



McCleary City Council Agenda

6:30 Workshop with Chuck Wallace. April 27th, 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 **Final Draft -Shoreline Management Plan Hearing**

Public Comment

Executive Session

Minutes **Tab A** Approval Introduction **X** Action **X**

Approval of Vouchers Introduction **X** Action **X**

Mayor Comments

Staff Reports **Tab B** Dan Glenn

Tab C Todd Baun

Old Business **Tab D** Home Inspection Connection Fees Introduction **X** Action **X**

Tab E E-One Grinder Pumps Introduction **X** Action **X**

Tab F Utility Connection Fees Introduction **X** Action **X**

New Business

Tab G Summit Place 2 storm ponds Introduction **X** Action **X**

Tab H Safe Routes to School Grant Application Introduction **X** Action **X**

Tab I TIGER Grant Application Introduction **X** Action **X**

Ordinances

Resolutions Home Inspection Connection Fees 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) Accomodation is Provided Upon Request

The City of McCleary is an equal opportunity provider and employer.

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

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

ABSENT None.

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

PUBLIC HEARING None.

PUBLIC COMMENT Terri Franklin commented on grinder pumps. Ms. Franklin is concerned whether there will be any reveune potential or if it will be an additional cost to the City. She said the comprehensive plan does not allow them outside the city limits. She said she worked on the comp plan and knows a lot about it and offered to assist the Council, if needed.

MINUTES APPROVED **It was moved by Councilmember Peterson, seconded by Councilmember Ator to approve the March 23, 2016 minutes. Motion Carried 5-0.**

VOUCHERS Accounts Payable vouchers/checks approved were 40911 - 40948 including EFT's in the amount of \$136,030.26.

Payroll vouchers/checks approved were 40833 - 40972 including EFT's in the amount of \$233,282.84.

Bank reconcilliation approved for March 2016.

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

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

MAYOR'S COMMENTS Prior to the meeting, the Council held a workshop to discuss the state of the budget with the Finance Committee. Currently, the budget is on track and does not have any alarming concerns.

Mayor Schiller attended the ribbon cutting for the new McCleary Medical Clinic and said there was a great turnout and the building is beautiful. He was impressed with the pictures from local artists that were displayed. The City and residents are all very excited to welcome the new clinic to town.

DIRECTOR OF PUBLIC WORKS REPORT Todd Baun provided a report and is available for questions.

HOME INSPECTION CONNECTIONS FEES The Utility Accounts Manager receives requests for connecting disconnected water accounts for inspections. Most of the houses have been disconnected for over six months. Many times the homes are for sale or they are repossessed homes. The requests are from realtors wishing to show the home or from a bank that requires a loan inspection. The discussion of a flat rate for the reconnection/disconnection has been going on for some time. The Council agreed the City should be charging a minimal fee to recover the employee time for a crew member to make the connection/disconnection and also for the time it takes the Utility Account Manager to prepare the paperwork, make arrangements via phone calls and emails, etc. The Council agreed to a temporary fee until a closer average can be calculated and prepared in a resolution. **It was moved by Councilmember Ator, seconded by Councilmember Peterson to authorize the City to charge \$50.00 to reconnect the water temporarily for up to two business days for minimal usage. Motion Carried 5-0.**

E-ONE GRINDER PUMPS Todd was approached by a developer who is developing lots north of town. He asked if he could use E-One grinder pumps. Todd provided information for the Council showing the pros and cons of the grinder pumps. Jon Hinton explained to the Council how the grinder pumps operate. He suggested they revisit the comprehensive plan. The Council will need time to consider and research this further.

