



McCleary City Council

AGENDA

September 24, 2014

7:00 City Council Meeting

Flag Salute
Roll Call
Public Hearings:
Public Comment:

Minutes: (Tab A)
Mayor's Report/Comments:

Staff Reports: Dan Glenn, City Attorney (Tab B)
Todd Baun, Director of Public Works (Tab C)

Old Business:

New Business: Name the Pond (Tab D)
PWTF Loan Amendments (Tab E)
Elcon Work Order 2014-1 (Tab F)
Elcon Work Order 2014-2 (Tab G)

Ordinances:

Resolutions:

Vouchers
Mayor/Council Comments
Public Comment
Executive Session
Adjournment

Americans with Disabilities Act (ADA)
Accommodation is Provided Upon Request

Please Turn Off Cell Phones – Thank You

The City of McCleary is an equal opportunity provider and employer.
La ciudad de McCleary es un proveedor de igualdad de oportunidades y el empleador.

CITY OF MCCLEARY
Regular City Council Meeting
Wednesday, September 10, 2014

ROLL CALL AND FLAG SALUTE Councilmember's Reed, Schiller, Catterlin, Ator and Peterson.

ABSENT None.

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

PUBLIC HEARING None.

PUBLIC COMMENT Joy Iverson reported the Summit Pacific Hospital is looking for property in McCleary to build a new clinic. They are looking for a location in the center of town and plan to have four providers. Their goal is to have it finished by the end of 2015.

Councilmember Schiller thanked Wendy Collins for providing a copy of the MRSC Budget Calendar for the Council. He said this is the first time he has seen anything like this and enjoyed reading it. It shows the structure for preparing the budget.

MINUTES APPROVED **It was moved by Councilmember Ator, seconded by Councilmember Peterson to approve the minutes from the August 27, 2014 meeting. Motion Carried 5-0.**

CITY ATTORNEY REPORT Dan Glenn spoke to the marijuana ordinance. He informed the Council the indigent defense budget doubles with marijuana sales. Discussion took place over indigent defense options and cost. He provided a resolution for the Council to adopt public defense standards.

MAYOR'S COMMENTS Mayor Dent will advertise the REED Committee openings on the utility bills at the end of the month. A Councilmember needs to be appointed as well. **It was moved by Councilmember Reed for the committee to take affect now and he nominated Mayor Pro Tem Ben Ator to be appointed as the Councilmember representative. Councilmember Peterson seconded the motion. Motion Carried.**

Mayor Dent reported the budget for the court approaches \$90,000. He added Judge Blauvelt does not want to take a pay cut but wants to stay on as judge. If our court does combine with Elma, there are methods of eliminating costs such as video trials. We have to address the high cost of court so he will continue to work with Mayor Osgood to see if they can come up with a cost savings by combining the courts.

Councilmember Catterlin asked Chief Crumb if he had a quiet month because it looked like there was not much activity on his staff report. Chief Crumb said the police department is on target for police activity and the totals were listed on his report at the end of each line in the report. He did his own report since the police clerk was gone all week so it wasn't prepared exactly the same as in the past. Councilmember Schiller asked Chief Crumb about the vandalism, which recently took place around the City and Cheif Crumb said it was an angry fifteen year-old boy that caused the damage and they were working on evidence regarding the vandalism.

DIRECTOR OF PUBLIC WORKS REPORT October 8, 2014 the Watershed Company will give a presentation at 6:00 pm in the Council Chamber for the public and to take public comment on the Shoreline Management Plan.

