

STAFF REPORT

To: Mayor Dent
From: Todd Baun, Interim Director of Public Works
Date: February 20th, 2014
Re: Computer Repairs and Upgrades

Over the next several months, we will be having Adnets perform numerous repairs and upgrades to our computer system. These items were identified as being "needed" due to security and current condition. These improvements are budgeted for in the 2014 budget. They are in the order of priority.

1. Firewall @ Water Treatment Plant- \$1050-
2. Firewall @ City Hall- \$1400
3. VPN to WTP & WWPT- \$400
4. 5 Replacement workstations- \$3700- Work Station Operating Software- \$2000
5. Work Station Media Software- \$7700
6. Server Upgrade- \$9000
7. Move Ex. Server to PD- \$1600
8. Replace Existing Switches throughout City- \$1000
9. New Computer for Todd- \$2000
10. Floating GIS Server License- \$8000

Total- \$37850.00

Action required:

Please review and let me know if you have any questions.

STAFF REPORT

To: Mayor Dent
From: Todd Baun, Interim Director of Public Works
Date: February 20th, 2014
Re: Energy Conservation Program Funding

Our budget for funding years of 2014-2015 is \$98039.00 for our Energy Conservation Program. The issue that we are **running** into is how to spend the funding.

We have the Simpson Track and Tune earmarked for \$25,000 and they would also like to do a lighting project that would take about \$30,000. There is an Energy Smart Grocer (ESG) program that we provided \$10,000 in the last funding cycle. This program could use \$30,000 this cycle. Commercial customers spent about \$11,000 the last cycle. We also have residential customers that are taking advantage of the program. So far this year, our residents have spent almost \$11,000 of our current funding.

There are several options that can come from this. Here is a few of them:

1. Everyone gets equal funding. Simpson- \$25,000. ESG- \$24,000. Commercial- \$24,500. Residential-\$24,500.
2. Simpson-\$55,000. ESG-\$14,000, Commercial- \$14,000, Residential-\$14,000
3. Simpson- \$25,000. ESG-\$30,000. Commercial Customers- \$12,000. Residential-\$31,000.

Action required:

Please review and give me recommendations on how you would like the funding broken up.

ORDINANCE NO. _____

**AN ORDINANCE RELATING TO CERTAIN
BUSINESS ACTIVITIES, ESTABLISHING
LICENSING REQUIREMENTS, AUTHORIZING
ENFORCEMENT, AND ADDING A NEW CHAPTER TO
TITLE 5 OF THE MUNICIPAL CODE.**

R E C I T A L S:

1. The Acting Building Official has brought to the attention of the Mayor and Council the desire of individuals to conduct business activities through the utilization of mobile facilities.

2. It having been noted there is no current regulatory process in place, it is found necessary and appropriate to implement such a process.

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

SECTION I: For purposes of this ordinance, an "itinerant merchant," within the meaning of this chapter, means any person who, while selling or offering for sale any goods, wares, merchandise, or anything of value, stands or is otherwise present in any unenclosed vacant lot, parcel of land, or in any other place not used by such person as a

permanent place of business, with the exception of a person selling or offering for sale, in a manner consistent with applicable zoning ordinances and regulations, but not as a regular business, any goods, wares or anything of value on the property constituting that person's private residence.

SECTION II: **Exceptions.** The provisions of this ordinance shall not apply to the following:

A. Vendors of printed materials, the chief aim of which is the dissemination of current news as distinguished from magazines or fictional writings;

B. City-wide central business district outdoor promotional sales which do not impede the free flow of traffic, create a hazardous situation or interfere with the conduct of private businesses in the neighborhood;

C. Private garage/yard and estate sales of an infrequent nature upon residential property owned or tenanted by that person conducting such sale. Limited to two sales annually for each particular parcel of property and each sale shall last no more than three days;

D. During the Bear Festival weekend from 12:01 p.m. Wednesday morning until 11:59 p.m. Sunday evening of the

weekend the Festival is scheduled, this chapter shall not apply within the corporate limits of the city.

SECTION III: **License required.**

A. It is unlawful for any itinerant merchant as herein defined to engage in such business within the corporate limits of the city without first having obtained a license in compliance with this chapter.

B. The license shall be in the possession of the itinerant merchant at the location at which business is being transacted at any time in which the merchant is engaged in business activities herein defined. The merchant shall produce and exhibit such license at any time the merchant is requested to do so by any person with whom the merchant is engaging in business and business activity, or by any employee or official of the city having code enforcement responsibility.

C. Such activities may be licensed only so long as the location has a zoning classification allowing on-site retail sales.

SECTION IV: The application form shall contain and the applicant shall furnish the following information:

A. Name of the applicant;

B. Permanent home address and telephone number and full local address and telephone number of applicant;

C. Brief description of the nature of the business and, if applicable, the goods to be sold;

D. If not self employed, the name and address of the employer;

E. A statement of whether or not the applicant was ever convicted of any crime of felony or gross misdemeanor nature whatsoever;

F. Business certificate from the State Department of Revenue or proof of application for such certificate;

G. Whenever applicable, a copy of applicant's food handlers permit issued by the Grays Harbor County Health Department; and

H. The address or addresses of place or places where business is to be conducted.

SECTION V: Review: Issuance or Denial

A. If all investigation by the city clerk-treasurer is satisfactorily completed, the city clerk-treasurer shall issue the license as requested. In the event investigation by the city clerk-treasurer indicates the applicant to be unsatisfactory, at the written request of the applicant, the

matter shall be placed before the City Council at its next regular meeting.

B. A public hearing shall be had upon the denial with the applicant and any interested person having the right to testify. If the Council finds the issuance of the license would be detrimental, or against the public health, welfare or safety, or that the application is fraudulent or misrepresented, the Council may, at its discretion, deny issuance of license to the applicant.

C. Appeal from any order denying the issuance of a license may be taken to the Superior Court of State of Washington in and for the County of Grays Harbor. The appeal shall be filed within fifteen calendar days of the issuance of a written decision by the Council and its delivery or mailing to the applicant and served upon the Office of the Clerk-treasurer.

SECTION VI: **License fees, terms and**

transferability: Upon approval of the application provided herein, each itinerant merchant shall pay such license fee as may be established by written resolution of the Council. Such license shall apply to the business, be valid for a period of ninety (90) days from date of issuance, and authorize the

conduct of such business sales only at one temporary location.

A new application shall be made for any change of location.

SECTION VII: **Revocation.**

Licenses issued under the provision of this ordinance

may be revoked for cause. Revocation proceedings shall be initiated by written and verified complaint specifying in the complaint the cause or causes upon which the complaint for revocation is based.

A. In the event the verified complaint states that the licensee has violated any of the following provisions and the Clerk-treasurer concludes that, on a more probable than not basis, the violation has occurred, then the clerk-treasurer may suspend the license pending the next meeting of the City Council and shall notify the Police Chief of such suspension:

1. Violating the health, welfare or safety of the residents of the city;

2. That the merchandise sought to be sold or demonstrated or in fact sold, is misbranded, or is or has been misrepresented;

3. Fraud or misrepresentation contained in the application for the license;

4. Fraud, misrepresentation or false or misleading statements made in the course of conducting the licensed sale or solicitation;

5. Conviction, since the issuance of the license, of any crime involving moral turpitude; or

6. Without written consent of the party providing the can or waste container, depositing waste generated as a result of the operations of the licensee in cans or waste containers provided for public use.

7. Violation of the terms of this ordinance.

B. Operations of the licensee while said license is suspended shall be deemed a violation of this chapter.

C. At the next meeting of the City Council held no less than seven calendar days following such suspension, the Council shall proceed to hear the complaint. The Council may here such testimony as it deems appropriate. If the Council finds from

the evidence merchant's license should be revoked for any of the causes set forth herein, then said license may be revoked by action of the Council. If it finds that revocation is not

supported, the Council shall order the license reinstated for the remainder of the license's term.

D. Appeal from any order denying or granting the revocation of any permit may be taken to the Superior Court of State of Washington in and for the County of Grays Harbor. The appeal shall be filed within fifteen calendar days of the issuance of a written decision by the Council and its delivery or mailing to the applicant and served upon the Office of the Clerk-treasurer.

E. The holder of any licenses which is revoked shall not be eligible to obtain a license issued under the provisions of this ordinance for a period of one calendar year from the final effective date of the revocation.

SECTION VIII: Violation - Penalty.

Any person, firm, or corporation who or which has been issued a license under the provisions of this ordinance who or which violates any of the terms and conditions, sections or subsections of this ordinance shall be guilty of a misdemeanor. Every day upon which such violation shall occur, or upon which such violation shall continue, shall constitute a separate offense.

SECTION IX: 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 X: This Ordinance shall take effect upon the fifth day following date of publication.

SECTION XI: 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.

SECTION XII: Sections I through VIII inclusive of this ordinance shall constitute a new chapter in Title 5 of the Municipal Code.

PASSED THIS _____ DAY OF _____, 2014, by the City Council of the City of McCleary, and signed in approval therewith this _____ day of _____, 2014.

CITY OF McCLEARY:

D. GARY DENT, 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 _____, 2014, by WENDY COLLINS.

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