KVA TRANSFORMER OIL TEST REPORT	Every year the City has KVA check the transformers to make sure they are healthy and operating properly. The equipment checked out and is operating properly. The KVA report was provided to the Council.
SOLAR PANEL MOU & DISCUSSION	The solar panel project was a great opportunity, however, the City will not have enough time to participate before the deadline. The Council agreed to authorize the MOU for the project for the sole purpose of recovering the cost for the onsite visitation. The opportunity will be put on hold at this time. Mayor Schiller thanked Councilmember Blankenship for bringing this to the City and said he appreciated his effort in thinking outside the box for future power needs. It was moved by Councilmember Blankenship, seconded by Councilmember Ator to authorize the Mayor to sign the Memorandum of Understanding for the Solar Panel Project specifically to recover the cost of the Bonneville Environmental Foundation onsite visitation. Motion Carried 5-0.
MRSC CONTRACT RENEWAL	It was moved by Councilmember Ator, seconded by Councilmember Peterson to authorize the Mayor to sign the MRSC Contract renewal for \$120. Motion Carried 5-0.
ELECTED OFFICIAL DISASTER FORUM	Todd Baun and Paul Nott attended training for emergency management responsibilities for senior and elected officials. Todd provided a copy of the handout for the Council to review. Mayor Schiller asked a couple ladies from Fire District #8, who represent FEMA, to attend a meeting to discuss the Cascadia Rising event for emergency response training. They will share how they teach communities about how to handle a disaster, and how to use local resources to best respond to a disaster. Todd Baun will contact Charles Wallace from Grays Harbor County Emergency Management to see if he can schedule a time to talk to the City Council about emergency preparedness.
EXECUTIVE SESSION	None.
PUBLIC COMMENT	Gloria Hale has a Facebook page for a McCleary Community Group. One of the members is trying to set up a neighborhood watch program and will be organizing some meetings for anyone who is interested.
MEETING ADJOURNED	It was moved by Councilmember Ator, seconded by Councilmember Peterson to adjourn the meeting at 7:59 pm. The next meeting will be Wednesday, April 27, 2016 at 7:00 pm. Motion Carried 5-0.

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

MEMORANDUM

TO: MAYOR AND CITY COUNCIL, City of McCleary
FROM: DANIEL O. GLENN, City Attorney
DATE: April 22, 2016
RE: LEGAL ACTIVITIES as of APRIL 27, 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. **STORMWATER PONDS TRANSFER:** Over the last several years, it has become clear that having developments be directly responsible for the maintenance of the stormwater ponds has not been working. Whether, as with Summit II, the pond/s were never transferred to the home owners association (HOA) or, Cedar Heights, where at least two of you know well about the HOA being allowed to lapse and then being reactivated, the assignment of duty has not worked. It is my understanding the City's position in terms of future developments is going to be the same as Montesano has taken over the last several years, the pond/s are transferred to the City.

Well, Mr. Baun and I have been working on clearing up the Summit II situation. While the lender took ownership of the lots, either by oversight or wisdom it never took ownership of the pond. It is still in the name of the developer, Todd Hansen, Inc. I have been in touch with the developer's counsel, Heather Burgess. She has confirmed that her client is willing, able, and eager to transfer the ownership to the City. There was one condition, they are not willing to pay the filing fees.

At this stage, I believe Todd concurs that it is time to move forward. Either we commence litigation about the matter or simply prepare the deed, have it executed, and get it filed. The latter is the more rational and beneficial approach in my view. Thus, we would ask that you authorize the Mayor to take the necessary steps, including having the City pay the filing fee.

2. SHORT TERM UTILITY TURN ON/OFF RESOLUTION:

Following the discussion and initial action at the last meeting, I have gone forward and provided a draft resolution formalizing that tentative action. I provided copies of the drafts to Ms. Collins, Mr. Baun, and Ms. Hansen. I heard back from Ms. Hansen who has provided useful suggestions.

As to the "A" draft, it was my initial "take". The "B" draft seeks to incorporate Ms. Hanson's suggestions and a couple of thoughts which came into my mind while I was reworking the "A" draft. Obviously, there can be a "C" draft if you wish any further modifications.

In reviewing the draft B, you will note the following:

A. I have included a maximum amount of water which may be used during the turn on period. Ms. Hansen has suggested a maximum usage of 34 cubic feet. Beyond that, there would be an initial usage charge of \$20.00. I am going to draft it so that it would be the greater of \$20.00 or the amount assessed under the normal rate schedule to deal with the very unlikely, but possible, situation of significant over use, whether intentional or due to a leak.

B. She has suggested a limit on the number of times during any 30 day period this ability may be used. To avoid the risk of harming a potential sale by taking into consideration the fact that sometimes multiple Realtors may have a desire to have this done, I am suggesting that the second and succeeding requesters pay a slightly higher fee, one you specify.