3RD STREET DESIGN OPTIONS Todd Baun asked for direction from the Council on which option they want for the 3rd Street Design Project. Councilmember Schiller asked if the engineers would run the estimate figures for a shortened up design by changing the lanes from 13 1/2 ft to an 11 ft design. The engineer didn't think the design side would save much money and the overall numbers will not show much change either. Moving forward to a 30% design will allow them to have a more accurate estimate. Dan Glenn wanted to know which design will give the City the most value for their dollar. After discussion, the Council believes the A2 and B2 designs were the best value. **It was moved by Councilmember Catterlin, seconded by Councilmember Schiller to move forward with the A2 and B2 designs for the 3rd Street Project. Motion Carried 5-0.**

PRIVATE STORM POND
MAINTENANCE

Councilmember Catterlin prefers the third option presented, which states the City takes ownership of the storm ponds and creates an adjusted rate for the homeowners that use the storm ponds. The City would control all maintenance of the storm ponds. A rough calculation for the adjusted rates for the affected developments range from \$3.79 to \$5.80, which would be an additional charge to their current storm water charge. Dan Glenn will prepare an agreement.

MARIJUANA ORDINANCE

Dan Glenn provided two draft ordinances. The "C" draft would not allow any of the uses in any zone within the City. The "B" draft would allow only the commercial growing and processing activities as long as they are licensed by the State and located in the industrial zone. They would be permitted uses and would not require a conditional use permit. Councilmember Catterlin was concerned the City may end up being a target for a lawsuit if they choose prohibition. Dan Glenn responded that at this time, no licenses are required to operate in McCleary. Councilmember Schiller thinks we should entertain the idea because it's all controlled and people need jobs. Councilmember Catterlin read that cash sales for Colorado are not getting recorded with the Federal Government so it is not proving to be lucrative for them. Dan Glenn added that so far, the State is getting the revenue and the local governments and counties will have to enforce it so there will be a higher cost to the cities and counties. McCleary does not impose a Business and Operations tax so we will only lose money

It was moved by Councilmember Ator, seconded by Councilmember Schiller to adopt Ordinance 804, option "B" allowing commercial growing and processing by licensees in the industrial zone. Roll taken in the negative with Councilmember's Catterlin, Reed and Peterson voting against and Councilmember's Schiller and Ator voting in the affirmative. Motion failed 3-2.

It was moved by Councilmember Catterlin, seconded by Councilmember Peterson to adopt Ordinance 804, option "C" prohibiting all uses in all zoning areas in McCleary. Roll call taken in the affirmative with Councilmember's Catterlin, Peterson and Reed voting in favor and Councilmember's Schiller and Ator voting against. Ordinance Adopted 3-2.

PUBLIC DEFENSE STANDARDS

Tabled.

APPROVAL OF VOUCHERS

Accounts Payable vouchers/checks approved were 38459- 38496 including EFT's in the amount of \$61,064.19.

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

PUBLIC COMMENT

Councilmember Catterlin thanked the citizens of McCleary for voting on the police levy and for being engaged during the process. He said it was the second highest turnout in the last five years for McCleary. At the end of the last meeting, the Mayor told him he would be keeping the police department next year and had the money to do so. Mr. Catterlin asked the Mayor to enlighten him on how he was going to do that and the Mayor stated it will happen when he supplies the preliminary budget in October. Councilmember Catterlin hopes that his budget plan includes growing our miserably, horrible reserves and lessen the burden of the water and sewer rates for the rate payer.

EXECUTIVE SESSION

None.

MEETING ADJOURNED

It was moved by Councilmember Ator, seconded by Councilmember Reed to adjourn the meeting at 7:43 PM. The next meeting is scheduled for September 24, 2014 at 7:00 PM. Motion Carried 5-0.

STAFF REPORT

To: Mayor Dent
From: Dan Glenn
Date: September 19, 2014
Re: Dan Glenn Memo

No Memo

STAFF REPORT

To: Mayor Dent
From: Todd Baun, Director of Public Works
Date: September 19th, 2014
Re: Current Non-Agenda Activity

2015 Budget

Wendy, the Mayor and I have started working on the 2015 Budget. We are currently going through the revenue projections.

