



McCleary City Council

AGENDA

September 11, 2013

7:00 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)
 Nick Bird, Director of Public Works (Tab C)
 Staff Reports (Tab D)

Old Business: Free Standing Canopy Request (Tab E)

New Business: Well 2/3 Project Status Update & Discussion (no written report)
 Budget Schedule (Tab F)

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
Public Hearing and Regular City Council Meeting
Wednesday, August 28, 2013

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

ABSENT None.

Public Hearing
Marijuana Moratorium

The Public Hearing opened at 7:00 PM and Mayor Dent asked for any comments from the public regarding the Marijuana Moratorium. No comments were made. The Hearing closed at 7:01 PM.

Regular Council Meeting

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

PUBLIC COMMENT Helen Lake gave the council a letter addressing utility rate comparison with Montesano and Elma. She stated she was providing the information because budget season is coming up and it may be useful. She believes she was misled by the past administration in regards to utility rates. She and the council were told that the city has the lowest utility rates in the harbor, which she recently discovered is not true. Mayor Dent confirmed the only rate the city has that is lowest is the power rate. The water and sewer rates are higher to cover the loans needed to fix and upgrade our ageing system.

MINUTES APPROVED **It was moved by Councilmember Ator, seconded by Councilmember Reed to approve the minutes from the July 24, 2013 Council Meeting. Motion Carried 5-0.**

MAYOR'S COMMENTS Mayor Dent said he received a high compliment earlier from someone. They stated Mayor Dent likes to pretend he is worse than he really is. He appreciated the compliment.

CITY ATTORNEY REPORT Dan Glenn attended a meeting on I-502 implementation put on by AWC. He heard at the meeting they are considering allocating locations by population. He believed the meeting was valuable.

DIRECTOR OF PUBLIC WORKS REPORT Nick Bird has provided a written report for the Council and is available for any questions.

ENGINEERING STANDARDS **It was moved by Councilmember Ator, seconded by Councilmember Catterlin to authorize Amendment No. 5 to contract for engineering services to review and update the development standards by Gray & Osborne for \$10,826.00 to bring all of our development standards in line with current issues. Motion Carried 5-0.**

FLOAT SHED The structure is a hazard and has temporary fencing around the property. The City can internalize the cost by utilizing staff to perform the demolition or the other option would be to hire an engineering firm and subcontractor to perform the job. After discussion, Council agrees the City should internalize the demolition since there is no pressing timeline. **It was moved by Councilmember Catterlin, seconded by Councilmember Schiller to internalize destructing of the float shed building. Motion Carried 5-0.**

PROGRESS ESTIMATE #10 **It was moved by Councilmember Ator, seconded by Councilmember Reed to authorize payment of Progress Estimate No. 10 to Award Construction in the amount of \$56,125.01 and deposit \$2,713.97 into the retainage account. Motion Carried 3-2, with Councilmember's Ator, Reed and Peterson voting in the affirmative and Councilmember's Schiller and Catterlin voting in the negative.**

SIMPSON TRACK & TUNE Tabled.

FREE STANDING CANOPY REQUEST Tabled.

POWER RATES An error was discovered by BPA after the City questioned why we were in the 99th percentile for rate charges and we were seeing a huge rate increase. BPA corrected the rate increase, which is now expected to be 7.7%, and our existing rate is actually in the 85th percentile, which makes more sense considering our size and loading configurations.

APPROVAL OF VOUCHERS Accounts Payable vouchers/checks approved were 36812-36874 including EFT's in the amount of \$78,275.88.

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

PUBLIC COMMENT Councilmember Schiller asked Helen Lake about the letter she handed out to the Council. He wanted to know who it was directed to. She said to whoever was interested in the information. She feels bad that she did not check the information she received when she previously served on the Council. She is upset at the previous City Administrator and staff for delivering inaccurate information. She was told that other cities were higher in their rates than McCleary. She recently discovered this is not factual. Mayor Dent explained why the water rates are higher, which is because the city had to take out at loan for necessary improvements. He spoke extensively about the improvements that were made and the financial impact it made on the rates.

Councilmember Schiller said it's due to the lack of growth. He said it's the towns own fault because people stopped incorporating city limits and growth by voting against it. Now the rates are going up and we have limited source of people to pay the utilities. The residents chased away people interested in growth and business.

Helen explained how she discovered the variations in rates with the neighboring cities. She was shocked to find out how different the rates are because it is not what she was told while serving on the Council. She wants to encourage the current council to check out the information they are being told by city administration and engineering firms that represent the city.

EXECUTIVE SESSION **At 7:40 PM it was moved by Councilmember Catterlin, seconded by Councilmember's Ator and Peterson to move to executive session for fifteen minutes to discuss potential legal settlements. Motion Carried 5-0.**

At 7:54 PM the executive session ended. **It was moved by Councilmember Catterlin, seconded by Councilmember Reed to authorize the Chair to sign Lemay garbage settlement. Motion Carried 5-0.**

MEETING ADJOURNED **It was moved by Councilmember Catterlin, seconded by Councilmember Peterson to adjourn the meeting at 7:55 PM. The next meeting will be September 11, 2013 at 7:00 PM. Motion Carried 5-0.**

Mayor Gary Dent: _____

Clerk-Treasurer Wendy Collins: _____

MEMORANDUM

TO: MAYOR AND CITY COUNCIL, City of McCleary
FROM: DANIEL O. GLENN, City Attorney
DATE: September 5, 2013
RE: LEGAL ACTIVITIES as of SEPTEMBER 11, 2013

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. **VOLUNTEER FIRE DEPARTMENT PROVISIONS:**

A. Firefighter Benefits Board: As you are aware, members of the volunteer fire department element receive various benefits as a result of their service. In any event, historically requests for receipt of benefits under RCW 41.24 by a volunteer fire fighter have been handled by the Clerk-treasurer and Mayor. However, recently the Administration of one of the other cities I have the opportunity to represent received a request that rather than handling any request for benefits from a volunteer fire fighter in an administrative manner, the City formally established the Board authorized under RCW 41.04.060 which has been theoretically mandated since 1947. Thus, I did a check of our code.

What I determined as the first check was that the current (a/k/a since 1947) city code relating to the Fire Department provides for such a Board. It is a five member Board composed of the Mayor, a Council Member, the Clerk-treasurer, a representative of the Volunteers, and the Fire Chief. So far as I can determine, however, it has not been in place for well over thirty years and things have worked fine. So, I did my usual due diligence. Under the statutory language, it was my opinion that the establishment of such a board did not appear to be discretionary which disappointed me. However, to determine if "shall" really meant "shall" rather than "may", I contacted the staff at the State Board. The indication was that it was mandatory. I then contacted one of the legal consultants at

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

MRSC. He concurred that it was not discretionary. So, that is something at which we should take look.

The system has worked fine without the formal board. However, since the language is mandatory I would recommend that consideration be given to formally establishing a board.

B. The Code Provisions: The Code provisions relating to the management of the Department appear to have almost all been adopted in 1947. In 2007, I prepared a draft ordinance seeking to bring matters more up to date. So far as I can determine, it does not appear to have been formally considered and/or adopted. I would suggest that I update that draft and have it reviewed by all parties. Given a situation which is in process in another city, updating and clarifying responsibilities and authority can be beneficial.

2. I 502 IMPLEMENTATION: Well, since the last meeting the WSLCB has issued its rule relating to allocation of the licenses for the for profit retail "stores". (Technically, the "dispensaries" and "collective gardens" are supposed to be non-profit, but one does wonder what the reality happens to be. However, if my memory serves me correctly we had in our court a case involving one of the then operators of a dispensary in Oakville. The reports developed by the police officers suggested to me that perhaps there is a profit made by the operators. However, it becomes "Clintonian" to define profit.) The licenses were allocated by county based primarily upon population. As you have likely read, six licenses have been allocated for issuance in Grays Harbor County. One each will be in Aberdeen, Hoquaim, and Ocean Shores. The other three will be issued to applicants in the remainder of the County. Given the physical separation from Aberdeen of thirty miles, it is possible that the a location in the east county area may "fit" in the desire to geographically balance the issuance.

At this stage, as you are aware, McCleary has no specific zoning provisions in place in terms of their location other than treating them as retail businesses. The same is true as to the County which has also imposed a moratorium. From our standpoint, until enactment of additional zoning provisions, the City will be reliant solely upon any restrictions (distance from schools, etc.) set out by the WSLCB's rules in terms of location. Those restrictions may be enough to prevent location within the City. Of course, there is also the business licensing provision that would technically prohibit issuance of a business license to any entity the activity of which is in violation of federal or state law, which these technically are.

The area of conflict became a bit more confused when James Cole, the U.S. Department of Justice AAG in charge of the area, issued a letter about two weeks ago. What he basically indicated was that, while the activity was technically still in violation of the federal law, in states such as Washington in which there will be "robust" enforcement of laws relating to licensing and sale, they are unlikely to take any action. From my viewpoint, it is in a way a "yes but..." type of letter. I have attached a copy for your information.

With the moratorium in place, you have time to refer the matter to the Hearing Examiner so that any decision made is a conscious one and not one by default.

The approach I would suggest to you for consideration, as I have with Elma and Oakville, is a three step approach.

A. First to discuss at a workshop to which the public would be invited, as contrasted with a formal public hearing, the matter of whether or not to allow the retail, growing, and processing facilities within any zone in the City and, if so, what zone and under what restrictions. It should be noted that the matter of total prohibition is a matter which is not clear.

B. Then, when you have one or more ideas you would like to have formally presented to the public at a public hearing before the Hearing Examiner and from which the Hearing Examiner would develop findings, conclusions, and recommendations, that step would be taken.

C. Finally, upon receipt of those recommendations, the Council and Mayor would move forward with the appropriate enactments.

One point is clear. The City will need to have these decisions made by the end of the year.

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

DG/le



U.S. Department of Justice

Office of the Deputy Attorney General

The Deputy Attorney General

Washington, D.C. 20530

August 29, 2013

MEMORANDUM FOR ALL UNITED STATES ATTORNEYS

FROM: James M. Cole 
Deputy Attorney General

SUBJECT: Guidance Regarding Marijuana Enforcement

In October 2009 and June 2011, the Department issued guidance to federal prosecutors concerning marijuana enforcement under the Controlled Substances Act (CSA). This memorandum updates that guidance in light of state ballot initiatives that legalize under state law the possession of small amounts of marijuana and provide for the regulation of marijuana production, processing, and sale. The guidance set forth herein applies to all federal enforcement activity, including civil enforcement and criminal investigations and prosecutions, concerning marijuana in all states.

As the Department noted in its previous guidance, Congress has determined that marijuana is a dangerous drug and that the illegal distribution and sale of marijuana is a serious crime that provides a significant source of revenue to large-scale criminal enterprises, gangs, and cartels. The Department of Justice is committed to enforcement of the CSA consistent with those determinations. The Department is also committed to using its limited investigative and prosecutorial resources to address the most significant threats in the most effective, consistent, and rational way. In furtherance of those objectives, as several states enacted laws relating to the use of marijuana for medical purposes, the Department in recent years has focused its efforts on certain enforcement priorities that are particularly important to the federal government:

- Preventing the distribution of marijuana to minors;
- Preventing revenue from the sale of marijuana from going to criminal enterprises, gangs, and cartels;
- Preventing the diversion of marijuana from states where it is legal under state law in some form to other states;
- Preventing state-authorized marijuana activity from being used as a cover or pretext for the trafficking of other illegal drugs or other illegal activity;

Memorandum for All United States Attorneys
Subject: Guidance Regarding Marijuana Enforcement

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- Preventing violence and the use of firearms in the cultivation and distribution of marijuana;
- Preventing drugged driving and the exacerbation of other adverse public health consequences associated with marijuana use;
- Preventing the growing of marijuana on public lands and the attendant public safety and environmental dangers posed by marijuana production on public lands; and
- Preventing marijuana possession or use on federal property.

These priorities will continue to guide the Department's enforcement of the CSA against marijuana-related conduct. Thus, this memorandum serves as guidance to Department attorneys and law enforcement to focus their enforcement resources and efforts, including prosecution, on persons or organizations whose conduct interferes with any one or more of these priorities, regardless of state law.¹

Outside of these enforcement priorities, the federal government has traditionally relied on states and local law enforcement agencies to address marijuana activity through enforcement of their own narcotics laws. For example, the Department of Justice has not historically devoted resources to prosecuting individuals whose conduct is limited to possession of small amounts of marijuana for personal use on private property. Instead, the Department has left such lower-level or localized activity to state and local authorities and has stepped in to enforce the CSA only when the use, possession, cultivation, or distribution of marijuana has threatened to cause one of the harms identified above.

The enactment of state laws that endeavor to authorize marijuana production, distribution, and possession by establishing a regulatory scheme for these purposes affects this traditional joint federal-state approach to narcotics enforcement. The Department's guidance in this memorandum rests on its expectation that states and local governments that have enacted laws authorizing marijuana-related conduct will implement strong and effective regulatory and enforcement systems that will address the threat those state laws could pose to public safety, public health, and other law enforcement interests. A system adequate to that task must not only contain robust controls and procedures on paper; it must also be effective in practice. Jurisdictions that have implemented systems that provide for regulation of marijuana activity

¹ These enforcement priorities are listed in general terms; each encompasses a variety of conduct that may merit civil or criminal enforcement of the CSA. By way of example only, the Department's interest in preventing the distribution of marijuana to minors would call for enforcement not just when an individual or entity sells or transfers marijuana to a minor, but also when marijuana trafficking takes place near an area associated with minors; when marijuana or marijuana-infused products are marketed in a manner to appeal to minors; or when marijuana is being diverted, directly or indirectly, and purposefully or otherwise, to minors.

Memorandum for All United States Attorneys
Subject: Guidance Regarding Marijuana Enforcement

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must provide the necessary resources and demonstrate the willingness to enforce their laws and regulations in a manner that ensures they do not undermine federal enforcement priorities.

In jurisdictions that have enacted laws legalizing marijuana in some form and that have also implemented strong and effective regulatory and enforcement systems to control the cultivation, distribution, sale, and possession of marijuana, conduct in compliance with those laws and regulations is less likely to threaten the federal priorities set forth above. Indeed, a robust system may affirmatively address those priorities by, for example, implementing effective measures to prevent diversion of marijuana outside of the regulated system and to other states, prohibiting access to marijuana by minors, and replacing an illicit marijuana trade that funds criminal enterprises with a tightly regulated market in which revenues are tracked and accounted for. In those circumstances, consistent with the traditional allocation of federal-state efforts in this area, enforcement of state law by state and local law enforcement and regulatory bodies should remain the primary means of addressing marijuana-related activity. If state enforcement efforts are not sufficiently robust to protect against the harms set forth above, the federal government may seek to challenge the regulatory structure itself in addition to continuing to bring individual enforcement actions, including criminal prosecutions, focused on those harms.

The Department's previous memoranda specifically addressed the exercise of prosecutorial discretion in states with laws authorizing marijuana cultivation and distribution for medical use. In those contexts, the Department advised that it likely was not an efficient use of federal resources to focus enforcement efforts on seriously ill individuals, or on their individual caregivers. In doing so, the previous guidance drew a distinction between the seriously ill and their caregivers, on the one hand, and large-scale, for-profit commercial enterprises, on the other, and advised that the latter continued to be appropriate targets for federal enforcement and prosecution. In drawing this distinction, the Department relied on the common-sense judgment that the size of a marijuana operation was a reasonable proxy for assessing whether marijuana trafficking implicates the federal enforcement priorities set forth above.

As explained above, however, both the existence of a strong and effective state regulatory system, and an operation's compliance with such a system, may allay the threat that an operation's size poses to federal enforcement interests. Accordingly, in exercising prosecutorial discretion, prosecutors should not consider the size or commercial nature of a marijuana operation alone as a proxy for assessing whether marijuana trafficking implicates the Department's enforcement priorities listed above. Rather, prosecutors should continue to review marijuana cases on a case-by-case basis and weigh all available information and evidence, including, but not limited to, whether the operation is demonstrably in compliance with a strong and effective state regulatory system. A marijuana operation's large scale or for-profit nature may be a relevant consideration for assessing the extent to which it undermines a particular federal enforcement priority. The primary question in all cases – and in all jurisdictions – should be whether the conduct at issue implicates one or more of the enforcement priorities listed above.

Memorandum for All United States Attorneys
Subject: Guidance Regarding Marijuana Enforcement

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As with the Department's previous statements on this subject, this memorandum is intended solely as a guide to the exercise of investigative and prosecutorial discretion. This memorandum does not alter in any way the Department's authority to enforce federal law, including federal laws relating to marijuana, regardless of state law. Neither the guidance herein nor any state or local law provides a legal defense to a violation of federal law, including any civil or criminal violation of the CSA. Even in jurisdictions with strong and effective regulatory systems, evidence that particular conduct threatens federal priorities will subject that person or entity to federal enforcement action, based on the circumstances. This memorandum is not intended to, does not, and may not be relied upon to create any rights, substantive or procedural, enforceable at law by any party in any matter civil or criminal. It applies prospectively to the exercise of prosecutorial discretion in future cases and does not provide defendants or subjects of enforcement action with a basis for reconsideration of any pending civil action or criminal prosecution. Finally, nothing herein precludes investigation or prosecution, even in the absence of any one of the factors listed above, in particular circumstances where investigation and prosecution otherwise serves an important federal interest.

cc: Mythili Raman
Acting Assistant Attorney General, Criminal Division

Loretta E. Lynch
United States Attorney
Eastern District of New York
Chair, Attorney General's Advisory Committee

Michele M. Leonhart
Administrator
Drug Enforcement Administration

H. Marshall Jarrett
Director
Executive Office for United States Attorneys

Ronald T. Hosko
Assistant Director
Criminal Investigative Division
Federal Bureau of Investigation

STAFF REPORT

To: Mayor Dent
From: Nick Bird, Director of Public Works
Date: September 6, 2013
Re: Current Non-Agenda Activity

Water Quality

We have very few water quality complaints with the exception of Beck Street. This is a dead end line that is still experiencing hydrogen sulfide (rotten egg) smells, sediment deposits, and chlorine smells. There is a water leak on Beck Street that the crew will be getting into on Monday so we will hopefully get to see what the inside of that water pipe looks like to determine if this segment needs to be replaced in 2014. Please note that the chlorine residual throughout the distribution system is ranging from 0.02 mg/L to 0.83 mg/L. Most people will notice the chlorine smell above 0.5 mg/L. Our goal is to keep the distribution system in the 0.4 to 0.5 mg/L range. This has been difficult to achieve because the chlorine demand varies greatly throughout the system.

Again, if you or anyone you know is experiencing water quality problems (discoloration, smell, etc) please have them contact me so that we may record and address the problem.

Well 2 & 3 Project

No additional information to report since the August 28 Council Meeting.

Well / Reservoir Communication

No additional information to report since the August 28 Council Meeting.

General Sewer Plan

No additional information to report since the August 28 Council Meeting.

Shoreline Management Plan

The grant template and budget worksheet has been provided by Ecology. This is a request for a two year grant with a third year covered by a separate grant. It seems like Ecology is going to push for us to complete the work even though it doesn't pass the common sense test. In the very near future we will need to establish a three year timeline showing when phases/tasks will be complete, establish a scope of work for internal and external work, and estimate the costs for these items of work. It is likely that we will need to prepare a request for qualifications and advertise for professional services to bring a consultant on board to help us with this project. We hope to have these items prepared in the near future. In the mean time, we will continue to push against

completing a \$30,000 to \$50,000 planning document that will likely only be used in the event forest / open space zoned property on the south side of the freeway is developed.

Water System Plan

No additional information to report since the August 28 Council Meeting.

Underground Boring Equipment

We finally obtained a quote for the boring head! The quote for the two pieces of equipment (piercing tool and pulling kit) is \$7,900. Unfortunately this is over the bid threshold of \$7,500. As such, we need to put together a specification/bid package for this item. If there are no objections, we will put the package together and advertise it for two weeks as required by state law. This will result in likely a 1-2 month delay due to preparing the package, advertising time, and scheduling the award with a Council Meeting.

TIB Main Street Application

No additional information to report since the August 28 Council Meeting.

TIB Ash Street Application

No additional information to report since the August 28 Council Meeting.

3rd Street Improvements Phase I

No additional information to report since the August 28 Council Meeting.

Chip Seal Program

No additional information to report since the August 28 Council Meeting.

7th and Ash (12 kV) Substation

No additional information to report since the August 28 Council Meeting.

Snow Plow

No additional information to report since the August 28 Council Meeting.

To: Mayor Dent

From: Kevin Trewhella, Water/ Wastewater Plant Manager

Month: September, 2013

Re: Monthly Report

Sir,

Knowing that the Waste Water Treatment Plant is 7 years old now, we anticipate some wear and tear on equipment. In previous reports I have let you know what equipment out for repair. During this month both our mixer and our sludge handling pumps are coming in to be put back into service.

The operation of the wells and the Water Treatment Plant is very good. TMG has worked with us in correcting the problems we were having with the Chlorine pumps and the Permanganate pumps.

The arrival of the wet season is upon us. We have had more rain in the past 2 weeks than we have had in the last 2 months. With that said I am asking you, sir and the council to keep in mind that we need to keep in mind funding to resolve our I & I issues so that we may continue to operate the wastewater treatment facility without having to expand for several years.

STAFF REPORT

To: Mayor Dent
From: Todd Baun, Public Facilities Manager
Date: September 6th, 2013
Re: August/September Report

The following items are the highlights of what I have been working on during the past month.

- I still have received no contact from Mr. and Mrs. Gravatt on the storm water issue affecting their property located at 311 W. Simpson Ave. We are in a holding pattern until we receive the legal documents that have been given to them by the city.
- The crew is still filling in many potholes throughout the City.
- We are continuing our maintenance of our equipment and vehicles. We replaced the ignition actuator rod in our F250.
- We have a new water leak on Beck Street that we will be fixing.
- We have inventoried all our repair parts. We now have a current record of all our tools and parts.
- Library has a new leak that is coming through the ceiling in the hallway. We will be fixing the leak and making necessary repairs.
- We have completed our sign inventory. We have 101 Stop signs, 23 stop signs, 141 street signs, 110 miscellaneous signs, 67 steel posts, and 124 wood posts.
- We are still looking to replace a section of 2" water line on 3rd Street. This line is currently an iron pipe that has failed multiple times.
- We have been cleaning ditches.
- We are still flushing hydrants weekly.
- We will be replacing a catch basin that is failing on 3rd and Mommsen.
- We will be investigating a couple of small sink holes on 3rd street in front of city hall. I'm hoping that the holes are being caused by old pilings that are rotting. If that is the case, we can pull the pilings and fill the holes.
- And as always, we are trying to keep up on all our routine and daily maintenance of the parks, cemetery, streets, water, sewer, storm and buildings.

If you have any questions, don't be afraid to ask. If you see something that needs attention or have any ideas that you would like me to pursue, my door is always open, so please come and talk to me.

Staff Report

To: Mayor Dent
From: George M. Crumb, Chief of Police
Date: September 5, 2013
RE: For September 11, 2013 Council Meeting

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, contacts, or other officer generated incidents:

*1835 Incident histories reported as of time of this report (090513 / 1435 hrs).

- Speeding
- DWLS
- Speeding in School Zone
- Burglary
- Fire Response's
- Disorderly Conduct/Obstructing
- Traffic Stop's ()
- Harassment
- Weapons Offense
- Agency Assist's
- Drug Incidents
- Animal Complaints
- Curfew Violations

- Welfare Checks
- Trespass (Criminal)
- Suspicious Person/Vehicle
- Police Information or Referrals
- Alcohol Offense
- Suicide Attempt
- Insurance violation

- Traffic Offense/Reckless/Hazard
- Found-2/Lost Property Reports
- Motorist Assist/Citizen Assist
- Theft Reports
- Death, report
- Juvenile Problems/Run-a-way/1-missing
- Malicious Mischief
- Warrant Arrests/Search Warrant/Confirm
- 911 Open Line or Hang Up
- Domestic Violence
- Citizen dispute-1/Civil-2/Vio Pro Order-1
- D.U.I.
- Audible Alarm
- Subject Stop
- Traffic Accident
- Noise Complaints
- Fraud
- Sex Offense
- Parking Complaint
- Vehicle Prowl
- No Valid Operator's License (NVOL)

Discussion: Open:

Council Members Present: ALL.... Mr. Ator, Mr. Reed, Mr. Catterlin, Mr. Peterson,
Mr.Shiller.

Mayor Dent: Present / Not Present _____

Officer Reporting: Chief Crumb _____

STAFF REPORT

To: Mayor Dent
From: Colin Mercer
Date: September 4, 2013
Re: August Building Department

Activities

- Submit copies of permits issued to Grays Harbor County Assessor's Office.
- Three new single family home permits has been issued in Summit Place II, one to Lexar Homes and two to High Definition Homes. All three have started construction.
- McCleary School has received approval from Grays Harbor County Health Department for the fitness equipment installation. A permanent Certificate of Occupancy will be issued as soon as we receive an official notice.
- The Beehive Harmony House is in the finishing stages of Phase 1.
- Two placement permits have been issued, one on S. 5th Street and one at DJs Custom Exhaust.
- Olympic Christian Center has been issued a Certificate of Occupancy for their Entry Canopy permit as an unfinished attic space.
- A storm drainage permit has been submitted for 439 E. Mommsen.
- A window conservation incentive was paid for a home on Elma Hicklin Rd.
- A heat pump conservation incentive is almost complete on N. Summit Rd.
- A refrigerator conservation incentive was paid for a home on S. 5th St.
- A re-roof permit has been issued for the VFW hall.
- A re-roof and sheathing permit has been issued for 512 S. Main St.

Nuisance Issues in Progress

- 610 S. 4th Street, the mortgage holder has started the cutting.
- 817 W. Simpson has been notified about people living in an RV not to exceed a maximum of 30 days.

Nuisance Issues Resolved

- 413 S. 3rd St has been cleaned up by the real estate company and a sale is pending.
- 414 S. 4th St has been cleaned up.

Comments:

- We sent out Conservation Flyers in this month's utility bills, reminding customers to make improvements to help lower their consumption and offering several incentive options.

Building Department Activity

ACTIVITY	MONTHLY TOTALS	YEAR TO DATE TOTALS	ACTIVITY EXPLANATION
Customer Service	51	368	Answer building department related questions in person or by phone, meeting with potential applicants.
Building Permits Issued	9	28	Remodels, new construction & additions, both residential and commercial.
Plan Reviews Performed	3	12	Reviewing plans for building code and municipal code compliance.
Inspections Performed	22	125	Field inspections, writing of corrections or approving work.
Finals or Certificates of Occupancies	1	5	Performing of the final inspection & issuing of certificate of occupancy allowing use of the structure.
Complaints Received	2	8	Investigate and address citizen or staff reported issues, obtain resolution or acceptable compromise.
Nuisance Letters Sent	3	48	Formal notice from the City informing citizens of violations and providing expectation of the City for compliance.
Lemay's Garbage Letters Sent	22	90	Formal notice from City after notification from Lemay that service has been stopped.
Building Department Revenue	\$4219.20	\$9577.28	Funds generated by the Building Department from permits, inspections, reviews etc.

Conservation Program

Month	Applications Received	Conservation Permits Issued	Rebates Paid This Month	Total Rebates Paid To Date
July	1	1	\$3229.00	\$19,373.44
August	2	2	\$4433.00	\$23806.44

STAFF REPORT

To: Mayor Dent

From: Colin Mercer Webmaster

Date: September 4, 2013

Re: August Website & Help Desk

Re-Occurring Website Activities

- Council Agenda/Packet posted online.
- Council Minutes posted online.

New Website Activity

- Upload the Grays Harbor Emergency Management Survey.

Additional Tasks

- Assist Nick with the Electric Rate Study updates.

Help Desk Activity

Month	Number of Incidents Reported	Staff Reported / Closed / Open	Citizen Reported / Closed / Open
May	13	5 / 5 / 28	8 / 3 / 17
June	7	6 / 1 / 33	1 / 6 / 12
July	8	3 / 2 / 34	5 / 7 / 10
August	7	3 / 3 / 34	4 / 3 / 11

Website Comments:

None this month

Website Traffic August 1, 2013 through August 31, 2013 (Top visited pages shown only)

Section	Page Views	Percent of Total
Default Home Page	2958	34.97%
Events Calendar	630	7.45%
Agendas and Minutes	309	3.65%
Utilities	281	3.32%
City Jobs	259	3.06%
Conservation Program	246	2.91%
City Departments	229	2.71%
City Forms & Documents	149	1.76%
Search Results	144	1.7%
Police	138	1.63%
Municipal Court	135	1.6%
Mavor and Council	134	1.58%
Bear Festival	133	1.57%
Municipal Code	124	1.47%
Fire	118	1.39%
Public Facilities	118	1.39%
Chamber of Commerce	105	1.24%
2008-13 Budget	99	1.17%
City Photos	99	1.17%
Water / Wastewater	97	1.15%
Light & Power	95	1.12%
Data Page	90	1.06%
Home Page	83	0.98%
Administration	82	0.97%
FAQ's Page	81	0.96%
Planning Department	71	0.84%
Helpful Links	68	0.8%
Development Services / Building	65	0.77%
Tell Us What You Think!	49	0.58%
Bear Festival Photos	40	0.47%
Title 17 Zoning	39	0.46%
Code, Ordinances & Standards	39	0.46%
Previous Years Council Minutes	37	0.44%
Interlocal Agreements	33	0.39%
Title 9 Public Peace, Morals and Welfare	31	0.37%
Flood Photos 2009	30	0.35%
65th Anniversary Photos	27	0.32%
Park Project Photos	27	0.32%
Christmas Photos 2007	26	0.31%
Previous Years Council Agendas	25	0.3%
City Staff	20	0.24%
Title 13 Public Services	19	0.22%
1.12 Official Newspaper	18	0.21%
Title 6 Animals	18	0.21%
8.20 Mandatory Solid Waste Collection	16	0.19%

STAFF REPORT

To: Mayor Dent
From: Nick Bird, P.E., Director of Public Works
Date: September 6, 2013
Re: Free Standing Canopy Request

This item was tabled at the last meeting.

As previously noted, Mr. Blaylock has requested Council authorization to construct a third free standing canopy on his property near the freeway overpass. Council authorization is required to place more than two freestanding canopies on a lot.

The issue at hand is that the appearance and request identify the freestanding canopies are being used as display models for product sales. It has been previously identified that this use is a secondary use, defined as “wholesale sales” by our Municipal Code, which is not an authorized land use in the zone where the property is located.

After combing through the zoning ordinance once again, the term “Accessory use” jumped out at us, which by MMC definition means “a use incidental and subordinate to the use of the principal use on the same lot”. It is obvious that Mr. Blaylock’s use of the freestanding canopies falls into this category because the principal use of the property is the motor vehicle repair facility. When reviewing the term “accessory use” in the land use table, accessory uses are permitted in all zoning districts.

Based on the information presented herein, both the primary or principal use and accessory use currently conform to the existing zoning and land use requirements; therefore no current use of the property should be considered a nonconforming use.

Staff Recommendation:

The primary focus of the previous staff recommendation was based on not enlarging a nonconforming use. As this opinion has been invalidated, specifically by the fact that this lot does not have any nonconforming uses, staff does not have any reason to recommend denial of the request by Mr. Blaylock.

Action Requested:

Please consider authorizing or rejecting the request provided by Mr. Blaylock.

Dear McCleary City Counsel Members

My name name is DJ Blaylock I own the Muffler shop at 757 3rd st and I also sell metal carports off this property and I am zoned for this type of activity. I currently have two [2] display models and I am requesting two have a third I am in the proses of the building permit with the city now.

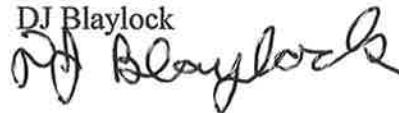
these displays are critital to selling carports as it is hard to sell off of a piece of paper , with a display customers can look at it and see the quality of the product and have a better idea of what their buying.

I am requesting a wavier to McCleary Municipal Code Section 17.28.040 [ord 709.2004] section D which is approved with council approval

these carports are an economy booster for both the City and myself as I collect sales tax on these units and pay B&O tax to the city of .065% in my quarterly tax returns to the state and also the permitting building permits through the city

these carports are engineered and certified to meet or exceed building codes requirements as per instalation

DJ Blaylock



360-495-3624

Aug 21 2013

STAFF REPORT

To: Mayor Dent
From: Nick Bird, P.E., Director of Public Works
Date: September 6, 2013
Re: Budget Schedule

The anticipated budget schedule discussed internally is shown below:

- **Monday September 23, 2013** – Revenue and expenditure estimates from department heads to be filed with Clerk.
- **Friday September 27, 2013** – Revenue and expenditure estimates to be entered into BIAS and presented to Mayor.
- **Friday October 4, 2013** – Current information on revenues and expenditures provided to legislative body (Council). Draft figures will be emailed and may be provided earlier than October 4 if ready.
- **Monday October 28, 2013** – Mayor’s preliminary budget and budget message presented to Council.
- **Friday November 8, 2013** – Preliminary budget made available to the public.
- **Wednesday November 13, 2013** – Public hearing on revenue sources, property taxes, and preliminary budget.
- **Wednesday November 13, 2013** – Consider property tax levy ordinance as appropriate.
- **Wednesday November 20, 2013** – Final hearing on proposed budget (note, this is a recessed meeting to avoid substitute for the meeting prior the night before Thanksgiving that typically is canceled). Adopt 2014 Budget if Council chooses.

As was done last year, this is an aggressive schedule with the intent of having the budget adopted prior to December. This also provides a two week buffer in the event the schedule slips in any way, as adoption could occur as late as December 11 without any significant impact.

We will provide reminders to set public hearings on the dates shown as we progress.

Action Requested:

None at this time.