C. It is also made clear that this is not an alternative to the normal fees and rates when reactivation actually occurs.

3. RURAL ECONOMIC DEVELOPMENT REVOLVING FUND: You will likely remember this particular fund from the discussions relating to budget last year. (Note that the REDRF is totally different than the REET fund. The fund source for the former ended in 2011.) If the moneys within that fund are not utilized for a "qualifying project" and the fund is "dissolved", the statutory authority (RCW 82.16.0491[6]) mandates that the funds go to the State.

At the end of last year when the moneys were found to fund the Police Department at its current staffing level for the year 2016, the issue of usage for funding the Department was still open. The SAO did not necessarily agree with my analysis, although I had found that at least one other city was utilizing the funds for a number of years without question from the SAO.

The legal advisor for the SAO indicated that, given other responsibilities at that time, she would not be able to complete their analysis until early this year. Since we are soon going to be leaving the "early" part of the year and enter the "mid-year", I have contacted her asking the current status of their review. I anticipate I will have some type of response in the near future which I will provide to you.

4. MANDATORY SEWER CONNECTION APPEAL: Our utility code mandates that, when an onsite system located within the City fails and our sewer line is available within a specific distance, the property owner must connect to the City's system. Well, the Legislature adopted a piece of legislation which requires that such mandates include within them a specific appeals process. The statute actually includes specific factors which must be made by the hearing officer in making the decision as to whether or not the mandate should be enforced.

I have prepared for review by Todd a draft ordinance which would implement compliance with that mandate. Assuming that the review is completed in the next couple of weeks, it will likely be on your agenda for the first meeting in May.

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

DG/le

STAFF REPORT

To: Mayor Schiller
From: Todd Baun, Director of Public Works
Date: April 22nd, 2016
Re: Current Non-Agenda Activity

May 25th Council Workshop

I have been in contact with the UW students that are working on a portion of McCleary's Economic Vitality Index. They are wanting to call in at 6 pm on the 25th to discuss and answer any questions that the Council may have.

State of Grays Harbor Presentation

Greater Grays Harbor will be hosting a State of Grays Harbor presentation and slide show which includes the Grays Harbor Vitality Index. This will be held on May 12th from 7:30 am to 9:00 am at the Rotary Log Pavilion in Aberdeen. Cost is \$25 per person and breakfast is included.

STAFF REPORT

To: Mayor and Council
From: Todd Baun- Director of Public Works
Date: April 22nd, 2016
Re: Home Inspection Connection Fees

Lori and Dan have been working on this issue, but you asked for an average of what the cost will be for the staff and crew to perform this work. The average for office staff and crew is a little over \$49.00 per hour with benefits. Since it takes less than 30 minutes to perform the turn on/offs and including equipment costs, I think having a \$50 fee is appropriate and will cover all cost associates with the Home Inspection Connection Fee.

Action Requested:

Please discuss.

STAFF REPORT

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

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

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

Action Requested:

Please discuss and give direction.

STAFF REPORT

To: Mayor and Council
 From: Todd Baun- Director of Public Works
 Date: April 22, 2016
 Re: Utility Connection Fee Adjustment

As previously talked about in Council, I am bringing forward a proposal for our utility rate connections. I have averaged several cities in Grays Harbor to come up with the proposed rates.

	Inside City Limits Water Con. Fee	Outside City Limits Water Con. Fee	Inside City Limits Sewer Con. Fee	Outside City Limits Sewer Con. Fee
Current Rate (RES. 580)	\$4,275	\$5,474	\$5,194	\$7,786
Proposed Rate	\$3,000	\$4,300	\$3,700	\$6,400

Action Requested:

Please discuss and give direction.

STAFF REPORT

To: Mayor and Council
From: Todd Baun- Director of Public Works
Date: April 22, 2016
Re: Summit Place 2 Storm Ponds

As some of you are aware, I have been dealing with storm pond maintenance and their many issues over the past several years. Currently, Summit Place 2 has 3 storm ponds that are in Todd Hansen INC's name and Mr. Hansen would be more than happy to execute a Quit Claim Deed to convey the storm ponds to the City.