STAFF REPORT

To: Mayor Dent and Councilmember's
From: Wendy Collins, Clerk-Treasurer
Date: September 24, 2014
Re: Name the Pond

In August, Todd Baun presented to the Council the issue of a body of water (pond) not having a name registered with the State of Washington. After presenting this to the Council, it was decided to present this to the students at McCleary Elementary to come up with a name for the pond.

I contacted Principal Dan Casler and he was enthusiastic about bringing this to the students.

On September 12th, I received his options from the students. They came up with two names:

1. Wildcat Pond
2. Seahawks Slough

Mr. Casler stated one staff member brought up a question to him for which he did not have an answer to. There was a reference to the pond already having a name, "Birindelli Slough", in the past. He was not sure if that is the case, but thought he should have the Council take note as the last thing he would want would be to rename a town landmark, particularly one with an important connection to our community.

Action Requested:

Staff recommends the Council choose a name for the pond so it can be identified in the future.

STAFF REPORT

To: Mayor Dent
From: Todd Baun- Director of Public Works
Date: September 18th, 2014
Re: PWTF Loan Amendments

The City has 3 loans through the Public Works Trust Fund (PWTF). The PWTF is asking for an amendment for each of the loans. The purpose for the amendment for each loan is to formally alter the day and month in which loan payments are due from July 1 to June 1.

The PWTF loan numbers that are affected are as follows:

- PW-01-691-PRE-130- Wastewater Treatment Plant Upgrade.
- PW-5-95-792-TIM-201-Simpson Avenue Water Main Upgrade.
- PP09-951-013- Storm Water Comprehensive Plan

Action Requested:

Please authorize the Mayor to sign the amendments for the PWTF loans.

AMENDMENT FACE SHEET

Loan Number: PW-01-691-PRE-130
Amendment Number: B
Washington State Department of Commerce
PUBLIC WORKS BOARD
Loan Contract

1. Contractor McCleary, City of 100 South 3rd Street McCleary, WA 98557		2. Contractor Doing Business As (optional) N/A	
3. Contractor Representative (only if updated) N/A		4. Public Works Board Representative (only if updated) N/A	
5. Original Contract Amount \$ 385,550.00	6. Amendment Amount N/A	7. New Contract Amount N/A	
8. Amendment Funding Source Federal: <input type="checkbox"/> State: <input checked="" type="checkbox"/> Other: <input type="checkbox"/> N/A: <input type="checkbox"/>		9. Amendment Start Date October 15 th , 2014	10. Contract End Date June 1, 2021
11. Federal Funds (as applicable): N/A	Federal Agency: N/A		CFDA Number: N/A
12. Amendment Purpose: The purpose of this amendment is to formally alter the day and month in which loan payments are due from July 1 to June 1. The Board, defined as the Washington State Public Works Board, and Borrower/Contractor acknowledge and accept the terms of this Agreement/Contract As Amended and attachments and have executed this Contract on the date below to start as of the date shown above. The rights and obligations of both parties to this Agreement/Contract As Amended are governed by this Agreement/Contract Amendment and the following other documents incorporated by reference: Amendment Terms and Conditions including all attachments. A copy of this Agreement/Contract Amendment shall be attached to and made a part of the original Agreement/Contract between the Board and the Borrower/Contractor. Any reference in the original Contract to "Agreement" or "Contract" shall mean the "Agreement As Amended" or "Contract As Amended," respectively.			
FOR THE BORROWER/CONTRACTOR _____ Signature _____ Print Name _____ Title _____ Date		FOR PUBLIC WORKS BOARD _____ Stan Finkelstein, Public Works Board Chair _____ Date APPROVED AS TO FORM ONLY This 15 th Day of July, 2013 _____ Bob Ferguson Attorney General _____ Signature on File Kathryn Wyatt Assistant Attorney General	

AMENDMENT TERMS AND CONDITIONS

**Washington State Department of Commerce
PUBLIC WORKS BOARD
Loan Contract**

Contractor/Borrower: McCleary, City of
Contract Number: PW-01-691-PRE-130
Amendment Number: B

The Public Works Board (or its successors), a department of the State of Washington, (hereafter referred to as the "Board") and the Contractor, listed on the Face Sheet, agree to amend the above listed contract by revising all clauses contained therein that reference (in whole or in part) the annual Loan Repayment month and Loan End Date month.

