11875	11730	145		188.98	
06/25/2015 Bill	4291	4228	63		12031	11875	156		189.84	
07/27/2015 Bill	4410	4291	119		12219	12031	188		192.35	
08/24/2015 Bill	4500	4410	90		12387	12219	168		190.78	
09/24/2015 Bill	4579	4500	79		12538	12387	151		189.44	
10/26/2015 Bill	4652	4579	73		12677	12538	139		188.51	
11/24/2015 Bill	4710	4652	58		12830	12677	153		189.60	
12/24/2015 Bill	4734	4710	24		12996	12830	166		190.62	
01/25/2016 Bill	4775	4734	41		13185	12996	189		192.43	
02/25/2016 Bill	4846	4775	71		13359	13185	174		192.79	
03/25/2016 Bill	4881	4846	35		13508	13359	149		190.82	
04/25/2016 Bill	4931	4881	50		13661	13508	153		191.13	
05/24/2016 Bill	4983	4931	52		13800	13661	139		190.04	

Billed Amt: 5,534.13 Ave 190.83

Billing Periods 29

**STAFF REPORT**

To: Mayor Schiller  
From: Todd Baun- Director of Public Works  
Date: July 5, 2016  
Re: Shoreline Management Plan Adoption

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We have finally have reached the point of adopting our Shoreline Management Plan. (SMP) This is a plan that we have been working to complete, with The Watershed Company, since March of 2014. The plan is 119 pages and can be found at the City website. [www.cityofmcclary.com](http://www.cityofmcclary.com).

**Staff Recommendations:**

After working on this plan for the last couple of years, I believe this plan is appropriate and meets the needs of the City.

**Action Requested:**

Please allow the Mayor to sign the Resolution adopting the Shoreline Management Plan for the City of McClary.

**STAFF REPORT**

To: Mayor Schiller  
From: Todd Baun- Director of Public Works  
Date: July 5, 2016  
Re: Franchise Request

---

The City received the following information and request for a franchise agreement from Rainier Connect.

*First as background, Rainier Connect is a telecommunications company and Internet service provider of long standing in the State of Washington. Rainier Connect has provided telecommunications service to the City of Eatonville and the surrounding areas for over one hundred years. When the Telecommunications Act of 1996 allowed competitive entry into local service, Rainier Connect was one of the first to offer facilities based services as a competitor to CenturyLink's predecessor company. Rainier Connect started operating as a competitive local exchange carrier (CLEC) in Pierce County. Over the years it has expanded its CLEC operations to the City of Tacoma, the Cities of Chehalis and Centralia and some areas of Lewis County.*

*Rainier Connect is registered with the Federal Communications Commission as a common carrier. Rainier Connect also has authority to provide intrastate telecommunications through the Washington Utilities and Transportation Commission.*

*Recently, Rainier Connect acquired the assets of ReachOne. This has led to an opportunity for Rainier Connect to expand its existing offerings of advanced Internet services and telecommunications services.*

*Rainier Connect intends to continue to use the facilities of the PUD (as ReachOne did) to provide most of its transport within the rights-of-way. However, there may be situation where it wishes to deploy transmission facilities and drops to customers beyond the current reach of the PUD. This will then entail Rainier Connect constructing facilities in the right-of-way. It is not expected that the construction will be overly extensive, but will clearly need to happen at some locations. Thus, while the use of the public right-of-way may not be extensive, it will be needed. The facilities that would be constructed, when needed, are fiber optic cables with necessary appurtenances.*

*In the case of McCleary, you asked the extent to which Rainier Connect may wish to use the public utility poles. While that is unknown at the present time, it will probably be the case that some use of the public utility poles will be needed. That need will be driven by customer demand. Rainier Connect understands that it will be required to enter into a pole attachment agreement for that eventuality.*

*Because the need to use the right-of-way will depend upon customer demand and the location of the customers relative to the existing PUD facilities, it is impossible for Rainier Connect to provide an exact route or map at the present time. Rainier Connect would expect that such work would be part of the permitting process prior to the*

*beginning of actual construction.*

*Given the foregoing, Rainier Connect respectfully requests to enter into a franchise agreement. There is an immediate need for service in the City of McCleary. Therefore, that particular franchise agreement is the priority for Rainier Connect. I am not aware of service requests in the City of Elma at the present time that would extend beyond PUD existing facilities.*

*Thank you for your consideration of this matter. Please let me know if there is any additional information that you would like us to provide.*

*Rick Finnigan*

**Staff Recommendations:**

After talking to Paul about this request, his concern is to make sure we have language in the agreement that makes the franchise remove any unused/dead cable from our poles.

**Action Requested:**

Please allow the City move forward with drafting an franchise agreement with Rainier Connect.