However, Mr. Hansen is not willing to pay recording fees or Real Estate Excise Tax associated with recording the deed. If the conveyance can be accomplished on those terms (that is, at no additional cost to Mr. Hansen), Mr. Hansen will sign the deed over for the storm pond and land tracts associated with Summit Place 2.

If the City were to take over the 3 ponds, the in initial maintenance to bring them all up to design standards will cost around \$2,000 - \$2,500. Once that initial maintenance is completed, cost for maintenance will go down to a \$350-\$500 a year for all 3 ponds.

Action Requested:

Please discuss and give direction.

STAFF REPORT

To: Mayor and Council
From: Todd Baun- Director of Public Works
Date: April 22, 2016
Re: Safe Routes to School Grant Application

The purpose of the Safe Routes to Schools program is to improve safety and mobility for children by enabling and encouraging them to walk and bicycle to school. Funding from this program is for projects within two-miles of primary, middle and high schools (K-12). There is expected to be a little over 19 million dollars of funding for this program for public agencies in Washington State to apply for. There is no match for this grant and this grant application is due by May 13th.

Skillings Connolly and I have been working on this grant application to try and get funds for our 3rd Street Project. This grant will need the Mayors signature allowing the City to apply for this grant.

Action Requested:

Please discuss and allow Mayor to sign Safe Routes to School Grant Application.

STAFF REPORT

To: Mayor and Council
From: Todd Baun- Director of Public Works
Date: April 22, 2016
Re: TIGER Grant Application

The Transportation Investment Generating Economic Recovery, or TIGER Discretionary Grant program, will be accepting grants until April 29th, 2016. This round of grants has \$500 million dollars available to fund capital investments in surface transportation infrastructure and will be awarded on a competitive basis for projects that will have a significant impact on the nation, a metropolitan area, or a region. This is a very competitive grant that will see thousands of applicants across the nation.

I have been working on this grant application to try and get funds for our 3rd Street Project. The last official piece to complete this grant is the Mayors signature allowing the City to apply for this grant.

Action Requested:

Please discuss and allow Mayor to sign TIGER grant application.

RESOLUTION NO. _____

A RESOLUTION RELATING TO PUBLIC SERVICES;
ESTABLISHING AND CONFIRMING FEES IN RELATION
TO TEMPORARY REACTIVATION OF WATER SERVICE;
AND PROVIDING CONDITIONS RELATED THERETO.

R E C I T A L S:

1. Pursuant to Resolution 656, as clarified by Resolution 657, the Council established certain fees for the reactivation of utility services which have been deactivated for an extended period of time.

2. A set of circumstances in which, usually for purposes of testing of services related to a review of a residence or other structure for sale purposes or other similar purposes not associated with immediate occupancy, a short term reactivation of the water service is requested occurs not infrequently.

3. In furtherance of cooperation with those seeking such services, the Council approved an interim protocol for such reactivation at its April 13 meeting. It now wishes to formalize that protocol after receiving further recommendations from the involved staff members.

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

SECTION I: The provisions of Section II shall apply to a water service which would otherwise be subject to the provisions of Resolution 656, as now existing or hereafter amended or succeeded, which is requested to be reactivated for purposes related to confirming the adequacy and condition of the utility lines and apparatus within or associated with any structure located upon the property.

SECTION II: Conditions of temporary reactivation:

A. Fee to be paid: \$50.00

B. Period during which utility service will be left activated: Maximum of 48 hours from time of service being turned on: PROVIDED THAT, any service reactivated pursuant to the provisions of this resolution shall be shut off no later than 4:00 pm on Friday of the week in which it has been reactivated.

C. Proof of Authority Required: The party requesting the reactivation shall provide written proof reasonably satisfactory to the Office of the Clerk Treasurer of the purpose for and authority to request reactivation.

D. Extent of Utility Consumption: The service which becomes available as the result of the reactivation shall not result in anything other than minimal consumption. For purposes of this resolution, the maximum consumption shall be _____

gallons, as measured by the meter serving the property. Any use greater than that shall result in the imposition and payment of a charge of \$ _____.