The Loan Repayment and Loan End Date months shall be revised to read "June 1" instead of "July 1" as the month and day in which all loan repayments are to be made. The final payment shall be on or before June 1, 2021, of an amount sufficient to bring the loan balance to zero.

AMENDMENT FACE SHEET

Loan Number: PW-5-95-792-TIM-201
Amendment Number: A
Washington State Department of Commerce
PUBLIC WORKS BOARD
Loan Contract

1. Contractor McCleary, City of 100 South 3rd Street McCleary, WA 98557		2. Contractor Doing Business As (optional) N/A	
3. Contractor Representative (only if updated) N/A		4. Public Works Board Representative (only if updated) N/A	
5. Original Contract Amount \$ 204,000.00	6. Amendment Amount N/A	7. New Contract Amount N/A	
8. Amendment Funding Source Federal: <input type="checkbox"/> State: <input checked="" type="checkbox"/> Other: <input type="checkbox"/> N/A: <input type="checkbox"/>	9. Amendment Start Date October 15 th , 2014	10. Contract End Date June 1, 2015	
11. Federal Funds (as applicable): N/A	Federal Agency: N/A	CFDA Number: N/A	
12. Amendment Purpose: The purpose of this amendment is to formally alter the day and month in which loan payments are due from July 1 to June 1. The Board, defined as the Washington State Public Works Board, and Borrower/Contractor acknowledge and accept the terms of this Agreement/Contract As Amended and attachments and have executed this Contract on the date below to start as of the date shown above. The rights and obligations of both parties to this Agreement/Contract As Amended are governed by this Agreement/Contract Amendment and the following other documents incorporated by reference: Amendment Terms and Conditions including all attachments. A copy of this Agreement/Contract Amendment shall be attached to and made a part of the original Agreement/Contract between the Board and the Borrower/Contractor. Any reference in the original Contract to "Agreement" or "Contract" shall mean the "Agreement As Amended" or "Contract As Amended," respectively.			
FOR THE BORROWER/CONTRACTOR _____ Signature _____ Print Name _____ Title _____ Date		FOR PUBLIC WORKS BOARD _____ Stan Finkelstein, Public Works Board Chair _____ Date APPROVED AS TO FORM ONLY This 15 th Day of July, 2013 _____ Bob Ferguson Attorney General _____ Signature on File Kathryn Wyatt Assistant Attorney General	

AMENDMENT TERMS AND CONDITIONS

**Washington State Department of Commerce
PUBLIC WORKS BOARD
Loan Contract**

Contractor/Borrower: McCleary, City of
Contract Number: PW-5-95-792-TIM-201
Amendment Number: A

The Public Works Board (or its successors), a department of the State of Washington, (hereafter referred to as the "Board") and the Contractor, listed on the Face Sheet, agree to amend the above listed contract by revising all clauses contained therein that reference (in whole or in part) the annual Loan Repayment month and Loan End Date month.

The Loan Repayment and Loan End Date months shall be revised to read "June 1" instead of "July 1" as the month and day in which all loan repayments are to be made. The final payment shall be on or before June 1, 2015, of an amount sufficient to bring the loan balance to zero.