July 6, 2016

Mr. Todd Baun  
City of McCleary  
100 South 3<sup>rd</sup> Street  
McCleary, Washington 98557

SUBJECT: REVIEW OF BIDS, WILDCAT DRIVE SEWAGE LIFT STATION  
IMPROVEMENTS  
CITY OF MCCLEARY, GRAYS HARBOR COUNTY, WASHINGTON  
G&O #15283.00

Dear Mr. Baun:

On June 22, 2016, the City of McCleary received four bids for the Wildcat Drive Sewage Lift Station Improvements Project. The bids ranged from \$\$157,077.02 to \$249,062.01. The Engineer's Estimate was \$140,000. Each proposal was checked for correctness of extensions of the prices per unit and the total price. Two corrections were made; however, these corrections did not change the position of the low bidder. We have provided a bid summary with this letter. The bidders and their respective bid amounts, including sales tax where applicable, are as follows:

	<b>Engineer's Estimate.....</b>	<b>\$140,000.00</b>
1.	Pease and Sons, Inc. (Tacoma, WA).....	\$157,077.02
2.	Rognlin's, Inc. (Aberdeen, WA).....	\$157,180.00
3.	Brumfield Construction, Inc. (Westport, WA).....	\$179,900.64
4.	Northwest Cascade, Inc. (Puyallup, WA).....	\$249,062.01

The low responsive bidder, Pease and Sons, Inc. of Tacoma, WA, is currently a Washington State registered and licensed contractor and appears to have the relevant qualifications and experience to successfully perform the work the project will require. To our knowledge, the low bidder has not claimed bid error and no formal bidding protests have been recorded. In accordance with RCW 39.04, we have verified the low bidder; Pease and Sons, Inc. of Tacoma, WA has met the responsibility criteria.

Based on our evaluation, we recommend that the project be awarded to the lowest responsive, responsible bidder, Pease and Sons, Inc., located at 10601 Waller Road, Tacoma, WA 98446.

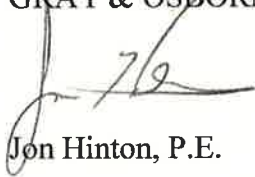


Mr. Todd Baun  
July 7, 2016  
Page 2

Please contact us if you have any questions and/or require additional information.

Sincerely,

GRAY & OSBORNE, INC.



Jon Hinton, P.E.

JH/sp  
Encl.

**STAFF REPORT**

To: Mayor Schiller  
From: Todd Baun- Director of Public Works  
Date: July 5, 2016  
Re: Pickle Ball court

---

I have provided an estimate to establish 3 pickle ball courts located at the old tennis/skateboard park. I have also attached our current budget for the Parks fund. I believe that we could handle resurfacing the asphalt for this year, but I would be worried if we purchased much more.

**Action Requested:**

Please decide if you would like to do any of the items on the estimate or to hold off until next year's budget.

## 2016 BUDGET POSITION

City Of McCleary  
MCAG #: 0344

Time: 10:18:41 Date: 07/08/2016

Page: 1

001 Current Expense		01/01/2016 To: 12/31/2016			
Expenditures	Amt Budgeted	Expenditures	Remaining		
<b>576 Park Facilities</b>					
576 80 10 00	Salaries & Wages - Park Facilities	8,000.00	3,884.99	4,115.01	48.6%
576 80 20 00	Personnel Benefits - Park Facilities	3,300.00	1,288.50	2,011.50	39.0%
576 80 31 00	Park Facilities - Office Supplies	50.00	12.92	37.08	25.8%
576 80 31 01	Park Facilities - Fuel	300.00	73.53	226.47	24.5%
576 80 31 20	Park Facilities - Operating Supplies	2,700.00	1,568.13	1,131.87	58.1%
576 80 41 00	Park Facilities - Professional Services	3,500.00	1,702.45	1,797.55	48.6%
576 80 42 00	Park Facilities - Communications	10.00	0.29	9.71	2.9%
576 80 43 00	Park Facilities - Travel	50.00	0.00	50.00	0.0%
576 80 44 00	Park Facilities - Advertising	10.00	1.99	8.01	19.9%
576 80 45 00	Park Facilities - Operating Rentals & Leases	850.00	0.00	850.00	0.0%
576 80 46 00	Park Facilities - Insurance	3,900.00	2,586.87	1,313.13	66.3%
576 80 47 00	Park Facilities - Utility Services	8,400.00	3,466.88	4,933.12	41.3%
576 80 48 00	Park Facilities - Repairs & Maintenance	400.00	825.93	(425.93)	206.5%
576 80 49 10	Park Facilities - Miscellaneous Training	0.00	37.97	(37.97)	0.0%
576 80 49 11	Park Facilities - Miscellaneous	10.00	125.00	(115.00)	1250.0%
576 80 53 00	Park Facilities - External Taxes & Operating Assessments	60.00	31.70	28.30	52.8%
576 80 60 01	Park Facilities - Capital Outlays	0.00	0.00	0.00	0.0%
576 80 62 01	Park Facilities - Capital Outlay Buildings & Structures	0.00	0.00	0.00	0.0%
<b>576 Park Facilities</b>		<b>31,540.00</b>	<b>15,607.15</b>	<b>15,932.85</b>	<b>49.5%</b>
<b>Fund Expenditures:</b>		<b>31,540.00</b>	<b>15,607.15</b>	<b>15,932.85</b>	<b>49.5%</b>
<b>Fund Excess/(Deficit):</b>		<b>(31,540.00)</b>	<b>(15,607.15)</b>		