E. Frequency of Availability of this Service: A water service may not be reactivated under the provisions of this resolution any more frequently than _____ times in any thirty (30) day period.

F. Responsibility: It shall be the sole responsibility of the individual upon whose request the reactivation has been implemented to make certain that no damage results from the reactivation, whether from water leaks, damaged line, faucets or other similar items left active, or any other cause associated with the reactivation. The individual or her or his designee upon whose authorization the service is reactivated shall sign such document as may be provided by the City confirming acceptance of such responsibility.

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

CITY OF McCLEARY:

BRENT SCHILLER, Mayor

ATTEST:

WENDY COLLINS, Clerk-Treasurer

APPROVED AS TO FORM:

DANIEL O. GLENN, City Attorney

RESOLUTION NO. _____

**A RESOLUTION RELATING TO PUBLIC SERVICES;
ESTABLISHING AND CONFIRMING FEES IN RELATION
TO TEMPORARY REACTIVATION OF WATER SERVICE;
AND PROVIDING CONDITIONS RELATED THERETO.**

R E C I T A L S:

1. Pursuant to Resolution 656, as clarified by Resolution 657, the Council established certain fees for the reactivation of utility services which have been deactivated for an extended period of time.

2. A set of circumstances in which, usually for purposes of testing of services related to a review of a residence or other structure for sale purposes or other similar purposes not associated with immediate occupancy, a short term reactivation of the water service is requested occurs not infrequently.

3. In furtherance of cooperation with those seeking such services, the Council approved an interim protocol for such reactivation at its April 13 meeting. It now wishes to formalize that protocol after receiving further recommendations from the involved staff members.

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

RESOLUTION -B- 1
04/22/2016
DG/1e

CITY OF McCLEARY
100 SOUTH 3RD STREET
McCLEARY, WASHINGTON 98557

SECTION I: The provisions of Section II shall apply to a water service which would otherwise be subject to the provisions of Resolution 656, as now existing or hereafter amended or succeeded, which is requested to be reactivated for purposes related to confirming the adequacy and condition of the utility lines and apparatus within or associated with any structure located upon the property.

SECTION II: Conditions of temporary reactivation:

A. Fee to be paid: \$50.00

B. Period during which utility service will be left activated: Maximum of 48 hours from time of service being turned on: PROVIDED THAT, any service reactivated pursuant to the provisions of this resolution shall be shut off no later than 4:00 pm on Friday of the week in which it has been reactivated.

C. Proof of Authority Required: The party requesting the reactivation shall provide written proof reasonably satisfactory to the Office of the Clerk Treasurer of the purpose for and authority to request reactivation.

D. Extent of Utility Consumption: The service which becomes available as the result of the reactivation shall not result in anything other than minimal consumption. For purposes of this resolution, the maximum consumption shall be thirty-four (34) cubic feet, as measured by the meter serving the property. Any use greater than that shall result in the imposition and payment of a charge which shall be the greater of \$20.00 or the

rate imposed by the applicable utility rate resolution for the amount of usage.

E. Frequency of Availability of this Service: A water service shall not be reactivated under the provisions of this resolution any more frequently than one time in any thirty (30) day period upon payment of the fifty (50.00) dollar fee. Reactivation a second or more time within that period shall require the payment of a fee in the amount of _____ (\$____) dollars.

F. Responsibility: It shall be the sole responsibility of the individual upon whose request the reactivation has been implemented to make certain that no damage results from the reactivation, whether from water leaks, damaged lines, faucets or other similar items left active, or any other cause associated with the reactivation. The individual or her or his designee upon whose authorization the service is reactivated shall sign such document as may be provided by the City confirming acceptance of such responsibility.

SECTION III: Any payment made or any action taken under the provisions of this resolution setting forth protocols for temporary utility reactivation shall not be deemed in lieu of, replace nor preempt the provisions of the resolutions or ordinances relating to reconnection of a water or sewer utility account which is deemed to be an inactive account.

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

CITY OF McCLEARY:

BRENT SCHILLER, Mayor

ATTEST:

WENDY COLLINS, Clerk-Treasurer

APPROVED AS TO FORM:

DANIEL O. GLENN, City Attorney