AMENDMENT FACE SHEET

Loan Number: PP09-951-013
Amendment Number: Y
Washington State Department of Commerce
PUBLIC WORKS BOARD
Loan Contract

1. Contractor McCleary, City of 100 South 3rd Street McCleary, WA 98557		2. Contractor Doing Business As (optional) N/A	
3. Contractor Representative (only if updated) N/A		4. Public Works Board Representative (only if updated) N/A	
5. Original Contract Amount \$ 50,000.00	6. Amendment Amount N/A	7. New Contract Amount N/A	
8. Amendment Funding Source Federal: <input type="checkbox"/> State: <input checked="" type="checkbox"/> Other: <input type="checkbox"/> N/A: <input type="checkbox"/>		9. Amendment Start Date October 15 th , 2014	10. Contract End Date June 1, 2015
11. Federal Funds (as applicable): N/A		Federal Agency: N/A	CFDA Number: N/A
12. Amendment Purpose: The purpose of this amendment is to formally alter the day and month in which loan payments are due from July 1 to June 1.			
The Board, defined as the Washington State Public Works Board, and Borrower/Contractor acknowledge and accept the terms of this Agreement/Contract As Amended and attachments and have executed this Contract on the date below to start as of the date shown above. The rights and obligations of both parties to this Agreement/Contract As Amended are governed by this Agreement/Contract Amendment and the following other documents incorporated by reference: Amendment Terms and Conditions including all attachments. A copy of this Agreement/Contract Amendment shall be attached to and made a part of the original Agreement/Contract between the Board and the Borrower/Contractor. Any reference in the original Contract to "Agreement" or "Contract" shall mean the "Agreement As Amended" or "Contract As Amended," respectively.			
FOR THE BORROWER/CONTRACTOR _____ Signature _____ Print Name _____ Title _____ Date		FOR PUBLIC WORKS BOARD _____ Stan Finkelstein, Public Works Board Chair _____ Date APPROVED AS TO FORM ONLY This 15 th Day of July, 2013 _____ Bob Ferguson Attorney General _____ Signature on File Kathryn Wyatt Assistant Attorney General	

AMENDMENT TERMS AND CONDITIONS

**Washington State Department of Commerce
PUBLIC WORKS BOARD
Loan Contract**

Contractor/Borrower: McCleary, City of
Contract Number: PP09-951-013
Amendment Number: Y

The Public Works Board (or its successors), a department of the State of Washington, (hereafter referred to as the "Board") and the Contractor, listed on the Face Sheet, agree to amend the above listed contract by revising all clauses contained therein that reference (in whole or in part) the annual Loan Repayment month and Loan End Date month.

The Loan Repayment and Loan End Date months shall be revised to read "June 1" instead of "July 1" as the month and day in which all loan repayments are to be made. The final payment shall be on or before June 1, 2015, of an amount sufficient to bring the loan balance to zero.

STAFF REPORT

To: Mayor Dent
From: Todd Baun., Director of Public Works
Date: September 18, 2014
Re: Elcon Work Order 2014-1

Elcon Associates, Inc have been our electrical engineering consultants since 2008 and have provided high quality service to the City. We frequently contact Elcon for a variety of minor items from transformer sizing to verifying the maximum load we can provide to a site.

I have noticed that we are now under \$500 for the Work Order that was authorized and signed in 2012, so I have coordinated with Mike Unger, from Elcon, to provide an updated Work Order to continue the great service we receive from Elcon.

Attached for your review is a copy of Work Order 2014-1, which provides an avenue for the City to appropriately use Elcon's services on an as needed basis. Please note that the fee cap shown in the work order is intended to encompass many service requests.

Staff Recommendation:

Authorize the Mayor to execute the Work Order.

Action Requested:

Please consider authorizing the Mayor to execute Work Order 2014-1 with Elcon Associates.

WORK ORDER 2014-1

GENERAL ENGINEERING SERVICES

Elcon Associates Inc. (Elcon) shall provide engineering and consulting services as requested by The City of McCleary (City). Services shall be supplied in response to City requests. They shall include but not be limited by the following:

1. System Protection Studies, for example, determination of fuse sizes on primary distribution circuits.
2. Quality of Service Studies, for example, determination of potential flicker voltage associated with the starting of a proposed customer motor or determination of the voltage drop on a distribution transformer and service wire.
3. Design and specification of primary line extension, distribution transformer and service wire.
4. Consultation on service requirements for new loads.
5. Consultation and support to address customer concerns

Elcon shall invoice at the standard billing rates listed in Exhibit A. Each service request shall not exceed \$____ and the total aggregate fees for this work shall not exceed \$10,000. Service requests shall be authorized via email and each request shall have a task number.

ENGINEER

OWNER

Elcon Associates, Inc.

The City of McCleary

BY _____

BY _____

NAME Kinh D. Pham, P.E.

NAME _____

TITLE Vice President

TITLE _____

_____, 2014
Date Executed

_____, 2014
Date Executed

STAFF REPORT

To: Mayor Dent
From: Todd Baun., Director of Public Works
Date: September 18, 2014
Re: Elcon Work Order 2014-2

Part of the 3rd Street Improvement Project design includes the design of the placement of existing electrical facilities underground. Skillings Connolly originally had Elcon performing the work as their sub-contractor. After talking with Skillings Connolly and Elcon, we decided it would be more cost effective if the City would contract directly with Elcon for the electrical design.

After review of the Light and Power budget, sufficient funds are available for this Work Order.

For your review, I have provided Work Order 2014-2 for the electrical design for the 3rd Street project.

Staff Recommendation:

Authorize the Mayor to execute Work Order 2014-2 not to exceed \$12,352.

Action Requested:

Please consider authorizing the Mayor to execute Work Order 2014-2 with Elcon Associates. Work Order 2014-2 is not to exceed \$12,352.

WORK ORDER 2014-2

3RD STREET IMPROVEMENT PROJECT

Elcon Associates Inc. (Elcon) shall provide electrical design for the City of McCleary's 3rd Street Improvement Project. The design shall be based on the following:

Assumptions:

- The proposed project will require placement of the existing electrical and communication facilities underground.

Tasks:

- Determine routing of underground duct bank. Work with CenturyLink and Comcast to develop a trench design that will include communication conduits as necessary.
- Coordinate development of the underground facilities with Cascade Natural Gas and the City Water and Sewer departments.
- Design modifications to electrical system including services to affected houses.
- Complete street light design
- Develop cost estimates.

Deliverables:

- Complete electrical system design drawings and specifications.
- Complete cost estimate

The budget listed below includes two site visits and 8 hours for engineering during construction.

Elcon shall invoice at the standard billing rates listed in Exhibit A. Elcon shall complete the design for a not-to-exceed-fee of \$12,352. Fees shall not exceed \$12,352 without the prior written authorization of The City of McCleary.

ENGINEER

OWNER

Elcon Associates, Inc.

The City of McCleary

BY _____

BY _____

NAME Kinh D. Pham, P.E.

NAME _____

TITLE Vice President

TITLE _____

_____, 2014
Date Executed

_____, 2014
Date Executed

Exhibit A

2014 BILLING RATES

Below is a fee schedule of hourly rates broken down by staff classification for 2014. After 2014, the rates are subject to revision.

<i>Classification</i>	<i>Billing Rate</i>
Project Manager	\$144.00
Senior Engineer	\$123.00
Substation Design Specialist	\$144.00
Engineer	\$116.00
Junior Engineer	\$103.00
Senior Technician	\$115.00
Junior Technician	\$103.00
CADD Operator	\$87.00
Drafter	\$74.00
Clerical/Administration	\$67.00
Accountant	\$71.00
Senior Energy Consultant	\$200.00

Reimbursable expenses include the pre-approved purchase of any supplies required to complete our services. Such approved expenses shall be reimbursed at cost. The general reimbursable costs are:

- Mileage (regulated by the IRS) – IRS rates
- Reimbursable costs (travel, courier, FedEx, parking, any out of pocket expenses) – at cost
- Photographs – make multiple copies of reports, plotting, drawings, specifications, etc. - \$0.10/copy

Any other reimbursable expenses required for the project will be brought to your attention for pre-approval.