## Pickle Ball Court Estimate

6/17/2016

<b>Material</b>	<b>Number</b>	<b>Cost</b>	<b>Unit</b>	<b>Total</b>
Post	3	\$ 289.99	Pair	\$ 869.97
Net	3	\$ 46.99	Ea	\$ 140.97
Lines	3	\$ 10.99	Roll	\$ 32.97
Resurface	24	\$ 29.90	Pail	\$ 717.60
Screening	1	\$ 175.00	Roll	\$ 175.00

Total **\$ 1,936.51**

**STAFF REPORT**

To: Mayor Schiller  
From: Todd Baun- Director of Public Works  
Date: July 5, 2016  
Re: Dog Park Survey

---

At last Council meeting, we had a question about creating a dog park, or location people can take their dogs, in the City. Paul created a survey that he put on the website. The reason for this survey is to see if there is need, potential concerns, location and what support people are willing to provide. I have attached the results we have received since June 17<sup>th</sup>.

**Action Requested:**

Please let know if you would like to keep the survey up and if there is any other questions you would like to see.

1. Are you a City of McCleary resident?	2. How many dog(s) do you own?	3. Where do you currently take your dog(s) to walk, socialize, exercise?	4. Have you been to a dog park before?	5. Do you think the City of McCleary could benefit from an area where dogs could safely play off leash?	6. If City of McCleary had a safe dog park, how many times a week do you feel you would visit?	7. How far would you be willing to drive to take your dog(s) to an off leash park?	8. Which of the following area would you like to see a dog park at most:	9. What time of day would you typically visit a dog park?	10. What is most important to you for a safe dog park? (Rank 1-8, 1 most important)	11. If plaques or other commemorative items were sold to raise money to build the dog park, would you consider investing in one if the cost was:	12. What is your greatest concern about having a dog park in the City of McCleary?	Date
Yes	Two	the street	No	No	None	0-4 miles	Other	Evenings	Park Amenities (Trash cans, Dog stations, etc.),Other	None	Not cleaning up Dog Poop.	6/17/2016
Yes	One	Woods behind Mill	Yes	Yes	5+	0-4 miles	Area next to park and ride,City owned 9 acres on Summit Road	Mornings	Location,Bulletin Board,Permanent Benches for people	\$20-\$25	.	6/18/2016
Yes	Two	Around town	No	Yes	4-Mar	0-4 miles	Beerbower Park	Evenings	Location,Cleanliness,Safety ,Park Amenities (Trash cans, Dog stations, etc.),Maintenance,Bulletin Board,Permanent Benches for people	\$20-\$25	None at this time	6/19/2016
Yes	Three or more	streets	Yes	Yes	2-Jan	15+ miles	Beerbower Park	Mid-Day,Evenings	Location,Cleanliness,Park Amenities (Trash cans, Dog stations, etc.)	\$50-\$75	A dog getting hurt and not having a local veterinary	6/20/2016
Yes	Three or more	olympia, wa	No	Yes	4-Mar	10-14 miles	City owned 9 acres on Summit Road	Evenings	Location,Cleanliness,Safety ,Park Amenities (Trash cans, Dog stations, etc.),Maintenance,Bulletin Board,Permanent Benches for people,Other	\$20-\$25	If it would be properly maintained	6/20/2016
No	None	No pup	Yes	Yes	5+	15+ miles	Beerbower Park	Mornings,Mid-Day	Location	\$20-\$25	No Concerns	6/22/2016
Yes	None	no dog	Yes	Yes	None	0-4 miles	City owned 9 acres on Summit Road	Mornings	Safety	None	Safety, noise concerns for any nearby residents. Otherwise I believe a dog park is a great idea.	6/24/2016
Yes	Three or more	State Campgrounds	Yes	Yes	None	0-4 miles	Beerbower Park	Mid-Day	Location,Cleanliness,Safety ,Park Amenities (Trash cans, Dog stations, etc.),Maintenance,Bulletin Board,Permanent Benches for people	\$50-\$75	I have very small dogs so my yard for the most part provides adequate exercise. I probably wouldn't take my dogs to a dog park, however, as an animal lover, I think it would be wonderful for our city to have a dog park for those with dogs who need a place to run, play, and socialize. It would be a nice added amenity to our city that people would consider when moving here.	6/29/2016
No	Three or more	Beach	Yes	Yes	2-Jan	15+ miles	Other	Mid-Day	Park Amenities (Trash cans, Dog stations, etc.)	\$20-\$25	.	7/5/2016

**STAFF REPORT**

To: Mayor Schiller  
From: Todd Baun- Director of Public Works  
Date: July 5, 2016  
Re: REED fund expenditure

---

There has been a request to expend \$20,000 from the REED (Rural Electric Economic Development) fund. The fund currently has \$100,255 in it. There are stipulations that the money can be expended on. Here is the definition that is in our Municipal Code and the State RCW.

