



# McCleary City Council

## Agenda

June 8th, 2016- 7:00 PM

### Flag Salute

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

### Public Hearings

6 Year Transportation Improvement Plan (STIP)

### Public Comment

### Executive Session

### Minutes

**Tab A** Approval

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

### Approval of Vouchers

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

### Mayor Comments

Attorney Award, Pickleball Court

### Staff Reports

**Tab B** Dan Glenn

**Tab C** Todd Baun

**Tab D** Additional Staff Reports

### Old Business

**Tab E** Museum Utility Bill discussion

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

### New Business

**Tab F** Ray Boling Zoning Discussion

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

**Tab G** SEPA Exemptions

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

**Tab H** RV Parking Ordinance Update

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

**Tab I** NJPA Contract Purchasing Cooperative

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

**Tab J** BPA contract update

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

**Tab K** Surplus Transformer Bids

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

**Tab L** Fireworks Stand Permit

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

### Ordinances

**Tab M** Parking Ordinance

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

### Resolutions

**Tab N** STIP Update

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

### 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.

# Six Year Transportation Improvement Program From 2017 to 2022

Agency: McCleary

County: Grays Harbor

MPO/RTPO: SWW RTPO

N Inside

Y Outside

Functional Class	Priority Number	A. PIN/Project No. C. Project Title D. Road Name or Number E. Begin & End Termini F. Project Description	B. STIP ID  G. Structure ID	Hearing	Adopted	Amendment	Resolution No.	Improvement Type	Utility Codes	Total Length	Environmental Type	RW Required
07	1	/ Z141(004)  S. 3rd Street Upper  Mox Chehalis to E. Oak Street Intersection improvements, resurface and repair, new curb and gutter, storm, sidewalks and shared bike lane.	WA-05603	06/08/16	06/08/16			04	CGOPS TW	0.260		No

Funding								
Status	Phase	Phase Start Year (YYYY)	Federal Fund Code	Federal Funds	State Fund Code	State Funds	Local Funds	Total Funds
P	CN	2017	STP(R)	785,274	TIB	900,000	0	1,685,274
<b>Totals</b>				<b>785,274</b>		<b>900,000</b>	<b>0</b>	<b>1,685,274</b>

Expenditure Schedule					
Phase	1st	2nd	3rd	4th	5th & 6th
CN	1,685,274	0	0	0	0
<b>Totals</b>	<b>1,685,274</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

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Functional Class	Priority Number	A. PIN/Project No. C. Project Title D. Road Name or Number E. Begin & End Termini F. Project Description	B. STIP ID  G. Structure ID	Hearing	Adopted	Amendment	Resolution No.	Improvement Type	Utility Codes	Total Length	Environmental Type	RW Required
07	2	S. 3rd Street Lower S. 3rd Street Oak St to Simpson Ave Resurface and repair, New curb and gutter, storm, planter strip where possible, sidewalk, and shared bike lane	WA-05604	06/08/16	06/08/16			04	CGOPS TW	0.250		No

Funding								
Status	Phase	Phase Start Year (YYYY)	Federal Fund Code	Federal Funds	State Fund Code	State Funds	Local Funds	Total Funds
P	PE	2018		0	TIB	61,300	63,000	124,300
P	CN	2019		0	TIB	1,118,700	0	1,118,700
<b>Totals</b>				<b>0</b>		<b>1,180,000</b>	<b>63,000</b>	<b>1,243,000</b>

Expenditure Schedule					
Phase	1st	2nd	3rd	4th	5th & 6th
PE	124,300	0	0	0	0
CN	0	1,118,700	0	0	0
<b>Totals</b>	<b>124,300</b>	<b>1,118,700</b>	<b>0</b>	<b>0</b>	<b>0</b>

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00	3	Main Street Realign Main Street 3rd Street to Main Street Realign roadway to correct sight distance issues, New curb and gutter and sidewalk, minimal storm water improvements.	WA-05605	06/08/16	06/08/16			04	O	0.050		No

Funding								
Status	Phase	Phase Start Year (YYYY)	Federal Fund Code	Federal Funds	State Fund Code	State Funds	Local Funds	Total Funds
P	ALL	2017		0	TIB	185,000	10,000	195,000
<b>Totals</b>				<b>0</b>		<b>185,000</b>	<b>10,000</b>	<b>195,000</b>

Expenditure Schedule					
Phase	1st	2nd	3rd	4th	5th & 6th
ALL	195,000	0	0	0	0
<b>Totals</b>	<b>195,000</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

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Functional Class	Priority Number	A. PIN/Project No. C. Project Title D. Road Name or Number E. Begin & End Termini F. Project Description	B. STIP ID  G. Structure ID	Hearing	Adopted	Amendment	Resolution No.	Improvement Type	Utility Codes	Total Length	Environmental Type	RW Required
00	4	West Ash Street Part 1 West Ash St N 9th St to N 7th St Resurface and repair.	WA-05607	06/08/16	06/08/16			04	CG O P S T W	0.130		No

Funding								
Status	Phase	Phase Start Year (YYYY)	Federal Fund Code	Federal Funds	State Fund Code	State Funds	Local Funds	Total Funds
P	ALL	2017		0	TIB	130,000	7,000	137,000
<b>Totals</b>				<b>0</b>		<b>130,000</b>	<b>7,000</b>	<b>137,000</b>

Expenditure Schedule					
Phase	1st	2nd	3rd	4th	5th & 6th
ALL	137,000	0	0	0	0
<b>Totals</b>	<b>137,000</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

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00	5	West Ash Street Part 2 Ash Street N 9th St. to N 10th St. Resurface and Repair	WA-05608	06/08/16	06/08/16			04		0.120		No

Funding								
Status	Phase	Phase Start Year (YYYY)	Federal Fund Code	Federal Funds	State Fund Code	State Funds	Local Funds	Total Funds
P	ALL	2017		0	TIB	111,000	6,000	117,000
<b>Totals</b>				<b>0</b>		<b>111,000</b>	<b>6,000</b>	<b>117,000</b>

Expenditure Schedule					
Phase	1st	2nd	3rd	4th	5th & 6th
ALL	117,000	0	0	0	0
<b>Totals</b>	<b>117,000</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

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06	6	Intersection Simpson and Summit Simpson Ave Simpson Ave to Summit Rd Intersection improvements, new curb and gutter, storm, sidewalk, landscaping, and bike lane.	WA-05610	06/08/16	06/08/16			04	CGOPS TW	0.020		No

Funding								
Status	Phase	Phase Start Year (YYYY)	Federal Fund Code	Federal Funds	State Fund Code	State Funds	Local Funds	Total Funds
P	PE	2018		0	TIB	67,000	68,000	135,000
P	CN	2019		0	TIB	1,215,000	0	1,215,000
<b>Totals</b>				<b>0</b>		<b>1,282,000</b>	<b>68,000</b>	<b>1,350,000</b>

Expenditure Schedule					
Phase	1st	2nd	3rd	4th	5th & 6th
PE	0	135,000	0	0	0
CN	0	0	1,215,000	0	0
<b>Totals</b>	<b>0</b>	<b>135,000</b>	<b>1,215,000</b>	<b>0</b>	<b>0</b>

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06	7	Summit Road Downtown Summit Rd Simpson Ave to Beck St Resurface, widen, new curb and gutter, storm improvements, sidewalk, landscaping and/or planter strips where possible and bike lane	WA-05611	06/08/16	06/08/16			04	CGOPS TW	0.280		No

Funding								
Status	Phase	Phase Start Year (YYYY)	Federal Fund Code	Federal Funds	State Fund Code	State Funds	Local Funds	Total Funds
P	ALL	2018		0	TIB	1,352,000	72,000	1,424,000
<b>Totals</b>				<b>0</b>		<b>1,352,000</b>	<b>72,000</b>	<b>1,424,000</b>

Expenditure Schedule					
Phase	1st	2nd	3rd	4th	5th & 6th
ALL	0	1,424,000	0	0	0
<b>Totals</b>	<b>0</b>	<b>1,424,000</b>	<b>0</b>	<b>0</b>	<b>0</b>



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N Inside

Y Outside

Functional Class	Priority Number	A. PIN/Project No. C. Project Title D. Road Name or Number E. Begin & End Termini F. Project Description	B. STIP ID  G. Structure ID	Hearing	Adopted	Amendment	Resolution No.	Improvement Type	Utility Codes	Total Length	Environmental Type	RW Required
06	8	Summit Road "S" Turn Part 1 Summit Rd Beck St to E. Wildcat Creek Resurface, widen, new curb and gutter, storm, sidewalk, planter strip, and bike lane.	WA-05612	06/08/16	06/08/16			04	CG O P S T W	0.330		No

Funding								
Status	Phase	Phase Start Year (YYYY)	Federal Fund Code	Federal Funds	State Fund Code	State Funds	Local Funds	Total Funds
P	ALL	2019		0	TIB	1,634,000	87,000	1,721,000
<b>Totals</b>				<b>0</b>		<b>1,634,000</b>	<b>87,000</b>	<b>1,721,000</b>

Expenditure Schedule					
Phase	1st	2nd	3rd	4th	5th & 6th
ALL	0	0	1,721,000	0	0
<b>Totals</b>	<b>0</b>	<b>0</b>	<b>1,721,000</b>	<b>0</b>	<b>0</b>

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06	9	Summit Road "S" Turn Part 2 Summit Rd E Wildcat Creek to SR 108 Resurface, widen, new curb and gutter, storm, sidewalk, planter strip, and bike lane.	WA-05613	06/08/16	06/08/16			04	CG O P S T W	0.310		No

