



# McCleary City Council

## PROPOSED AGENDA

**October 10, 2012**

### 7:00 Council Meeting

Flag Salute

Roll Call

Public Hearings: Medical Marijuana Moratorium

Public Comment:

Minutes (Tab A)

Mayor's Report/Comments: Budget

Staff Reports:

Dan Glenn, City Attorney (Tab B)

Nick Bird, Director of Public Works (Tab C)

Staff Reports (Tab D)

Old Business:

Public Sewers Revision (Tab E)

Intersection Review (Tab F)

New Business:

Well 2/3 Progress Estimate No. 1 (Tab G)

Fire District #13 Agreement (Tab H)

Resolutions:

Ordinances:

Public Sewers (Tab I)

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 26, 2012**

FLAG SALUTE Mayor Dent Called the Regular Meeting to order at 7:00 PM with the Flag Salute.

ROLL CALL Council members Catterlin, Schiller, Reed, Lant and Ator.

ABSENT None.

STAFF PRESENT Present at the meeting were Chris Coker, Wendy Collins, Nick Bird, George Crumb, Chris Mercer, Colin Mercer and Jon Hinton and Mike from Gray & Osborne.

PUBLIC COMMENT Joy Iverson thanked the City crew for removing the dangerous tree one her property. They did a wonderful job and she appreciates how smoothly everything went.

MINUTES APPROVED It was moved by Councilman Lant, seconded by Councilman Reed to approve the minutes from both the August 22, 2012 and the September 12, 2012 meetings. Motion Carried 5-0.

MAYOR'S COMMENTS The Council was given a budget schedule and stated the revenues are provided this evening and the expenditures should be available at the next meeting. The Mayor reminded the Council he will be moving Park & Cemetery into the Current Expense fund;

Mayor Dent commented regarding the condition of the new section of the cemetery. It is not in good condition yet and still needs to be seeded so he has instructed the employees to stop selling the plots until the condition is brought up to standards.

There are three Public Hearings set on the budget; October 10th, November 14th and November 28th.

Mayor Dent is recommending two individuals for the Civil Service Commission. Dustin Richey is recommended for the vacancy position and Pam Ator is recommended for the new term position. **It was moved by Councilman Lant, seconded by Councilman Catterlin to approve the Mayoral appointments of Pam Ator and Dustin Richey to the Civil Service Commission. Motion Carried 5-0.**

There has still been no interest in the Planning Commission.

Mayor Dent asked the Council to consider approving the contract from Empire Equipment for the police department copier, which will be an additional \$2.00 more per month. **It was moved by Councilman Catterlin, seconded by Councilman Lant to authorize the Mayor to sign the contract for the Police Department copier change. Motion Carried 5-0.**

ELECTRIC VEHICLE CHARGING STATIONS Colin Mercer presented information regarding the types of charging stations along with location options and accessibility. The beginning of October is the deadline the organization has given for turning in applications. Councilman Catterlin asked how the profit worked and Nick stated we split the profit and pay for the power from BPA out of our total. Councilman Lant commented that we are not in the profit business and we won't be losing money, plus, it will bring people into our community so they will eat lunch and shop in our stores while their car is being charged.

Councilman Catterlin asked who is responsible for maintaining the charging stations and Nick replied that the City is not responsible for the maintenance or insurance during the first year. Colin Mercer added the contract is for one year and the City will then take over responsibility of the charging stations. He said there are smart phone applications for finding charging stations and McCleary would be the only charging station location between Olympia and the beach. Councilman Schiller asked Colin to look into the transit station as an alternate location.

The Council agreed to move forward to get a money proposal as long as the Council has an opportunity to see the final cost before approving it. **It was moved by Councilman Lant, seconded by Councilman Schiller to authorize City staff to move forward on the charging stations. Motion Carried 5-0.**

CITY ATTORNEY REPORT

A report has been given to the Council by Chris Coker, who is filling in for Dan Glenn tonight. Mr. Coker is available for any questions the Council may have.

DIRECTOR OF PUBLIC WORKS  
REPORT

Nick Bird asked the Council to refer to his report.

ITRON MAINTENANCE  
RENEWAL

**It was moved by Councilman Lant, seconded by Councilman Ator to renew the ITRON maintenance agreement as written. Motion Carried 5-0.**

WELL 2/3 CHANGE ORDER

Jon Hinton and Mike from Gray & Osborne spoke regarding the change orders. Additional 8" pipe was needed for water pipe, which was not where records indicated it was located for a cost of \$4,413.42 plus tax. Credit was given for using the excavated material instead of importing backfill material. Total credit is \$3,240.80 without tax. Cost required for labor, equipment and materials to install 6 RGS conduits through the floor and foundation of the new treatment plant for a cost of \$2,328.90. A credit for backwash discharge will be issued in the amount of \$706.38 plus tax. The screen for the well casing was heavily encrusted with iron deposits and removal of the accumulation is recommended to increase the capacity and long term function of the well. The cost for the change well casing extension, sonar jetting the well screen and well clean-up is \$9,941.15. **It was moved by Councilman Ator, seconded by Councilman Lant to authorize the City to execute well change order #1 revision. Motion Carried 5-0.**

Jon Hinton asked the Council to consider authorizing change orders up to a certain dollar amount in an effort to prevent delays in the project. Councilman Lant suggested \$3,000, based on what he has seen. Councilman Ator suggested \$5,000. Councilman Schiller asked Nick Bird what his thoughts were for an amount and Nick said \$5,000 is realistic. **It was moved by Councilman Schiller, seconded by Councilman Reed to approve changes to the well 1/2 project up to \$5,000 without taking it to Council for approval. Motion Carried 5-0.**

SOLID WASTE  
COMPREHENSIVE PLAN  
UPDATE

**It was moved by Councilman Ator, seconded by Councilman Lant to adopt Resolution No. 648 adopting the Grays Harbor County Comprehensive Solid Waste Management Plan revision, August 2012. Resolution Adopted 5-0.**

SPECIAL EVENT PERMIT

The Council discussed the Ordinance and decided to accept staff's recommendation for section 1.D. to state "10" when referring to, "Global special event permit means a permit obtained by the prime sponsor of a special event which will have "10" or more business license required under section II.B", and section 1.H. to state "25" referring to a "Street Dance means any dance of 25 or more people on or within any publicly owned parking lot or other publicly owned property, or any public street, alley, sidewalk or other public right-of-way". **It was moved by Councilman Ator, seconded by Councilman Lant to adopt Ordinance No. 784 relating to governmental operation, establishing a permitting process for special events; providing an appeal process, and adding a new chapter in title 12 of the McCleary Municipal Code. Roll call taken in the affirmative. Ordinance Adopted 5-0.**

PUBLIC SEWERS

Tabled.

PUBLIC COMMENT

Councilman Lant asked the Mayor to state what the potential business opportunity is for the community. The Mayor provided a brief summary.

APPROVAL OF VOUCHERS

Vouchers/Checks approved were 35338-35392 including EFT's in the amount of \$124,080.17.

Payroll checks approved were 35030-35163 including EFT's in the amount of \$160,068.90, and 35165-35333 including EFT's in the amount of \$153,158.86.

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

EXECUTIVE SESSION

An executive session was called by the Mayor for ten minutes to discuss a legal issue. Action may be taken afterward. **It was moved by Councilman Lant, seconded by Councilman Ator to go into executive session for ten minutes starting at 7:55 pm. Motion Carried 5-0.**

The executive session ended at 8:05 pm. No action was taken.

MEETING ADJOURNED

**It was moved by Councilman Lant, seconded by Councilmen Ator to adjourn the meeting at 8:06 PM. The next meeting will be on October 10, 2012 at 7:00 PM. Motion Carried 5-0.**

Mayor Gary Dent:

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Clerk-Treasurer Wendy Collins:

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**MEMORANDUM**

TO: MAYOR AND CITY COUNCIL, City of McCleary  
FROM: DANIEL O. GLENN, City Attorney  
DATE: October 5, 2012  
RE: LEGAL ACTIVITIES as of OCTOBER 10, 2012

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. **SEWER UTILITY ORDINANCE:** It is my understanding that you have had the "B" draft available for your review. Following provision of that draft to staff, I imposed upon them to take a "final" look at the existing code sections to make certain no others needed amendment or repeal. Based upon the information they provided two weeks ago, I developed a "C" draft of this reworking of the sewer code.

This draft incorporates additional changes in relation to such matters as authorizing the establishment of fees by resolution in the manner the City utilizes for most other permitting. It also repeals two additional sections of the existing code which staff feel are no longer necessary. I assume Mr. Bird will have within his report any comments he feels necessary and appropriate to assure that you are fully informed. Given the reality of the situation, while you may move forward with the matter this evening, there is no necessity of immediate action. Thus, if you so feel, it can be put on the agenda for action at the next meeting.

I would note that I believe it will be a significant improvement over what we currently have partially simply because of the changes in technology over the years. However, as with everything, when it becomes operational, we will likely find something we missed, but that will not be the first time nor the last.

2. **JAIL CONTRACT DISCUSSIONS**: Until last week, not much activity had occurred since the meeting of a month ago. However, last week a proposed draft was received from the County which deals only with the matter of non-felony individuals. As is recognized, this is the area of least contention since the City has already been paying for any medical care required of a person confined upon City charges. It is anticipated that one or more meetings will occur within the ten days between the 9<sup>th</sup> and the 19<sup>th</sup>. However, that may change since trying to set up a meeting for such a large group is an interesting proposition.

I must admit that my concern relates to the relatively short time frame remaining if the termination date set out in the County's notice is valid. Basically, that would be October 26. Even if the non-felony contract is worked out, that still leaves the matter of how individuals arrested by City police officers on felony charges are going to be handled as to medical expense. There is no reasonable free-standing policy insurance available and the Sheriff has indicated he does not feel the approach taken by Sequim and the County with which it works in terms of a per diem charge on each inmate will work for his agency. I continue to research the area and would indicate that some information provided by Sheila Gall, AWC's legal director, about an approach taken by a consortium of King County cities is interesting and might make the less than \$1.00 per day major expense policy workable. I have in my warped mind a combination of the King County cities' approach, the insurance policy, and a pre-notice requirement as something which might mitigate the worst outcome. However, I have yet to see the details on the approaches so one would not want to jump to a conclusion. Regardless, the situation may become interesting.

I will keep you informed as things move along.