*Qualifying project" means a project designed to achieve job creation or business retention, to add or upgrade nonelectrical infrastructure, to add or upgrade health and safety facilities, to accomplish energy and water use efficiency improvements, including renewable energy development, or to add or upgrade emergency services in any designated qualifying rural area.*

The propose expenditures are to expand the current Fire Department Building and to purchase needed equipment for the Police Department. The cost for the Fire Department building is estimated to be \$12,000. I have attached a memo from Paul Nott, our Fire Chief, and also an estimate of cost for the expansion. I have also attached a memo and a list of items requested from Police Chief Crumb. The Police is requesting \$8,000.

**Action Requested:**

Please decide if you would like to use REED funds for the items requested.



**City of McCleary**  
*Home of the McCleary Bear Festival*

# MEMORANDUM

---

**DATE:** June 20, 2016

**TO:** Mayor Schiller, Council Members, and Reed Committee

**FROM:** Paul Nott

**SUBJECT:** Fire Hall Expansion

**CC:** Wendy Collins, Todd Baun

---

The purpose of this memo is to express my support for the expansion of the existing City Fire Hall.

Since 2011, the Fire Dept. has informed City government of the liability and reliability issue regarding the dept.'s rescue rig. The vehicle is overweight, becoming even more unreliable and in short needs to be replaced. Recently, GHFD12 has researched an opportunity to purchase a new/used rescue rig. With the ongoing relationship between the City Fire Department and GHFD12, the district is continuing its efforts to provide quality service to its citizens by assisting the City Fire Department in purchasing the equipment needed to provide that service. Which in turn benefits the citizens of our community as well.

With this current opportunity, there has been discussion as to where to house the new apparatus. Our current station is not long enough to house more than two pumpers. The other two bays are barely large enough to hold smaller ambulance size vehicles.

The City at some time will have to look at replacement of the rescue rig. If the District ends up going forward on the purchase of the rescue rig, then the City benefits by utilizing the rescue rig without having to purchase one right away. This is a win/win opportunity for both agencies if the District purchases the rig and is able to house it in our station.

The expansion of the fire station does make fiscal sense. The City currently has property to build a new fire station, but, as we all know, funding at the present time is unachievable. For a small investment of \$12-15,000.00 and volunteer assistance in construction, the City would be able to expand the current station to utilize all four bays to house full size fire apparatus.





# McCleary Police Department

100 South Third Street • McCleary, Washington 98557  
Phone (360) 495-3107 • Fax (360) 495-4483

George Crumb  
Chief of Police

*Home of the Bear Festival*

## MEMORANDUM

Date: June ~~24~~<sup>30</sup>, 2016

To: Brent Schiller, Mayor  
City of McCleary

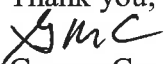
From: George M. Crumb  
Chief of Police

RE: Police Department Equipment

Mr. Mayor;

If funds become available to purchase operational equipment, the police department has requested the below listed items. The equipment listed are in order of priority.

1. Motorola APX 4000 radio w/mic & programing Through Day Wireless	3 units:	\$4200.00
2. Kodak Digital camera PIXPRO FZ51 or (Sony)	4 units (\$89	\$485.04
3. PBT (portable breath test units)	1 unit	\$602.18
4. Body Worn camera(s)	4 units (\$259.00 each, no tax (8.4% City Tax=	\$1123.02
5. Sirenet lamps for Police Light Bar.	8 items \$81.90= (8.4% City Tax=	\$731.39
6. SONY Audio Recorders (IC recorder	3 units \$52.90 x3= (\$11.97 shipping=	\$170.67
7. X26 Taser 25', 8x Cartridges, (69.99 for 2 pk) (\$49.99 ea.)	8 Cartridges 4 Batteries	\$279.96 \$200.00
Total est.		\$7792.26

Thank you;  
  
George Crumb

Approved: \_\_\_\_\_ Date: \_\_\_\_\_  
Brent Schiller, Mayor, City of McCleary

If funding becomes available, it is hoped the listed items become available. These are items of importance for officers as daily needed operational equipment, and most listed items are vital to the safety of the officer as well as some citizens officers may have to contact... Please consider the items listed below

First and most important is our ability to communicate to our dispatch and other personnel. The current radio hand held portable systems, the Motorola HT1250, has been in police service from 12 to 14 years now. This is considered old equipment. The radios were purchased by grant and from surplus from the City of Oakville. These old radio systems are becoming continually dangerously unreliable.

In one fairly recent incident involving an officer in foot pursuit. The officer could not communicate with dispatch. Dispatch had no information of the officer's changed situation, though the officer attempted to use his radio on multiple occasions during the incident. The potential for an unacceptable hazard existed.