Funding								
Status	Phase	Phase Start Year (YYYY)	Federal Fund Code	Federal Funds	State Fund Code	State Funds	Local Funds	Total Funds
P	ALL	2019		0	TIB	1,510,000	80,000	1,590,000
<b>Totals</b>				<b>0</b>		<b>1,510,000</b>	<b>80,000</b>	<b>1,590,000</b>

Expenditure Schedule					
Phase	1st	2nd	3rd	4th	5th & 6th
ALL	0	0	1,590,000	0	0
<b>Totals</b>	<b>0</b>	<b>0</b>	<b>1,590,000</b>	<b>0</b>	<b>0</b>

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08	10	Summit Road North Summit Rd SR 108 to Bear St. Full Depth Reclamation where possible, Resurface, widen, new curb and gutter, storm improvements, sidewalk, planter strips, and bike lanes where possible.	WA-05614	06/08/16	06/08/16			04	C O P S T W	0.420		No

Funding								
Status	Phase	Phase Start Year (YYYY)	Federal Fund Code	Federal Funds	State Fund Code	State Funds	Local Funds	Total Funds
P	ALL	2020		0	TIB	2,037,000	108,000	2,145,000
<b>Totals</b>				<b>0</b>		<b>2,037,000</b>	<b>108,000</b>	<b>2,145,000</b>

Expenditure Schedule					
Phase	1st	2nd	3rd	4th	5th & 6th
ALL	0	0	0	2,145,000	0
<b>Totals</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>2,145,000</b>	<b>0</b>

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00	11	S. 4th Street Downtown S. 4th St Simpson Ave to W. Fir St. Full Depth Reclamation, Resurface, widen, new curb and gutter, storm water system improvements, sidewalk on both sides of road separated from parking areas with planter strips, possible bicycle lanes.	WA-05615	06/08/16	06/08/16			04	CG OPS TW	0.140		No

Funding								
Status	Phase	Phase Start Year (YYYY)	Federal Fund Code	Federal Funds	State Fund Code	State Funds	Local Funds	Total Funds
P	ALL	2020		0	TIB	1,232,000	65,000	1,297,000
<b>Totals</b>				<b>0</b>		<b>1,232,000</b>	<b>65,000</b>	<b>1,297,000</b>

Expenditure Schedule					
Phase	1st	2nd	3rd	4th	5th & 6th
ALL	0	0	1,297,000	0	0
<b>Totals</b>	<b>0</b>	<b>0</b>	<b>1,297,000</b>	<b>0</b>	<b>0</b>

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00	12	S. 4th Street Residential S. 4th St W. Fir St to South City Limits Full Depth Reclamation, Resurface, new curb/gutter and sidewalks on both sides of roadway, planter strip separation from traffic, storm water improvements.	WA-05616	06/08/16	06/08/16			04	CGOPS TW	0.360		No

Funding								
Status	Phase	Phase Start Year (YYYY)	Federal Fund Code	Federal Funds	State Fund Code	State Funds	Local Funds	Total Funds
P	ALL	2020		0	TIB	280,000	15,000	295,000
<b>Totals</b>				<b>0</b>		<b>280,000</b>	<b>15,000</b>	<b>295,000</b>

Expenditure Schedule					
Phase	1st	2nd	3rd	4th	5th & 6th
ALL	0	0	0	295,000	0
<b>Totals</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>295,000</b>	<b>0</b>

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Functional Class	Priority Number	A. PIN/Project No. C. Project Title D. Road Name or Number E. Begin & End Termini F. Project Description	B. STIP ID  G. Structure ID	Hearing	Adopted	Amendment	Resolution No.	Improvement Type	Utility Codes	Total Length	Environmental Type	RW Required
00	13	W. Maple Street Downtown W. Maple St S. 3rd St to S. 5th St Resurface, widen, new curb and gutter, storm, sidewalk, planter strip, and bike lane.	WA-05617	06/08/16	06/08/16			04	CG O P S T W	0.170		No

Funding								
Status	Phase	Phase Start Year (YYYY)	Federal Fund Code	Federal Funds	State Fund Code	State Funds	Local Funds	Total Funds
P	ALL	2020		0	TIB	824,000	44,000	868,000
<b>Totals</b>				<b>0</b>		<b>824,000</b>	<b>44,000</b>	<b>868,000</b>

Expenditure Schedule					
Phase	1st	2nd	3rd	4th	5th & 6th
ALL	0	0	0	868,000	0
<b>Totals</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>868,000</b>	<b>0</b>

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Functional Class	Priority Number	A. PIN/Project No. C. Project Title D. Road Name or Number E. Begin & End Termini F. Project Description	B. STIP ID  G. Structure ID	Hearing	Adopted	Amendment	Resolution No.	Improvement Type	Utility Codes	Total Length	Environmental Type	RW Required
00	14	W. Maple Street Residential W. Maple Street S. 5th Street to S. 7th Street Resurface, Curb/gutter and sidewalk on South side	WA-08006	06/08/16	06/08/16			04		0.150		No

Funding								
Status	Phase	Phase Start Year (YYYY)	Federal Fund Code	Federal Funds	State Fund Code	State Funds	Local Funds	Total Funds
P	ALL	2018		0	TIB	110,000	10,000	120,000
<b>Totals</b>				<b>0</b>		<b>110,000</b>	<b>10,000</b>	<b>120,000</b>

Expenditure Schedule					
Phase	1st	2nd	3rd	4th	5th & 6th
ALL	0	110,000	0	0	0
<b>Totals</b>	<b>0</b>	<b>110,000</b>	<b>0</b>	<b>0</b>	<b>0</b>

	Federal Funds	State Funds	Local Funds	Total Funds
<b>Grand Totals for McCleary</b>	<b>785,274</b>	<b>12,767,000</b>	<b>635,000</b>	<b>14,187,274</b>

**CITY OF MCCLEARY**  
**Regular City Council Meeting**  
**Wednesday, May 11, 2016**

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

ABSENT Mayor Schiller was absent. Mayor Pro Tem Orffer chaired the meeting.

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

PUBLIC COMMENT Helen Hamilton is glad the City hired a Public Works Assistant, Paul Morrison, and said he is doing a good job. She said the clean-up of properties is noticeable and the town is looking better. She also wanted to state that she is against grinder pumps outside the city limits.

Evert Challstedt believes grinder pumps should not be permitted outside the City limits. He knows the history of grinder pumps in McCleary because he used to be on the Planning Commission. The sewage plant was not designed to expand a great deal. He is concerned the cost of sewer will increase if there is sewer expansion outside the city. He advised the Council to be cautious about expanding outside the City limits.

Tim Hamilton started a business in McCleary in 1974. He said annexation was discussed many years ago and it tore this town apart. He believes taking resources from the City and giving them to the County is the same as taking assets away from the residents, who are also the stakeholders. He said they should be focusing on growing inside McCleary city limits, not outside. Growth outside the city limits will only benefit the County, not McCleary residents.

Laura Gumino does not want McCleary grinder pumps in the County. She is concerned it will lead to annexation, which she is against. She said they are on an aquifer and are prone to flooding. She is worried the aquifer will be ruined if the grinder pumps fail or have issues. She also said that even though she lives in the County, she would like to be notified when these subjects come up.

Larry Birindelli agrees with everyone that has spoke on this issue. He said there has to be limits and it should only be for properties that border the City.

Another resident wants the Council to think about what benefits the City will receive by allowing grinder pumps in the County.

EXECUTIVE SESSION **At 7:14 PM, Mayor Pro Tem Orffer made a motion for an executive session for approximately 15 minutes per RCW 42.30.110 (1)(i) to discuss a litigation matter. The executive session ended at 7:29 PM. No action was taken.**

MINUTES APPROVED **It was moved by Councilmember Ator seconded by Councilmember Richey to approve the April 27, 2016 minutes. Motion Carried 4-0.**

VOUCHERS Accounts Payable vouchers/checks approved were 41042- 41075 including EFT's in the amount of \$44,629.05.

Payroll vouchers/checks approved were 40949- 41041 including EFT's in the amount of \$78,591.46.

Bank reconciliation for April 2016 was approved.

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

MAYOR'S COMMENTS None.

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.



Councilmember Ator gave kudos to Paul Morrison for the new staff report he is providing. It is detailed with nuisance and abatement letters that have gone out and it shows the building activity that has taken place. It's a new style of report and she thinks it's wonderful. It's easily readable and helps the Council know what's going on. She likes it a lot and stated, "kudos on a job well done"!

Chief Crumb added that Paul Morrison is doing an outstanding job. He jumped in with both feet and is very supportive. He's getting a lot of things generated and is doing some things that haven't been done in a long time. He is a breath of fresh air and has already been a great help to the Police Department. Chief Crumb told the Council Mr. Morrison will need their support because there will probably be complaints coming in due to the enforced accountability. Chief Crumb said Paul has been a big help and is great to work with.

E-ONE GRINDER PUMPS

Todd Baun provided rate comparisons for grinder pumps from other cities. Councilmember Ator thinks a workshop would be a good idea to discuss the grinder pump issue. She knows there are a lot of buildable lots inside the City that need to be developed. There are approximately 115 undeveloped lots in McCleary that could be built on before focusing on County building projects. Mayor Pro Tem Orffer will share this information with Mayor Schiller and request a workshop. Tabled.