3. **PROPERTY TAX ORDINANCE**: Ms. Collins and I are working on this matter. Apparently there was some hope the matter could be on your agenda for consideration this evening. However, that is not possible for two reasons. The easiest to cure is that notice of the public hearing on the matter could not be published due to a scheduling problem. The more difficult is the City has not yet received the fiscal information from the Office of the County Assessor necessary to provide you a factual basis upon which to act. One could draft an ordinance upon facts we would assume, but too often the classic statement about how that word breaks down is true in this area.

I have been in contact with Ms. Bednarik. She indicates it is their hope to have us some basic fiscal information within the next few days.

4. MASON COUNTY FIRE DISTRICT #13 INTERLOCAL: On Friday I noted this matter was on the agenda for your consideration. I imposed upon Ms. Collins to provide me a copy for a quick review. It is obviously an agreement which would serve a good purpose. In addition to allowing a bit more time for review by you, from an operational standpoint, before its final consideration, I would recommend two steps:

A. That the draft be sent to the City's insurance authority for review and comment. Why? The City is agreeing to hold the District harmless in certain circumstances and we want to make certain that our insurer is comfortable with the relatively brief language.

B. That the text be modified to make it clear the City does not provide EMS services.

This will allow me a bit more time to review the draft. For instance, I believe it is necessary to clarify the hold harmless provision in relation to situations of problems arising from joint negligence, the classical comparative negligence situation.

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 Dent  
From: Nick Bird, Director of Public Works  
Date: October 4, 2012  
Re: Current Non-Agenda Activity

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### **Well 2 & 3 Project**

I had hoped to provide photos in this section for your enjoyment, but I was unable to get any current photos prior to sending this report out. A bulleted list of work done to date is included in the Progress Estimate action item for your review.

### **Simpson and Summit Fire Hydrant**

The hydrant was repaired again! We anticipate finishing by putting asphalt down next week at this location and various other spots around the City (other water leaks).

### **Cedar Heights**

No new discussions.

### **Bicycle and Pedestrian Application**

To date, we have not heard back regarding our application.

### **M&M Properties**

No additional information has been received from the developers after the May 14 phone call.

### **Snow Policies**

Fantastic information was obtained at the Road and Street Supervisors Conference in Yakima this week. We hope to utilize this information and provide a snow policy for consideration in the near future.

### **Developer Extension**

No new information has been provided.

### **Gutter Replacement**

We have finally prepared our gutter package to get the gutters repaired that were damaged in the January storm. We anticipate bringing a bid to you at the second meeting in October.



### **Ecology Grant/Loan Program**

Ecology grant/loan program is open with applications due November 2. This program is only for wastewater and stormwater projects. We will qualify for hardship if applying for a wastewater project, which means we will be eligible for a portion of the project to be covered with grant money. Our primary focus right now is to replace the wildcat collection system and lift stations. One kicker is that the City must have a planning document approved by ecology to apply. The City has a Wastewater Facility Plan, completed and approved in 2001, but the plan does not address the collection system. We may need to apply for planning money to complete a collection system study in lieu of the project request. We will keep you informed as this develops.

### **Budget Season**

Budget season is here, so I apologize for the lack of information contained on this non-agenda activity report. I hope to make up for the lack of reading in this section with reading in other sections...

## STAFF REPORT

To: Mayor Dent

From: Colin Mercer Webmaster 

Date: October 2 , 2012

Re: September Website & Help Desk

### Re-Occurring Website Activities

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

### New Website Activity

Posted the date for the City Wide Garage Sale on the calendar page.

Made text corrections to Title 8 and Title 15 and reloaded revised documents.

### Additional Tasks

Research and prepare Electric Vehicle Charging Station presentation to install 3 chargers in the park parking area.

### Help Desk Activity

Month	Number of Incidents Reported	Staff Reported / Closed / Open	Citizen Reported / Closed / Open
June	14	9 / 9 / 15	5 / 3 / 14
July	14	8 / 6 / 17	6 / 10 / 10
August	15	12 / 3 / 26	3 / 3 / 10
September	9	7 / 1 / 32	2 / 1 / 11

### Conservation Program

This information is now listed on the Building Department Staff Report

### Website Comments:

No Comments received this month

**Website Traffic September 1, 2012 through September 30, 2012**

<b>Section</b>	<b>Page Views</b>	<b>Percent of Total</b>
<a href="#">Default Home Page</a>	2392	34.5%
<a href="#">Events Calendar</a>	586	8.45%
<a href="#">Agendas and Minutes</a>	385	5.55%
<a href="#">Utilities</a>	284	4.1%
<a href="#">City Departments</a>	219	3.16%
<a href="#">City Jobs</a>	218	3.14%
<a href="#">Home Page</a>	207	2.99%
<a href="#">Code, Ordinances &amp; Standards</a>	193	2.78%
<a href="#">Conservation Program</a>	187	2.7%
<a href="#">Police</a>	176	2.54%
<a href="#">Search Results</a>	161	2.32%
<a href="#">Planning Department</a>	144	2.08%
<a href="#">Public Facilities</a>	116	1.67%
<a href="#">Helpful Links</a>	114	1.64%
<a href="#">Light &amp; Power</a>	114	1.64%
<a href="#">FAQ's Page</a>	110	1.59%
<a href="#">Previous Years Council Minutes</a>	108	1.56%
<a href="#">Mayor and Council</a>	103	1.49%
<a href="#">Chamber of Commerce</a>	98	1.41%
<a href="#">Municipal Court</a>	94	1.36%
<a href="#">Water / Wastewater</a>	94	1.36%
<a href="#">City Photos</a>	83	1.2%
<a href="#">Bear Festival</a>	82	1.18%
<a href="#">Administration</a>	78	1.12%
<a href="#">2008-12 Budget</a>	75	1.08%
<a href="#">Fire</a>	73	1.05%
<a href="#">Development Services / Building</a>	67	0.97%
<a href="#">Flood Photos 2009</a>	44	0.63%
<a href="#">Tell Us What You Think!</a>	43	0.62%
<a href="#">65th Anniversary Photos</a>	42	0.61%
<a href="#">Bear Festival Photos</a>	40	0.58%
<a href="#">Interlocal Agreements</a>	40	0.58%
<a href="#">City Staff</a>	31	0.45%
<a href="#">Previous Years Council Agendas</a>	30	0.43%
<a href="#">Park Project Photos</a>	29	0.42%
<a href="#">Christmas Photos 2007</a>	28	0.4%
<a href="#">Conservation Data Page</a>	20	0.29%
<a href="#">Community Center</a>	15	0.22%
<a href="#">Surveys &amp; Questionnaires</a>	9	0.13%
<a href="#">Public Facilities Survey ( Ends March 7th)</a>	1	0.01%
<a href="#">Stormwater Plan Questionnaire</a>	1	0.01%
<b>TOTAL</b>	<b>6934</b>	<b>100%</b>

# STAFF REPORT

To: Mayor Dent

From: Colin Mercer

Date: October 5, 2012

Re: September Building Department



## Activities

- 2013 Building Department Budget
- Submit copies of permits issued to Grays Harbor County Assessor's Office.
- AT&T cell tower located at 49 Larson Rd permit issued.
- McCleary School play shed is in review at the County Health Department.
- Evergreen Christian Church fire escape balcony permit issued.
- The Beehive Retirement Dementia Unit is in the demolition phase of the New Harmony House Dementia Unit. The revised plans for electrical service have been approved by Elcon Associates. The revised civil plans have been sent back for corrections.
- Lexar Homes, 1567 N. 5<sup>th</sup> St. Certificate of Occupancy issued.
- Lexar Homes, 539 E. Bear St in the drywall stage.
- High Definition Homes, 1487 N. Summit Rd. Final Inspection and Temporary Certificate of Occupancy issued.
- High Definition Homes, 1570 N. 5<sup>th</sup> St. is in the finishing stage.
- High Definition Homes 1562 N. 5<sup>th</sup> St. excavation for the foundation has been completed.
- Energy Wise Construction, 379 E. Bear St. is in the finishing stage.
- 137 S. 3<sup>rd</sup> St. is in progress no inspections to date.
- Final inspection on front porch remodel at 657 S. Main St.
- Bedroom addition at 414 S. Main St. is in the finishing stage.
- Informed Mr. Birindelli about a sign violation at 121 W. Simpson, he has taken care of it.

## Nuisance Issues in Progress

- Cedar Heights development brush cutting has been performed, still waiting on storm pond maintenance.
- Red Tag garage located at 425 S. Main St. lender of record is working on resolution.
- Overgrown property at 315 W. Simpson has been escalated to legal action.
- Overgrown property at 109 S. 5<sup>th</sup> has been escalated to legal action.
- Garbage issue at 695 N. Summit Rd. has been escalated to legal action.
- Letter sent regarding vehicle wrecking behind properties on Beck St on City Right of Way.

## Nuisances Resolved

Over grown yards mowed:

- 103 W. Hemlock,
- Vacant lot located at 2<sup>nd</sup> and Pine St,
- 351 S. Birch St.,
- 336 S. 2<sup>nd</sup> St.,
- 408 S. 2<sup>nd</sup> St.,

## Building Department Activity

ACTIVITY	MONTHLY TOTALS	YEAR TO DATE TOTALS	ACTIVITY EXPLANATION
Customer Service	65	622	Answer building department related questions in person or by phone, meeting with potential applicants.
Building Permits Issued	4	28	Remodels, new construction & additions, both residential and commercial.
Plan Reviews Performed	3	38	Reviewing plans for building code and municipal code compliance.
Inspections Performed	20	224	Field inspections, writing of corrections or approving work.
Finals or Certificates of Occupancies	2	10	Performing of the final inspection & issuing of certificate of occupancy allowing use of the structure.
Complaints Received	1	14	Investigate and address citizen or staff reported issues, obtain resolution or acceptable compromise.
Nuisance Letters Sent	2	38	Formal notice from the City informing citizens of violations and providing expectation of the City for compliance.
Lemay's Garbage Letters Sent	4	132	Formal notice from City after notification from Lemay that service has been stopped.
Building Department Revenue	\$6001.19	\$49,882.16	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
August	0	0	0	\$2165.00
September	1	0	0	\$2165.00

## Lemay's Garbage Compliance

Number of letters sent to Tenants	Number of letters sent to Owners	Second notices sent to Tenants	Second notices sent to Owners
48	82	4	4
<b>Active Accounts</b>	<b>Pending</b>	<b>Stopped Service</b>	<b>Un-Occupied</b>
80	0	6	14

## STAFF REPORT

To: Mayor Dent  
From: Paul Nott, Light & Power  
Date: October 4, 2012  
Re: August/September Report



	<b>Monthly Statistics;</b>	<b>YTD Totals;</b>
<b>New Services;</b>	<b>8</b>	<b>13</b>
<b>System Outages;</b>	<b>4</b>	<b>21</b>
<b>Pole Replacements;</b>	<b>0</b>	<b>10</b>
<b>Maintenance Work Orders;</b>	<b>7</b>	<b>36</b>
<b>Billable Work Orders;</b>	<b>4</b>	<b>13</b>

August and September consisted of 8 service connection jobs, 3 of which were upgrades to existing customer services and 3 new services. We had 4 system outages, 3 of which were underground faults and 1 wire down.