Additionally, several incidents of dispatch attempting contact with officers, and officers with dispatch have initially failed. Multiple radio attempts are completed before contact is made and information passed along. In law enforcement, and public safety, this again is not acceptable.

The Sheriff's Department has recently purchased some updated replacement radios, the Motorola APX4000. Our communications vender, Day Wireless, strongly recommends this system. We have purchased one unit and it appears superior to our current radio.

I am requesting the purchase of at least three new radios if possible.

A second item used daily is a simple digital camera. Photos are used in almost every aspect with our police reports and other information gathering. Our current cameras are barley, or not at all functional. Camera use in public safety is a must. The tool is needed to convey information to others and reduce liability and tell the story.

A third item requested is a portable breath test unit. We currently have older Intoximeter systems. Two of our four units are out of service and not repairable. Due to cost, a single new unit is requested for now. This item can be used for several community oriented applications. Such as ensuring potential drivers are capable, or underage drinkers. Before anyone use machinery, vehicles or creates a liability issue which may endanger themselves or others.

The next item, body worn cameras, is one that I do support. The police originally purchased these items about 3 years ago, and proved to be a useful. However, they were of design that does not hold up to prolonged use. At this time only one camera works off and on. Cameras have been proven to be a very specific evidence gathering tool, and may protect the officer and city against liability allegations.



Another item are repair parts for three police vehicle emergency light bars. These light bars need replacement lamps. We have been operating with one or two bulbs being burned out resulting in cannibalizing of parts from other lights. This is without saying, a potential safety hazard if the lights are not completely visible.

The purchase of the lamps will fully repair the existing light bar systems.

The last items requested are our Taser cartridges and batteries. This is a less lethal electronic tool. The taser unit needs to be cycled at least weekly, However, is suggested by the manufacturer to be done daily prior to calling on duty. Cycling eventually diminishes battery life, but needs to be done to maintain the circuit. Currently we have no extra batteries or cartridges in stock. The tool is very important for an officer safety situation in controlling a non-compliant or hostile individual prior to arrival of backup or if backup arrives at all. These tools may also be used on aggressive animals.

If there are any questions, please let me know

Thank you;

George Crumb, Chief

Approved: \_\_\_\_\_ Date: \_\_\_\_\_  
Brent Schiller, Mayor, City of McCleary

Fire Hall Addition 6/16/2016

Option #1 Extend 12' from current doors

<b>Material</b>	<b>Cost</b>	<b>Number</b>	<b>Unit</b>	<b>Total</b>	<b>Notes</b>
Concrete	\$ 120.00	15.5	Yd	\$ 1,860.00	footing and stem wall= 2yds, slab=13.5 yds
Trusses	\$ 4.25	420	LF	\$ 1,785.00	6 common & 1 Gable, 60' Span, 3/12 pitch
Lumber	\$ 3.50	20	Ea	\$ 70.00	2x4x8
Lumber	\$ 9.00	36	EA	\$ 324.00	2x6x16
Plywood	\$ 17.00	14	EA	\$ 238.00	15/32 - 448 sqft
OSB Roof sheeting	\$ 12.50	24	EA	\$ 300.00	7/16- 768
Roofing	\$ 5,000.00	1	lump	\$ 5,000.00	Matching metal roof
Electric	\$ 650.00	1	lump	\$ 650.00	12/2wire-500 ft, 12 outlets and boxes, 2 breakers, Permit, 4 lights
Insulation	\$ 50.00	8	bags	\$ 400.00	R-19, 387.5 Sqft
Insulation	\$ 20.00	24	bags	\$ 480.00	R-30- 750 Sqft
Drywall	\$ 500.00	1	lump	\$ 500.00	drywall, tape, mud, texture
Total				\$ 11,607.00	

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**2016 BUDGET POSITION**

City Of McCleary  
MCAG #: 0344

Time: 09:05:55 Date: 07/08/2016  
Page: 1

411 Rural Electric Economic Development (REE) 01/01/2016 To: 12/31/2016

	Amt Budgeted	Revenues	Remaining	
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308 Beginning Balances

308 10 04 11 Rural Development Investment	100,255.00	100,269.66	(14.66)	100.0%
308 Beginning Balances	100,255.00	100,269.66	(14.66)	100.0%

360 Misc Revenues

361 11 04 11 Investment Interest	0.00	141.63	(141.63)	0.0%
360 Misc Revenues	0.00	141.63	(141.63)	0.0%

<b>Fund Revenues:</b>	<b>100,255.00</b>	<b>100,411.29</b>	<b>(156.29)</b>	<b>100.2%</b>
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	Amt Budgeted	Expenditures	Remaining	
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591 Debt Service

590 33 00 00 Debt Service	0.00	0.00	0.00	0.0%
591 Debt Service	0.00	0.00	0.00	0.0%

597 Interfund Transfers

597 33 00 42 Transfer Out - Reed To Sewer	0.00	0.00	0.00	0.0%
597 Interfund Transfers	0.00	0.00	0.00	0.0%