EASEMENT FOR UTILITIES

A stormwater line was installed below the surface of one of the properties in McCleary. It was agreed, that in the best interest of both The City of McCleary and the new owner, that they execute a written document to formalize the existence of the line, and the terms under which the line may be maintained. The previous owner refused the City to have access to perform the required services. The property was sold and the new owner now wants to give the City of McCleary easement access to fix the pipe and perform necessary maintenance. **It was moved by Councilmember Ator, seconded by Councilmember Peterson to authorize the Mayor to sign the easement agreement with Michael Campbell. Motion Carried 5-0.**

RESOLUTION 684 ELLSWORTH  
CURRAN 100TH YEAR  
BIRTHDAY

**It was moved by Councilmember Ator, seconded by Councilmember Peterson to adopt Resolution 684, a resolution recognizing the first century of Ellsworth Curran's life. Resolution Adopted 4-0.**

RESOLUTION 685 HOME  
INSPECTION FEE

The City has been working off of a temporary connection fee agreement for realtors, and others, that wish to have the water reconnected for a 24 - 48 hour window for a flat rate of \$50. This resolution solidifies the temporary status into a set Resolution status. **It was moved by Councilmember Ator, seconded by Councilmember Peterson to adopt Resolution 685, a resolution relating to public services; establishing and confirming fees in relation to temporary reactivation of water service; and providing conditions related thereto. Resolution Adopted 4-0.**

RESOLUTION 686 UTILITY  
CONNECTION FEE

The City has been reviewing the connection fees in an effort to encourage developers to build in McCleary. Draft C was favored by staff and the Council concurred. The Council agreed to a 3% annual increase in the fees, which can be reviewed in a few years. **It was moved by Councilmember Ator, seconded by Councilmember Richey to adopt Resolution 686, a resolution relating to public services; establishing and confirming fees in relation to connection to the City's utility systems; repealing Resolution 656; and providing for effective dates. Resolution Adopted 4-0.**

RESOLUTION 687 PLANNING  
COMMISSION MEMBERS

The Council decided to change the Planning Commission membership from 5 to 3 members, in an effort to have greater success in finding interested and committed members. **It was moved by Councilmember Ator, seconded by Councilmember Peterson to adopt Resolution 687, a resolution relating to the Planning Commission, modifying the number of members, and providing an effective date. Resolution Adopted 4-0.**

RESOLUTION 688 SUPRLUS  
LIGHT & POWER MATERIALS

**It was moved by Councilmember Peterson, seconded by Councilmember Richey to adopt Resolution 688, a resolution declaring materials to be surplus and providing for the negotiated disposition thereof. Resolution Adopted 4-0.**

VACATION LEAVE  
RESOLUTION

Tabled until the Finance Committee can review the financial impact.

EXECUTIVE SESSION

None.

PUBLIC COMMENT

Chief Crumb used the tribal jail this week and it was a driving burden because he arrested an individual and drove him to the jail, then the following day, had to be picked up at the jail and driven to Grays Harbor County Court, then driven back to the tribal jail. It was an excessive travel day for Chief Crumb. If this same situation happens again, he may just transport directly to Grays Harbor County Jail to prevent the hours of travel time.

Al Smith, candidate for Grays Harbor County Commissioner, has been attending the Council meetings. He wants to complement the teamwork between the City Council and said it is great to watch them grow during each meeting. He also encourages the City to create a Planning Commission because their role is so important.

MEETING ADJOURNED

**It was moved by Councilmember Ator, seconded by Councilmember Peterson to adjourn the meeting at 8:00 pm. The next meeting will be Wednesday, May 11, 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: June 2, 2016  
RE: LEGAL ACTIVITIES as of JUNE 8, 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. **SIX YEAR STREET PLAN UPDATE:** Well, it is that time of year again. Given the statutory mandates and timing constraints, Ms. Collins will have published notice of the hearing for the receipt of public input on the updating of this plan. The primary beneficiary of such publication is, of course, the newspaper since as is true in most areas the rate for legal publications is one of, if not the highest, advertising rates charged.

The annual updating of the Plan, with associated public hearing, is mandated in order to conform with requirements for funding of projects through the Transportation Improvement Board. Prior to the this evening, I am certain Mr. Baun will have provided you his recommendations as to the updated listing of streets which will be on the City's "wish list" for improvement funding. Luckily, the Governor did veto portions of legislation adopted by the Legislature which would have "swept away" even more of the funding from the Public Works Trust Fund.

The Plan theoretically must be filed with the pertinent state agencies by the end of June in order to continue eligibility for funding through their programs. As you are aware, the sequence of the projects on the draft plan does not govern or restrict the ability of the City to choose to seek funding for a project which is lower down the list before finishing the projects which are above it on the list. Further, if during the year the situation changes and you need to add a

different project, that can be done through the giving of the appropriate public notice and adoption of an amended resolution.

In any event, a draft resolution has been provided which would adopt the proposal by reference for consideration by you after the hearing and receipt of any public input.

2. **SEPA EXEMPTION AUTHORITY:** In the prior Council Report, I provided information in relation to the possibility that the City, under authority granted by statute, could take action to broaden the scope of construction activities which would be categorically exempt from SEPA review. In my discussion with Mr. Baun, it is my understanding he would like to move forward with preparation of the necessary information required for submission to the cited agencies in order to seek approval.

From a legal standpoint, I would recommend that such authorization be given in light of the long term benefit for both the City and any applicant the project of which would be covered.

3. **RIGHT OF WAY PARKING UTILIZATION:** I have received a query from Mr. Baun and Mr. Morrison about a repeated problem they have with owners of recreational vehicles, trailers, and similar items being parked on the City right of way for extended periods with the impacts that come from such actions. They have been taking enforcement action under the nuisance provisions of our existing code, as well as a code section adopted in 1955, a section which even predates me. However, I have expressed concern about the applicability of those provisions in certain circumstances.

As a result, I have provided an updated draft ordinance which I prepared originally in 2008 when the same issue was presented. It is designated with the footer "B" by the date. For whatever reason, I can find no evidence that the Council acted upon the matter at that time. Mr. Baun and Mr. Morrison have reviewed the draft. I have been informed by Todd that they have completed their review and feel that the draft is fine. My view is that enactment will provide the necessary clarity for the citizens and make enforcement more straightforward.

I would note that we are also going to undertake a review as to parking/storage aspects upon property so as to insure consistency.

4. **CODE PROVISIONS IN RELATION TO NUISANCES:** As you are aware, Mr. Morrison is taking action in relation to various code enforcement matters. Since almost all of the provisions of the "nuisance" elements of the Code go back to 1973, which is so long ago that it is even before I became involved, much law has

changed, including various due process elements. I have suggested to Todd and Paul that they take a look at an extensive update I have developed for Elma with the goal of keeping the present elements which are still good while blending in the additional suggestions I have made in the draft. I assume you will be looking at a combined draft at your July meeting.

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

DG/le

# Building and Planning Staff Report

To: Mayor and City Council

From: Paul Morrison

Date: June 2, 2016

Re: May Building and Planning Department activities.

## New Permit Activities

221 West Pine	Construct Stairway	Total Fee \$44.10
Olympic Christian Center	Fireworks Stand	Total Fee \$91.00
205 West Simpson AVE	Propane Dispenser	Total Fee \$73.00
401 West Maple Street	Install Range Hood	Total Fee \$92.96
126 South 7 <sup>th</sup> Street	Install Heat Pump	Total Fee \$87.70
610 South 4 <sup>th</sup> Street	Install Heat Pump	Total Fee \$87.70
<b>Permit Revenues</b>	Total fees charged for May \$ 476.46	Total amount collected for May \$ 380.96

## 8 Unresolved Nuisances as of May 1<sup>st</sup> (MMC 8.16 & 8.20)

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

810 North Summit Road

- Variety of Cars/Trucks not running unlicensed, being stored
- Miscellaneous junk scattered around the property

221 East Pine

- Limousine next to street and a tarp used to cover the vehicle, being stored
- Wrecked truck in the driveway, facing the street, being stored
- Two vehicles in the yard not licensed and non-running, being stored

332 South First Street

- Trailer parked in the Right of Way, un-licensed, being stored
- Truck parked in yard and partial Right of Way unlicensed, being stored

503 South Third Street

- Property does not retain Solid Waste Collection (Lemay's)

622 South Main Street

- Vehicle in yard unlicensed, being stored
- Jeep in yard with no license plate, appears to be non-running, being stored
- Utility trailer in yard, being stored
- Miscellaneous junk scattered around the property
- A pile of firewood facing Alley

302 East Beck Street

- Property does not retain Solid Waste Collection (Lemay's)

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

- Property does not retain Solid Waste Collection (Lemay's)

# Building and Planning Staff Report

124 East Beck Street

- Property does not retain Solid Waste Collection (Lemay's)

Parcel 061700001200 (Empty Lot)

- Overgrown property

Parcel 061700001000 (Empty Lot)

- Overgrown property

Parcel 060501000700 (Empty Lot)

- Overgrown property

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

- Overgrown property
- Washer & Dryer on back porch

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

- Property does not retain Solid Waste Collection (Lemay's)

127 East Hemlock Street

- Damaged Motorhome being stored in front yard
- Overgrown property
- Utility trailer loaded with rubbish next to street
- Homemade utility trailer loaded with rubbish next to street

1460 North Summit Road

- Unlicensed vehicle, appears non-running, being stored

695 North Summit Road

- Overgrown property
- Vehicle being stored, unknown if licensed or running

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

- Property has been putting there full garbage bags under the carport

Parcel 060501000502 (Empty Lot)

- Overgrown property

## 4 Unresolved Abatements issued as of May 1<sup>st</sup>

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

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

- Truck in front yard, non-running, being stored
- Truck next to street, unknown if running, being stored
- Dismantled truck in back yard next to alley, being stored
- Car in back yard next to alley, unknown if running, being stored
- Rubbish scattered around the property

302 East Beck Street

- Non-running vehicles, around the property being stored
- Rubbish and junk scattered around the property

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

- Trailer unlicensed, several vehicles unlicensed, being stored
- Rubbish stacked under the patio/carport

221 East Pine

- Several non-running, wrecked, vehicles being stored

203 East Beck Street

- Several vehicles being stored, scattered rubbish on property

# **Building and Planning Staff Report**

## **Citations Issued for the Month of May**

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

- Failure to retain Solid Waste Collection (Lemay's)

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

- Public Nuisance Declared

Summit Place Dragt (19 empty parcels)

- Public Nuisance Declared

211 East Beck Street

- Public Nuisance Declared

## **Abandoned Vehicles Impounded for the Month of May**

1980 Chevrolet pickup. Radiator detached, bed of truck full of junk. Truck had something under the rear tire to prevent it from rolling down the hill.