The power crew has been busy cutting brush in preparation for winter and removing customer owned trees that are not necessarily in the right of way but do pose a threat to taking down overhead power lines in the event of a major storm. As always the brush just keeps growing and growing.

Of the four outages that we experienced, one was wire down due to faulty equipment and the other three were underground faults. All three underground faults required assistance from Mason Co PUD 1 in locating the faults with their thumper and increased the duration of time to complete the repair for our customers.

We have in the schedule to begin a service upgrade at the Beehive next week.

Our work that is required at the well project will commence after the first of the year.

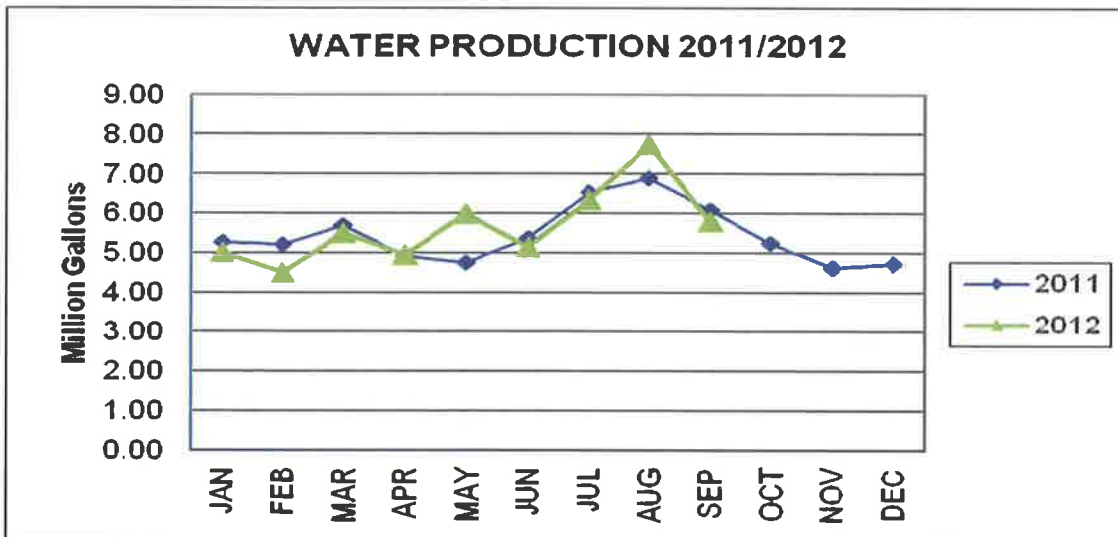
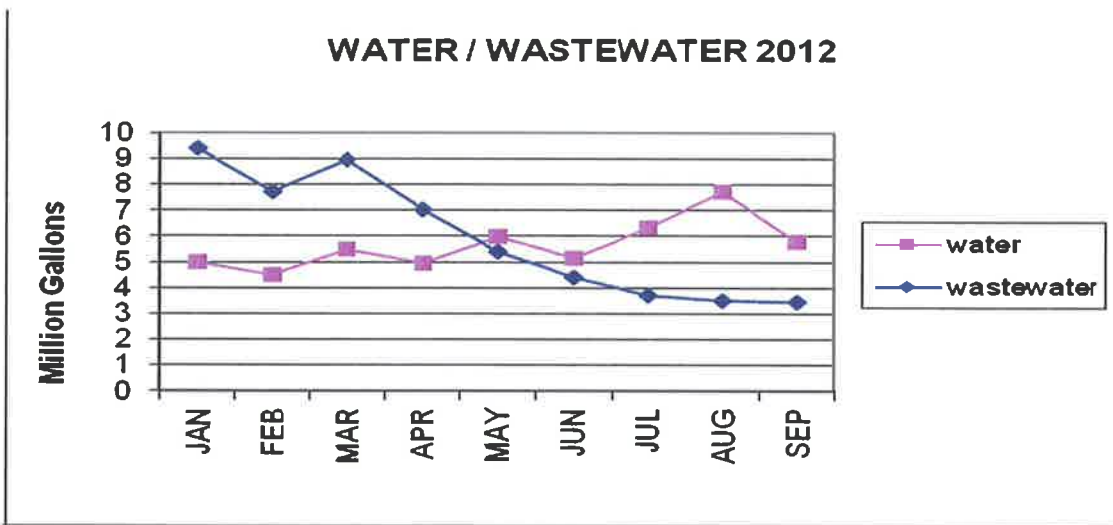
We still have to complete the re-conductor from 9<sup>th</sup> ST to the bridge on Simpson Ave. and hopefully complete the cut over from 9<sup>th</sup> to the end of the line at Rainmaker Collision.

As always if you have any questions or concerns feel free to contact us at bldg. C.

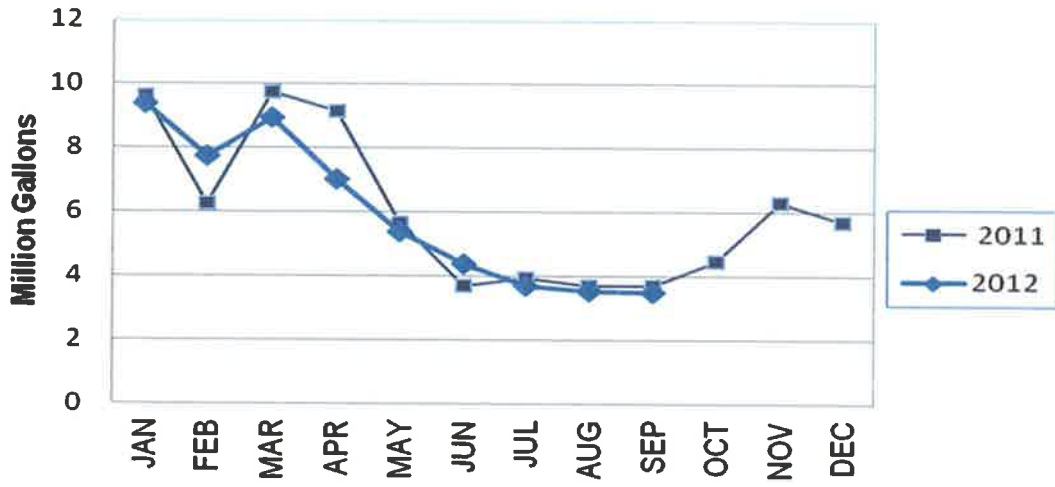
To: Mayor Dent  
From: Vern Merryman, Water/Wastewater  
Date: October 2012  
Re: Monthly Report

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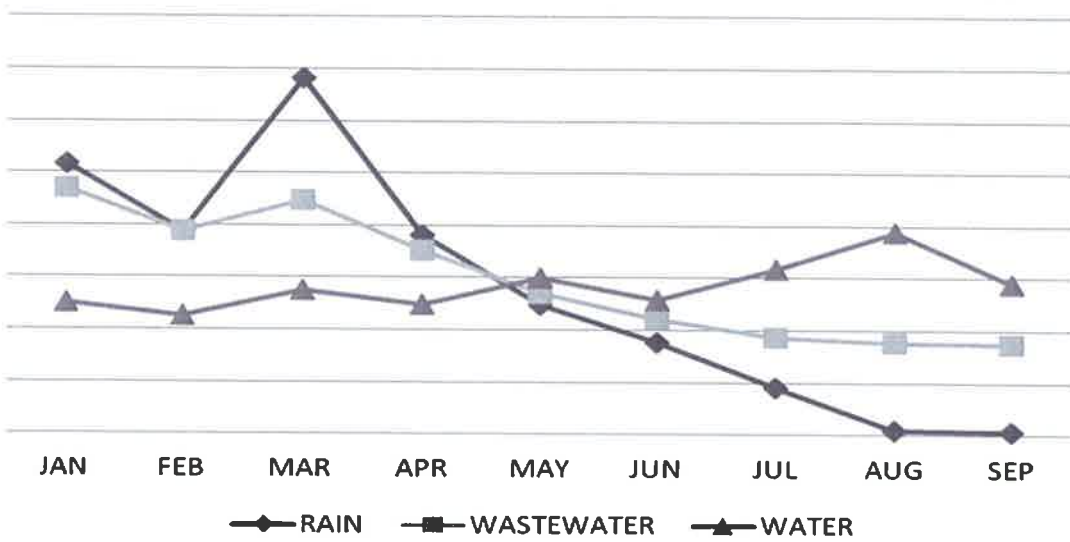
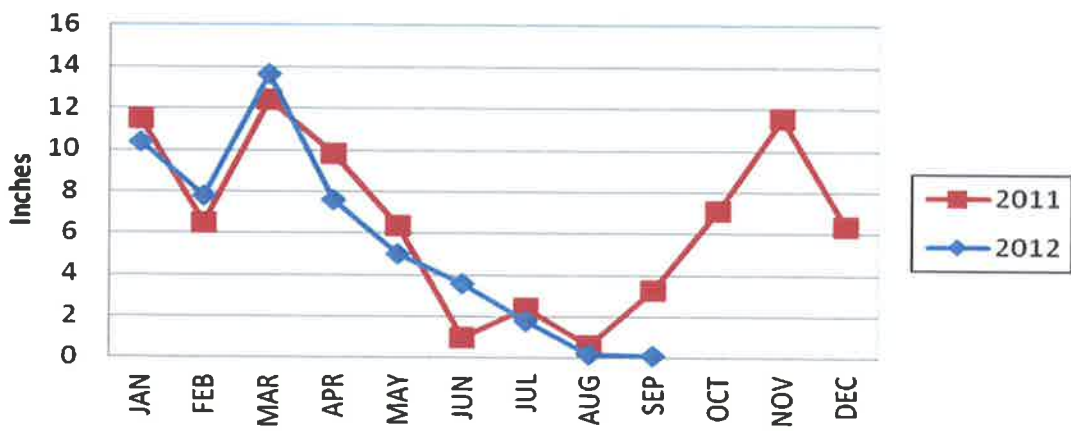
August totals: Water, 5.81 million gallons.  
Wastewater, 3.49 million gallons.  
Precipitation, .14 inches.  
Biosolids, 52,098 liquid gallons or 1.1 dry tons.