999 Ending Balance

508 00 04 11 Ending Net Cash And Investments	0.00	0.00	0.00	0.0%
508 05 04 11 Unanticipated Expenses	0.00	0.00	0.00	0.0%
508 10 04 11 Ending Investment	0.00	0.00	0.00	0.0%
508 11 04 11 Rural Development Investment	100,255.00	0.00	100,255.00	0.0%
508 30 04 11 Reet	0.00	0.00	0.00	0.0%
508 80 04 11 Unreserved Ending Balance	0.00	0.00	0.00	0.0%
999 Ending Balance	100,255.00	0.00	100,255.00	0.0%

<b>Fund Expenditures:</b>	<b>100,255.00</b>	<b>0.00</b>	<b>100,255.00</b>	<b>0.0%</b>
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<b>Fund Excess/(Deficit):</b>	<b>0.00</b>	<b>100,411.29</b>		
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## 5 YEAR BUDGET COMPARISON

City Of McCleary  
MCAG #: 0344

Time: 09:04:29 Date: 07/08/2016  
Page: 1

### 411 Reed L/P Reserve Fund

Account	2012 Actual	2013 Actual	2014 Actual	2015 Actual	2015 Appropriated	2016 Appropriated	Comment
308 10 04 11 Rural Development Investment	100,000.00	0.00	100,094.83	100,160.20	100,075.00	100,255.00	
308 11 04 11 Rural Development Investment	0.00	100,000.00	0.00	0.00	0.00	0.00	
308 Beginning Balances	100,000.00	100,000.00	100,094.83	100,160.20	100,075.00	100,255.00	
361 11 04 11 Investment Interest	0.00	94.83	65.37	109.46	0.00	0.00	
360 Misc Revenues	0.00	94.83	65.37	109.46	0.00	0.00	
<b>TOTAL REVENUES:</b>	<b>100,000.00</b>	<b>100,094.83</b>	<b>100,160.20</b>	<b>100,269.66</b>	<b>100,075.00</b>	<b>100,255.00</b>	
508 11 04 11 Rural Development Investment	0.00	0.00	0.00	0.00	100,075.00	100,255.00	
999 Ending Balance	0.00	0.00	0.00	0.00	100,075.00	100,255.00	
<b>TOTAL EXPENDITURES:</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>100,075.00</b>	<b>100,255.00</b>	
FUND GAIN/LOSS:	100,000.00	100,094.83	100,160.20	100,269.66	0.00	0.00	

**STAFF REPORT**

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

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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 Storm
- Flooding
- Wild land Fire

**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

---

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

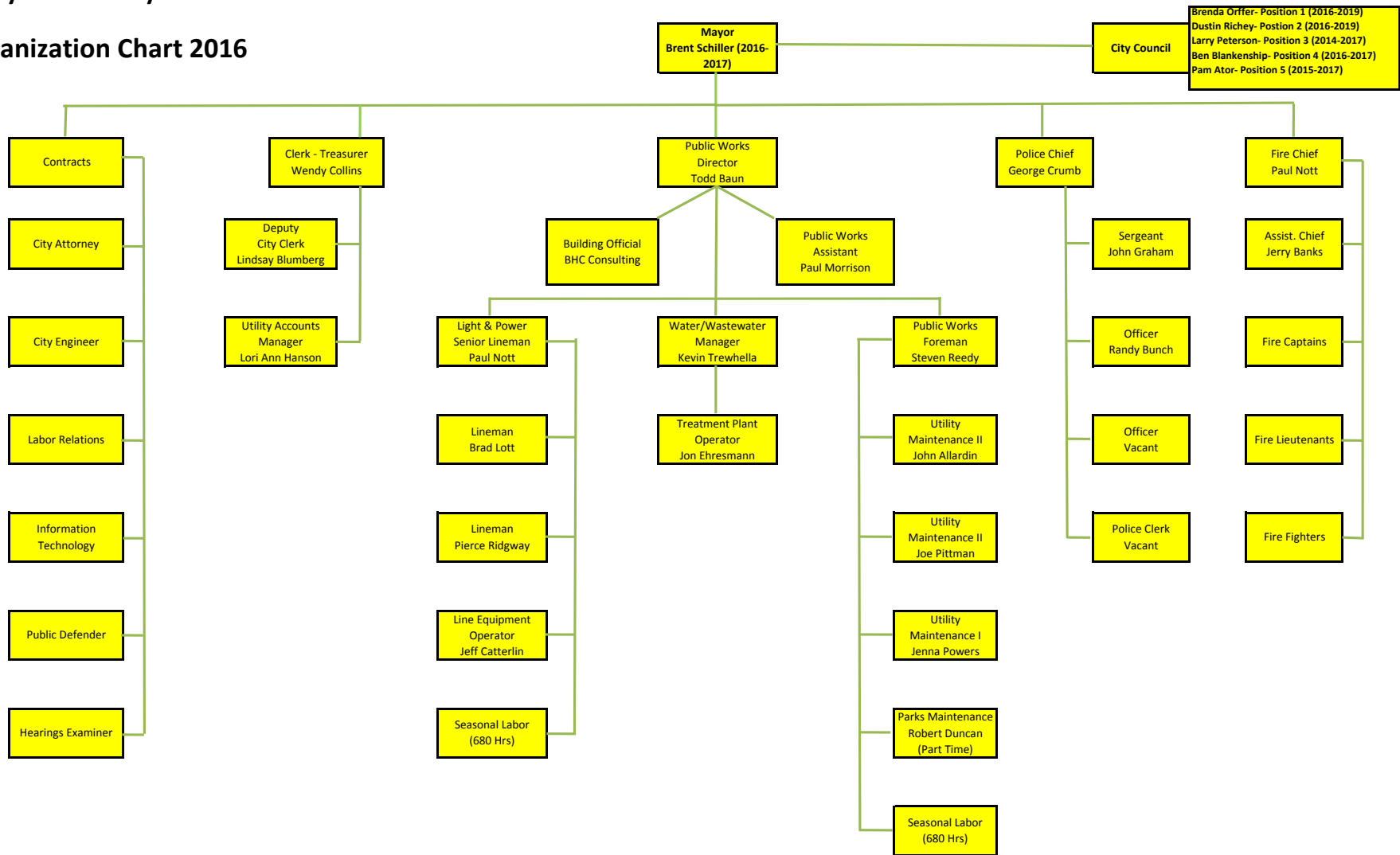
What happens if we can't get ahold of the people in the positions above? That is why I'm requesting is a documented procedure showing our operations in case of an emergency. I have also attached our current organizational chart for your review.

**Action Requested:**

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

# City of McCleary

## Organization Chart 2016



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

AN ORDINANCE 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.

R E C I T A L S:

1. Through the adoption of Ordinance 603, the City provided definitions for use throughout the code, as well as defined conditions under which certain types of vehicles may be parked and utilized upon private property.

2. Since the adoption, situations have occurred which, while not related to zoning, require clarification as to under what circumstances and conditions certain types of vehicles may be parked upon the public right of way.

3. It is the desire of the City in adopting this ordinance to supplement the provisions of RCW 46.61 relating to parking and stopping which have been adopted by the City through the adoption of the Model Traffic Ordinance codified in Chapter 10 of the Municipal Code.

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

SECTION I: There shall be added to Chapter 10.20 of the Municipal Code a new section to read as follows:



A. Except as allowed by the provisions of Ordinance 603, now codified in part within the provisions of the Municipal Code, neither a trailer, whether designed for utility or commercial transportation purposes, nor a recreational vehicle, including by way of representation and not limitation, motor homes, 5<sup>th</sup> wheel trailers, camp trailers, pickup trucks upon which campers are mounted, shall be parked upon any public right of way for more than seventy-two (72) consecutive hours. For purposes of calculation of a violation of this section, it shall be deemed to have been so parked if it is parked for that period within any one thousand two hundred (1,200) foot consecutive portion of the right of way. Removing of the unit from that area for a period of less than twelve hours shall not constitute a break in the time calculation in determination of a violation.

B. Commercial vehicles, including those defined as a combined vehicle pursuant to the provisions of RCW 46.04.130, as now existing or hereafter amended, having more than a single rear axle, shall not be parked upon the public right of way located within an area zoned R-1, R-2, or R-3 except for such period of time as may be necessary to allow loading or unloading of materials transported by or to be transported by the vehicle in question.

C. At no time shall a vehicle be parked in such a manner as to reduce the area of the right of way available for motor vehicle travel to less than fifteen (15) feet in width.

D. Any person violating the provisions of this ordinance shall, upon a finding of committed, be subject to citation and punishment pursuant to the provisions of Section 10.24.300, as now existing or hereafter amended or succeeded and the vehicle subject to impoundment pursuant to the provisions of RCW 46.55.085: PROVIDED THAT, if in the opinion of the officer the vehicle's location constitutes a risk of danger to the life and property of the citizens, impoundment and removal may be ordered immediately.

SECTION II: The provisions of Section I shall be deemed to repeal by implication any provision of the existing Municipal Code, including Section 10.20.010 MMC, which is in conflict therewith.

SECTION III: 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: Effective Date: This Ordinance shall take effect upon the fifth day following date of publication.

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:

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

AN ORDINANCE ADOPTING A SHORELINES MASTER PROGRAM, REPEALING ANY PROVISION IN CONFLICT THEREWITH, PROVIDING FOR CODIFICATION, AND PROVIDING FOR AN EFFECTIVE DATE & TRANSITION.

R E C I T A L S :

1. The City of McCleary has land and water within the City subject to the jurisdiction of the Shorelines Management Act.

2. The Shorelines Management Act requires that local governments prepare a Master Program to guide and manage the development of the areas within the Act's jurisdiction.

3. McCleary's Shoreline Consultant has prepared a Shorelines Master Program for the City after consultation with citizens, property owners, and governmental agencies.