## **Resolved Municipal Code Violations after Receiving Nuisance Letter**

1140 North Summit Road

- Removed utility trailer loaded with scrap metal
- Removed large pile of firewood in front of the house
- Added landscaping to the yard

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

- Retained Solid Waste Collection (Lemay's)

124 East Beck Street

- Retained Solid Waste Collection (Lemay's)

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



## STAFF REPORT

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



	Monthly Statistics;	YTD Totals;
<b>New Services;</b>	4	6
<b>System Outages;</b>	4	11
<b>Pole Replacements;</b>	1	4
<b>Maintenance Work Orders;</b>	13	30
<b>Billable Work Orders;</b>	4	6

The month of May consisted of mostly work preparing for the scheduled outages, more transformer change outs, three scheduled outages and wreck out of the old equipment.

The system outages went as planned. All three were scheduled for 8 hours and the longest outage was at just about 6 hours. Now that is all complete, all customers that are located East of Third Street and South of Mommsen have been switched over to the 12 KV substation. Now our attention will be to cut over Simpson, and the alley way to the south of Simpson to the 12 KV substation, tying circuit 3 to circuit 2 at the corner of Maple and Main, then break the tie on Summit Road and allowing circuit 2 and 3 to operate normally.

We do have quite a bit of line maintenance to do but at the present time the priority is to get the two circuits of the 12 KV substation completed. Once this portion of the cut over work is complete we will be getting out on line maintenance, preparing our system for storm season.

We have also completed LED street light conversion South of Simpson Ave. There may be a few stragglers that might need flaggers to complete but we will schedule them to all be done on the same day. We will now be heading to the north section of town.

We have seen a significant increase in new service estimates and are prepared to fill these requests as they come in.

Our PCB transformers are scheduled to be picked up for disposal next week and surplus transformers hopefully will be scheduled to be removed by the end of the month.

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

**Staff Report for McCleary Police Department**

**To: Mayor & Council**  
**From: George M. Crumb, Chief of Police**  
**Date: June 2, 2016 Time: 0835**  
**RE: For June 8, 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 040116 to 050616

1085 Incident Histories for so far this year. 259 Incident History calls for May.

02-Assault(s)	05-Noise Complaints
36-Agency Assist(s)	06-Police Information, Protection Order Scv
02-Abandon Vehicle	01-Public Works Assist (Mommson water line)
	02-Parking Complaint
14-Animal Complaint	06-Police Referral/RSO-
02-Burglary (information)	01-Stalking
12-Citizen Assist- /Motorist, Emergency	02-Found Property
03-Civil	14-Suspicious Person-/Vehicle-/Circumstance
06-Code Enforcement	02-Subject Stop
02-DUI-	02-Sex Offense-
08-Disorderly Conduct/Verbal	00-Suicide-0/Suicide Attempt-Suicidal-
01-Drug Incidents (VUCSA)	03-Threats
02-Death Report(s)	06-Traffic Offense-/Reckless-/Hazard-
02-Domestic Violence Assault w/1 Arrest	03-Theft Reports-/Vehicle-
01-Extra Patrol Request	63-Traffic Stop(s)
01-Found Child	04-Trespass
17-Fire Responses	01-Vehicle Prowl- / Prowler-0
01-Missing Person	01-Vehicle Accident
01-Man Down	01-Emergency Message
02-Warrant Service/Confirmation	
01-Found Property	
01- X-Patrol request	
03-Harassment	02-Warrant Arrest/Service
	02-Welfare Check
01-Juvenile Problem/Run-a-way	
04-Motorist Assist	10 -911 Open Line or Hang Up
03-Malicious Mischief	03-No classification-, or Unknown Problem-

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

IH Log Book Available.

Discussion: Open.

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





## STAFF REPORT

To: Mayor Schiller  
From: Todd Baun, Director of Public Works  
Date: June 3, 2016  
Re: Ray Boling Zoning Discussion

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Ray asked to be on the agenda to discuss his current home and adjoining lot and what it is currently zoned.

For some history, our current zoning code was adopted in 2004 (Ordinance 709) and amended several times since then. In Ordinance 709, it specifically deals with lots that existed before the ordinance was adopted. Below is the reference in the Municipal Code for homes that existed before the C-1 zone was adopted.

17.36.020 Nonconforming uses and structures.

In order not to cause undue economic hardship to owners of property, nonconforming uses and structures shall continue under the following conditions:

A. Existing nonconforming structures or uses cannot be enlarged or altered so as to increase their nonconformity; except, however, that owners of nonconforming dwelling units in the C-1 zoning district shall have the right to maintain, improve, or expand their properties;

B. An existing nonconforming structure and its equipment or fixtures may be repaired if the value of the repair does not exceed fifty percent of the assessed value of the structure as determined by the county assessor for the year in which the work is to be done;

C. An existing nonconforming structure that is destroyed by fire or calamity more than fifty percent of its replacement value, as determined by the building official, may be reconstructed to its original size, shape, configuration, and in conformance with the building code if reconstruction commences within three years of the damage, unless extended by the city council; and

D. If a nonconforming use is discontinued for four years or more, then that nonconforming use is no longer legal and subsequent uses and structures shall conform to this chapter.

## STAFF REPORT

To: Mayor and Council  
 From: Todd Baun- Director of Public Works  
 Date: June 3, 2016  
 Re: SEPA Exemptions

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Dan discussed the possibility of amending our ordinance that deals with the SEPA (State Environmental Policy Act). The proposed ordinance will increase the Flexible Thresholds for the Categorical Exemptions for minor new construction to maximum permitted levels.

Currently, SEPA review for minor construction projects does not frequently result in any project modifications or mitigation. If we can eliminate the SEPA review projects for smaller projects, the City and development community, can save on staff time, construction windows, and project schedules.

Examples of categorically exempt construction activities include construction of four dwelling units or less, commercial buildings with 4,000 square feet or less of gross floor area and no more than 20 parking spaces, and water and sewer lines eight inches or less in diameter. Examples of specific license exemptions include granting of land use variances based on special circumstances, water quality certifications, licenses for open burning, and some hydraulic project approvals.

The table below compares the current thresholds with increase thresholds.

Project types	Existing Thresholds	Proposed Maximum Thresholds
Single family residential	4 Units	20 Units
Multifamily residential	4 Units	25 Units
Barn, loafing shed, farm equipment storage, produce storage or packing structure	10,000 Square Feet	40,000 Square Feet
Office, school, commercial, recreational, service, storage building, parking facilities	4,000 Square Feet and 20 Parking Spaces	12,000 Square feet and 40 Parking Spaces
Fill or excavation	100 Cubic Yards	1,000 Cubic Yards

I have also attached WAC 197-11-800 for reference

### **Action Requested:**

Please discuss if the City would like to proceed with the process of increasing the Existing Thresholds and give direction.

## WAC 197-11-800

### Categorical exemptions.

The proposed actions contained in Part Nine are categorically exempt from threshold determination and EIS requirements, subject to the rules and limitations on categorical exemptions contained in WAC 197-11-305.

Note: The statutory exemptions contained in chapter 43.21C RCW are not included in Part Nine. Chapter 43.21C RCW should be reviewed in determining whether a proposed action not listed as categorically exempt in Part Nine is exempt by statute from threshold determination and EIS requirements.

(1) **Minor new construction - Flexible thresholds.**

(a) The exemptions in this subsection apply to all licenses required to undertake the construction in question. To be exempt under this subsection, the project must be equal to or smaller than the exempt level. For a specific proposal, the exempt level in (b) of this subsection shall control, unless the city/county in which the project is located establishes an exempt level under (c) of this subsection. If the proposal is located in more than one city/county, the lower of the agencies' adopted levels shall control, regardless of which agency is the lead agency. The exemptions in this subsection apply except when the project:

- (i) Is undertaken wholly or partly on lands covered by water;
- (ii) Requires a license governing discharges to water that is not exempt under RCW

**43.21C.0383;**

- (iii) Requires a license governing emissions to air that is not exempt under RCW

**43.21C.0381** or WAC 197-11-800 (7) or (8); or

- (iv) Requires a land use decision that is not exempt under WAC 197-11-800(6).

(b) The following types of construction shall be exempt:

- (i) The construction or location of four detached single family residential units.
- (ii) The construction or location of four multifamily residential units.

(iii) The construction of a barn, loafing shed, farm equipment storage building, produce storage or packing structure, or similar agricultural structure, covering 10,000 square feet, and to be used only by the property owner or his or her agent in the conduct of farming the property. This exemption shall not apply to feed lots.

(iv) The construction of an office, school, commercial, recreational, service or storage building with 4,000 square feet of gross floor area, and with associated parking facilities designed for twenty automobiles. This exemption includes parking lots for twenty or fewer automobiles not associated with a structure.