**WASTEWATER FLOW 2011/2012**



**PRECIPITATION 2011/2012**





## **STAFF REPORT**

To: Mayor Dent  
From: Nick Bird, P.E., Director of Public Works  
Date: October 4, 2012  
Re: Public Sewers

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Version C of the draft ordinance has been provided for your review. We believe that we are now at a point where Council can consider this version for adoption.

### **Staff Recommendation:**

As the revisions presented in the draft ordinance are necessary to update the sewer regulations to the 2012 standards, staff recommends that Council considers adopting Version C of the draft ordinance.

### **Action Requested:**

Provided that Council has had enough time to review the draft document recommended for adoption, we recommend that the City adopt Version C of the public sewer revision ordinance.

# STAFF REPORT

To: Mayor Dent  
From: Nick Bird, P.E., Director of Public Works  
Date: October 4, 2012  
Re: Intersection Review

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In September we were asked to take a harder look at what a realistic cost would be to increase the sight distance exiting 2<sup>nd</sup> Street heading towards the freeway. After taking a closer look at the project, we regret to inform you that the “ballpark” figure picked in September was nowhere near the ball park.

### Project Cost – Correct Sight Distance

The estimated project costs are shown below:

Item #	Description	Quantity		Unit Price	Cost
1	Mobilization	1	LS	\$3,000.00	\$3,000.00
2	Tree Removal	1	LS	\$23,000.00	\$23,000.00
3	Embankment Excavation	35	CY	\$97.00	\$3,395.00
4	Utility Relocation	1	LS	\$3,000.00	\$3,000.00
5	Utility Easement	1	LS	\$2,000.00	\$2,000.00
6	Rock Wall	156	LF	\$130.00	\$20,280.00

SUBTOTAL .....\$54,675.00  
WASHINGTON STATE SALES TAX (8.4% of Subtotal).....\$4,592.70  
CONTINGENCY (20% of Subtotal).....\$10,935.00  
**PROJECT TOTAL (Sum of Subtotal, WSST, & Contingency) .....\$70,202.70**

Please note that this project does include construction of a rock wall to aesthetically balance the removal of the trees. The rock wall could be omitted if necessary leaving a stabilized 2:1 slope, but would obviously increase the aesthetic value of the area if it were included.

### Summary

If you recall there are four options that the City has evaluated for the intersection:

1. Do nothing
  - a. Not a feasible alternative at the entrance of the City.
2. Stop Control
  - a. Not warranted if speed control is a realistic alternative.
3. Speed Control
  - a. Reduction of the speed limit to 20 mph due to the safety hazard generated by the sight distance deficiency is warranted in accordance with RCW 46.61.415(1)(c).
  - b. No structural changes to the intersection are required. New speed limit signs, advance warning signs, and traffic revision signs / flags would need to be purchased.

4. Correct Sight Distance
  - a. Project requires structural changes to the intersection to correct the existing sight distance deficiency, retaining the existing speed limit of 20 mph during school hours and 25 mph during any other hours.
  - b. Structural changes require significant work on the intersection, translating to at least a one week closure of the roadway and another three to four weeks of one lane travel.
  - c. Project cost estimate to be approximately \$70,000.

**Staff Recommendation:**

After digging deeper into this project, the recommendation is to utilize speed control to correct the existing sight distance deficiency. In the mean time, staff can continue to research grant opportunities to address our entrance into town.

**Action Requested:**

Please let staff know how you would like to proceed on this matter.

## **STAFF REPORT**

To: Mayor Dent  
From: Nick Bird, P.E., Director of Public Works  
Date: October 4, 2012  
Re: Well 2/3 Progress Estimate No. 1

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Attached you will find a copy of Progress Estimate No. 1 for the Wellfield Improvements Project. Included with this Progress Estimate is a summary of work performed during the time period from September 4 through September 28.

### **Action Requested:**

Please authorize payment of Progress Estimate No. 1 to Award Construction in the amount of \$157,255.89 and deposit \$7,604.25 into the retainage account.



# Gray & Osborne, Inc.

CONSULTING ENGINEERS

October 3, 2012

Mr. Nick Bird, P.E.  
City of McCleary  
100 South Third Street  
McCleary, Washington 98557

SUBJECT: PROGRESS ESTIMATE NO. 1, WELL FIELD IMPROVEMENTS  
PROJECT  
CITY OF MCCLEARY, GRAYS HARBOR COUNTY, WASHINGTON  
G&O #11551.01

Dear Mr. Bird:

We have enclosed two copies of Progress Estimate No. 1 for this project. Also enclosed is a summary of the work performed to date. The total amount now due the contractor and the amount to be deposited in the retainage account are as follows:

<u>Amount Now Due</u>	<u>Amount to be Deposited in Retainage Account</u>	<u>Total Retainage Amount</u>
\$157,255.89	\$7,604.25	\$7,604.25

Please call the undersigned if you have any questions or concerns regarding this matter.

Very truly yours,

GRAY & OSBORNE, INC.

  
Joseph Plahuta

JP/sp  
Encl.

cc: Mr. Todd Vasey, Award Construction, Inc.

**PROGRESS ESTIMATE NO. 1**  
**OCTOBER 2, 2012**

CITY OF MCCLEARY  
 GRAYS HARBOR COUNTY  
 WASHINGTON

PROGRESS ESTIMATE PERIOD  
 SEPTEMBER 4, 2012 TO SEPTEMBER 28, 2012

PROJECT:  
 CITY OF MCCLEARY  
 WELLFIELD IMPROVEMENTS  
 G&O JOB NUMBER #11551.01

CONTRACTOR:  
 AWARD CONSTRUCTION, INC.  
 980 WILLEYS LAKE ROAD  
 FERNDALE, WA 98248

BID ITEMS				QUANTITIES		PROJECT COSTS		PERCENT OF CONTRACT QUANTITY
NO.	DESCRIPTION	QUANTITY UNIT	UNIT PRICE	TOTAL TO DATE	TOTAL THIS PERIOD	AMOUNT TO DATE	AMOUNT THIS PERIOD	
1	Mobilization, Cleanup and Demobilization	1 LS	\$60,000.00	50.00%	50.00%	\$30,000.00	\$30,000.00	50%
2	Minor Changes	1 CALC	\$5,000.00	0.00%	0.00%	\$0.00	\$0.00	0%
3	Demolition	1 LS	\$13,500.00	80.00%	80.00%	\$10,800.00	\$10,800.00	80%
4	Locate Existing Utilities	8 EA	\$300.00	9	9	\$2,700.00	\$2,700.00	113%
5	Trench Excavation Safety System	1 LS	\$80.00	100.00%	100.00%	\$80.00	\$80.00	100%
6	Excavation, Backfill, Compaction and Grading	1 LS	\$11,600.00	70.00%	70.00%	\$8,120.00	\$8,120.00	70%
7	Special Excavation of Unsuitable Material	25 CY	\$65.00	0	0	\$0.00	\$0.00	0%
8	Erosion Control	1 LS	\$15,000.00	90.00%	90.00%	\$13,500.00	\$13,500.00	90%
9	Railroad Borings	1 LS	\$20,000.00	80.00%	80.00%	\$16,000.00	\$16,000.00	80%
10	Foundation Gravel	75 CY	\$60.00	16	16	\$960.00	\$960.00	21%
11	Gravel Borrow	450 TN	\$22.50	0	0	\$0.00	\$0.00	0%
12	Crushed Surfacing Top Course	250 TN	\$34.00	0	0	\$0.00	\$0.00	0%
13	Quarry Spalls	5 CY	\$120.00	0	0	\$0.00	\$0.00	0%
14	Commercial HMA	25 TN	\$135.00	25	25	\$3,375.00	\$3,375.00	100%
15	Topsoil	150 CY	\$38.00	0	0	\$0.00	\$0.00	0%
16	Hydroseeding	800 SY	\$1.10	0	0	\$0.00	\$0.00	0%
17	Operations Building	1 LS	\$180,000.00	0.00%	0.00%	\$0.00	\$0.00	0%
18	Existing Well No. 3 Building Modifications	1 LS	\$56,000.00	0.00%	0.00%	\$0.00	\$0.00	0%
19	Replace Well No. 2 Pump	1 LS	\$70,000.00	0.00%	0.00%	\$0.00	\$0.00	0%
20	Replace Well No. 3 Pump	1 LS	\$66,000.00	0.00%	0.00%	\$0.00	\$0.00	0%
21	Pyrolusite Treatment System	1 LS	\$110,000.00	0.00%	0.00%	\$0.00	\$0.00	0%
22	Sodium Hypochlorite Feed System	1 LS	\$31,000.00	0.00%	0.00%	\$0.00	\$0.00	0%
23	Potassium Permanganate Feed	1 LS	\$20,000.00	0.00%	0.00%	\$0.00	\$0.00	0%
24	Piping, Valves and Appurtenances	1 LS	\$211,000.00	25.00%	25.00%	\$52,750.00	\$52,750.00	25%
25	Electrical, Telemetry and Instrumentation	1 LS	\$276,000.00	5.00%	5.00%	\$13,800.00	\$13,800.00	5%
<b>CHANGE ORDERS:</b>								
	CO1					\$0.00	\$0.00	
	CO2					\$0.00	\$0.00	
	CO3					\$0.00	\$0.00	
	CO4					\$0.00	\$0.00	

**PROGRESS ESTIMATE NO. 1**  
**OCTOBER 2, 2012**

CITY OF MCCLEARY  
 GRAYS HARBOR COUNTY  
 WASHINGTON

PROGRESS ESTIMATE PERIOD  
 SEPTEMBER 4, 2012 TO SEPTEMBER 28, 2012

PROJECT:  
 CITY OF MCCLEARY  
 WELLFIELD IMPROVEMENTS  
 G&O JOB NUMBER #11551.01

CONTRACTOR:  
 AWARD CONSTRUCTION, INC.  
 980 WILLEYS LAKE ROAD  
 FERNDALE, WA 98248

	PROJECT COSTS	
	AMOUNT TO DATE	AMOUNT THIS PERIOD
<b>TOTAL EARNED TO DATE</b>	\$152,085.00	\$152,085.00
SALES TAX	8.40%	\$12,775.14
MATERIALS ON HAND (INCLUDING SALES TAX)		\$0.00
<b>TOTAL WITH SALES TAX (Incl. Materials on Hand)</b>	\$164,860.14	\$164,860.14
LESS 5% RETAINED (BEFORE TAX)	\$7,604.25	\$7,604.25
<b>TOTAL EARNED TO DATE LESS RETAINAGE</b>	<b>\$157,255.89</b>	
CONTRACT AMOUNT	\$1,182,885.00	
CONTRACT PERCENTAGE TO DATE	13%	

**TOTAL PAYMENT NOW DUE: \$157,255.89**

I HEREBY CERTIFY THE ABOVE ESTIMATE IS  
 A TRUE AND CORRECT STATEMENT OF THE  
 WORK PERFORMED UNDER THIS CONTRACT.

I HEREBY CERTIFY THAT THE  
 PREVAILING WAGES HAVE BEEN PAID IN  
 ACCORDANCE WITH RCW 39.12.

GRAY & OSBORNE, INC.

AWARD CONSTRUCTION, INC.

  
 MICHAEL B. JOHNSON, P.E.

**Patty Vasey**  
Digitally signed by Patty Vasey  
 DN: cn=Patty Vasey, o=Award  
 Construction, Inc., ou,  
 email=patty@award-inc.com, c=US  
 Date: 2012.10.03 07:19:59 -0700  
 CONTRACTOR'S REPRESENTATIVE

**SUMMARY AND DISTRIBUTION OF PAYMENTS**

PAY EST NO.	PROGRESS ESTIMATE PERIOD DATES	TOTAL EARNED PER PERIOD	SALES TAX RATE	SALES TAX AMOUNT	MATERIALS ON HAND	RETAINAGE (5%)	TOTAL PAYMENT
1.	SEPTEMBER 4, 2012 TO SEPTEMBER 28, 2012	\$152,085.00	8.40%	\$12,775.14	\$0.00	\$7,604.25	\$157,255.89
<b>TOTAL:</b>		\$152,085.00		\$12,775.14	\$0.00	\$7,604.25	\$157,255.89

## Summary of Work Performed

*Progress Estimate No. 1 (September 4, 2012 through September 28, 2012):*

- The settling basin was excavated. Both the bottom of the settling basin and the access ramp were paved.
- The pump station manhole was installed and both drain lines running from the settling basin to the manhole were installed.
- Two 18-foot sections of drain line extending up from the pump station manhole (to the floor drains and catch basins at the operations building) were installed.
- The 2-inch force main extending from the pump station manhole to the existing sanitary sewer manhole on Summit Road was installed.
- The existing Well No. 2 building and slab were demolished.
- The existing well pump and motor were removed from Well No. 2 and the well casing was inspected by video camera.
- The 8-inch and 16-inch bore casings were installed under the railroad.
- The 8-inch raw water line was installed from the operations building to the Well No. 3 building (no tie in has been made).
- 2-inch electrical conduit was installed from the 16-inch railroad bore to the Well No. 3 building (including the portion through the bore casing).
- The bypass piping was installed and bedded to a point such that a tie-in to the existing system could be made at either end.



## MUTUAL AID AGREEMENT

This agreement is entered into between Mason County Fire Protection District No. 13 and City of McCleary County Fire Protection District No. \_\_\_\_\_, municipal corporations of the state of Washington.

This agreement is entered into under the authority of RCW 52.12.031.

1. Each of the parties owns and maintains equipment for the suppression of fires ~~and for the supplying of emergency medical services. Each of the parties also retains firefighting personnel who are trained to provide various levels of emergency medical services.~~
2. In the event of a major fire, <sup>or</sup> disaster, ~~or other emergency,~~ each of the parties will need the assistance of the other party to provide supplemental fire suppression ~~and emergency medical service equipment and personnel.~~
3. Each of the parties has the necessary equipment and personnel to enable it to provide such service to the other party in the event of such an emergency.
4. The geographical boundaries of each party are located in such a manner as to enable each party to render mutual aid service to the other.

The parties, to carry out the purposes and functions described above and in consideration of the benefits to be received by each of the parties, agree as follows:

1. **Request for Assistance.** The commanding officer of the fire department or the officer in charge of a fire unit or an emergency medical service unit at the scene of an emergency, or either party, is authorized to request assistance from the other party if confronted with an emergency situation at which the requesting party has need for equipment or personnel in excess of that available at the requesting party's fire department.
2. **Response to Request.** Upon receipt of such a request, the commanding officer of the party receiving the request shall immediately take the following action:
  - A. Determine if the responding party has equipment and personnel available to respond to the requesting party and determine the nature of the equipment and number of personnel available.
  - B. Determine what available equipment and what available personnel should be dispatched in accordance with the operating plans and procedures established by the parties.
  - C. In the event the needed equipment and personnel are available, to dispatch such equipment and personnel to the scene of the emergency with proper operating instructions.
  - D. In the event the needed equipment and personnel are not available, to immediately advise the requesting party of such fact.
3. **Command Responsibility at Emergency Scene.** The chief officer or senior officer of the party to which the response is made shall be in command of the operations under which the equipment and personnel sent by the responding party shall serve; provided, that the responding equipment and personnel shall be under the immediate supervision of the officer in charge of the responding apparatus.

4. **Termination of Service.** The equipment and personnel of the responding party shall be released from service and returned to the responding district by the commanding officer in charge of the operations as soon as conditions may warrant.
5. **Liability.** Each party agrees to assume responsibility for all liabilities that occur or arise in any way out of the performance of this agreement by its personnel only and to save and hold the other party, its employees and officials, harmless from all costs, expenses, losses and damages, including cost of defense, incurred as a result of any acts or omissions of the party's employees relating to the performance of this agreement.
6. **Insurance.** Each party agrees to maintain adequate insurance coverage for its own equipment and personnel.
7. **Compensation.** Each party agrees that it will not seek compensation for services rendered under this agreement from the other party. ~~in charge of a fire unit or an emergency medical service unit~~ at the scene of an emergency, or either party, is authorized to request assistance from the other party if confronted with an emergency situation at which the requesting party has need for equipment or personnel in excess of that available at the requesting party's fire department.
8. **Pre-Emergency Planning.** The commanding officers of the parties shall, from time to time, mutually establish pre-emergency plans which shall indicate the types of and locations of potential problem areas where emergency assistance may be needed, the type of equipment that should be dispatched under various possible circumstances, and the number of personnel that should be dispatched under such circumstances. Such plans shall take into consideration and insure the proper protection by the responding party of its own geographical area.
9. **Non-Exclusive Agreement.** The parties to this agreement shall not be precluded from entering into similar agreements or first response agreements with other municipal corporations.
10. **Termination.** This agreement may be terminated by either party giving to the other party a thirty (30) day notice of termination in writing.

DATED: August 23, 2012

Mason County  
Fire Protection District No. 13

BY: [Signature]  
Chairperson of the Board

BY: [Signature]  
Secretary

\_\_\_\_\_ County  
Fire Protection District No. \_\_\_\_\_

BY: \_\_\_\_\_  
Chairperson of the Board

BY: \_\_\_\_\_  
Secretary

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE RELATING TO PUBLIC UTILITIES, PROVIDING DEFINITIONS, REGULATIONS & PROVISION FOR ADMINISTRATION, ADDING NEW SECTIONS TO CHAPTER 13.12 OF THE MUNICIPAL CODE, IMPOSING PENALTIES; AMENDING SECTIONS 2.08.010, 13.12.070, AND 13.12.130, M.M.C.; REPEALING SECTIONS 13.12.010, 13.12.280, 13.12.290, 13.12.300, 13.12.310, & 13.12.330. M.M.C.; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

R E C I T A L S:

1. The City maintains a wastewater collection and treatment system for the benefit of the public it serves.

2. During the course of review of existing operations, a number of areas which would benefit from clarification were identified.

3. Since the adoption of the most recent extensive updating of the applicable Code provisions in 1980, a significant number of changes, whether in regulation or operation, have occurred. As a result, an updating of certain provisions has been recommended, as well as the addition of a number of provisions.

4. It is found to be in the interest of public health and safety to implement the recommendations.

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

**SECTION I:** For purposes of the Municipal Code, the following acronyms shall apply:

"AKART" means all known, available, and reasonable methods (prevention, control, and treatment) to prevent and control pollution of the waters of the state of Washington. (Chapter 90.48 RCW.) AKART shall represent the most current methodology that can be reasonably required for preventing, controlling, or abating the pollutants associated with a discharge. AKART shall be applied by all users of the City's utility systems. AKART includes best management practices and may be required by the Director of Public Works for any discharge to the POTW.

"ANSI" means the American National Standards Institute.

"ASTM" means the American Society for Testing and Materials.

"BOD" means biochemical oxygen demand as defined in Section II of this Ordinance.

"DOE" or "Ecology" means the Washington State Department of Ecology.

"EPA" means U.S. Environmental Protection Agency.

"ERU" means equivalent residential unit as defined under "normal domestic waste" in Section II of this Ordinance.

"FIFRA" means the Federal Insecticide Fungicide Rodenticide Act.

"FOG" means fats, oils and grease.

"NPDES" means the National Pollutant Discharge Elimination System.

"POTW" means publicly owned treatment works as defined in Section II of this Ordinance.

"PVC" means polyvinyl chloride.

"RCRA" means the Resource Conservation and Recovery Act.

"RCW" means Revised Code of Washington.

"SDR" means standard dimension ratios.

"SIC" means Standard Industrial Classification.

"SNC" means significant noncompliance as defined in Section II of this Ordinance.

"STEP" means septic tank effluent pumping.

"TKN" means total kjeldahl nitrogen as defined in Section II of this Ordinance.

"TRY" means technical review criteria as defined in as Section II of this Ordinance.

"TSA" means the Toxic Substances Control Act currently codified in RCW 70.105D.

"T.S." means total suspended solids as defined in Section II of this Ordinance.

"SIDA" means the Solid Waste Disposal Act currently codified in RCW 70.95.

"WAC" means the Washington Administrative Code.

**SECTION II:** For the purposes of Chapter 13.12, the words set out in this section shall have the following meanings: PROVIDED THAT, if any provision of federal or state law, whether statutory or rule or regulation is referenced and is hereafter

succeeded or amended, the successor is to be deemed adopted by reference.

1. "Act" means the Federal Water Pollution Control Act, also known as the Clean Water Act (33 U.S.C. 1251 et seq.), as amended.

2. "Administrative authority" means the Director of Public Works of the City of McCleary or his/her designee.

3. "Applicable pretreatment standards" means for any specified pollutant: the more stringent of the City of McCleary prohibitive standards, State of Washington pretreatment standards, or applicable National Categorical Pretreatment Standards.

4. "Authorized representative of the user":

A. If the user is a corporation: the president, secretary, treasurer, or a vice president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or

B. If the user is a partnership or sole proprietorship: a general partner or proprietor, respectively; or

C. If the user is a federal, state, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or his/her designee.

D. The individuals described in subsections (A) through © of

this definition may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the City of McCleary.

5. "Biochemical oxygen demand (BOD)" means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures during five days at twenty degrees centigrade, usually expressed as a concentration (milligrams per liter (mg/l)).

6. "Bypass" means the intentional diversion of waste streams from any portion of a user's treatment facility.

7. "Building drain" means that part of the lowest piping of a drainage system which receives the discharge from waste and other drainage pipes inside the walls of the building and conveys it to the side sewer beginning three feet outside the building wall.

8. "Capital costs" means all costs incurred as a result of planning, permitting, design or construction of the wastewater collection or treatment facilities.

9. "Categorical pretreatment standard or categorical standard" means any regulation containing pollutant discharge limits promulgated by EPA in accordance with Section 307(b) and©

of the Act (33 U.S.C. 1317) which applies to a specific category of users and which appears in 40 CFR Chapter I, Subchapter N, Parts 405-471.

10. "Categorical user" means a user covered by one or more categorical standards as defined herein.

11. "McCleary urban service area" means the City of McCleary and that portion of Grays Harbor County outside the McCleary corporate City limits that will be served by the McCleary wastewater treatment facility, as shown upon the applicable Facility Plan as now in existence or hereinafter amended.

12. "City" means the City of McCleary.

13. "City council" means the governing body of the City of McCleary.

14. "Combined business-residential user" means any user whose plumbing facilities serve both a domestic user and a commercial user.

15. "Commercial user" means any nonresidential customer who engages in business activities or combination of business and residential activities if combined through a single-meter service.

16. "Cooling water" means water used for cooling purposes generated from any use, such as air conditioning, heat exchangers, cooling or refrigeration. For purposes of this chapter, such waters are further divided into two subcategories:



A. Uncontaminated: water to which the only pollutant added is heat, which has no direct contact with any raw material, waste, intermediate, or final product, and which does not contain a level of contaminants detectably higher than that of the intake water.

B. Contaminated: water likely to contain levels of pollutants detectably higher than intake water. This includes water contaminated through any means, including chemicals added for water treatment, corrosion inhibition, or biocides, or by direct contact with any process materials, products, and/or wastewater.

17. "Color" means the optical density at the visual wave length of maximum absorption, relative to distilled water. One hundred percent transmittance is equivalent to zero optical density.

18. "Composite sample" means the sample resulting from the combination of individual wastewater samples taken at selected intervals based on an increment of either flow or time.

19. "County" means Grays Harbor County or any other county in which the City's wastewater facilities are located.

20. "Customer" (synonymous with user) means each person, business, property owner, sewer user, or other entity separately billed by the City for the use or availability of public sewers in the McCleary sanitary sewer service area.

21. "Department of Ecology (DOE)" means the Washington

State Department of Ecology or authorized representatives thereof.

22. "Director" shall mean the City's Director of Public Works or his or her designee.

23. "Domestic user" means any person who contributes, causes, or allows the discharge of wastewater into the City of McCleary's POTW that is similar in volume and/or chemical make-up to domestic wastewater. For comparison, the Director of Public Works may assume discharges of domestic wastewater from dwelling units to be one hundred gallons containing 0.2 pounds (three hundred mg/l) of BOD, 0.2 pounds (three hundred mg/l) of TSS and 0.024 pounds (24 mg/l) of TKN per capita per day, or as identified in the design of the POTW.

24. "Domestic wastewater" means wastewater from residential kitchens, bathrooms, and laundries, and water borne human wastes from sanitary facilities in all other buildings, together with such groundwater infiltration or surface waters as may be present.

25. "Environmental Protection Agency (EPA)" means the U.S. Environmental Protection Agency or, where appropriate, the regional water management division director, or other duly authorized official of the agency.

26. "Explosion meter" means an electrical device that measures air quality for flammable or explosive gases.

27. "Facility plan" means a report titled "City of McCleary

Wastewater Facility Plan," as the same now exists or is hereafter amended, and is on file with the Office of the Clerk-treasurer.

28. "Grab sample or discrete sample" means a sample which is taken from a waste stream on a one-time basis without regard to the flow in the waste stream and without consideration of time.

29. "Grinder pump systems" means low pressure sewer systems designed to grind or macerate the materials in the domestic sewage discharged from a residential or commercial/industrial customer and pump it to the existing gravity sanitary sewer system. The system includes all tanks, pumps, valves, control systems, and the low-pressure force main pipe conveying the sewage to the gravity sewer.

30. "Health department" means the Grays Harbor County Environmental Health Department.

31. "Income," as used herein, means gross income as defined in Section 61(a) of the Internal Revenue Code of 1954, as now in effect or hereafter amended, plus any and all social security retirement and/or disability payments, Veterans Administration retirement and/or disability payments, Railroad Retirement Board pension and/or disability payments, and payments received from any other public or private pension, retirement, profit-sharing and disability plans, and unemployment compensation.

32. "Indirect discharge or discharge" means the introduction of pollutants into the POTW from any non-domestic

source regulated under Section 307(b), (c), or (d) of the Act. The discharge into the POTW is normally by means of pipes, conduits, pumping stations, force mains, constructed drainage ditches, surface water intercepting ditches, and all constructed devices and appliances appurtenant thereto.

33. "Industrial user" means any nonresidential user whose wastewater results from any process or activity conducted by that user. Such wastewater includes contaminated wash water or leachate from solid waste facilities that may enter the wastewater utility collection system.

34. "Industrial wastewater" means water or liquid-carried waste from any industry, manufacturing operation, trade, or business which includes any combination of processed wastewater, cooling water, contaminated storm water, contaminated leachates, or other waters such that the combined effluent differs in some way from purely domestic wastewater, or is subject to regulation under the Federal Categorical Pretreatment Standards, the State Waste Discharge Permit program, or this chapter.

35. "Interference" means the effect of a discharge or discharges on the POTW from one or more users which results in either: (a) inhibition or disruption of the POTW, its treatment processes or operations, or its sludge processes, use or disposal; (b) violation of any permit regulating the City of McCleary wastewater discharge or sewage sludge; or (c) prevention of sewage sludge use or disposal in compliance with any

applicable statutory or regulatory provision or permit issued thereunder. (Application sludge regulations shall include Section 405 of the Clean Water Act (33 USC 1345 et seq.); the Solid Waste Disposal Act (SWDA), including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA) (42 USC 6901 et seq.); state regulations contained in any state sludge management plan prepared pursuant to Subtitle D of the SWDA; the Clean Air Act (42 USC 7401 et seq.); the Toxic Substances Control Act (TSCA) (15 USC 2601 et seq.); and 40 CFR part 503).

36. "Low-income senior citizen user" shall be defined as sixty-two years of age or older and whose total income, including that of his or her spouse or cotenant, does not exceed the amount specified in RCW 84.36.381(5)(b)(ii) as the same now exists or is hereafter amended.

37. "Low-income totally disabled user" shall be defined as any person who has been classified as totally disabled by the Social Security Administration and whose total income does not exceed the amount provided for low-income senior citizen users.

38. "Maximum daily concentration allowed" means the maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.

39. "Medical wastes" means isolation wastes, infectious agents, human blood and blood products or byproducts,

pathological wastes, sharps, body parts, fomites, etiology agents, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.

40. "National Pollutant Discharge Elimination System (NPDES)" as defined under Section 402 of the Clean Water Act.

41. "New source" means:

A. Any facility constructed after proposed categorical standards applicable to operations conducted at the facility where published, provided the facility is or may be a source of discharge to the POTW, and:

1. The building, structure, facility, or installation is constructed at a site at which no other source is located; or

2. The new construction totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or

3. Construction of a new source as defined under this paragraph has commenced if the owner or operation has either: (i) begun, or caused to begin any placement, assembly, or installation of facilities or equipment; (ii) begun, or caused to begin significant site preparation work including removal of existing facilities necessary for the emplacement of new source facilities or equipment; or (iii) entered into a binding contractual obligation for the purchase of facilities or equipment for use in operation of a new source.

42. "New user" means any non-categorical user that plans to discharge a new source of wastewater to the City of McCleary's collection system after the effective date of the ordinance codified in this chapter. This discharge may be from either a new or an existing facility. Any person that buys an existing facility discharging non-domestic wastewater will be considered an "existing user" if no significant changes in facility operation are made and wastewater characteristics are not expected to change.

43. "Normal domestic waste" means one hundred gpd/c containing less than three hundred mg/l BOD and TSS, twenty-four mg/l TKN, one hundred mg/l FOG.

44. "Overhead" means all costs and expenses, including administrative overhead and equipment replacement, chargeable directly to the operation and maintenance of the wastewater treatment and collection facilities.

45. "Pass through" means a condition occurring when discharges from users, (singly or in combination), exit the POTW in quantities or concentrations which either: (1) cause a violation of any requirement of the City of McCleary's NPDES or state waste discharge permit; (2) cause an increase in the magnitude or duration of a violation; or (3) cause a violation of any water quality standard for waters in the state promulgated regulations including Chapter 173-201A WAC.

46. "Permittee" means any person or user issued a wastewater discharge permit by EPA, DOE, or the City.

47. "Person" means any individual, partnership, firm, company, corporation, association, joint stock company, trust, estate, any federal, state, or local governmental agency or entity, or any other entity whatsoever; or their legal representatives, agents or assigns.

48. "pH" means a measure of the acidity or alkalinity of a substance, expressed in standard units (technically defined as the logarithm of the reciprocal of the mass of hydrogen ions in gram moles per liter of solution).

49. "Pollutant" means any substance, either liquid, gaseous, solid, or radioactive, discharged to the POTW which, if discharged directly, would alter the chemical, physical, thermal, biological, or radiological properties of waters of the state of Washington including pH, temperature, taste, color, turbidity, oxygen demand, toxicity or odor. This includes any discharge likely to create a nuisance or render such waters harmful, detrimental or injurious to any beneficial uses, terrestrial or aquatic life, or to public health, safety or welfare.

50. "Pollution prevention" means source reduction; protection of natural resources by conservation; or increased efficiency in the use of raw materials, energy, water, or other resources.



51. "Population equivalent" also referred to as "Equivalent Residential Unit" (ERU) or "Equivalent Service Unit" (ESU) means a measure of wastewater production equivalent to two and a half persons generating normal domestic waste, served by the wastewater treatment facilities.

52. "Population equivalent user factor" means the number of population equivalents assigned to each user for the purposes of calculating sewer service charges.

53. "Pretreatment" means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to (or in lieu of) introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means (except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard).

54. "Pretreatment requirements" means any substantive or procedural local, state, or federal requirement related to pretreatment developed under Chapter 90.48 RCW and/or Sections 307 and 402 of the Clean Water Act or this chapter.

55. "Pretreatment standards" means any pollutant discharge limitations including categorical standards, state standards, and limits set forth in Chapter 13.12 of the Municipal Code applicable to the discharge of non-domestic wastes to the POTW.

The term shall also include the prohibited discharge standards of Chapter 13.12, WAC 173-216-060, and 40 CFR Part 403.5.

56. "Prohibited discharge standards or prohibited discharges" means absolute prohibitions against the discharge of certain substances; these prohibitions appear in Section III.

57. "Public sewer" means a common sewer directly controlled by public authority.

58. "Publicly owned treatment works (POTW)" means a treatment works, as defined by Section 212 of the Act (33 USC 1292), which is owned by the City of McCleary. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastewater and any conveyances which convey wastes to a wastewater treatment plant.

59. "Septage" means the liquid and solid material pumped from a septic tank, cesspool, or similar domestic sewage treatment system. This includes liquids and solids from domestic holding tanks, chemical toilets, campers, and trailers, when these systems are cleaned or maintained.

60. "Sewage or wastewater" means water-carried human wastes or a combination of water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, storm, or other waters as may be present.

61. "Sewer" means any pipe, conduit, ditch, or other device used to collect and transport sewage.

62. "Sewer service charges" includes all charges billed to a particular user.

63. "Side sewer" means that part of the horizontal piping of a drainage system which extends from the end of the building drain and which receives the discharge of the building drain and conveys it to a public sewer, private sewer or individual sewage disposal system.

64. "Significant industrial user":

A. A user subject to categorical pretreatment standards; or

B. A user that:

1. Discharges an average of twenty-five thousand gallons per day or more of processed wastewater to the POTW (excluding sanitary, non-contact cooling, and boiler blowdown wastewater); or

2. Contributes a processed waste stream which makes up five percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or

3. Is designated as such by the DOE with input from the City of McCleary on the basis that it, alone or in conjunction with other sources, has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.

C. Upon a finding that a user meeting the criteria in subsection a of this definition has no reasonable potential for adversely affecting the POTW's operation or for violating any applicable pretreatment standard or requirement, the DOE may at any time, on its own initiative or in response to a petition received from a user or the City of McCleary, and in accordance with procedures in 40 CFR 403.8(f)(6) determine that such user should not be considered a significant industrial user.

65. "Significant noncompliance (SNC)" shall refer to a violation or pattern of violation of one of the following natures:

A. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent or more of all wastewater measurements taken during a six month period exceed the daily maximum limit or average limit for the same pollutant parameter by any amount;

B. Technical review criteria (TRC) violations, defined herein as those in which thirty-three percent or more of all wastewater measurements taken for each pollutant parameter during a six month period equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);

C. Any other discharge violation the City of McCleary believes has caused, alone or in combination with other

discharges, interference or pass through (including endangering the health of the City of McCleary personnel or the general public);

D. Any discharge of pollutants that has caused imminent endangerment to human health, welfare or to the environment, or has resulted in the City of McCleary's exercise of its emergency authority to halt or prevent such a discharge;

E. Failure to meet, within ninety days after the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;

F. Failure to provide within thirty days after the due date, any required reports, including baseline monitoring reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;

G. Failure to accurately report noncompliance; or

H. Any other violation(s) which the administrative authority determines will adversely affect the operation or implementation of the local pretreatment program.

66. "Slug load" means any pollutant released in a discharge at a flow rate or concentration which could violate this chapter, or any discharge of a non-routine, episodic nature such as an accidental spill or a non-customary batch discharge.

67. "Standard Industrial Classification (SIC) Code" means a classification pursuant to the "Standard Industrial

Classification Manual" issued by the United States Office of Management and Budget.

68. "State" means the state of Washington.

69. "STEP system" means septic tank effluent pumping sewer systems consisting of a liquid/solids separation tank with a pumping system discharging liquid into the gravity sewer system.

70. "Storm water" means any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.

71. "Total kjeldahl nitrogen (TKN)" means the total of organic compounds, i.e., amino acids, proteins, etc. (human waste). The TKN measures the combined amount of organic nitrogen and the amount of ammonia in a given sample.

72. "Total suspended solids (TSS)" means the total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquids, and which is removable by laboratory filtering.

73. "Toxic pollutant" means one or a combination of the pollutants listed as toxic in regulations promulgated by EPA under Section 307 (33 USC 1317) of the Act.

74. "Treatment plant effluent" means the discharge from the City of McCleary POTW.

75. "Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with applicable treatment standards because of factors beyond the reasonable

control of the user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

76. "User or industrial user" means any non-domestic source of wastewater discharged to the POTW. This excludes domestic users as defined herein.

77. Wastewater." See "Sewage."

78. "Wastewater discharge permit (industrial wastewater discharge permit, discharge permit)" means an authorization or equivalent control document issued by the DOE to users discharging wastewater to the POTW. The permit may contain appropriate pretreatment standards and requirements as set forth in this chapter.

79. "Wastewater treatment facilities" means the City of McCleary wastewater treatment plant and outfall and all facilities designed for the collection and transmission of sewage to the plant.

80. "Wastewater utility" means the entity reporting to the Director of Public Works, which is responsible for the operation, maintenance, upgrade and improvement of the wastewater collection and treatment system of the City.

**SECTION III:** As to any user of the wastewater collection and treatment facilities of the City, the following prohibitions shall apply:

A. General Prohibitions. No user shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes pass through or interference. These general prohibitions apply to all users of the POTW whether or not they are subject to categorical pretreatment standards or any other federal, state, or local pretreatment standards or requirements. (40 CFR 403.5(a) and WAC 173-216-060(2)(b)(I)).

B. Specific Prohibitions. No user shall introduce or cause to be introduced into the POTW the following pollutants in any form (solid, liquid, or gaseous):

1. Any pollutant which either alone or by interaction may create a fire or explosive hazard in the POTW, including, but not limited to, waste streams with a closed-cup flashpoint of less than one hundred forty degrees Fahrenheit (sixty degrees Celsius) using the test methods specified in 40 CFR 261.21 (40 CFR 403.5(b)(1)), or are capable of creating a public nuisance (WAC 173-216-060(2)(b)(ii)). This includes waste streams sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair. At no time shall a waste stream cause two successive readings on an explosion meter to be more than five percent nor any single reading over ten percent of the lower explosive limit (LEL) of the meter at any point in the collection system or treatment works;

2. Any pollutant which will cause corrosive structural damage to the POTW, but in no case discharges with a pH less than



6.0 or more than 9.0, or having any other corrosive property capable of causing damage or hazard to structures, equipment, or personnel of the POTW, unless the system is specifically designed to accommodate such discharge and the discharge is authorized by an applicable wastewater discharge permit (40 CFR 403.5(b)(2) and WAC 173-216-060(2)(b)(iv));

3. Any solid or viscous substances including fats, oils, and greases in amounts which may cause obstruction to the flow in a POTW or other interference with the operation of the POTW (40CFR 403.5(b)(3) and WAC 173-216-060(2)(b)(vi));

4. Any discharge of pollutants, including oxygen-demanding pollutants (BOD, etc.), released at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, is sufficient to cause interference with the POTW (40 CFR 403.5(b)(4) and WAC 173-216-060(2)(b)(vi));

5. Any waste stream having a temperature which will inhibit biological activity in the treatment plant resulting in interference, or cause worker health or safety problems in the collection system. In no case shall wastewater be discharged at a temperature which causes the temperature of the influent to the treatment plant to exceed one hundred four degrees Fahrenheit (forty degrees Celsius) unless the system is specifically designed to accommodate such a discharge, and the discharge is authorized by an applicable wastewater discharge permit (40 CFR 403.5(b)(5) and WAC 173-216-060(2)(b)(v));

6. Any petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through (40 CFR 403.5(b)(6)(ii));

7. Any pollutants which result in the presence of toxic gases, vapors, or fumes within any portion of the POTW in a quantity that may cause acute worker health and safety problems (40 CFR 403.5(b)(7) and WAC 173-216-060(2)(b)(ii));

8. Any trucked or hauled wastes, except at discharge points designated by the City and in compliance with all applicable City requirements and during specified hours (40 CFR 403.5(b)(8));

9. Any noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair (WAC 173-216-060(2)(b)(ii));

10. Any of the following discharges unless approved by the administrative authority under extraordinary circumstances such as the lack of direct discharge alternatives due to combined sewer service or need to augment sewage flows due to septic conditions (WAC 173-216-060(2)(b)(vii)):

- a. Noncontact cooling water in significant volumes,
- b. Storm water, and other direct inflow sources, or
- c. Wastewater significantly affecting system hydraulic loading, which do not require treatment or would not be afforded a significant degree of treatment by the POTW;

11. Any dangerous or hazardous wastes as defined in Chapter 173-303 WAC, as amended, except as allowed in compliance with that regulation (WAC 173-216-060(1) and 40 CFR Part 261);

12. Any substance which will cause the POTW to violate its NPDES, state waste discharge or other disposal system permits or causing, alone or in conjunction with other sources, the treatment plant's effluent to fail a toxicity test;

13. Any substance which may cause the POTW's effluent or treatment residues, sludges, or scums to be unsuitable for reclamation and reuse or would interfere with the reclamation process or cause the POTW to be in noncompliance with sludge use or disposal criteria, guidelines or regulations developed pursuant to the federal, state, or local statutes or regulations applicable to the sludge management method being used;

14. Any discharge which imparts color which cannot be removed by the POTW's treatment process such as dye wastes and vegetable tanning solutions, which consequently impart color to the treatment plant's effluent, thereby violating the City's NPDES permit. Color, in combination with turbidity, shall not cause the treatment plant effluent to reduce the depth of the compensation point for photosynthesis activity in the receiving waters by more than ten percent from the seasonably established norm for aquatic life;

15. Any discharge containing radioactive wastes or isotopes except as specifically approved by the administrative authority

in compliance with applicable state or federal regulations including WAC 246-221-190 "Disposal By Release Into Sanitary Sewerage Systems"; and meeting the concentration limits of WAC 246-221-290, Appendix A, Table I, Column 2; and WAC 246-221-300, Appendix B;

16. Any sludges, screenings, or other residues from the pretreatment of industrial wastes or from industrial processes;

17. Any medical wastes, except as specifically authorized by the administrative authority;

18. Any detergents, surface-active agents, or other substances in amounts which may cause excessive foaming in the POTW;

19. Any incompatible substance such as: grease, animal guts or tissues, paunch contents, manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dusts, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, wastepaper, wood, plastics, gas, tar asphalt residues, residues from refining or processing of fuel or lubricating oil, mud, or glass grinding or polishing wastes, or any other organic or inorganic matter greater than one-half inch in any dimension;

20. Persistent pesticides and/or pesticides regulated by the Federal Insecticide Fungicide Rodenticide Act (FIFRA);

21. Any wastewater, which in the opinion of the administrative authority can cause harm either to the sewers,

sewage treatment process, or equipment; have an adverse effect on the receiving stream; or can otherwise endanger life, limb, public property, or constitute a nuisance, unless allowed under a legal and binding agreement by the administrative authority (except that no waiver may be given to any categorical pretreatment standard).

C. Pollutants, substances, or wastewater prohibited by this section shall not be processed or stored in such a manner that they could be discharged to the POTW.

D. Every building, structure, or premise used or occupied by any sewer user where any commercial or industrial operations are conducted or permitted which result in the discharge into the sewer system of any products, waste products, or other substances, matter, or liquid in the manner and to the extent prohibited in this section shall be equipped with an adequate and suitable grease trap, filter, or other interception device installed in such a manner that the product, waste products, or other substances, materials, or liquid herein set forth will not flow into or be discharged into the sanitary sewer system. The grease trap, filter, or other interceptor shall be adequately maintained, readily accessible for inspection by the administrative authority at any time to ensure its proper operation, and is subject to the terms in Section IV.

E. The owner of any vehicle-washing facility shall install and maintain in a proper manner and at his own expense an

approved sediment and oil trap located in the side sewer line. Records of proper cleaning and maintenance must be kept and made available to City inspectors.

**SECTION IV:** Pretreatment of fats, oils and grease required.

A. Dischargers who operate newly constructed multiplex units or apartment complexes, restaurants, cafes, lunch counters, cafeterias, bars, or clubs; or hotels, hospitals, sanitariums, factories, churches or school kitchens; or other establishments that serve or prepare food where grease may be introduced to the sewer system shall have pretreatment facilities to prevent the discharge of fat waste, oil, or grease (FOG). Take-out food establishments or other establishments that prepare food, but do not cook in oil or grease, and who serve food only in disposable containers, may be exempted from this requirement, provided their discharges do not violate the general discharge prohibitions of this ordinance. These pretreatment facilities must have grease interceptors installed in the waste line leading from sinks, drains, or other fixtures where grease may be discharged.

1. The grease interceptors must meet, at a minimum, the specifications of then applicable Plumbing Code adopted by the City. The administrative authority is authorized to adopt and publish additional criteria for grease interceptors.

2. Dischargers must maintain these facilities in a manner that will always prevent fat waste, oil, or grease from being carried into the sewer system. Fat waste, oil, or grease removed

from such a facility shall not be disposed of in sanitary or storm sewers.

B. All existing restaurants, cafes, lunch counters, cafeterias, bars, clubs, hotels, hospitals, sanitariums, factories, churches, school kitchens, or other establishments that serve or prepare food where grease may be introduced to the sewer system which do not have a grease interceptor at the time of adoption of this ordinance shall meet the requirements for grease, oil, and fats by installing a grease interceptor or provide documentation indicating the design for a grease interceptor has been prepared within six months of the effective date of this ordinance. Failure to install a grease interceptor within twelve months shall result in penalties as outlined in MMC 13.12.450. All grease removal systems must be approved by the administrative authority prior to installation.

**SECTION V:** Washing facilities, grease rack: Pretreatment.

Dischargers who operate automatic and coin-operated laundries, car washes, filling stations, commercial garages, or similar businesses having any type of washing facilities or grease racks and any other dischargers producing grit, sand, oils, or other materials which have the potential of causing partial or complete obstruction of the building sewer or other areas in the sewer system shall install approved interceptors or tanks in accordance with the latest specifications adopted by the City such that excessive amounts of oil, sand, and inert solids

are effectively prevented from entering the City sewer. Effective upon the effective date of this ordinance, all new car washes shall be closed loop, no discharge systems. Proof of required operation and maintenance records must be made available for City inspectors.

**SECTION VI: Provisions Relating to Maintenance, Inspection, and Results of Treatment Failure.**

A. All grease interceptors, oil/water separators, settling tanks, and grit traps shall be installed, maintained, and operated by the discharger at the discharger's sole expense. The installation shall be kept in continuous operation at all times, and shall be maintained to provide efficient operation.

B. Cleaning must be performed by a service contractor qualified to perform such cleaning. All material removed shall be disposed of in accordance with all state and federal regulations. Certification of maintenance shall be made readily available to City-authorized personnel for review and inspection.

C. Inspection and cleaning frequency of grease interceptors/traps may be established pursuant to a rule or regulation established by the administrative authority.

D. If a failure to maintain settling tanks, grit traps, grease interceptors, or oil/water separators results in partial or complete blockage of the building sewer or other parts of the wastewater utility system, or adversely affects the treatment or transmission capabilities of the system, or requires excessive



maintenance by the City, the discharger responsible for the facilities shall be subject to the remedies, including enforcement and penalties detailed in this chapter.

E. Regular inspections will be conducted at no charge to the customer; however, re-inspections for systems not properly maintained will be charged a re-inspection fee in an amount established by written resolution of the Council.

**SECTION VII:** The Director shall be and is hereby authorized to promulgate such written rules and regulations as may be deemed reasonably necessary and appropriate to implement and administer the provisions of this ordinance. Prior to its effectiveness, any proposed rule or regulation shall be submitted to the City Council and Mayor for review. To the extent not disapproved, such rule or regulation shall go into effect upon the thirtieth day following the first Council Meeting at which they are presented to the Mayor and Council in a written form: PROVIDED that the Council specifically reserves to itself the right (a) to suspend such proposed rule or regulation, (b) authorize its immediate effectiveness, or (c) reject, modify, or supplement such proposed regulations.

**SECTION VIII:** Section 13.12.070 MMC and Ord. 399 Art. 3 § 2, 1980 shall be amended to read as follows:

Before commencement of construction of a private wastewater disposal system, the owner shall first obtain a written permit from the Grays Harbor Health Department (~~Grays Harbor Pacific~~

~~Health District~~)). The owner shall abide by all the rules and regulations of the city and the health department (~~Grays Harbor Pacific Health District~~) regarding the placement, construction, operation and maintenance of such private wastewater disposal system.

**SECTION IX: Codification and Repeal:**

A. Sections I through VII shall constitute new sections in Chapter 13.12 of the Municipal Code.

B. The following sections of Chapter 13.12 shall be repealed: 13.12.010, 13.12.280, 13.12.290, 13.12.300, 13.12,310, & 13.12.330: PROVIDED THAT, the repeal of these sections shall not affect any enforcement action which may be in process by the City.

**SECTION X:** Section 2.08.010 MMC, as last amended by Section I, Ordinance 765, is amended to read as follows:

A. The elected officials of the city shall include a mayor and five councilpersons. Further, the officers of the city may include the following appointive positions: a city administrator, a director of public works, a treasurer and a clerk, which positions may be combined, a municipal court judge, city attorney, chief of police, city engineer, chief of the fire department, assistant to the mayor, and such other officers and officials as may be from time to time established by the city council.

B. The appointive positions designated by action of the council shall have such authority as may be delegated to the position by action of the council through written resolution or as may be granted by the applicable statutory authority.

C. When reference is made in this code to the positions of utility coordinator, utility supervisor, crew supervisor, director of public works, or city supervisor or superintendent when no individual is currently appointed to that position and an individual is serving as city administrator, it shall be deemed to refer to the city administrator: PROVIDED THAT, under those circumstances, if an individual is serving as the Director of Public Works, the titles utility coordinator, utility supervisor, and crew supervisor shall be deemed to refer to that position: PROVIDED STILL FURTHER that if no individual is serving as city administrator, the Director of Public Works shall have the duties and authority otherwise granted to the city supervisor or superintendent..

**SECTION XI:** Section 13.12.130 MMC, as adopted by Article IV, Section 2 of Ordinance 399 shall be amended to read as follows:

There shall be two classes of building sewer permit: (a) for residential and commercial service, and (b) for service to establishments producing industrial wastes: PROVIDED THAT, in the event that additional classes are created by other provisions of this Code, If that situation exists, the application and administration shall be as provided by the applicable provision.

In either case, the owner(s) or his agent shall make application on a special form furnished by the city. The permit application shall be supplemented by any plans, specifications, or any other information considered pertinent in the judgement of the utility coordinator. (~~A fee~~) Such fees, including a permit and inspection fee, as may be established by resolution adopted by the Council (~~of twenty-five dollars for a residential or commercial building sewer permit and one hundred dollars for an industrial building sewer permit~~) shall be paid to the city at the time the application is filed.

**SECTION XII: Interpretation:**

A. Severability: 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.

B. Unless the system type has already been approved for utilization within and connection with the City's system, the inclusion of a definition of a treatment system type in Section

II shall not mean the installation and use of that type of system is allowed until and unless the system type is specifically authorized by the City.

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

PASSED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2012, by the City Council of the City of McCleary, and signed in approval therewith this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

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 \_\_\_\_\_, 2012, by WENDY COLLINS.

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