4. The Consultant and the Council have conducted all necessary public hearings on the proposed program and recommends approval.

5. All necessary hearings have been held; all necessary notices given; and all necessary environmental reviews conducted.

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

SECTION I: That certain document entitled "City of McCleary Shoreline Master Program" consisting of eight chapters, one appendix, and a map as on file in the Office of the Clerk-Treasurer and signed by the Mayor is hereby adopted by reference as the Shoreline Master Program for the City.

SECTION II: The Clerk-Treasurer is directed to forward a copy of this Ordinance and the adopted program to the Department of Ecology for approval and adoption into the State Shoreline Management Master Program.

SECTION III:

A. Chapters 1 through 8 and the Appendix, as well as the map of the adopted program, shall be codified in Title XVIII of the City Code.

B. In recognition of the intention that the provisions of the plan adopted pursuant to Section I is to supersede any existing provisions, whether adopted by resolution or ordinance, which are in conflict with the provisions, such conflicting provisions shall be deemed repealed as of the effective date of this ordinance: PROVIDED THAT, any completed application subject to review under the provisions of those sections shall continue to be reviewed and acted upon pursuant to those provisions.

SECTION IV: To the extent allowed by law this Ordinance shall take effect five days after publication of a Synopsis of

the Ordinance to the extent such may be allowed by law: PROVIDED that in any event, it shall go into effect no later than the date upon which the City receives confirmation that the Washington State Department of Ecology has approved this plan for inclusion into the State Master Program.

SECTION V: 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 VI: 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 SHRILLER, 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 \_\_\_\_\_, 2015, by WENDY COLLINS.

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



RESOLUTION NO. \_\_\_\_\_

A RESOLUTION 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.

R E C I T A L S :

1. The City currently has in place a policy setting forth guidelines in relation to the accumulation and use of vacation leave for its full-time employees who are not members of a collective bargaining unit.

2. Through the adoption of Resolution 574, the Council adopted an amendment to Section 4.7 of the City's Personnel Policies seeking to deal with issues related to such accumulation and usage.

3. After review of the implementation of that policy, it has come to the attention of the Mayor and Council that it is appropriate to implement a policy for such employees generally consistent with those authorized for employees represented by the Teamster's Union.

4. In recognition of that fact, the Council desires to modify the existing policy under which vacation leave may be purchased.

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

SECTION I: Section #7.1 of the Personnel Policies of the City is amended to read as set out upon Exhibit #1.

SECTION II: As noted within the policy amendment, the policy is intended to be of such a nature as to be subject to modification and there shall be no vesting of rights thereunder.

PASSED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2016, by the City Council of the City of McCleary, and signed in authentication thereof this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

CITY OF McCLEARY:

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

ATTEST:

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

APPROVED AS TO FORM:

\_\_\_\_\_  
DANIEL O. GLENN, City Attorney

Exhibit #1

Section 4.7.

A. General Statement: To the extent not inconsistent with the specific policies set forth below, the provisions set forth in the then existing collective bargaining agreement between the City and the Teamsters Union governing the use of benefits, including sick leave and vacation, shall apply to any employee covered by this section.

B. Specific Provisions:

1. Each full time, non-bargaining unit employee, who has begun full-time service with the City shall be entitled to vacation credit for each year of service and be entitled to vacations in accordance with the following schedule:

An employee who has completed fewer than 5 years of employment will accrue 8 hours per month.

An employee who has completed 5 years will accrue 10 hours per month.

An employee who has completed 10 years will accrue 12 hours per month.

An employee who has completed 15 years or more will accrue 14 hours per month.

The ((City Administrator)), Clerk-Treasurer, Chief of Police and Director of Public Works, ((Building Official)) each accrue 14 hours per month.

2. An employee may carry a vacation balance of up to 320 hours. The employee's appropriate supervisor shall grant or deny vacation requests. The City further reserves the right to schedule vacation requests for staffing needs. With prior Council approval, the Mayor may authorize an employee to receive compensation in lieu of taking said vacation when the City, for its operational benefit, has denied reasonable use of vacation during the calendar year.

3. In recognition of the service hours challenge resulting from staffing variations, the Chief of Police may elect to receive compensation of up to \_\_\_\_\_ hours in any calendar year in lieu of vacation(((, if the following conditions are met:)))

1. ~~At least twenty (20) hours of vacation are available after the request has been fulfilled~~
1. ~~(( When four (4) or fewer full-time officers, including the Chief, are approved by the annual budget: up to 80 hours per calendar year~~
1. ~~When five (5) full-time officers, including the Chief, are approved by the annual budget: up to 40 hours per calendar year~~
1. ~~When six (6) or more full-time officers, including the Chief, are approved by the annual budget: none))~~

This benefit may be terminated at any time and shall not be deemed a vested right.

4. A full time employee who is subject to this section and whose employment is terminated by death, reduction in force, resignation, dismissal or retirement, who has accrued vacation credit, shall be paid therefor, or their personal representatives shall be paid therefor if they be deceased.

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