(v) Any fill or excavation of 100 cubic yards throughout the total lifetime of the fill or excavation and any excavation, fill or grading necessary for an exempt project in (i), (ii), (iii), or (iv) of this subsection shall be exempt.

(c) Cities, towns or counties may raise the exempt levels up to the maximum specified in (d) of this subsection by implementing ordinance or resolution. Such levels shall be specified in the agency's SEPA procedures (WAC 197-11-904). Separate maximum optional thresholds are established in (d) of this subsection applying to both incorporated areas and unincorporated urban growth areas in fully planning jurisdictions under RCW 36.70A.040; other unincorporated areas in fully planning counties; and jurisdictions in all other counties. Agencies may adopt the maximum level or a level between the minimum and maximum level.

An agency may adopt a system of several exempt levels, such as different levels for different geographic areas, and mixed use projects.

At a minimum, the following process shall be met in order to raise the exempt levels.

(i) Documentation that the requirements for environmental analysis, protection and mitigation for impacts to elements of the environment (listed in WAC 197-11-444) have been adequately addressed for the development exempted. The requirements may be addressed in specific adopted development regulations, and applicable state and federal regulations.

(ii) Description in the findings or other appropriate section of the adopting ordinance or resolution of the locally established notice and comment opportunities for the public, affected tribes, and agencies regarding permitting of development projects included in these increased exemption levels.

(iii) Before adopting the ordinance or resolution containing the proposed new exemption levels, the agency shall provide a minimum of sixty days notice to affected tribes, agencies with expertise, affected jurisdictions, the department of ecology, and the public and provide an opportunity for comment.

(iv) The city, town, or county must document how specific adopted development regulations and applicable state and federal laws provide adequate protections for cultural and historic resources when exemption levels are raised. The requirements for notice and opportunity to comment for the public, affected tribes, and agencies in (c)(i) and (ii) of this subsection and the requirements for protection and mitigation in (c)(i) of this subsection must be specifically documented. The local ordinance or resolution shall include, but not be limited to, the following:

- Use of available data and other project review tools regarding known and likely cultural and historic resources, such as inventories and predictive models provided by the Washington department of archaeology and historic preservation, other agencies, and tribal governments.
- Planning and permitting processes that ensure compliance with applicable laws including chapters 27.44, 27.53, 68.50, and 68.60 RCW.
- Local development regulations that include at minimum preproject cultural resource review where warranted, and standard inadvertent discovery language (SIDL) for all projects.

(d) The maximum exemption levels applicable to (c) of this subsection are:

Project types	Fully planning GMA counties		All other counties
	Incorporated and unincorporated UGA	Other unincorporated areas	Incorporated and unincorporated areas
Single family residential	30 units	20 units	20 units
Multifamily residential	60 units	25 units	25 units
Barn, loafing shed, farm equipment storage, produce storage or packing structure	40,000 square feet	40,000 square feet	40,000 square feet
Office, school, commercial,			

Project types	Fully planning GMA counties		All other counties
	Incorporated and unincorporated UGA	Other unincorporated areas	Incorporated and unincorporated areas
recreational, service, storage building, parking facilities	30,000 square feet and 90 parking spaces	12,000 square feet and 40 parking spaces	12,000 square feet and 40 parking spaces
Fill or excavation	1,000 cubic yards	1,000 cubic yards	1,000 cubic yards

**(2) Other minor new construction.**

(a) The exemptions in this subsection apply to all licenses required to undertake the following types of proposals except when the project:

(i) Is undertaken wholly or partly on lands covered by water;

(ii) Requires a license governing discharges to water that is not exempt under RCW

**43.21C.0383**;

(iii) Requires a license governing emissions to air that is not exempt under RCW

**43.21C.0381** or WAC 197-11-800 (7) or (8); or

(iv) Requires a land use decision that is not exempt under WAC 197-11-800(6).

(b) The construction or designation of bus stops, loading zones, shelters, access facilities and pull-out lanes for taxicabs, transit and school vehicles.

(c) The construction and/or installation of commercial on-premise signs, and public signs and signals.

(d) The construction or installation of minor road and street improvements by any agency or private party that include the following:

(i) Safety structures and equipment: Such as pavement marking, freeway surveillance and control systems, railroad protective devices (not including grade-separated crossings), grooving, glare screen, safety barriers, energy attenuators;

(ii) Transportation corridor landscaping (including the application of state of Washington approved herbicides by licensed personnel for right of way weed control as long as this is not within watersheds controlled for the purpose of drinking water quality in accordance with WAC **248-54-660**);

(iii) Temporary traffic controls and detours;

(iv) Correction of substandard curves and intersections within existing rights of way, widening of a highway by less than a single lane width where capacity is not significantly increased and no new right of way is required;

(v) Adding auxiliary lanes for localized purposes, (weaving, climbing, speed change, etc.), where capacity is not significantly increased and no new right of way is required;

(vi) Channelization and elimination of sight restrictions at intersections, street lighting, guard rails and barricade installation;

(vii) Installation of catch basins and culverts for the purposes of road and street improvements;

(viii) Reconstruction of existing roadbed (existing curb-to-curb in urban locations), including adding or widening of shoulders where capacity is not increased and no new right of way is required;

(ix) Addition of bicycle lanes, paths and facilities, and pedestrian walks and paths, but not including additional automobile lanes.



(e) Grading, excavating, filling, septic tank installations, and landscaping necessary for any building or facility exempted by subsections (1) and (2) of this section, as well as fencing and the construction of small structures and minor facilities accessory thereto.

(f) Additions or modifications to or replacement of any building or facility exempted by subsections (1) and (2) of this section when such addition, modification or replacement will not change the character of the building or facility in a way that would remove it from an exempt class.

(g) The demolition of any structure or facility, the construction of which would be exempted by subsections (1) and (2) of this section, except for structures or facilities with recognized historical significance such as listing in a historic register.

(h) The installation or removal of impervious underground or above-ground tanks, having a total capacity of 10,000 gallons or less except on agricultural and industrial lands. On agricultural and industrial lands, the installation or removal of impervious underground or above-ground tanks, having a total capacity of 60,000 gallons or less.

(i) The vacation of streets or roads.

(j) The installation of hydrological measuring devices, regardless of whether or not on lands covered by water.

(k) The installation of any property, boundary or survey marker, other than fences, regardless of whether or not on lands covered by water.

(l) The installation of accessory solar energy generation equipment on or attached to existing structures and facilities whereby the existing footprint and size of the building is not increased.

(3) **Repair, remodeling and maintenance activities.** The following activities shall be categorically exempt: The repair, remodeling, maintenance, or minor alteration of existing private or public structures, facilities or equipment, including utilities, recreation, and transportation facilities involving no material expansions or changes in use beyond that previously existing; except that, where undertaken wholly or in part on lands covered by water, only minor repair or replacement of structures may be exempt (examples include repair or replacement of piling, ramps, floats, or mooring buoys, or minor repair, alteration, or maintenance of docks). The following maintenance activities shall not be considered exempt under this subsection:

(a) Dredging of over fifty cubic yards of material;

(b) Reconstruction or maintenance of groins and similar shoreline protection structures;

(c) Replacement of utility cables that must be buried under the surface of the bedlands; or

(d) Repair/rebuilding of major dams, dikes, and reservoirs shall also not be considered exempt under this subsection.

(4) **Water rights.** Appropriations of one cubic foot per second or less of surface water, or of 2,250 gallons per minute or less of groundwater, for any purpose. The exemption covering not only the permit to appropriate water, but also any hydraulics permit, shoreline permit or building permit required for a normal diversion or intake structure, well and pumphouse reasonably necessary to accomplish the exempted appropriation, and including any activities relating to construction of a distribution system solely for any exempted appropriation.

(5) **Purchase or sale of real property.** The following real property transactions by an agency shall be exempt:

(a) The purchase or acquisition of any right to real property.

(b) The sale, transfer or exchange of any publicly owned real property, but only if the property is not subject to a specifically designated and authorized public use established by the public landowner and used by the public for that purpose.

(c) Leasing, granting an easement for, or otherwise authorizing the use of real property when the property use will remain essentially the same as the existing use for the term of the agreement, or when the use under the lease, easement or other authorization is otherwise exempted by this chapter.

(6) **Land use decisions.** The following land use decisions shall be exempt:

(a) Land use decisions for exempt projects, except that rezones must comply with (c) of this subsection.

(b) Other land use decisions not qualified for exemption under subsection (a) (such as a home occupation or change of use) are exempt provided:

(i) The authorized activities will be conducted within an existing building or facility qualifying for exemption under WAC 197-11-800 (1) and (2); and

(ii) The activities will not change the character of the building or facility in a way that would remove it from an exempt class.

(c) Where an exempt project requires a rezone, the rezone is exempt only if:

(i) The project is in an urban growth area in a city or county planning under RCW

**36.70A.040;**

(ii) The proposed rezone is consistent with and does not require an amendment to the comprehensive plan; and

(iii) The applicable comprehensive plan was previously subjected to environmental review and analysis through an EIS under the requirements of this chapter prior to adoption; and the EIS adequately addressed the environmental impacts of the rezone.

(d) Except upon lands covered by water, the approval of short plats or short subdivisions pursuant to the procedures required by RCW **58.17.060**, and short plats or short subdivisions within the original short subdivision boundaries provided the cumulative divisions do not exceed the total lots allowed to be created under RCW **58.17.020**. This exemption includes binding site plans authorized by RCW **58.17.035** up to the same number of lots allowed by the jurisdiction as a short subdivision.

(e) Granting of variance based on special circumstances, not including economic hardship, applicable to the subject property, such as size, shape, topography, location or surroundings and not resulting in any change in land use or density.

(f) Alteration of property lines as authorized by RCW **58.17.040(6)**.

(7) **Open burning.** Opening burning and the issuance of any license for open burning shall be exempt. The adoption of plans, programs, objectives or regulations by any agency incorporating general standards respecting open burning shall not be exempt.

(8) **Clean Air Act.** The granting of variances under RCW **70.94.181** extending applicable air pollution control requirements for one year or less shall be exempt.

(9) **Water quality certifications.** The granting or denial of water quality certifications under the Federal Clean Water Act (Federal Water Pollution Control Act amendments of 1972, 33 U.S.C. 1341) shall be exempt.

(10) **Activities of the state legislature.** All actions of the state legislature are exempted.

(11) **Judicial activity.** The following shall be exempt:

(a) All adjudicatory actions of the judicial branch.

(b) Any quasi-judicial action of any agency if such action consists of the review of a prior administrative or legislative decision. Decisions resulting from contested cases or other

hearing processes conducted prior to the first decision on a proposal or upon any application for a rezone, conditional use permit or other similar permit not otherwise exempted by this chapter, are not exempted by this subsection.

(12) **Enforcement and inspections.** The following enforcement and inspection activities shall be exempt:

(a) All actions, including administrative orders and penalties, undertaken to enforce a statute, regulation, ordinance, resolution or prior decision. No license shall be considered exempt by virtue of this subsection; nor shall the adoption of any ordinance, regulation or resolution be considered exempt by virtue of this subsection.

(b) All inspections conducted by an agency of either private or public property for any purpose.

(c) All activities of fire departments and law enforcement agencies except physical construction activity.

(d) Any action undertaken by an agency to abate a nuisance or to abate, remove or otherwise cure any hazard to public health or safety. The application of pesticides and chemicals is not exempted by this subsection but may be exempted elsewhere in these guidelines. No license or adoption of any ordinance, regulation or resolution shall be considered exempt by virtue of this subsection.

(e) Any suspension or revocation of a license for any purpose.

(13) **Business and other regulatory licenses.** The following business and other regulatory licenses are exempt:

(a) All licenses to undertake an occupation, trade or profession.

(b) All licenses required under electrical, fire, plumbing, heating, mechanical, and safety codes and regulations, but not including building permits.

(c) All licenses to operate or engage in amusement devices and rides and entertainment activities including, but not limited to, cabarets, carnivals, circuses and other traveling shows, dances, music machines, golf courses, and theaters, including approval of the use of public facilities for temporary civic celebrations, but not including licenses or permits required for permanent construction of any of the above.

(d) All licenses to operate or engage in charitable or retail sales and service activities including, but not limited to, peddlers, solicitors, second hand shops, pawnbrokers, vehicle and housing rental agencies, tobacco sellers, close out and special sales, fireworks, massage parlors, public garages and parking lots, and used automobile dealers.

(e) All licenses for private security services including, but not limited to, detective agencies, merchant and/or residential patrol agencies, burglar and/or fire alarm dealers, guard dogs, locksmiths, and bail bond services.

(f) All licenses for vehicles for-hire and other vehicle related activities including, but not limited to, taxicabs, ambulances, and tow trucks: Provided, That regulation of common carriers by the utilities and transportation commission shall not be considered exempt under this subsection.

(g) All licenses for food or drink services, sales, and distribution including, but not limited to, restaurants, liquor, and meat.

(h) All animal control licenses including, but not limited to, pets, kennels, and pet shops. Establishment or construction of such a facility shall not be considered exempt by this subsection.

(i) The renewal or reissuance of a license regulating any present activity or structure so long as no material changes are involved.

(14) **Activities of agencies.** The following administrative, fiscal and personnel activities of agencies shall be exempt:

- (a) The procurement and distribution of general supplies, equipment and services authorized or necessitated by previously approved functions or programs.
- (b) The assessment and collection of taxes.
- (c) The adoption of all budgets and agency requests for appropriation: Provided, That if such adoption includes a final agency decision to undertake a major action, that portion of the budget is not exempted by this subsection.
- (d) The borrowing of funds, issuance of bonds, or applying for a grant and related financing agreements and approvals.
- (e) The review and payment of vouchers and claims.
- (f) The establishment and collection of liens and service billings.
- (g) All personnel actions, including hiring, terminations, appointments, promotions, allocations of positions, and expansions or reductions in force.
- (h) All agency organization, reorganization, internal operational planning or coordination of plans or functions.
- (i) Adoptions or approvals of utility, transportation and solid waste disposal rates.
- (j) The activities of school districts pursuant to desegregation plans or programs; however, construction of real property transactions or the adoption of any policy, plan or program for such construction of real property transaction shall not be considered exempt under this subsection.
- (k) Classification of land for current use taxation under chapter **84.34** RCW, and classification and grading of forest land under chapter **84.33** RCW.

(15) **Financial assistance grants.** The approval of grants or loans by one agency to another shall be exempt, although an agency may at its option require compliance with SEPA prior to making a grant or loan for design or construction of a project. This exemption includes agencies taking nonproject actions that are necessary to apply for federal or other financial assistance.

(16) **Local improvement districts and special purpose districts.** The formation of local improvement districts and special purpose districts, unless such formation constitutes a final agency decision to undertake construction of a structure or facility not exempted under WAC 197-11-800 and **197-11-880**. A special district or special purpose district is a local government entity designated by the Revised Code of Washington (RCW) and is not a city, town, township, or county.

(17) **Information collection and research.** Basic data collection, research, resource evaluation, requests for proposals (RFPs), and the conceptual planning of proposals shall be exempt. These may be strictly for information-gathering, or as part of a study leading to a proposal that has not yet been approved, adopted or funded; this exemption does not include any agency action that commits the agency to proceed with such a proposal. (Also see WAC **197-11-070**.)

(18) **Acceptance of filings.** The acceptance by an agency of any document or thing required or authorized by law to be filed with the agency and for which the agency has no discretionary power to refuse acceptance shall be exempt. No license shall be considered exempt by virtue of this subsection.

(19) **Procedural actions.** The proposal, amendment or adoption of legislation, rules, regulations, resolutions or ordinances, or of any plan or program shall be exempt if they are:

(a) Relating solely to governmental procedures, and containing no substantive standards respecting use or modification of the environment.

(b) Text amendments resulting in no substantive changes respecting use or modification of the environment.

(c) Agency SEPA procedures.

(20) **Reserved.**

(21) **Adoption of noise ordinances.** The adoption by counties/cities of resolutions, ordinances, rules or regulations concerned with the control of noise which do not differ from regulations adopted by the department of ecology under chapter 70.107 RCW. When a county/city proposes a noise resolution, ordinance, rule or regulation, a portion of which differs from the applicable state regulations, SEPA compliance may be limited to those items which differ from state regulations.

(22) **Review and comment actions.** Any activity where one agency reviews or comments upon the actions of another agency or another department within an agency shall be exempt.

(23) **Utilities.** The utility-related actions listed below shall be exempt, except for installation, construction, or alteration on lands covered by water. The exemption includes installation and construction, relocation when required by other governmental bodies, repair, replacement, maintenance, operation or alteration that does not change the action from an exempt class.

(a) All communications lines, including cable TV, but not including communication towers or relay stations.

(b) All storm water, water and sewer facilities, lines, equipment, hookups or appurtenances including, utilizing or related to lines twelve inches or less in diameter.

(c) All electric facilities, lines, equipment or appurtenances, not including substations, with an associated voltage of 55,000 volts or less; the overbuilding of existing distribution lines (55,000 volts or less) with transmission lines (up to and including 115,000 volts); within existing rights of way or developed utility corridors, all electric facilities, lines, equipment or appurtenances, not including substations, with an associated voltage of 115,000 volts or less; and the undergrounding of all electric facilities, lines, equipment or appurtenances.

(d) All natural gas distribution (as opposed to transmission) lines and necessary appurtenant facilities and hookups.

(e) All developments within the confines of any existing electric substation, reservoir, pump station vault, pipe, or well: Additional appropriations of water are not exempted by this subsection.

(f) Periodic use of chemical or mechanical means to maintain a utility or transportation right of way in its design condition: Provided, the chemicals used are approved by Washington state and applied by licensed personnel. This exemption shall not apply to the use of chemicals within watersheds that are controlled for the purpose of drinking water quality in accordance with WAC 248-54-660.

(g) All grants of rights of way by agencies to utilities for use for distribution (as opposed to transmission) purposes.

(h) All grants of franchises by agencies to utilities.

(i) All disposals of rights of way by utilities.

(24) **Natural resources management.** In addition to the other exemptions contained in this section, the following natural resources management activities shall be exempt:

(a) Issuance of new grazing leases covering a section of land or less; and issuance of all grazing leases for land that has been subject to a grazing lease within the previous ten years.

- (b) Licenses or approvals to remove firewood.
  - (c) Issuance of agricultural leases covering one hundred sixty contiguous acres or less.
  - (d) Issuance of leases for Christmas tree harvesting or brush picking.
  - (e) Issuance of leases for school sites.
  - (f) Issuance of leases for, and placement of, mooring buoys designed to serve pleasure craft.
  - (g) Development of recreational sites not specifically designed for all-terrain vehicles and not including more than twelve campsites.
  - (h) Periodic use of chemical or mechanical means to maintain public park and recreational land: Provided, That chemicals used are approved by the Washington state department of agriculture and applied by licensed personnel. This exemption shall not apply to the use of chemicals within watersheds that are controlled for the purpose of drinking water quality in accordance with WAC **248-54-660**.
  - (i) Issuance of rights of way, easements and use permits to use existing roads in nonresidential areas.
  - (j) Establishment of natural area preserves to be used for scientific research and education and for the protection of rare flora and fauna, under the procedures of chapter **79.70** RCW.
- (25) Wireless service facilities.**
- (a) The siting of wireless service facilities are exempt if:
    - (i) The collocation of new equipment, removal of equipment, or replacement of existing equipment on existing or replacement structures that does not substantially change the physical dimensions of such structures; or
    - (ii) The siting project involves constructing a wireless service tower less than sixty feet in height that is located in a commercial, industrial, manufacturing, forest, or agricultural zone.
  - (b) For the purposes of this subsection:
    - (i) "Wireless services" means wireless data and telecommunications services, including commercial mobile services, commercial mobile data services, unlicensed wireless services, and common carrier wireless exchange access services, as defined by federal laws and regulations.
    - (ii) "Wireless service facilities" means facilities for the provision of wireless services.
    - (iii) "Collocation" means the mounting or installation of equipment on an existing tower, building, structure for the purposes of either transmitting or receiving, or both, radio frequency signals for communication purposes.
    - (iv) "Existing structure" means any existing tower, pole, building, or other structure capable of supporting wireless service facilities.
    - (v) "Substantially change the physical dimensions" means:
      - (A) The mounting of equipment on a structure that would increase the height of the structure by more than ten percent, or twenty feet, whichever is greater; or
      - (B) The mounting of equipment that would involve adding an appurtenance to the body of the structure that would protrude from the edge of the structure more than twenty feet, or more than the width of the structure at the level of the appurtenance, whichever it greater.
    - (c) This exemption does not apply to projects within a critical area designated under GMA (RCW **36.70A.060**).
- (26)** The following Washington department of transportation projects and activities shall be exempt: The repair, reconstruction, restoration, retrofitting, or replacement of any road, highway, bridge, tunnel, or transit facility (such as a ferry dock or bus transfer station),

including ancillary transportation facilities (such as pedestrian/bicycle paths and bike lanes), that is in operation, as long as the action:

(a) Occurs within the existing right of way and in a manner that substantially conforms to the preexisting design, function, and location as the original except to meet current engineering standards or environmental permit requirements; and

(b) The action does not result in addition of automobile lanes, a change in capacity, or a change in functional use of the facility.

[Statutory Authority: RCW **43.21C.110** and **43.21C.100** [43.21C.170]. WSR 14-09-026 (Order 13-01), § 197-11-800, filed 4/9/14, effective 5/10/14. Statutory Authority: RCW **43.21C.110**. WSR 13-02-065 (Order 12-01), § 197-11-800, filed 12/28/12, effective 1/28/13. Statutory Authority: RCW **43.21A.090**, chapter **43.21C** RCW, RCW **43.21C.035**, **43.21C.037**, **43.21C.038**, **43.21C.0381**, **43.21C.0382**, **43.21C.0383**, **43.21C.110**, **43.21C.222**. WSR 03-16-067 (Order 02-12), § 197-11-800, filed 8/1/03, effective 9/1/03. Statutory Authority: 1995 c 347 (ESHB 1724) and RCW **43.21C.110**. WSR 97-21-030 (Order 95-16), § 197-11-800, filed 10/10/97, effective 11/10/97. Statutory Authority: RCW **43.21C.110**. WSR 84-05-020 (Order DE 83-39), § 197-11-800, filed 2/10/84, effective 4/4/84.]

## STAFF REPORT

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

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Paul has asked me for help with the issue of travel trailer in the City. We have some questions about travel trailers, Recreational Vehicle's and Motorhomes. The City has several residents in the City that own a travel trailer, Recreational Vehicle or Motorhome and like to park them on City ROW, at their residence or on their lot. We have been issuing nuisance letters to several of these residents using the municipal code **8.16.020 Public nuisance declared #9. (Ord. 625 § 1, 1996: Ord. 616 § 3, 1995)**

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, nonrunning 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, nonrunning" 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 these 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)

Paul and I have reviewed the draft ordinance and we think that it will work great for the ROW portions. With that said, we do not have anything that deals with travel trailers, recreational vehicles and motorhomes parked on private property.

On MRSC, I have researched what some other municipalities have in their codes. I have attached some below. I think Woodland's code is the most fitting for our needs.

**Olympia:**

- a. Motor vehicles, appliances, and any other mechanical equipment which is no longer operable or licensed shall not be stored outside for a period exceeding thirty (30) days;
- b. Operable motor vehicles, boats, trailers, recreational vehicles and the like may be stored on the premises provided that they do not obstruct the use of public right-of-way or interfere with traffic visibility, especially the visibility of and at intersections of streets. Vehicles, boats, and the like, so stored shall not be used for living quarters. The storage of boats with a beam exceeding eight (8) feet may be permitted only if it is determined by the Hearing Examiner that such storage will not be detrimental to surrounding property or the neighborhood. In no event shall such vehicles, boats and the like be stored within less than five (5) feet of any side or rear property line without written approval of the occupant of the adjoining property.

**Puyallup:**

- (a) Recreational Vehicles. Where a rear yard is reasonably accessible or a side yard is of sufficient size to accommodate the recreational vehicle, said recreational vehicle shall not be stored in the front yard of a lot. In no instance shall a recreational vehicle be stored such that any portion of the vehicle encroaches upon a site distance area established by

subsection (10) of this section; nor shall a recreational vehicle be stored on or overhang a public right-of-way. If located within a required front or street side yard, the storage area for a recreational vehicle shall be improved with a paved or gravel surface.

(b) Inoperable Vehicles and Motor Vehicle Accessories. No more than two inoperable vehicles may be stored on a lot. The outdoor storage of inoperable vehicles, or parts thereof, and vehicle accessories such as camper shells and equipment trailers shall be screened from neighboring properties and public rights-of-way and prohibited from required front and street side yards.

(c) In no event shall any RS-zoned property be used for the purpose of storing for any period of time any vehicle having more than two axles or exceeding 84 inches in width, and intended for commercial use such as a truck tractor, truck trailer or other truck, unless such vehicle is stored within a building or is otherwise screened so as not to be visible from another property or from any public right-of-way

### **Woodland:**

#### **Parking and Storage of Recreational, Utility and Commercial Vehicles in Residential Neighborhoods.**

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, 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.

**Action Requested:**

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

Also please discuss which approach you would like to take with travel trailers, recreational vehicles and motorhomes parked on private property.

## STAFF REPORT

To: Mayor and Council  
From: Todd Baun- Director of Public Works  
Date: June 3, 2016  
Re: NJPA Contract Purchasing Cooperative

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I have ran into several vendors that have contract pricing thorough the NJPA (National Joint Powers Alliance). I believe it would benefit the City if we were to join this cooperative at no cost to the City.

### **Action Requested:**

Please allow the Mayor to sign the agreement with the NJPA.

**JOINT EXERCISE OF POWERS  
AGREEMENT**



**NATIONAL JOINT POWERS ALLIANCE  
JOINT POWERS AGREEMENT**

This Agreement, made effective on the date hereof, is between the National Joint Powers Alliance® (hereinafter referred to as “NJPA”) and \_\_\_\_\_ (hereinafter referred to as “Governmental Unit”).

**Recitals**

WHEREAS, NJPA asserts it is a Minnesota Service Cooperative created and governed under Minnesota Statute §123A.21; and

WHEREAS, under Minnesota Statute §471.59, NJPA is permitted to enter into agreements with other governmental units in the United States and Canada to jointly or cooperatively exercise any power common to the contracting powers or similar powers, as deemed necessary; and

WHEREAS, Governmental Unit asserts it is authorized by its Statutes to utilize contracts competitively solicited by another governmental unit; and

WHEREAS, Governmental Unit and NJPA desire to enter into a “Joint Exercise of Powers Agreement” for the purpose of Governmental Unit accessing available contracts for goods and services from NJPA Awarded Vendors;

NOW THEREFORE, NJPA and the Governmental Unit hereby agree as follows:

**Agreement**

1. NJPA will make its contracts for commodities and services and/or other NJPA services available to the Governmental Unit. The Governmental Unit will be deemed a non-voting Participating Member.
2. The Governmental Unit may utilize the contracts or services procured or offered through NJPA to purchase supplies, equipment, materials and services hereinafter referred to as "goods and services" for its eligible users.
3. The Parties to this Agreement will adhere to any and all applicable laws pertaining to the purchasing of goods and services as they pertain to the laws of their state or nation.
4. This Agreement will become effective on the date hereof and shall remain in effect until canceled by either party upon thirty (30) days' written notice to the other party.
5. Each party agrees that it is responsible for its acts and the results thereof, to the extent authorized by law, and will not be responsible for the acts of the other party and the results thereof. The Governmental Unit will be responsible for all aspects of its purchase, including ordering its goods and/or services, inspecting and accepting the goods and/or services, and paying the Vendor who will have directly billed the Governmental Unit placing the order.
6. Both Parties to this Agreement agree to strict accountability of all public funds disbursed in connection with this joint exercise of powers as required by each party's respective laws.
7. To purchase commodities or services from NJPA's contracts, the Governmental Unit must issue a purchase order or other subsequent agreement in accordance with the terms and conditions of NJPA's contracts and any requirements applicable to the Governmental Unit's governing body. The Governmental Unit must send purchase orders directly to the applicable Vendor and will make payments directly to the Vendor in accordance with its established procedures and terms of NJPA's contract. The Governmental Unit will not use the goods available under NJPA's contracts for purposes of resale.

**JOINT EXERCISE OF POWERS  
AGREEMENT**



- 8. Pursuant to Minn. Stat. §471.59, subd. 5, if applicable, the Parties shall provide for the disposition of any property acquired as the result of such joint or cooperative exercise of powers, and the return of any surplus moneys in proportion to contributions of the several contracting parties after the purpose of the Agreement has been completed.
- 9. There shall be no financial remunerations by the Governmental Unit to NJPA for the use of NJPA's procurements, contracts or agreements or the payment of any membership fee to NJPA.
- 10. Both Parties to this Agreement acknowledge their individual responsibility to gain ratification of this agreement through their governing body, if required by law.
- 11. The NJPA contracts utilized by the Governmental Unit through this Agreement were procured or will be procured through the Uniform Municipal Contracting law, MN Statute Sec. 471.345.

IN WITNESS WHEREOF, the Parties have executed this Agreement effective the date hereof.

**Member Name:**

**National Joint Powers Alliance®**

By \_\_\_\_\_  
AUTHORIZED SIGNATURE

\_\_\_\_\_  
AUTHORIZED SIGNATURE

Its \_\_\_\_\_  
TITLE

\_\_\_\_\_  
TITLE

\_\_\_\_\_  
DATE

\_\_\_\_\_  
DATE

**JOINT EXERCISE OF POWERS  
AGREEMENT**



**ORGANIZATION INFORMATION (\*\* Required Fields)**

Applicant Name: \*\* \_\_\_\_\_  
Address: \*\* \_\_\_\_\_  
City, State, Zip \*\* \_\_\_\_\_  
Federal ID Number: \_\_\_\_\_  
Contact Person: \*\* \_\_\_\_\_  
Title: \*\* \_\_\_\_\_  
E-mail: \*\* \_\_\_\_\_  
Phone: \_\_\_\_\_  
Website: \_\_\_\_\_

**Reference:**  
Minnesota Joint Exercise of Powers  
M.S. 471.59

Participating Agency  
Joint Exercise of Powers Authority  
granted under State Statute

# \_\_\_\_\_

**APPLICANT ORGANIZATION TYPE:**

- K-12
- Government or Municipality (please specify: \_\_\_\_\_)
- Higher Education
- Other (please specify: \_\_\_\_\_)

**I WAS REFERRED BY:** (please specify)

- Advertisement \_\_\_\_\_
- Current NJPA Member \_\_\_\_\_
- Vendor Representative \_\_\_\_\_
- Trade Show \_\_\_\_\_
- NJPA Website \_\_\_\_\_
- Other \_\_\_\_\_

**Completed applications may be returned to:**

National Joint Powers Alliance ®  
202 12<sup>TH</sup> Street NE  
Staples, MN 56479

**Duff Erholtz**

Phone 218-894-5490  
Fax 218-894-3045  
E-mail [duff.erholtz@njpacoop.org](mailto:duff.erholtz@njpacoop.org)



## Department of Energy

Bonneville Power Administration  
Seattle Customer Service Center  
909 First Avenue, Suite 380  
Seattle, Washington 98104-3636

POWER SERVICES

May 10, 2016

In reply refer to: PSW-Seattle

Amendment No. 2  
Contract No. 09PB-13069  
LOAD FOLLOWING POWER SALES  
AGREEMENT

Brent Schiller, Mayor  
City of McCleary  
100 South 3rd Street  
McCleary, WA 98557-0360

Dear Mayor Schiller:

This Amendment No. 2 (Amendment) to the Load Following Power Sales Agreement (Agreement), Contract No. 09PB-13069, between the City of McCleary (McCleary) and the Bonneville Power Administration (BPA), deletes and replaces contact information in Section 20 of the Agreement.

BPA and McCleary agree:

- 1. EFFECTIVE DATE.** This Amendment shall take effect on the date executed by the Parties (Effective Date).
- 2. AMENDMENT OF THE AGREEMENT.**  
The table in Section 20 (Notices and Contact Information) of the agreement shall be deleted and replaced by the following:

If to McCleary:

City of McCleary  
100 South 3<sup>rd</sup> Street  
McCleary, WA 98557-0360  
Attn: Brent Schiller  
Mayor  
Phone: 360-495-3667  
FAX: 360-495-3097  
E-Mail: brents@cityofmccleary.com and  
todd@cityofmccleary.com

If to BPA:

Bonneville Power Administration  
909 First Avenue, Suite 380  
Seattle, WA 98104-3636  
Attn: R. Kirsten Watts - PSW  
Account Executive  
Phone: 206-220-6762  
FAX: 206-220-6803  
E-Mail: rkwatts@bpa.gov



If the foregoing terms are acceptable, please sign both originals and return one original of this Amendment to me. The remaining original is for your files.

ACCEPTED:

Sincerely,

CITY OF MCCLEARY



By

\_\_\_\_\_  
Mayor

Account Executive

Name Brent Schiller

Name R. Kirsten Watts

Date \_\_\_\_\_

Date 10 May 2016

(PSW-S:\PM\CUST\_KIRSTEN\MC\PSC\_2009\_FF\_Regional Dialogue\AA#2- Update Sec 20\Mc\_13069\_20160510\_AA#2\_Final.docx) 05/10/2016



## Department of Energy

Bonneville Power Administration  
Seattle Customer Service Center  
909 First Avenue, Suite 380  
Seattle, Washington 98104-3636

POWER SERVICES

May 10, 2016

In reply refer to: PSW-Seattle

Amendment No. 2  
Contract No. 09PB-13069  
LOAD FOLLOWING POWER SALES  
AGREEMENT

Brent Schiller, Mayor  
City of McCleary  
100 South 3rd Street  
McCleary, WA 98557-0360

Dear Mayor Schiller:

This Amendment No. 2 (Amendment) to the Load Following Power Sales Agreement (Agreement), Contract No. 09PB-13069, between the City of McCleary (McCleary) and the Bonneville Power Administration (BPA), deletes and replaces contact information in Section 20 of the Agreement.

BPA and McCleary agree:

- 1. EFFECTIVE DATE.** This Amendment shall take effect on the date executed by the Parties (Effective Date).
- 2. AMENDMENT OF THE AGREEMENT.**  
The table in Section 20 (Notices and Contact Information) of the agreement shall be deleted and replaced by the following:

If to McCleary:

City of McCleary  
100 South 3<sup>rd</sup> Street  
McCleary, WA 98557-0360  
Attn: Brent Schiller  
Mayor  
Phone: 360-495-3667  
FAX: 360-495-3097  
E-Mail: brents@cityofmccleary.com and  
toddb@cityofmccleary.com

If to BPA:

Bonneville Power Administration  
909 First Avenue, Suite 380  
Seattle, WA 98104-3636  
Attn: R. Kirsten Watts - PSW  
Account Executive  
Phone: 206-220-6762  
FAX: 206-220-6803  
E-Mail: rkwatts@bpa.gov

If the foregoing terms are acceptable, please sign both originals and return one original of this Amendment to me. The remaining original is for your files.

ACCEPTED:

Sincerely,

CITY OF MCCLEARY



By

\_\_\_\_\_  
Mayor

Account Executive

Name Brent Schiller

Name R. Kirsten Watts

Date \_\_\_\_\_

Date 10 May 2016

(PSW-S:\PM\CUST\_KIRSTEN\MC\PSC\_2009\_PF\_Regional Dialogue\AA#2- Update Sec 20\Mc\_13069\_20160510\_AA#2\_Final.docx) 05/10/2016

**STAFF REPORT**

To: Mayor Schiller  
From: Todd Baun, Director of Public Works  
Date: June 3, 2016  
Re: Surplus Transformers

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Last month, we adopted Resolution 688, declaring certain transformers surplus and providing for the disposal of these surplus transformers. In accordance with Resolution 688, which states the disposal is subject to the Council's approval prior to any agreement to sell being final, we are presenting the disposal alternatives, with a recommendation provided below.

We have discussed disposal of surplus material with two companies, Clean Harbors (Los Angeles, CA) and T&R Electric (Colman, SD). Generally, companies charge for disposal of PCB laden transformers (over 50 parts per million [PPM]) and pay for non PCB contaminated transformers (under 50 PPM). Only Clean Harbors will dispose of the PCB laden transformers, so by default, they will get 5 of our surplus transformers.

Clean Harbors proposal to dispose the PCB contaminated transformers is to charge the City \$7644.28 to dispose of the 5 PCB contaminated transformers.

For the rest of the surplus transformers,

T&R Electric proposes to pay the City:  
**\$3.50/kva** for 7200 Voltage transformers  
**\$2.50/kva** Rest of pole mount transformers  
**\$1.00/kva** for Pad mount transformers

The total for the City to receive for the rest of the non-contaminated transformers is approximately \$4400.00.

**Staff Recommendation:**

It is most cost effective to utilize Clean Harbors for the PCB contaminated transformers and T&R for disposing the remaining transformers.

**Action Requested:**

Please consider approving disposing of surplus material as recommended by staff.

**STAFF REPORT**

To: Mayor Schiller  
From: Todd Baun- Director of Public Works  
Date: June 3, 2016  
Re: Firework Stand Permit

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The Olympic Christian Center has applied for a fireworks stand permit and building permit as they have done for the last several years. Historically, the approval decision has been the City Council's as it relates to the sale of merchandise within the public right-of-way in conjunction with the Building Official's review for fire and safety inspections.

They are also asking permission to set up in the same area that they have set up the past several years.

In accordance with RCW 70.77.395, it is legal to sell fireworks from June 28 through July 5.

**Action Requested:**

Authorize the City to issue a fireworks stand permit allowing the sale of fireworks in accordance with RCW 70.77.395.

Authorize the set-up of their stand in the parking lot along Summit Rd.

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: