



McCleary City Council

PROPOSED AGENDA

August 22, 2012

7:00 Council Meeting

Flag Salute
Roll Call
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:

New Business: MMC – Title 6 – Dogs (Tab E)
 F.O.P. Contract (Tab F)
 Bushing Replacement Project Final (Tab G)
 Generator Service Agreement (Tab H)
 Public Sewers Revision (Tab I)
 G&O Amendment No. 2 (Tab J)
 FD#13 Contract (Tab K)

Ordinances: Water Service Requirement (Tab L)
 Special Event Permit (Tab M)
 Medical Marijuana Moratorium (Tab N)
 Budget Amendment (Tab O)

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

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La ciudad de McCleary es un proveedor de igualdad de oportunidades y el empleador.

CITY OF MCCLEARY
Regular City Council Meeting
Wednesday, July 25, 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 **Councilman Ator. It was moved by Councilman Schiller, seconded by Councilman Lant to excuse Councilman Ator. Motion Carried 4-0.**

STAFF PRESENT Present at the meeting were Dan Glenn, Wendy Collins, Nick Bird, George Crumb, Randy Bunch, John Graham and Jon Hinton from Gray & Osborne.

MINUTES APPROVED **It was moved by Councilman Catterlin, seconded by Councilman Reed to approve the minutes from June 27, 2012 meeting. Motion Carried 4-0.**

MAYOR'S COMMENTS Fire District 13 has set up a meeting with the City to discuss their contract.

The FOP Police union contract was expected to be ready for approval tonight but they have chosen to reopen the contract to address additional issues so it will not be discussed this evening.

The Grays Harbor Mayor's met at the county court house regarding the jail contract issue. Commissioner Wilson made a comment that the County does so much for the cities but the cities don't do much for the county in return. Mayor Durney stood up for the cities and their contributions. He said he tallied it up and the towns and cities contributed over 6 million dollars a year. They also transferred \$13,000, which should have been our money, in addition from the road fund from property taxes, to their general fund, which comes right out of the cities pockets. The State Auditor told them they need to build up their reserve fund but this is not the way to do it.

PUBLIC COMMENT Ben Blankenship lives at 722 Evergreen Place and asked to address the Council regarding the closed road at the 2nd Street and McCleary Road intersection. He stated the residents in the Cedar Heights development must use the intersection of Hemlock and 3rd Street to gain access to SR-8. This has proven to be very dangerous due to limited sight distance. He worked with other officers to do a test study to see what would be safer; opening the closed road or continue as always. They found it was safer to open 2nd Street and cross McCleary Road rather than continuing trying to turn on 3rd Street from Hemlock Street.

Mr. Blankenship highly encourages the Council to consider opening the Road, even as a one-way out, as a solution to the dangerous current problem. Another consideration is to cut-back the vegetation that is growing up at the top of the hill on 3rd Street, which limits sight distance and visibility. Mr. Blankenship is concerned about school buses turning off of Hemlock onto 3rd Street. He included detailed scale diagrams of both intersections to support his position for the Council to review.

Councilman Catterlin would like to see all of the suggestions implemented. Cut away the bank to increase site distance and to work toward getting the intersection open, along with lowering the speed limit on 3rd Street to 20mph all day, not just during school hours.

Mayor Dent also informed the public that the fraud audit is finally coming to a close. He has an undisclosed meeting with the fraud auditor in the near future and will be able to report something at the next meeting.

CITY ATTORNEY REPORT Dan Glenn submitted a written report to the Council.

DIRECTOR OF PUBLIC WORKS REPORT Nick Bird submitted his written report and also commented that the planned power outage went very well. The City had six crew members that did two projects in a short amount of time and also got the power turned back on early. Nick stated the City crew accomplished more than Grays Harbor PUD because they had 19 people working on their crew.

WATER RIGHT TRANSFER

The City has water rights for all three City wells. Well No. 1 was taken out of service many years ago. To utilize the water rights for Well No. 1, the City would need to drill and equip another well, which is too costly. Staff recommends transferring the water rights from Well No. 1, to the well field consisting of Well No. 2 and No. 3. The cost to complete this change is \$50. **It was moved by Councilmember Catterlin, seconded by Councilmember Schiller to authorize the City to file the Water Right Transfer application for \$50 to move the water rights from Well No. 1 to Well No. 2 and No. 3. Motion Carried 4-0.**

VENDORS AND ENTERTAINMENT; BEAR FESTIVAL

The property near D&D Cycle rented property space to a pony ride group, bouncy house, and a balloon vendor during the Bear Festival. The Bear Festival Committee was very upset because the vendors did not pay the committee for their space, which was required from all the other vendors located in the park. Another issue is that pony rides were not approved due to insurance reasons so the City was also unaware of the unapproved vendors. Dan Glenn suggested the City impose a special event licensing for vendors during events such as this.

BEAR FESTIVAL VOLUNTEERS

Mayor Dent stated the Bear Festival is struggling to find volunteers after 53 years. The top leadership has all turned in their resignations so there is a desperate need for new volunteer leaders. Three people in the community have approached the Mayor to see if the City would help restructure the Bear Festival Committee and be more involved. Mayor Dent is in favor of it and thinks the City could oversee it. Councilmen Schiller and Lant asked Clerk-Treasurer Wendy Collins how she felt about taking this on. Wendy stated other Cities she has worked for had the same type of thing where they recruited community members and appointed them to the different positions and met at City Hall for their meetings. She found there was stronger ownership of the positions and the festival kept getting bigger over the years. It was all volunteer community members so staff time was minimal but the support was there.

Councilman Catterlin added that he has watched the committee for years and he said Kathy Elofson has been a strong volunteer over the years. He said it would be great if she could write down all the things that have worked and have not worked over the years to help the new volunteers that take over so they don't keep addressing the same issues over and over.

VFW

Mayor Dent commented on the VFW fixing up their facility. It's looking nice and they have been starting to add new games and activities to their schedule for the public to participate in.

IBEW CONTRACT

The IBEW contract was provided to the Council for their approval. Councilman Schiller asked where the money is coming from for the raises after hearing two years ago that the City was financially struggling. Mayor Dent stated that Park & Cemetery fund is in trouble but the L&P fund is in the black. He informed the Council that he did not replace the gardener when she was hired as the Court/Police Clerk and the Building Official position is still not filled. Another employee was laid off in 2010 in the Public Works Department that has not been replaced. The Mayor transferred \$22,000 from the REET fund to the Park & Cemetery fund, per approved 2012 budget, which should help the fund. The reserve fund has not been touched yet. **It was moved by Councilmember Lant, seconded by Councilmember Reed to adopt the three-year IBEW union contract. Clerk-Treasurer Wendy Collins asked for a roll call to assure correctness for the approval of the motion. Motion carried 4-0.**

FOP CONTRACT

Tabled. The contract was not ready for Council review.

APPROVAL OF VOUCHERS

Vouchers/Checks approved were 35036-35088 including EFT's in the amount of \$182,468.16.

Payroll checks approved were 34906 - 34995 including EFT's in the amount of \$178,496.65.

It was moved by Councilman Lant, seconded by Councilman Catterlin to approve the vouchers. Motion Carried 4-0.

PUBLIC COMMENT

Councilman Schiller asked when the well improvement project will start. Nick Bird responded stating the official start date is September 4, 2012 and will be a 5-6 month project.

Chief Crumb agrees with Ben Blankenship's issue and suggested corrections. He would like to see something decided before school starts as this will be a significant change and it would give appropriate time for the bus drivers to be notified and for the residents to get used to the change. Chief Crumb urges a timely decision. Councilman Catterlin believes the first thing that should be done is have the vegetation cut back.

EXECUTIVE SESSION None.

MEETING ADJOURNED **It was moved by Councilman Lant, seconded by Councilmen Catterlin to adjourn the meeting at 7:55 PM. The next meeting will be on August 22, 2012 at 7:00 PM. Motion Carried 4-0.**

Mayor Gary Dent: _____

Clerk-Treasurer Wendy Collins: _____

MEMORANDUM

TO: MAYOR AND CITY COUNCIL, City of McCleary
FROM: DANIEL O. GLENN, City Attorney
DATE: August 17, 2012
RE: LEGAL ACTIVITIES as of AUGUST 22, 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. WATER SERVICE REQUIREMENT ORDINANCE: Apparently, the City has more than one situation in which the water utility service to a residence served by both the water and sewer utilities has been terminated for non-payment or some similar reason. Yet, the inhabitants continue to reside in the residence. That creates some very interesting health issues as well, potentially, as some issues relating to using water faucets, whether on adjoining properties or City sites, to obtain water to operate the systems.

When this was first raised, I suggested contacting the Health Department. However, they apparently do not become involved. When we reviewed our Code, we found no particular provision dealing with this problem. Thus, I have developed a draft ordinance dealing with this issue. As you will note, it makes provision of water service to residences a condition precedent to continued occupancy of such residences. Provision is made for enforcement.

The draft has been reviewed by Ms. Collins, Mr. Bird, and Ms. Mercer. I have incorporated recommendations as to certain changes. Of course, as is always true the ultimate decision as to whether and how such an ordinance will be adopted is in your discretion.

2. SPECIAL EVENT LICENSE ORDINANCE: This draft arises out of certain situations which apparently have been presented during the recent Bear Festivals. The reality is the City does

not have any formal licensing provisions for this type of event. Also, it does not have a business licensing provision. Apparently, some entities not associated with the Festival have taken advantage of the crowds attracted by the Festival to set up vending locations not associated with the Festival. Given the absence of regulatory authority, a void has occurred.

Based upon the concerns expressed, I have developed a draft special event permit ordinance. It proposes establishment of a system of permitting special events, provides for certain exemptions, and establishes regulations. In recognition of the major size of the Festival, I have suggested authorizing such events to be issued a "global" permit which would exempt the vendors directly associated with that festival from having to obtain the special business license which would otherwise be required.

Please note the business license is one tied specifically to activities occurring during the period of the special event, is required only of vendors either not having a business location within the City or being covered by the global permit of the special event.

3. JAIL CONTRACT SERVICE NEGOTIATIONS: Based upon a meeting attended by the designated committee (Mayors Raines and Bruce, Chiefs Torgerson (Aberdeen) and Myers (Hoquiam), Steve Johnson (Hoquiam City attorney), and myself, an initial offer was tendered to the County along with a suggestion for a meeting. The offer was basically simply a per diem of \$70.00 with all other terms the same as in the existing contract. I believe Ms. Collins has a copy of that document and I will impose upon her to provide you with a copy. Commissioner Willis has responded that they are willing to meet with the committee.

In the interim, I am continuing to research the area as to alternative approaches, whether in relation to funding sources or alternative locations. I will provide updates as this moves along.

4. SEWER CODE PROVISIONS: As is true in at least one of the cities with which I work, the pattern of certain commercial users allowing the oil generated as the result of their cooking operations to enter into the system has been creating a problem. It can be even more complex when the user shares a connection with an adjoining business. Thus, it presents one problem (pollution of the system) and a second problem (approach to imposing responsibility).

In any event, Mr. Bird and I are seeking to develop a solution to the most difficult problem, the second. Obviously, the purist solution problem is to require the installation of a

separate connection. Of course, the fundamental problem presented by that approach is by whom costs are absorbed?

As to the first problem, that caused me to begin to review our existing sewer code. (Chapter 13.12 in the Municipal Code.) That resulted in my conclusion it would benefit from a general updating since the primary aspects were adopted in 1980. (Yes, both Mayor Dent and I were around although he can disclaim responsibility since I do not believe he was Mayor then.) Since 1980, there have been a lot of federal and state laws adopted which are involved, the use of acronyms has increased exponentially, as has the use of necessary terms. Thus, I have prepared for review by the involved City staff a draft ordinance which seeks to deal with a variety of issues by developing new sections for the chapter, amending a couple, and repealing three which would be succeeded by the new sections. It will not be on the agenda for consideration this evening since it is very lengthy and requires careful review prior to its submission to you for your review.

5. SUPPLEMENTAL BUDGET: It had been anticipated that this ordinance would be introduced at the last meeting in May which had to be cancelled due to the unavailability of a quorum. Thus it is being introduced at this meeting. As you are aware, under the applicable statute no action may be taken on this type of "emergency" supplemental budget until at least five days after introduction. The good news is that there is more information available at this stage than was true in May.

Based upon the finalization of labor negotiations and other steps, Ms. Collins has prepared a modified version of the attachment which would have been used in May.

6. ANIMAL CONTROL ISSUES: As you are aware, dogs and other outside animals can be an issue for a variety of reasons in any populated area. Issues related to dogs can arise in relation to barking, hostile activities, etc. Some of this ties to the breed of the dog while other issues can relate to the number of dogs, as well as other outside animals, which are allowed upon a parcel. Currently, it does not appear the zoning code has any provision specifying limits upon the number of outside animals which may be kept by a private owner. Apparently, this has become an issue. I have carried out some research on how other cities have dealt with this issue. It appears that a number have adopted ordinances which restrict the number of domestic animals which may be kept upon a property. Some relate the limit not only upon the zone within which the property is located (agricultural vs non-agricultural) but also the size of the property. (For whatever reason, the definition of "domestic animal" frequently does not include felines, but does include such animals such as rabbits and dogs.)

The question upon which I request direction is if you would like me to prepare a draft ordinance dealing with this issue for you to review?

7. AT&T (CINGULAR) TAX LITIGATION: As you will remember, this is a suit which involves most of the cities in this state. It arises out of a claim that AT&T incorrectly paid moneys, which it collected from its customers, upon the basis of the a misinterpretation of cellular telephone tax. I have had discussions with the Plaintiff's counsel and am requesting an executive session to discuss the matter.

8. MEDICAL MARIJUANA MORATORIUM: As you are aware, under the legislation adopted last year and then effectively modified by the Governor's line item veto approach, the matter of the approval of both medical marijuana "dispensaries" and "collective gardens" is a matter largely of local discretion. As the Chief will confirm, over the last years we have had not infrequently cases in our Court in which the Defendant comes in with a prescription for medical use of marijuana as the defense to a possession of a controlled substance charge. Also, Oakville has already had to face the operation of not one, but two dispensaries, one of which the operator apparently had advertised by walking up and down the street with an advertising sandwich board.

So far, we have not run into that situation. However, it is very likely going to come in the absence of regulation. In order to provide the time for an analysis as to the associated zoning issues and, as a side point, the decision of the voters on a pending initiative, the City has a number of options. Following a discussion with the Mayor on Thursday, I have prepared a draft ordinance which would place a six month moratorium on the matter of the issuance of permits and siting of both dispensaries and collective gardens. That would allow time to refer the zoning issue to the Planning Commission as to what locations it would feel appropriate for the location of either a collective garden or a dispensary. It will also give all a better perception of how the public feels based upon the November vote.

As items of information, the City of Lacey has recently implemented an ordinance dealing with this area while the City of Seattle adopted a very liberal ordinance. Conversely, Lewis County adopted a very stringent ordinance governing the collective gardens.

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: August 16, 2012
Re: Current Non-Agenda Activity

Well 2 & 3 Project

The pre-construction meeting was held on August 13, 2012. It seems everybody is excited to get started. The work is planned to commence on September 4, 2012. The majority of the work done in 2012 will be underground work and structural work. It is expected that Well No. 2 will be off line in September. As a result of the lead time of the pump motors, it is anticipated that Well No. 2 and the treatment facility will be online in January. Improvements to Well No. 3 will follow shortly thereafter.

As previously stated, during the majority of the project, we will only have one well in operation. Please use limit watering of yards and excessive use of water during September. It is also important to note that Well No. 3 has higher concentrations of iron and manganese than does Well No. 2, thus during this period we can anticipate the "rotten egg" smell to be a little worse than normal, as we will not have production water from Well No. 2 to blend into the system.

Bushing Replacement

All work was completed. Final acceptance of the work is identified under new business.

Highline Project

Construction of the 69 kv transmission line down Simpson Avenue has been completed. Demolition of the de-energized transmission segment has also been completed.

12kv Cutover Phase 1

Work identified in the Capital Improvement Plan as Phase I of the Cutover included:

- 1) Constructing the 69 kv transmission line down Simpson,
- 2) Replacing the underbuilt distribution work down Simpson,
- 3) Replacing the distribution down the alley between Simpson and Maple, and
- 4) Upgrading the distribution down Maple from 7th Street to the WWTP.

Step 1 has been completed. Our goal is to complete Step 2 by the end of 2012. Steps 3 and 4 will likely be completed in 2013.

Cedar Heights

The Bank (Westside Community Bank) has cut down all of the brush on the bank owned properties, but left a substantial amount of debris that must be cleaned up. We will work with the bank to get this debris cleaned up. The Bank is also responsible for maintaining the stormwater facility and replacing the ADA ramp at the corner of Hemlock and Evergreen Place.

Bicycle and Pedestrian Application

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

Summit II

Mr. Glenn is continuing to attempt contact with the developer's legal counsel. The goal is to have the developer complete the required work. In the event the developer chooses not to complete the work, Mr. Glenn will start the process of filing a claim against the bond.

M&M Properties

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

Snow Policies

Placeholder for updates this summer. Yes, I am aware that summer is almost over. This topic will see a resurgence in the near future.

Developer Extension

The City has been informed that Mr. Birindelli does not intend to construct the required improvements at this time. Mr. Glenn and I are feverishly working on this topic trying to find a reasonable resolution.

Precision Concrete Cutting

Precision Concrete Cutting, true to their word, came back and addressed the problem areas without charge. The product they provide combined with the level of service they provided indicate the City should continue to use them when the need arises.

2nd Street Access (Ecology Blocks)

This topic was raised in session last meeting. We appreciate the assistance provided by WSP and hope to have a recommendation to you soon.

Water Right Transfer

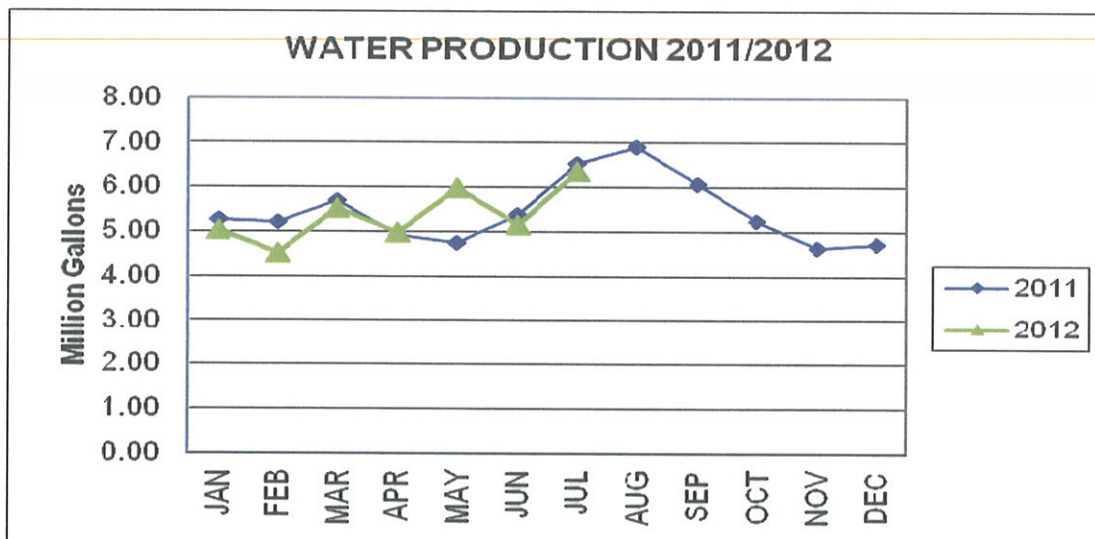
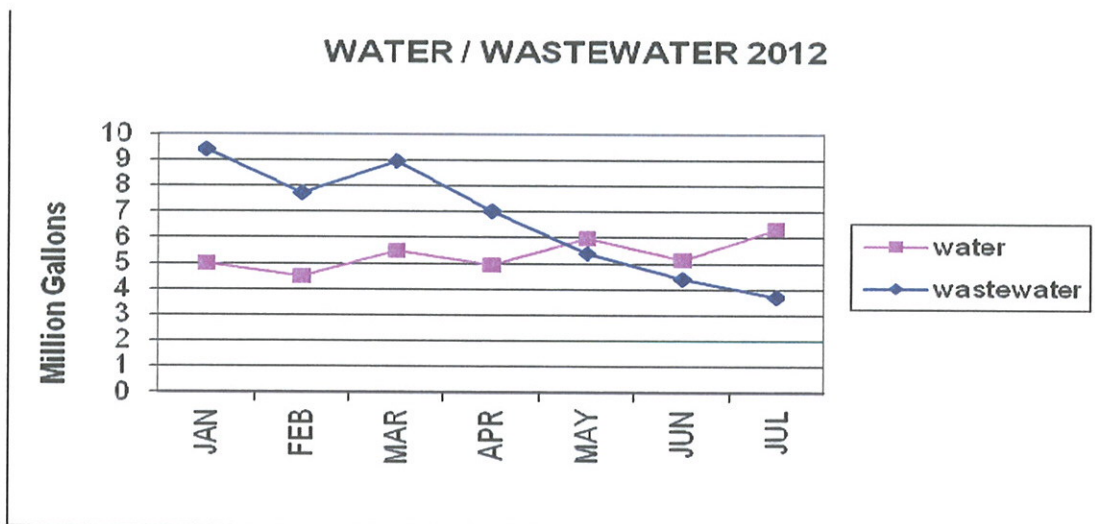
We were contacted by the Department of Ecology regarding our application for water rights transfer. After a review of the file, the Water Resources Program thought it prudent to complete a Showing of Compliance application, which is typically done for wells in the same quarter-quarter, but the Department felt that since these wells are so close, it is a good fit for the Showing of Compliance application. This means the transfer will be quicker and we will have our \$50 application fee returned, as the showing of compliance is a no cost application.

Summer Schedule

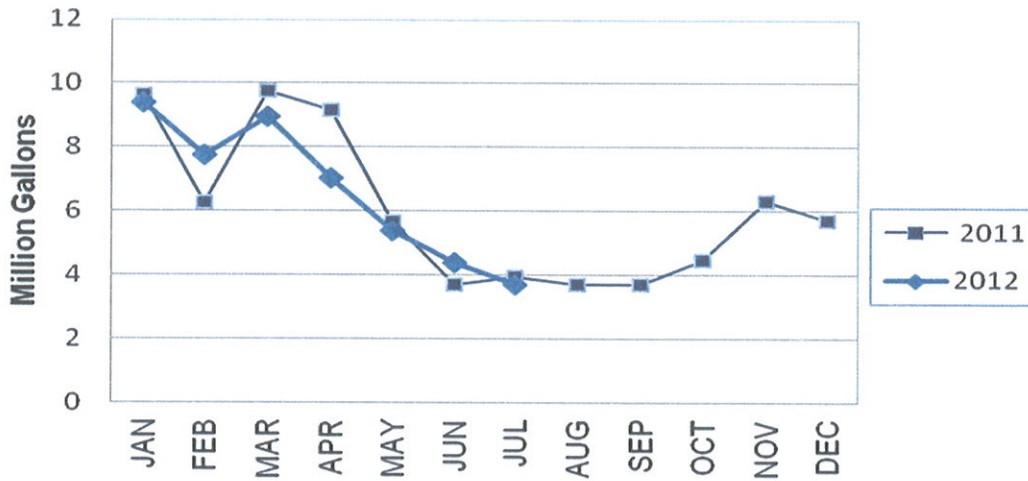
Summer schedule is over! Back to two meetings per month!

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

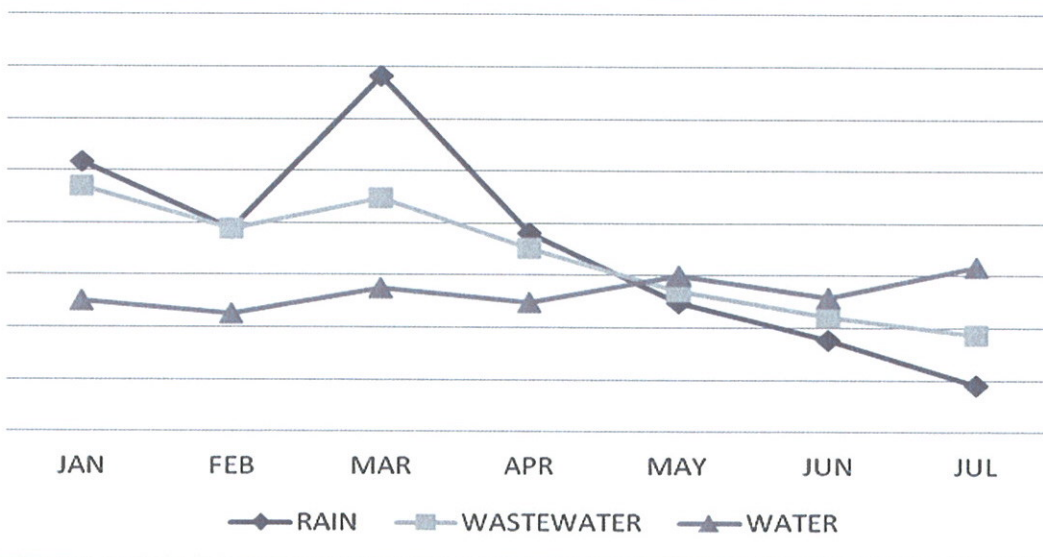
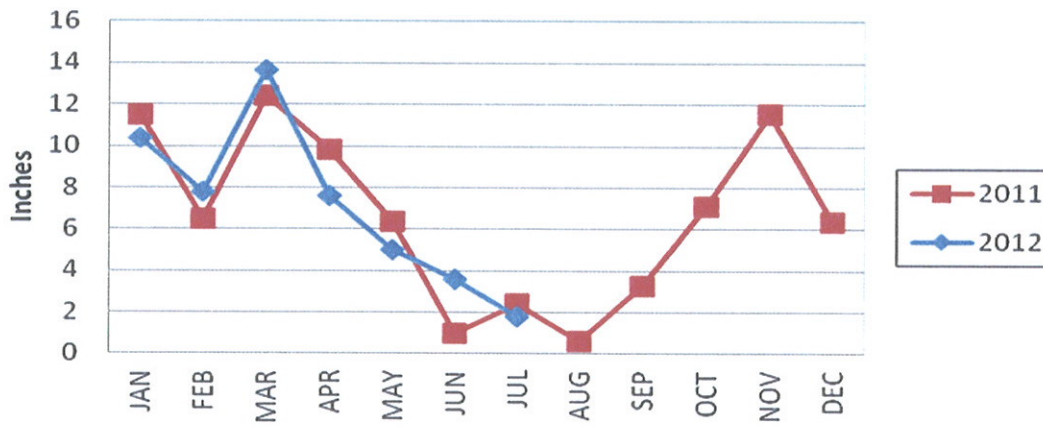
July totals: Water, 6.36 million gallons.
 Wastewater, 3.72 million gallons.
 Precipitation, 1.81 inches.
 Biosolids, 51,977 liquid gallons or 1.1 dry tons.



WASTEWATER FLOW 2011/2012



PRECIPITATION 2011/2012



STAFF REPORT

To: Mayor Dent
From: George M. Crumb, Chief of Police
Date: August 17, 2012
RE: Report for August 22, 2012 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's, contacts, or other officer generated incidents:

*1819 incident histories reported as of 081712 / 0904 hours(229 since last report)

Notice of Infractions and Criminal Traffic Bails issued this report(072012-081712) period is \$20,226.00 with 12- mandatory court dates.(125 traffic stops with 101 citations)

| | |
|---------------------------------------|--|
| 49 Speeding, | 10.DWLS |
| ... Speeding in School Zone | ...Burglary |
| ..13..Fire Response's | 3..Disorderly Conduct |
| 125..Traffic Stop's | 2..Assault/Firearm used /Threats/Weapon call |
| ...23..Agency Assist's | 1. Drug Incidents |
| ...7...Animal Complaints | ...Curfew Violations |
| ...9..Traffic Hazard Reports | 1..Welfare Checks |
| ...1..Report of Harassment | 19..Suspicious Person/Vehicle |
| ...12.Police Information or Referrals | 2.Trespass |
|Traffic Offense/Reckless | 2.Found Property Reports |
| ...7..Motorist Assist/Citizen Assist | ..2.Theft Reports |
|Attempt to Locate | 2..Juvenile Problems/Run-a-way |
| ...1..Malicious Mischief | ..3.Warrant Arrests |
| ...4..9-1-1 Open Line | 1..Domestic Violence |
| ...2.Custody dispute/Civil | 2..D.U.I. |
|Audible Alarm | ...Subject Stop |
|Hit & Run | 3..Noise Complaints |

Discussion: Open:

Current vehicle status: 2013 Ford Explorer, veh 5 in service
2013 Ford Explorer, veh 6 in service
2008 Ford Crown Vic Police Interceptor in service.
2006 Ford Crown Vic. Police Interceptor in service.
2005 Chevy Impala Police Vehicle in reserve service
1998 Ford Crown Vic Sedan in reserve service.

Council Members Present: ALL.... Mr. Ator, Mr. Reed, Mr. Caterlin, Mr. Lant,
Mr.Shiller.

Mayor Dent: Present / Not Present

Officer Reporting: Chief Crumb



STAFF REPORT

To: Mayor Dent
From: Paul Nott, Light & Power
Date: August 15, 2012
Re: July Report



| | Monthly Statistics; | YTD Totals; |
|---------------------------------|----------------------------|--------------------|
| New Services; | 3 | 8 |
| System Outages; | 1 | 17 |
| Pole Replacements; | 0 | 10 |
| Maintenance Work Orders; | 2 | 29 |
| Billable Work Orders; | 3 | 9 |

The month of July consisted of; three new service connections, a repair work order, Bear Festival and the city wide outage.


New construction is picking up in our service area.

The planned power outage went great. We managed to complete all of our work and also a little project out by the wells. The crew and extra staff worked hard to complete our goal. Now we all can rest a little easier that the bushings have been changed out at the substation.

Currently, we are waiting for more material to get back on the cut over so in the mean time we are cutting brush in preparation for the winter.

As always if you have any further questions feel free to contact us...

STAFF REPORT

To: Mayor Dent
From: Colin Mercer Webmaster 
Date: August 3, 2012
Re: July Website & Help Desk

Re-Occurring Website Activities

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

New Website Activity

Posted information about the Chehalis Flood Input Request
Posted information about the Well 2 & 3 project
Posted the Mayors Fraud Memorandum

Additional Tasks

Conduct daily building department activities in the absence of the Building Official.
Performed 27 building inspections.
Issued 5 building permits.
Sent out 11 Garbage non-compliance letter to tenants and owners.
Sent out 5 Nuisance letters sent out regarding Municipal Code Violations.

Help Desk Activity

| Month | Number of Incidents Reported | Staff Reported / Closed / Open | Citizen Reported / Closed / Open |
|-------|------------------------------|--------------------------------|----------------------------------|
| April | 14 | 10 / 5 / 10 | 4 / 3 / 10 |
| May | 11 | 6 / 1 / 15 | 5 / 3 / 12 |
| June | 14 | 9 / 9 / 15 | 5 / 3 / 14 |
| July | 14 | 8 / 6 / 17 | 6 / 10 / 10 |

Conservation Program

| Month | Applications Received | Conservation Permits Issued | Rebates Paid This Month | Total Rebates Paid To Date |
|-------|-----------------------|-----------------------------|-------------------------|----------------------------|
| April | 1 | 0 | 0 | \$1670.00 |
| May | 1 | 2 | \$70.00 | \$1740.00 |
| June | 0 | 0 | 0 | \$1740.00 |
| July | 1 | 1 | \$425.00 | \$2165.00 |

Website Comments:

None

Website Traffic July 1, 2012 through July 31, 2012

| Section | Page Views | Percent of Total |
|--|-------------------|-------------------------|
| Default Home Page | 2756 | 38.07% |
| Events Calendar | 458 | 6.33% |
| Bear Festival | 328 | 4.53% |
| City Departments | 306 | 4.23% |
| Agendas and Minutes | 271 | 3.74% |
| City Jobs | 248 | 3.43% |
| Code, Ordinances & Standards | 216 | 2.98% |
| Police | 211 | 2.91% |
| Utilities | 192 | 2.65% |
| Conservation Program | 192 | 2.65% |
| Search Results | 176 | 2.43% |
| Water / Wastewater | 137 | 1.89% |
| Public Facilities | 131 | 1.81% |
| Light & Power | 125 | 1.73% |
| Planning Department | 121 | 1.67% |
| Fire | 119 | 1.64% |
| Administration | 118 | 1.63% |
| Chamber of Commerce | 110 | 1.52% |
| Mayor and Council | 105 | 1.45% |
| City Photos | 105 | 1.45% |
| FAQ's Page | 94 | 1.3% |
| Development Services / Building | 82 | 1.13% |
| Home Page | 81 | 1.12% |
| Helpful Links | 80 | 1.1% |
| Municipal Court | 69 | 0.95% |
| Bear Festival Photos | 59 | 0.81% |
| 2008-12 Budget | 44 | 0.61% |
| Flood Photos 2009 | 44 | 0.61% |
| Interlocal Agreements | 41 | 0.57% |
| City Staff | 33 | 0.46% |
| Tell Us What You Think! | 33 | 0.46% |
| 65th Anniversary Photos | 30 | 0.41% |
| Christmas Photos 2007 | 28 | 0.39% |
| Park Project Photos | 23 | 0.32% |
| Previous Years Council Agendas | 20 | 0.28% |
| Conservation Data Page | 19 | 0.26% |
| Previous Years Council Minutes | 17 | 0.23% |
| Community Center | 14 | 0.19% |
| Surveys & Questionnaires | 3 | 0.04% |
| Stormwater Plan Questionnaire | 1 | 0.01% |
| TOTAL | 7240 | 100% |

Chapter 6.04

ANIMALS RUNNING AT LARGE

Sections:

- 6.04.010 At large defined.
- 6.04.020 Unlawful activity.
- 6.04.030 Apprehension of animal—Notification of owner.
- 6.04.040 Keeping of apprehended animals.
- 6.04.050 Disposal provisions.
- 6.04.060 Violation—Penalty.

6.04.010 At large defined.

An animal or poultry is at large, within the meaning of this chapter, when such animal or poultry is without restraint or confinement, or is not efficiently controlled. (Ord. 12 § 4, 1943)

6.04.020 Unlawful activity.

It is unlawful for horses, cattle, goats, sheep or swine, of any age, nature, sex or kind whatsoever, or any chickens, turkeys, geese or ducks, to run at large within the city, and any person owning or having in charge any such animal or poultry, and permitting the same to run at large within the said limits, shall be deemed guilty of a misdemeanor. (Ord. 425 § 1, 1982; Ord. 12 § 1, 1943)

6.04.030 Apprehension of animal—Notification of owner.

It shall be, and it is made, the duty of the city marshal or any deputy marshal, of the city, or any officer specially appointed for that purpose, to apprehend and take into custody any and all such animals and poultry so found running at

large within the city limits and as soon as may be thereafter such officer shall notify the owner or person having in charge any such animal or poultry that the same has been taken in charge by him; and the owner of such animal or the person entitled to the same, may recover the same from the city by paying the necessary costs and charge of taking and holding such animal or poultry including the cost of keeping and feeding the same, and by further paying to the city the sum of thirty dollars as a penalty for permitting the violation of this chapter. (Ord. 425 § 2, 1982; Ord. 12 § 2, 1943)

6.04.040 Keeping of apprehended animals.

The city council shall by resolution provide a pound or proper place for keeping any such animals or poultry so taken up. (Ord. 12 § 5, 1943)

6.04.050 Disposal provisions.

If the owner or person having charge of any such animal or poultry so taken up cannot by reasonable inquiry be found, then it shall be the duty of the officer having such animal or poultry in charge to proceed as provided in RCW Chapter 16.13 for the disposition of said animal(s). (Ord. 425 § 3, 1982; Ord. 12 § 3, 1943)

6.04.060 Violation—Penalty.

For violation of Section 6.04.020, offenders shall be prosecuted in like manner as is, or may be, provided for the prosecution of violation of the general ordinances of the city. (Ord. 12 § 6, 1943)

Chapter 6.08

DOGS

Sections:

| | |
|----------|--|
| 6.08.010 | Definitions. |
| 6.08.020 | Permit—Required when. |
| 6.08.030 | Permit—Application— Fee. |
| 6.08.040 | Permit—Expiration. |
| 6.08.050 | Permit—Identification tags. |
| 6.08.060 | Permit—Revocation. |
| 6.08.070 | Dogs at large. |
| 6.08.080 | Confinement of dogs in heat required. |
| 6.08.090 | Care and control of dog by owner. |
| 6.08.100 | Impoundment provisions—Redemption conditions. |
| 6.08.110 | Enforcement. |
| 6.08.120 | Prosecution of violations. |
| 6.08.130 | Leash requirements. |
| 6.08.140 | Harboring of dog— License and collar requirements. |
| 6.08.150 | At large dogs—Seizure and placement in facility. |
| 6.08.160 | Avoidance of license payment unlawful. |
| 6.08.170 | Offenses—Fees. |

6.08.010 Definitions.

As used in this chapter unless otherwise indicated, the following words and terms shall mean as follows:

A. "At large" means to be off the premises of the owner and not under the control of the owner or of an authorized person, whether by leash or otherwise,

but a dog within an automobile or other vehicle of its owner shall be deemed to be upon the owner's premises.

B. "Barking dog" means any dog which by frequent or habitual howling, yelping, or barking annoys or disturbs other persons in the vicinity of the premises or upon the public street.

C. "Dog" includes both male and female, natural or sterilized.

D. Harboring. The occupant of any premises on which a dog remains or to which it customarily returns daily for food and care for a period of five days is presumed to be harboring or keeping the dog within the meaning of this chapter.

E. "Leash" means and includes a cord, thong, or chain not more than ten feet in length by which a dog is controlled by the person accompanying it.

F. "Owner" or "keeper" means and includes any person, association or corporation owning, keeping, or harboring a dog.

G. "Predatory dog" means and includes any dog of either sex whose actions or habits customarily defiles, despoils, or damages property of others.

H. "Public emergency" means and includes any situation resulting from conditions of war, insurrection, contagious diseases, or other circumstances which, in the opinion of the city marshal or other police officers, warrants the restraint and confinement of dogs within the premises of the owner or keeper.

I. Restraint. A dog shall be deemed to be under restraint if it is confined within the property limits of its owner or keeper by a suitable fence or securely restrained within the premises by a leash affixed to a post or other securely fixed object.

J. "Spayed female" means and includes a female dog which has been sterilized by a licensed veterinarian to avoid or prevent conception. Proof of such sterilization may be required by the city clerk in the form of a certificate of a licensed veterinarian.

K. "Veterinary hospital" means and includes any establishment maintained and operated by a licensed veterinarian for the diagnosis, treatment, and care of diseased or injured dogs and for their care and training.

L. "Vicious dog" means and includes those dogs whose temperament or habits creates danger of injury to persons or to other animals or creates reasonable apprehension of injury to persons or other animals. (Ord. 501 § 1, 1986)

6.08.020 Permit—Required when.

No person shall, without first obtaining a permit therefor in writing from the city clerk-treasurer, own, keep, harbor, or have custody of a dog, except unweaned pups. (Ord. 501 § 2, 1986)

6.08.030 Permit—Application—Fee.

Upon application, a permit shall be issued following payment of the applicable fee, as follows:

A. For each male dog or spayed dog: five dollars;

B. For each unspayed female dog: ten dollars. (Ord. 501 § 3, 1986)

6.08.040 Permit—Expiration.

A permit, if not revoked, shall be valid for one year from the first day of January through the last day of December of each year. (Ord. 501 § 4, 1986)

6.08.050 Permit—Identification tags.

Upon issuing a permit to keep any dog, the city clerk-treasurer shall issue to the owner a metallic or durable tag, stamped with an identifying number and with the year of issuance and so designed that it may be conveniently fastened to a dog collar or harness. Such tag shall be fastened to the dog's collar or harness by the owner and shall be worn at all times when the dog is off the premises of its owner. The city clerk-treasurer shall maintain a record of the identifying numbers and shall make this record available to the public. (Ord. 501 § 6, 1986)

6.08.060 Permit—Revocation.

The city council or the city clerk-treasurer may revoke any permit if the person holding the permit refuses or fails to comply with this chapter or any state or local law governing cruelty to animals or the keeping of animals. Any person whose permit is revoked shall, within ten days thereafter, humanely dispose of all dogs being owned, kept, or harbored by such person and no part of the permit fee shall be refunded. (Ord. 501 § 5, 1986)

6.08.070 Dogs at large.

If a dog is found at large and its owner can be identified and located, such animal may be taken to the owner. In any event, the city marshal or other authorized person shall notify the owner and the city clerk-treasurer of the violation of this chapter and may proceed against the owner for violation of this chapter. In the event any dog found at large is a stray for whom no owner can be found, the city marshal or other authorized person shall

6.08.070

be authorized and directed to destroy such dog in a humane manner and to make proper disposition of its body. (Ord. 501 § 7, 1986)

6.08.080 Confinement of dogs in heat required.

Every female dog in heat shall be confined in a building or secure enclosure in such manner that such female dog cannot come into contact with another animal except for planned breeding. (Ord. 501 § 8, 1986)

6.08.090 Care and control of dog by owner.

No owner shall fail to exercise proper care and control of his dogs to prevent them from becoming a public nuisance. Excessive, continuous, or untimely barking, molesting passersby, chasing vehicles, habitually attacking other domestic animals, trespassing upon school grounds, or trespassing upon private property in such manner as to damage property shall be deemed a nuisance. (Ord. 501 § 9, 1986)

6.08.100 Impoundment provisions—Redemption conditions.

A. Animals found to be in violation of this chapter shall be impounded by the police department of the city or by such other persons or agencies as may be employed or designated by the city for that purpose.

B. Impounded animals shall be held at such place or places as the city marshal directs.

C. The mayor and city clerk-treasurer are authorized to enter into a written

agreement with any person or firm suitably equipped to handle the impoundment, care, and destruction of animals. Such agreement shall provide that impounded animals be held in accordance with the terms of this chapter and shall establish the rates to be charged for such services.

D. Subject to the limitations stated, the owner of an impounded animal may redeem the animal within three working days next following the day of impoundment, or thereafter if the animal has not been destroyed or redeemed by another, by payment of all charges incurred for such animal at the place of impoundment, as such charges are established by the agreement of the impounding agency. In addition to such charges, the owner shall pay a release charge as may be established. Such release charge shall be paid at the office of the city clerk-treasurer during regular office hours or may be paid to the city marshal or other police officer of the city outside of the office hours of the city clerk-treasurer. The person receiving such release charge shall give a signed, written receipt therefor. The payment of the charges here established shall not be deemed an election of remedies by the city in relation to the issuance of a citation by the city charging a violation of the municipal code. No dog shall be released from impoundment unless it first has a valid identification tag attached to it; provided that, if the animal is owned by a nonresident, then that nonresident shall not be required to buy a city animal license.

E. Subject to the limitations stated, any person may redeem an animal by payment of all charges incurred after the animal has been held more than two

working days next following the day of impoundment. The impounding agency is authorized to destroy or otherwise dispose of any animal after it has been held for more than seventy-two hours.

F. When an animal has been impounded, so long as the animal has attached to it licenses or other identification making it reasonably possible, the impounding officer shall, as soon as possible, make a reasonable effort to locate and notify the owner of the animal.

G. Notwithstanding the provisions above, if determined appropriate by the officer or official impounding the animal, no animal impounded under this chapter shall be released or redeemed except under conditions meeting the approval of the proper health officials.

H. Notwithstanding the above provisions, no animal impounded under this chapter shall be released or redeemed unless provisions satisfactory to the city marshal or his designee have been made to assure that the keeping of the animal will no longer violate this chapter.

I. Notwithstanding the above provisions, no animal impounded under this chapter shall be released or redeemed without a hearing first being held before the municipal court judge, after reasonable notice to the owner and any other party deemed to be concerned by the city marshal, and an order of the judge directing the release or redemption of the animal. In the event that pursuant to the provisions of subsection F of this section it has not come to the city's attention as to any party who is either the owner or an interested party in terms of an ownership interest in the animal, then such notice requirement shall be deemed waived.

Further, notice shall be deemed reasonable if given twenty-four hours prior to the date and time of the hearing. If after such hearing the judge determines that the animal has or exhibits vicious or dangerous propensities and would, if released, constitute any threat to the welfare of the townspeople, the judge is authorized to direct the governmental agency having jurisdiction over the animal to destroy or otherwise satisfactorily dispose of the animal. (Ord. 501 § 10, 1986)

6.08.110 Enforcement.

The city marshal or other authorized person shall enforce this chapter and no person shall interfere with, hinder, molest, or abuse any such enforcer in the exercise of such powers. (Ord. 501 § 11, 1986)

6.08.120 Prosecution of violations.

In the prosecution of alleged violations of the provisions of this chapter, the following provisions shall apply:

A. The appearance of the named defendant shall be mandatory and no forfeitures shall be allowed without court appearance.

B. Upon a finding of a first violation of this chapter in any one calendar year, an infraction penalty of up to two hundred fifty dollars, but in no event less than fifty dollars, plus the costs actually incurred by the city in the care, maintenance, and in appropriate circumstances, disposal of the animal; provided, that none of the said costs of care, maintenance, and disposal, nor the first fifty dollars of the infraction penalty are subject to suspension.

C. In the event that a person is charged with a second violation of this chapter within any twelve-month period and either a prior alleged violation is still pending or the person has been found to have committed that prior infraction, then this second charge shall be deemed a misdemeanor and shall be subject to punishment as provided in Chapter 1.20 of this code; provided that in the event of a conviction, the fine imposed shall be no less than one hundred fifty dollars and the individual shall additionally be required to reimburse the city for the cost of care, maintenance, and disposal, in the appropriate circumstance, of the animal in question. None of said one hundred fifty dollars or costs is subject to suspension or deferral.

D. In addition to such fines or penalties as may be imposed pursuant to this section upon the finding of a violation of this chapter or a conviction of a violation of this chapter, the court may impose such restitution for such losses as it finds appropriate that have arisen out of the incident, including but not limited to medical costs incurred for treatment. (Ord. 501 § 12, 1986)

6.08.130 Leash requirements.

It is unlawful for any person to cause, permit, or allow any dog owned, harbored, controlled, or kept by him, in the city, to roam, run, or stray away from the premises where the same is owned, harbored, controlled, or kept, except that while away from said premises such dog shall at all time be controlled by means of a leash or chain not exceeding ten feet in length by the owner or some duly authorized and competent person; provided,

however, that such leash or chain is not required for any dog when otherwise safely and securely confined or completely controlled while in or upon any vehicle. (Ord. 501 § 13, 1986)

6.08.140 Harboring of dog—License and collar requirements.

No dog shall be harbored within the city unless the required license shall have been paid and unless such dog shall have a collar of leather or metal properly secured about its neck, with the number of the license stamped or engraved thereon, or upon a metal tag attached thereto. (Ord. 501 § 14, 1986)

6.08.150 At large dogs—Seizure and placement in facility.

A. It shall be the duty of the city marshal or other authorized person of the city to seize and place in a proper facility, either inside the city or at a suitable place, any dog being and remaining in the city in violation of this chapter, or any stray dog running at large in the city.

B. If said person cannot conveniently seize any stray dog, he may destroy the same and properly dispose of its body. (Ord. 501 § 15, 1986)

6.08.160 Avoidance of license payment unlawful.

It is unlawful for any person to place a collar and number on any dog with intent to avoid payment of a dog license. (Ord. 501 § 16, 1986)

6.08.170 Offenses—Fees.

A. Any person whose dog has been picked up for being at large within the city limits shall be assessed the sum of ten

dollars as a pick-up fee for the first offense in any twelve-month period and shall be assessed the sum of thirty-five dollars as a pick-up fee for the second offense in any twelve-month period, and shall be assessed a pick-up fee of fifty dollars for the third offense in any twelve-month period, and shall be assessed a pick-up fee of one hundred dollars for the fourth and subsequent offenses in any twelve-month period.

B. Animals which may from time to time be impounded by the officers and

officials of the city shall be transported to and held in such facility as may from time to time be designated by the mayor or council.

C. In the event that the owner refuses and/or fails to reclaim the animal from a designated holding facility within three business days following pick-up, the said animal shall be subject to such disposition as the responsible individual at the designated holding facility deems most appropriate. (Ord. 501 § 17, 1986)

Chapter 6.12

DANGEROUS DOGS

Sections:

- 6.12.010 Definitions.
- 6.12.020 Certification of registration—Issuance conditions—Fee.
- 6.12.030 Exemptions.
- 6.12.040 Unlawful acts—Penalties.
- 6.12.050 Confiscation of dangerous dogs.
- 6.12.060 Interpretation of provisions.

6.12.010 Definitions.

Unless the context clearly requires otherwise, the definitions in this section shall apply throughout this chapter:

A. "Animal control authority" means such agency of the city which is delegated to enforce the animal control laws of the city.

B. "Animal control officer" means any individual employed, contracted with, or appointed by the animal control authority for the purpose of aiding in the enforcement of this chapter or any other state law or ordinance relating to the licensure of animals, control of animals, or seizure and impoundment of animals, and includes any state or local law enforcement officer or other employee whose duties in whole or in part include assignments that involve the seizure and impoundment of any animal.

C. "Dangerous dog" means any dog that according to the records of the appropriate authority:

1. Has inflicted severe injury on a human being without provocation on public or private property;

2. Has killed a domestic animal without provocation while off the owner's property; or

3. Has been previously found to be potentially dangerous, the owner having received notice of such and the dog again aggressively bites, attacks, or endangers the safety of humans or domestic animals.

D. "Owner" means any person, firm, corporation, organization, or department possessing, harboring, keeping, having an interest in, or having control or custody of an animal.

E. "Potentially dangerous dog" means any dog that when unprovoked:

1. Inflicts bites on a human or a domestic animal either on public or private property; or

2. Chases or approaches a person upon the streets, sidewalks, or any public grounds in a menacing fashion or apparent attitude of attack, or any dog with a known propensity, tendency, or disposition to attack unprovoked to cause injury, or to cause injury or otherwise to threaten the safety of humans or domestic animals.

F. "Proper enclosure of a dangerous dog" means, while on the owner's property, a dangerous dog shall be securely confined indoors or in a securely enclosed and locked pen or structure, suitable to prevent the entry of young children and designed to prevent the animal from escaping. Such pen or structure shall have secure sides and a secure top, and shall also provide protection from the elements for the dog.

G. "Severe injury" means any physical injury that results in broken bones or disfiguring lacerations requiring multiple sutures or cosmetic surgery. (Ord. 530 § 1, 1988)

6.12.020 Certification of registration—Issuance conditions—Fee.

A. The agency of the city authorized to issue dog licenses shall issue a certificate of registration to the owner of a dangerous dog if the owner presents to the animal control authority sufficient evidence of:

1. A proper enclosure to confine a dangerous dog and the posting of the premises with a clearly visible warning sign that there is a dangerous dog on the property. In addition, the owner shall conspicuously display a sign with a warning symbol that informs children of the presence of a dangerous dog;

2. A surety bond issued by a surety insurer qualified under RCW Chapter 48.28, in a form acceptable to the animal control authority in the sum of at least fifty thousand dollars, payable to any person injured by the vicious dog; or

3. A policy of liability insurance, such as homeowner's insurance, issued by an insurer qualified under RCW Title 48 in the amount of at least fifty thousand dollars, insuring the owner for any personal injuries inflicted by the dangerous dog.

B. In addition to the regular dog licensing fee, there shall be charged a sum of five hundred dollars per year to register a dangerous dog. A year shall be calculated in the same manner as a year is

calculated under the ordinance relating to the issuance of licenses for dogs. (Ord. 530 § 2, 1988)

6.12.030 Exemptions.

Dogs shall not be declared dangerous if the threat, injury, or damage was sustained by a person who, at the time, was committing a wilful trespass or other tort upon the premises occupied by the owner of the dog, or was tormenting, abusing, or assaulting the dog, or has, in the past, been observed or reported to have tormented, abused, or assaulted the dog or was committing or attempting to commit a crime. (Ord. 530 § 4, 1988)

6.12.040 Unlawful acts—Penalties.

A. It is unlawful for an owner to have a dangerous dog in the city without a certificate of registration issued under Section 6.12.020. This section shall not apply to dogs used by law enforcement officials for police work.

B. It is unlawful for an owner of a dangerous dog to permit the dog to be outside the proper enclosure unless the dog is muzzled and restrained by a substantial chain or leash and under physical restraint of a responsible person. The muzzle shall be made in a manner that will not cause injury to the dog or interfere with its vision or respiration but shall prevent it from biting any person or animal.

C. Any person who is convicted of a violation of any provision of Sections 6.12.010, 6.12.020 or this section shall, upon such conviction, be punished as provided in Chapter 1.20 of this code; provided that, upon first conviction, the

6.12.040

minimum fine shall be two hundred fifty dollars, none of which may be suspended or deferred. (Ord. 530 § 3, 1988)

6.12.050 Confiscation of dangerous dogs.

Any dangerous dog shall be immediately confiscated by an animal control authority if:

A. The dog is not validly registered under Section 6.12.020;

B. The owner does not secure the liability insurance coverage required under Section 6.12.020;

C. The dog is not maintained in the proper enclosure;

D. The dog is outside of the dwelling of the owner, or outside of the proper enclosure and not under physical restraint of the responsible person.

In addition, the owner shall be guilty of a misdemeanor and subject to punishment as provided in Section 6.12.040(C). (Ord. 530 § 5, 1988)

6.12.060 Interpretation of provisions.

This chapter shall be deemed supplementary to Chapter 6.08 of this title and the provisions thereof and shall be so interpreted. To the extent that provisions of this chapter are inconsistent with the provisions of Chapter 6.08, the provisions of this chapter shall be deemed to supplant such inconsistent provisions. (Ord. 530 § 8, 1988)

Chapter 6.16

TREATMENT OF ANIMALS

Sections:

- 6.16.010 Cruelty to animals.
6.16.020 Care of animals.

6.16.010 Cruelty to animals.

Any person who is convicted in municipal court of violating any of the following provisions shall be deemed to have committed the offense of cruelty to animals and shall be subject to punishment as provided in Chapter 1.20 of this code:

A. Impounding or confining or causing to be impounded or confined any domestic animal, fowl, or insectivorous bird, and, after such action, failing to provide that animal, fowl, or insectivorous bird with a sufficient quantity of good and wholesome food and water;

B. Wilfully transporting or confining or causing to be transported or confined any domestic animal or animals, fowl, or insectivorous bird, in a manner, posture, or confinement that will jeopardize the safety of the animal, fowl, or insectivorous bird, or the public;

C. Torturing, tormenting, depriving of necessary sustenance, cruelly beating, mutilating, or killing, or causing, procuring, authorizing, requesting, or encouraging such actions; having charge or custody of any animal, fowl, or insectivorous bird, either as owner or otherwise, inflicting unnecessary suffering or pain upon the same or unnecessarily failing to provide the same with the proper food, drink, air, light, space, shelter, or

protection from the weather, or cruelly abandoning any animal, fowl, or insectivorous bird.

For purposes of this section, "necessary sustenance or proper food" means the provision at suitable intervals, not to exceed twenty-four hours, of wholesome food stuff and water suitable for the species and age of the animal, fowl, or bird, and sufficient to provide a reasonable level of nutrition for such animal, fowl or bird;

D. Owning, possessing, keeping, or training any animal or fowl with the intent that that animal or fowl shall be engaged in exhibition of fighting with another animal or fowl; for amusement or gain causing any animal or fowl to fight with another animal or fowl or causes any animal or fowl to injure each other; or permitting any act in violation of the prior two clauses of this subsection to be done on any premises under his or her charge or control or aids or abets any such act; or who is knowingly present as a spectator at any place or building where preparations are being made for an exhibition of the fighting of animals or fowl with the intent to be present at such preparation or is knowingly present at such exhibit or at any other fighting or injury as described in this particular subsection with the intent to be present at such exhibition, fighting, or injury.

E. Nothing in this section shall prohibit the use of canines in the management of livestock as defined by RCW Chapter 16.57 as now existing or hereafter amended by the owner of the livestock, the owner's employees or agents, or other persons in lawful custody of the livestock, or the use of dogs in hunting as

6.16.010

provided by law or the training of dogs or the use of equipment in the training of dogs for any purpose not prohibited by law. (Ord. 530 § 6, 1988)

6.16.020 Care of animals.

A. In the event that any domestic animal is impounded or confined in the manner provided by Section 6.16.010 and is without necessary food and water for more than twenty-four consecutive hours, it is lawful for any person from time to time as it shall be deemed necessary and after notification to the police department and the presence of a police officer, animal control officer or designee to enter into and open any pound or place of confinement in which such animal is confined and supply it with necessary food and water so long as it shall be so confined. Such person should not be liable to action for such entry and the reasonable cost of such food and water may be collected by that person from the owner of such animal and the animal

shall be subject to attachment therefor and shall not be exempt from levy and sale upon execution based upon a judgment therefor, all as provided in RCW 16.52.100 as now existing or hereafter amended. If an investigating officer finds it unreasonably difficult to supply such animal or animals with food and water in the location, the officer may remove the animals to protective custody for that purpose with the same responsibility for reimbursement of costs continuing.

B. If a police officer, animal control officer or designee of either finds that a domestic animal has been neglected by its owner as established within this chapter or as may be reasonably perceived, that officer may authorize removal of the animal to a proper pasture, facility, or other suitable place for feeding and restoring to health and the cost of such removal and restoration shall be collectible as provided in subsection A of this section. The same immunity from liability as provided in subsection A shall exist as to this action. (Ord. 530 § 7, 1988)

Title 7

(RESERVED)

STAFF REPORT

To: Mayor Dent
From: Nick Bird, P.E., Director of Public Works
Date: August 15, 2012
Re: Bushing Replacement Project Final

Attached is one copy of Progress Estimate No. 1, which is the final progress estimate for this project. The 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> |
|-----------------------|--|-------------------------------|
| \$34,142.68 | \$1,651.00 | \$1,651.00 |

On July 21, 2012, KVA completed the contract work. A review of the project documentation on August 8, 2012 determined that the all work required by the Contract has been completed; as such, the project was determined Substantially and Physically Complete.

As the project has been completed in compliance with the Contract I recommend we accept the project as complete.

After we have accepted the project as complete, we need to:

1. Sign the "Final Contract Voucher" and forward a copy to the contractor.
2. Complete the "Notice of Completion of Public Works Contract" form and forward to the Washington State Department of Revenue, Washington State Department of Labor and Industries, and Washington State Employment Security Department.

The retainage may be released to the contractor immediately upon the completion of the following items:

1. Sixty days have elapsed since the date of project acceptance as indicated in the City Council meeting minutes.
2. We receive the State Department of Revenue "Certificate of Payment of State Excise Taxes by Public Works Contractor" (RCW 60.28).
3. We receive the "Certificate of Payment of Contribution Penalties and Interest on Public Works Contract" from the Washington State Employment Security Department.
4. There are no claims or liens filed for labor and materials furnished on this Contract.
5. All "Affidavit of Wages Paid" forms are on file for the contractor.

6. We receive notification from the Department of Labor & Industries that the contractor is current with payments of industrial insurance and medical aid premiums.

Action Requested:

1. Authorize the City to pay Progress Estimate #1. The amount to be paid is \$34,142.68 and the amount to be deposited in the Retainage Account is \$1,651.00.
2. Accept the Project as Complete.

PROGRESS ESTIMATE NO. 1 FINAL

August 9, 2012

CITY OF McCLEARY
 GRAYS HARBOR COUNTY
 WASHINGTON

PROGRESS ESTIMATE PERIOD:
 JULY 9, 2012 TO AUGUST 9, 2012

PROJECT:
 CITY OF McCLEARY
 BUSHING REPLACEMENT PROJECT
 CN12-01

CONTRACTOR:
 KVA ELECTRIC, INC.
 25829 JIM CREEK ROAD
 ARLINGTON, WA 98223

| NO. | DESCRIPTION | BID ITEMS | | | QUANTITIES | | PROJECT COSTS | | ESTIMATED PERCENT OF PROJECT COMPLETION |
|-----|-------------|-----------|------|------------|---------------|-------------------|----------------|--------------------|---|
| | | QUANTITY | UNIT | UNIT PRICE | TOTAL TO DATE | TOTAL THIS PERIOD | AMOUNT TO DATE | AMOUNT THIS PERIOD | |

BASE BID

| | | | | | | | | | |
|---|---------------------------------|---|----|--------------|------|------|--------------|--------------|------|
| 1 | 7TH AND ASH BUSHING REPLACEMENT | 1 | LS | \$ 33,020.00 | 100% | 100% | \$ 33,020.00 | \$ 33,020.00 | 100% |
|---|---------------------------------|---|----|--------------|------|------|--------------|--------------|------|

CHANGE ORDERS

| | | |
|-------------------------------------|--------------|--------------|
| TOTAL EARNED TO DATE | \$ 33,020.00 | \$ 33,020.00 |
| SALES TAX | 8.4% | \$ 2,773.68 |
| TOTAL WITH SALES TAX | \$ 35,793.68 | \$ 35,793.68 |
| LESS 5% RETAINED (BEFORE TAX) | \$ 1,651.00 | \$ 1,651.00 |
| TOTAL EARNED TO DATE LESS RETAINAGE | \$ 34,142.68 | |

CONTRACT AMOUNT (Incl. Sales Tax) \$35,793.68

CONTRACT PERCENTAGE TO DATE 100%

TOTAL PAYMENT NOW DUE: \$ 34,142.68

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

NICHOLAS D. BIRD, P.E.
 CITY OF McCLEARY
 DIRECTOR OF PUBLIC WORKS

SUMMARY AND DISTRIBUTION OF PAYMENTS

| PAY EST NO. | PROGRESS ESTIMATE PRIOD DATES | TOTL EARNED PER PERIOD | SALES TAX RATE | SALES TAX AMOUNT | MATERIALS ON HAND | RETAINAGE (5%) | TOTAL PAYMENT |
|-------------|--------------------------------|------------------------|----------------|------------------|-------------------|----------------|---------------|
| 1 | JULY 9, 2012 TO AUGUST 9, 2012 | \$ 33,020.00 | 8.4% | \$ 2,773.68 | \$ - | \$ 1,651.00 | \$ 34,142.68 |

STAFF REPORT

To: Mayor Dent
From: Nick Bird, P.E., Director of Public Works
Date: August 15, 2012
Re: Generator Service Agreement

We have intended for years to establish a generator service agreement to maintain the existing backup generator at the wastewater treatment plant. Currently staff inspects and exercises the generator monthly. We would feel more comfortable with the reliability of the unit if we had a technician specialized in generator repair and maintenance inspecting the unit semi-annually and conducting the basic service work (oil replacement, oil filter replacement, fuel filter replacement, load testing, etc.).

As such, you will find following this report a service maintenance agreement with Generator Services Northwest. The annual cost of the service is \$1,872 + sales tax. The City had budgeted \$24,000 for professional services in 2012. To date, the City has spent \$11,800.

Staff Recommendation:

This is one step towards completing a full asset management program. Staff believes it is prudent to maintain our existing equipment to ensure it is functional when the need for use arises.

Action Requested:

Please consider authorizing the service agreement, as attached, with Generator Services Northwest.

SERVICE MAINTENANCE AGREEMENT

Date: August 15, 2012

| <u>Customer Billing Information</u> | <u>Equipment Location</u> |
|--|-------------------------------|
| City of McCleary 100 South 3 rd St McCleary, WA 98557 | MQ Power Model # TAD1241GE |
| <p>This agreement is made between the City of McCleary and Generator Services NW, LLC effective 8/15/2012 and will be renewed each year by mutual consent. For valuable consideration, Generator Services NW, LLC and the City of McCleary agree to the following terms.</p> | |
| <p>Service Maintenance Agreement: This service maintenance agreement will include the following service per unit:</p> <p>Annual Service Includes:</p> <ul style="list-style-type: none"> • Oil replacement • Oil filter replacement • Fuel filter replacement • Coolant filter replacement (if Applicable) • Maintenance Inspection and report <p style="text-align: right;">• Annual 2 Hr Load bank test</p> <p>Semi-Annual inspections includes:</p> <ul style="list-style-type: none"> • Preventative maintenance inspection • Maintenance inspection report | |
| <p>Other Services/Amendments: Generator Services NW, LLC technician will provide a verbal or written quote for additional work needed outside of this agreement. Both parties, prior to work being performed, will provide mutual verbal or written consent.</p> | |
| <p>Payment: The total annual service agreement price is \$1,872.00 annually-\$936.00 semi-annually (not including WSST). Service will be billed on a semi-annual basis and is due upon receipt of invoice after semi-annual visit. A 1.5% service fee will be applied to all late payments.</p> | |
| <p>Terms and Conditions:</p> <ul style="list-style-type: none"> • Generator Services NW, LLC agrees that the indicated work will be completed on an annual or semi-annual basis as stated above. Generator Services NW, LLC will be responsible for notifying the customer when service maintenance is needed and will contact the customer to make arrangements for service to be performed • The technician agrees to perform the work in a competent and skillful manner according to standard industry practices, and all work performed shall be subject to final approval by the owner. If any plans or specifications are part of this job, they are attached to and are part of this agreement • In the event that prices for parts and supplies increase, 30 days written notice will be provided prior to the next annual renewal. Both parties will agree upon mutual consent of these changes. | |
| <p>No modification of this Agreement will be effective unless it is in writing and signed by both parties. This Agreement binds and benefits both parties and any successors. Time is of the essence of this contract. This document, including any attachments, is the entire agreement between both parties. The law of the State of Washington governs this Agreement. Should either party decide to cancel out of this agreement, 30 days written notice should be provided and all work performed before such date is due and payable as agreed.</p> | |

Signature of the City of McCleary Date

Signature of Generator Services NW, LLC Date

Print Name

Print Name

STAFF REPORT

To: Mayor Dent
From: Nick Bird, P.E., Director of Public Works
Date: August 15, 2012
Re: Public Sewers

Vern has developed a draft Grease Management Program intended for our food preparing customers. The intent of the Grease Management Program (also dubbed Fats, Oil, and Grease Program in other jurisdictions) is to limit the fats, oils, and grease (FOG) discharged into the collection system and to the treatment plant. FOG discharged to the collection system can have a devastating impact on the collection system capacity and can wreak havoc in the treatment process.

Upon review of the Municipal Code, we were unable to find any strong reference to implementing a defensible program such as this. As such, we contacted Mr. Glenn for a couple subtle revisions in the Municipal Code to make this work. Because Mr. Glenn had an inordinate amount of time on his hands last night, he took the opportunity to bring the entire sewer title up to 2012 standards. The current draft is approximately 40 pages, and while we know you cannot wait to review the proposed revisions, we would like to conduct a couple internal reviews prior to submitting the final draft to you for consideration. We hope that we will be able to provide the final draft at the next meeting.

Staff Recommendation:

None at this time.

Action Requested:

None at this time.

STAFF REPORT

To: Mayor Dent
From: Nick Bird, P.E., Director of Public Works
Date: August 15, 2012
Re: G&O Amendment #2

As a result of implementing the 2012 Gray & Osborne Contract, we realized that many of the amendments used on a regular basis were now outdated (subject to the 2008 Contract). Based on entering into a new contract, we feel it is prudent to correct this deficiency.

In the previous contract period (2008 contract) we had an amendment similar to the proposed amendment, only in two separate versions. Gray & Osborne has taken the liberty to combine Basic Engineering Support Services (Amendment #2 from the 2008 Contract) and Minor Engineering Services (Amendment #'s 6, 14, and 18) into one amendment.

Tasks 1-9 of the Basic Engineering Support Services remain unchanged from the amendment signed in June of 2008, including the costs. Please note that these fees are typically "pass through" fees that are billed to the developer.

The Minor Engineering Services amendment is essentially identical to the amendment most recently adopted in March of 2011. The one minor change is that the total amount available to be authorized per task is \$600. The aggregate amount of \$5,000 remains unchanged.

Staff Recommendation:

As Gray & Osborne is identified as the City Engineer, and staff regularly uses the firm for miscellaneous tasks, Staff believes it is sensible to execute the proposed Amendment.

Action Requested:

Please consider authorizing the City to execute Amendment #2 to the 2012 Contract with Gray & Osborne.

**AMENDMENT NO. 2
TO
CONTRACT FOR ENGINEERING SERVICES**

THIS AMENDMENT, entered into this ____ day of _____ 2012, by and between the City of McCleary, Washington, hereinafter referred to as the Agency, and Gray & Osborne, Inc., hereinafter referred to as the Engineer, hereby modifies the contract for engineering services dated (by Agency) June 20, 2012, for additional services related to the Professional Engineering Services Contract.

MINOR ENGINEERING SUPPORT SERVICES SCOPE OF WORK

The agency has a variety of minor/miscellaneous items that require engineering input or review during the course of any given month. The cost and time required to prepare a contract amendment for each of these items would be better spent directly addressing these issues. This amendment provides a method for the Mayor (or authorized representative) to authorize minor engineering support services on an as needed basis without incurring the cost of preparing a contract amendment.

When requested by the Agency, the Engineer shall provide both basic engineering support services and minor/miscellaneous engineering support services. Basic engineering support services are specifically outlined in the nine tasks identified in Section II of this amendment which will be billed under a unique job number, according to the "not to exceed" costs outlined in Section II. Engineering services that are not identified in Section II of this addendum and are estimated to cost more than \$600 will be authorized by a separate contract amendment and invoiced under a unique job number. Minor engineering support services covered under this amendment would have an estimated cost of \$600 or less and may include, but not be limited to, updating utility base maps and development activity maps, preparing exhibits, site visits, review of utility operational issues, assistance with meeting regulatory requirements, utility rate and SDC reviews, participation in meetings, reviewing variance requests or other minor support services requested by the Agency.

Costs for all minor engineering support services (\$600 or less per task) shall be tracked by a project number specifically issued for "Minor Engineering Support Services" and billed monthly with a description of work provided for each engineering support task. The Engineer will provide a "not to exceed" cost for each minor engineering support service task to the Mayor (or authorized representative) for approval at the time these services are requested.

Compensation for services provided as described herein as Minor Engineering Support Services shall be authorized by the Public works Director and/or the Mayor on a case by case basis and shall not exceed \$600 per authorized task. The aggregate amount of compensation for all minor engineering support services authorized under this contract amendment shall not exceed \$5,000 without further written authorization from the Agency.

BASIC ENGINEERING SUPPORT SERVICES

The Agency will require the Engineer to attend pre application meetings for new developments, provide plat and utility design plan review to confirm the developer is conforming to City, County and State standards, attend preconstruction meetings and provide part time construction inspection services. In addition to these services, the Agency may also require engineering reviews of previously developed studies, letter reports, planning documents, construction standards and development proposals that do not fit the standard type of plat application and review parameters.

The following fee schedule has been developed to provide a budget cost for the basic type of engineering support services the Agency will require the Engineer to perform. These budget costs and the associated scope of work will be used by the Mayor and/or the Public Works Director to authorize the Engineer to perform the basic engineering support services outlined below.

Task 1 – Environmental and Permitting

Prepare SEPA Checklist and DNS (City will be lead agency).

\$400 to \$800 depending on the complexity of the project

Task 2 – On-Site Inspection

Provide an on-site inspector to provide guidance and direction to City of McCleary staff during utility and road construction by developer's contractor.

\$600 to \$800 per day

Task 3 – Boundary Line Adjustment (BLA) Review

Provide a review of BLA survey documents for compliance with City, State and County Requirements.

\$600 per review

Task 4 – Preliminary Plat Review

Provide a review of preliminary plat survey documents for compliance with City, State and County Requirements.

\$800 per review (less than 10 lots)

\$1,000 per review (10 lots to 30 lots)

\$1,200 per review (over 30 lots)

Task 5 – Final Plat Review

Provide a review of final plat survey documents, lot closure calculations, easements, CC&R's and maintenance agreements for compliance with City, State and County Requirements.

\$1,200 per review (less than 10 lots)
\$1,500 per review (10 lots to 30 lots)
\$2,000 per review (over 30 lots)

Task 6 – Utility and Roadway Construction Plan Review for Subdivisions

Provide a review of SEPA documents, Stormwater Design Reports, Traffic Studies, construction drawings, and draft CC&R's for compliance with City, State and County Requirements. Provide review letter with recommendations to City Staff.

\$1,500 per review (less than 10 lots)*
\$2,000 per review (10 lots to 30 lots)*
\$2,500 per review (over 30 lots)*

*Additional costs may be incurred if multiple review letters are required due to developer engineer not complying with initial review comments, or site specific complexities (geotechnical issues, pump stations, etc.).

Task 7 – Pre application Meetings/Preconstruction Meetings for Subdivisions

Attend, provide agenda (or preapplication checklist) and direct meeting with City staff and applicant. Provide meeting minutes as required.

\$250 per meeting

Task 8 – Submittal Review for Subdivisions

Provide a review of material submittal from developer's contractor/materials supplier for compliance with City, State and County Requirements. Provide review letter to developer.

\$500 for all reviews necessary to obtain a submittal package that meets all City requirements.

Task 9 – Miscellaneous Report Review

Provide a review of letter reports, planning documents, Design Reports, Traffic Studies, and other miscellaneous reports. Provide a review comment letter to City Staff.

\$250 to \$500 per review based on project complexity.

TERMS AND CONDITIONS

This work will be completed under the terms and conditions of the current General Engineering Services Contract dated June 2012. The Engineer shall have the opportunity to evaluate and revise the costs outlined herein on an annual basis. These services shall be billed on an hourly basis, at the not to exceed cost listed herein.

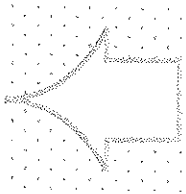
IN WITNESS WHEREOF, the parties hereto have executed, or cause to be executed by their duly authorized officials, this AMENDMENT to the Contract for Engineering Services in duplicate on the respective dates indicated below.

GRAY & OSBORNE, INC.

CITY OF MCCLEARY

By: Thomas M. Zerkel
(Signature)

By: _____
(Signature)



Name: Thomas M. Zerkel, P.E., President
GRAY & OSBORNE, INC.

Name: _____
(Print)

Date: 7/18/12

Date: _____

"Equal Opportunity/Affirmative Action Employer"



Mason County Fire District #13

13375 W Cloquallum Rd

Elma, WA 98541-9613

Phone: 360-482-4610

Fax: 360-482-6894

masonfpd13@hotmail.com

AGREEMENT

This agreement and contract between Mason County Fire District #13 13375 W Cloquallum Rd Elma, WA 98541 and the City of McCleary 100 S 3rd St McCleary, WA 98557. This contract shall be in effect from the date of signing and will expire December 31, 2012.

The City of McCleary agrees to furnish fire protection services to the residents and property in the following described area: Section 35 and 36, Range 05 W Township 19N otherwise known as County Line Rd and the Oak Meadows area. Mason County Fire District #13 agrees to pay the sum equal to taxes collected for fire protection (less bond taxes) of described area. Payment will be made no later than June 1st of each year. Fire protection services will be furnished in the same manner and of the same standard as furnished to the residents of the City of McCleary.

The parties agree that each of the parties shall, at all times, be solely responsible for the acts or the failure to act of its personnel that occur or arise in any way out of the performance of this Agreement by its personnel only and to save and hold the parties and their personnel 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 personnel relating to the performance of this Agreement.

Each party also agrees to maintain adequate insurance coverage for its own equipment and personnel.

This agreement may be terminated by either party only by giving notice to the other party not less than 90 days prior to the effective date. Signed this 9 day of Aug., 2012.



Commissioner-Chair
Mason County Fire District #13

Mayor
City of McCleary

ORDINANCE NO. _____

AN ORDINANCE RELATING TO UTILITY SERVICE, CONFIRMING THE REQUIREMENT OF WATER SERVICE FOR RESIDENTIAL HABITATION, MAKING FINDINGS, ESTABLISHING PENALTIES, PROVIDING FOR SEVERABILITY, & ADDING A NEW CHAPTER TO TITLE 13 OF THE MUNICIPAL CODE.

R E C I T A L S:

1. The City operates an extensive system of water distribution and sewerage collection. The proper passage of sewerage from a residential or business facility requires adequate and consistent water supply.

2. When the residence or business structure having sewerage is served by the City's water system and not a private well system, the absence of water service makes such passage into the system not reasonably possible.

3. The Council and Mayor have been informed that, on more than one occasion, the City's staff have become aware of a residence continuing to be occupied after the water supply has been terminated, whether for non-payment or other reasons.

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

SECTION I: The Council finds that the public health and safety is harmed by the continued habitation of a premises

within the city when it is not being currently provided water to the premises by the municipal water system, approved on-site well, or an approved community system. This harm results from a number of factors including, but not limited to, the practical unavailability of appropriate sewage disposal.

SECTION II: No premises shall be utilized for human habitation unless it has available and is utilizing potable water from the municipal water system, an approved on-site well, or an approved community water system.

A. Any residence or structure within the corporate limits being utilized contrary to the provisions of this section shall be deemed to be a public hazard and nuisance and the Director of Public Works, or his or her designee, is authorized to take such steps as are necessary to prevent and prohibit occupation of the structure or residence until the water service is available and utilized.

B. The authority granted to the Director pursuant to sub-section A shall include, but is not limited to, taking the following actions: (1) the issuance of a corrective notice under the provisions of Section 8.16.040 of this Code, as now existing or hereafter amended or succeeded, (2) the issuance of an order prohibiting occupancy of the premises and requiring its immediate vacation until water service is provided to the residence at a level which is to the reasonable satisfaction of the Director, and (3) enforcement action pursuant to Section 17.40.140 of the

Municipal Code, as now existing or hereafter amended or succeeded.

SECTION III: Any person aggrieved by enforcement action taken by the Director pursuant to Section II[B] of this ordinance shall have the right to appeal that action under the provisions of Section 8.16.045 of this Code, as now existing or hereafter amended or succeeded: PROVIDED THAT, an appeal shall not stay the implementation of an order to vacate issued pursuant to Section II[B]{2}.

SECTION IV: It is unlawful for any person to occupy a residence or structure within the corporate limits at such time as it is in violation of the provisions of Section III of this ordinance after either [A] the Director has issued an order requiring immediate vacation or [B] the period to correct the problem allowed under the correction notice issued pursuant to Section II[B][1] has elapsed. Any violation shall be subject to processing, enforcement, and penalty under the provisions of Section 17.40.140 of this Code, as now existing or hereafter amended or succeeded.

SECTION V: Sections I through IV inclusive shall constitute a new chapter in Title 13 of the Municipal Code.

SECTION VI: If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The

Council hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause, and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases had been declared invalid or unconstitutional, and if for any reason this Ordinance should be declared invalid or unconstitutional, then the original ordinance or ordinances shall be in full force and effect.

SECTION VII: 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:

ORDINANCE NO. _____

AN ORDINANCE 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.

R E C I T A L S :

1. The City has received one or more applications in past years for authorization to carry forth special events which utilize public property, including rights of way.

2. The request has been to establish an administrative process for the processing of such applications.

3. In furtherance of that request, it is found appropriate to establish such a process, setting forth time periods and criteria, granting administrative authority, and providing for an appeal process from a decision of the official to whom the authority is delegated.

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

SECTION I DEFINITIONS.

A. "Applicant" means any person or organization who or which seeks a special event permit from the City to conduct or sponsor an event governed by this section. An applicant must be eighteen years of age or older.

B. "Chief Law Enforcement Officer" shall mean the Chief of the Police Department.

C. "Director" shall mean the Director of Public Works.

D. "Global Special Event Permit" means a permit obtained by the prime sponsor of a special event which will have _____ or more vendors who would otherwise be required to obtain the temporary business license required under Section II.B.

E. "Motorcade" means any organized procession containing ten or more vehicles, except funeral processions, upon a public street, sidewalk, alley, or other public right-of-way.

F. "Parade" means any march or procession consisting of people, animals, bicycles, vehicles, or combination thereof, except funeral processions, on any public street, sidewalk, alley or other public right-of-way, which obstructs, delays, or interferes with the normal flow of pedestrian or vehicular traffic, or does not comply with traffic laws or controls.

G. "Special Event" means any parade, fair, show, festival, carnival, rally, party, filming, motorcade, run, street dance, bike-a-thon, race, walks, athletic event, or other attended entertainment or celebration that is to be held in whole or in part upon publicly owned property and/or public right-of-way, or, if held wholly upon private property, will nevertheless affect or impact the ordinary and normal use by the general public of public property or public rights-of-way within the vicinity of the event. Special event shall also mean any activity to be held in whole or in part upon publicly owned or controlled property and/or public rights-of-way where merchandise or services are offered for sale, whether by for profit or nonprofit organizations.

H. "Street Dance" means any dance of _____ 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.

SECTION II. PERMIT REQUIRED.

A. Any person or organization desiring to conduct or sponsor a special event in the City shall first obtain a special event permit from the Director of Public Works (the Director).

B. Subject to the exemption set forth in Section III.E, temporary business licenses are required for all vendors who or which desire to sell products or services during the event and do not maintain a physical location within the corporate limits from which they do business of a similar nature both before and after the special event. The license shall be obtained regardless of the physical proximity of the location chosen by the vendor. A temporary business license fee shall be set by written resolution and shall be issued by the Office of the Clerk-treasurer. The temporary business license shall be obtained prior to the commencement of business activity by the vendor.

SECTION III. PERMIT-NOT REQUIRED.

Special event permits are not required for the following:

A. Funeral processions on the streets so long as there is no blockage of the streets;

B. Parades involving a total of thirty or fewer pedestrians marching along a parade route that is restricted to marching on sidewalks, and crossing streets only at pedestrian crosswalks in accordance with traffic regulations and controls;

C. Groups of students involved in exercising as part of an organized school event;

D. Special events sponsored in whole by the City.

E. A vendor who is authorized by the holder of a global special event permit to display and sell its product or service as part of the event sponsored by that holder shall not be required to obtain the temporary business license which would otherwise be required under Section II.B.

SECTION IV. PERMIT - APPLICATION - REQUIREMENTS.

A. **Filing of Application.** Any person or organization desiring to sponsor a special event not exempted by this chapter shall apply for a special event permit by filing a completed application with the Public Works Director on a form supplied by the City. This application shall be filed not less than thirty (30) days in advance of the date on which the event is to occur if the event requires the closure of any highway or street, any detouring of traffic, or any significant impact on City services. Applications as to other events not requiring the foregoing are to be filed not less than twenty (20) days in advance of the proposed event.

B. **Waiver of Application Deadline.** Upon a showing of good cause, in the discretion of the Public Works Director, the Director may consider an application that is filed after the filing deadline if there is sufficient time to process and investigate the application and obtain police and other City services for the event. Good cause can be demonstrated by the applicant showing that the circumstance that gave rise to the permit application did not reasonably allow the participants to file within the time prescribed, or that the event is for the purpose of exercising the right of free speech.

C. **Information Requested on Application.** In order that adequate arrangements may be made for the proper protection of the special event, the Public Works Director shall have the authority to set the information required on the application. Such information shall include, but not be limited to, the

following:

1. The name of the applicant, the sponsoring organization, the special event chairperson, and the address and telephone number of each;

2. The purpose of the special event, the date when it is proposed to be conducted, the location and the hours of operation, including site map or maps, schedule of events and location of events;

3. Such other information as the Public Works Director may deem reasonably necessary.

D. Application Filing Fee. The application for a special event permit shall be accompanied by a filing fee in an amount set by the City Council by written resolution.

SECTION V. PERMIT - APPLICATION - REVIEW.

In reviewing the application for the purpose of determining whether the permit should be issued or denied, the Public Works Director shall notify and seek consultation with such other governmental officials as the Director may deem appropriate in relation to the potential impacts upon or demands for services arising from the holding of the event and shall make such review in conformance with the grounds for denial set forth in this chapter.

SECTION VI. PERMIT - DENIAL.

The Director may deny an application for a special event permit if the Director determines from a consideration of the application, or other pertinent information, upon the following bases:

A. Information contained in the application, or supplemental information requested from the applicant, is found to be false or nonexistent in any material detail;

B. The applicant fails to complete the application form after having been notified of the additional information or documents required;

C. The applicant refuses to agree to abide or comply with all of the conditions and terms of the permit;

D. It is found that the purpose of the special event is principally devoted to the advertising and sale of a commercial product or service or for a private commercial process;

E. The time, route, hours, location, or size of the special event will unnecessarily disrupt the movement of other traffic

ORDINANCE -C- 4

08/14/2012

DG/le

CITY OF McCLEARY
100 SOUTH 3RD STREET
McCLEARY, WASHINGTON 98567

within the area;

F. The special event is of the size or nature that requires the diversion of so great a number of law enforcement officers of the City to properly police the event, site, and contiguous areas that allowing the special event would unreasonably deny police protection to the remainder of the City and its residents;

G. Another special event permit application has already been approved, to hold another event at the same time and place requested by the applicant, or so close in time and place as to cause undue traffic congestion, or the law enforcement and/or other City departments are unable to meet the needs for police and other City services for both events;

H. The location of the special event would cause undue hardship for adjacent businesses or residents;

I. The location of the event will substantially interfere with any construction or maintenance work scheduled to take place upon or along public property or right-of-way, or a previously granted right-of-way disturbance permit;

J. The event shall occur at a time when a school is in session at a route or location adjacent to the school or class thereof, and the noise created by the activities of the event would substantially disrupt the education activities of the school or class;

K. The event would seriously inconvenience the general public's use of public property, services or facilities;

L. The applicant fails to comply in a timely manner with the conditions set forth upon the issuance of the permit, including the liability insurance requirements, or the applicant's insurance lapses or is cancelled;

M. The event would create or constitute a public nuisance;

N. The event would be likely to cause significant damage to public property or facilities; or

O. The event would engage in or encourage participants to engage in illegal acts.

The denial of a permit shall be in writing setting forth the reasons for the denial. A copy of the denial shall be provided to the Applicant's representative

SECTION VII. CONDITIONS.

The Director may condition the issuance of a special event permit by imposing reasonable requirements concerning the time,

place, and manner of the event, and such requirements as are necessary to protect the safety of persons and property, and the control of traffic; provided such conditions shall not unreasonably restrict the right of free speech. Such restrictions may include, but are not limited to, the following:

A. Alteration of the date, time, route or location of the event proposed on the event application;

B. Elimination of an activity which cannot be mitigated to a point as to ensure public safety and welfare, or which causes undue liability to the City;

C. Conditions concerning the area of assembly and disbanding of a parade or other events occurring along a route;

D. Conditions concerning the accommodation of pedestrian or vehicular traffic, including restricting the event to only a portion of a street or right-of-way traversed;

E. Requirements for the use of traffic cones or barricades;

F. Requirements for the use of City personnel and equipment;

G. Requirements for the provision of first aid or sanitary facilities;

H. Requirements for the use of event monitors and providing notice of permit conditions to event participants;

I. Requirements to provide notice to surrounding property owners;

J. Restrictions on the number and type of vehicles, animals or structures at the event, and inspection and approval of floats, structures, and decorated vehicles for fire safety;

K. Compliance with animal protection ordinances and laws;

L. Requirement for the use of garbage containers, cleanup and restoration of City property;

M. Restrictions on the use of amplified sound and compliance with noise ordinances, regulations and laws;

N. Compliance with any relevant ordinance or law and obtaining any legally required permit or license;

O. Any other restriction or requirement deemed necessary to ensure public safety and well-being;

P. Restrictions on the sale and/or consumption of alcohol.

SECTION VIII. PERMIT - ISSUANCE.

As provided in Section XIV, the Director shall issue the special events permit once the application has been approved by the Director and the applicant has agreed in writing to comply with the terms and conditions of the permit, as well as the sections of this chapter dealing with indemnification, insurance, fees for City services, and cleanup deposits, when applicable.

SECTION IX. INDEMNIFICATION AGREEMENT.

Prior to the issuance of a special event permit, the permit applicant and authorized officer of the sponsoring organization, if any, must sign an agreement to defend the City against, and indemnify and hold the City, its officers, employees and agents, where such claim arises in whole or in part out of the activities for which such permit is issued; except any claims arising solely out of the negligent acts or omissions of the City, its officers, employees and agents.

SECTION X. INSURANCE REQUIREMENTS.

A. Liability Coverage Required. The applicant/sponsor of an event must possess or obtain public liability insurance of a form and content reasonably satisfactory to the Clerk-treasurer to protect against loss from liability imposed by law for damages on account of bodily injury and property damage arising from the event. A certificate of insurance shall be filed no less than ten (10) days prior to the event with the Office of the Clerk-treasurer, and shall name the City, its officials, employees and agents, as additional insured. Insurance coverage must be maintained for the duration of the event.

B. Minimum Limits Defined. Coverage shall be a commercial general liability policy. Minimum limits required are one million dollars each occurrence combined single limit bodily injury and property damage; and be of no less than one million dollars aggregate. If food or nonalcoholic beverages are sold or served at the event, the policy must also include an endorsement for liquor liability. If the event involves athletic or other types of active participants, the policy must include participant coverage. The Director may require additional endorsements depending upon the proposed activity.

C. Waiver or Reduction of Required Limits. The Public Works and/or Parks Director may waive or reduce the insurance requirements of this chapter under the following conditions:

1. The applicant or an officer of the sponsoring organization signs a verified statement that insurance coverage in the limits required is impossible to obtain. The statement shall include the name and address of two insurance agents or other source of insurance coverage contacted.

2. The Public Works and/or Parks Director determines that the insurance limits are in excess of the reasonable risk presented by the proposed special event.

SECTION XI. CITY SERVICES AND EQUIPMENT USE FEES.

A. Prepayment of Fees. Upon approval of an application for a special event permit, the Director shall provide the applicant with a statement of the estimated cost of providing City personnel and equipment. In the discretion of the Director, the applicant/sponsor of the event may be required to prepay these estimated costs for City services and equipment ten days prior to the special event. City services and equipment may include the use of police officers and public works employees for traffic and crowd control, pick up and delivery of traffic control devices, picnic tables, extraordinary street sweeping, and any other needed, requested, or required City service and the cost of operating City equipment to provide such services.

B. Refunds or Overruns. If the actual cost for City services and equipment utilized as a result of the event is less than the estimated cost, the applicant/sponsor will be refunded the difference by the City in a timely manner. If the actual cost for City services and equipment utilized as a result of the event is greater than the estimated cost, the applicant/sponsor will be billed for the difference.

C. Waiver of Fees. The fees for the use of City services and equipment, and prepayment, may be waived in part or in full by the City Council if in review of the application it finds that the event is of sufficient community benefit to warrant the expenditure of City funds without reimbursement by the applicant/sponsor.

SECTION XII. REVOCATION OF PERMIT.

A. Any permit issued pursuant to this chapter may be summarily revoked by the chief law enforcement officer of the City at any time when, by reason of disaster, public calamity, riot or other emergency, he or she determines that the safety of the public or property requires such revocation.

B. The Director of Public Works may also summarily revoke any permit issued pursuant to this chapter if he finds that the permit has been issued based upon false information or when the permittee exceeds the scope of the permit.

Notice of such action revoking a permit shall be delivered in writing to the permittee by personal service or certified mail at the address specified by the permittee in his application.

SECTION XIII. DUTIES OF PERMITTEE/SPONSOR OF EVENT.

Each permittee/sponsor of an event shall:

1. Comply with all the terms and conditions of the special event permit;
2. Ensure that the person leading a parade or other event along a route, or the person in charge of any other event, shall be informed of the permit conditions and shall carry a copy of the special event permit on his person for the duration of the event;
3. Ensure that the area used for the permitted event is cleaned and restored to the same condition as existed prior to the event, immediately following the completion of the event.

SECTION 14. PERMIT ISSUANCE OR DENIAL & APPEAL PROCESS

A. The decision of the Director, whether it is to issue the permit, including any conditions placed thereon, or to deny the permit, shall be in writing. If the decision is to deny the application, the notice shall set forth the reasons for the denial. A copy of the Director's decision shall be provided to the Applicant's representative either by personal service or by mailing it to the address provided upon the application. The decision shall include a notification of the applicant's right to appeal the decision to the City Council within fifteen (15) days of the mailing of the decision to the applicant.

B. As set forth in sub-paragraph A, an applicant who disagrees with the Director's decision shall have the right to appeal the Director's decision to the City Council. In submitting an appeal, the applicant may submit such additional written information about the application and the decision as the Applicant deems necessary to which the Director may submit a written response. The Council shall hear the appeal at a regular session of the Council more than ten days after the filing of the notice with the Office of the Clerk-treasurer. In its discretion, the Council may, but is not required to, allow oral testimony or comment and the provision of additional written information. The decision of the Council shall be final.

SECTION XV. VIOLATION-PENALTY.

A. **Unlawful to Sponsor or Participate in an Event Without a Permit.** It is unlawful for any person to sponsor or conduct a special event requiring a special event permit pursuant to this chapter unless a valid permit has been issued for the event. It is unlawful for any person to participate in such an event with the knowledge that the sponsor of the event has not been issued a required, valid permit.

B. **Unlawful to Exceed Scope of Permit.** The special event permit authorizes the permittee/sponsor to conduct only such an

event as is described in the permit, and in accordance with the terms and conditions of the permit. It is unlawful for the permittee/sponsor to willfully violate the terms and conditions of the permit, or for any event participant with knowledge thereof to willfully violate the terms and conditions of the permit.

C. Violation Is a Misdemeanor. Any person or organization violating the provisions of this chapter is guilty of a misdemeanor, and upon conviction thereof, is subject to a penalty of a fine of not more than five hundred dollars or by imprisonment of not more than ninety days, or by both such fine and imprisonment.

SECTION XVI: If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The Council hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause, and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases had been declared invalid or unconstitutional, and if for any reason this Ordinance should be declared invalid or unconstitutional, then the original ordinance or ordinances shall be in full force and effect.

SECTION XVII: Sections I through XV shall constitute a new chapter in Title 12 of the McCleary Municipal Code.

SECTION XVIII: 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

ORDINANCE NO. _____

AN ORDINANCE ESTABLISHING A MORATORIUM ON THE ESTABLISHMENT OF MEDICAL MARIJUANA DISPENSARIES, COLLECTIVE GARDENS, AND THE LICENSING AND PERMITTING THEREOF; DEFINING "MEDICAL MARIJUANA DISPENSARY;" PROVIDING FOR A PUBLIC HEARING; ESTABLISHING AN EFFECTIVE DATE; DECLARING AN EMERGENCY; AND PROVIDING THAT THE MORATORIUM, UNLESS EXTENDED, WILL SUNSET WITHIN SIX (6) MONTHS OF THE DATE OF ADOPTION.

R E C I T A L S:

1. The City Council is aware of the current confusing legal situation in relation to the legality of medical marijuana dispensaries and collective gardens, as those terms are defined in RCW 69.51A.010, such definitions being adopted by reference.
2. In the opinion of the Council and Mayor, additional time is needed to allow the City to consider land use regulations to address medical marijuana collective gardens and medical marijuana dispensaries.
3. Initiative I-502 is on the November ballot for Washington State voters to decide if marijuana should be legalized.
4. RCW 35A.63.220 allows the city to extend a moratorium for one or more six-month periods if a subsequent

public hearing is held and findings of fact are made prior to each renewal.

5. The Council and Mayor desire to utilize that authority in order to fully analyze the situation.

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

SECTION I:

The recitals set forth above are hereby incorporated as findings of fact with further findings set out in Section II.

SECTION II: The City Council further finds as follows:

(a) Initiative Measure No. 692, approved November 3, 1998, created an affirmative defense for "qualifying patients" to the charge of possession of marijuana; and

(b) The initiative and current Chapter 69.51A RCW are clear that nothing in its provisions are to be "construed to supersede Washington state law prohibiting the acquisition, possession, manufacture, sale or use of marijuana for non-medical purposes;" and

(c) The Washington State Department of Health opines it is "not legal to buy or sell" medical marijuana and further opines that "the law [Chapter 69.51.A RCW] does not allow dispensaries," leaving enforcement to local officials; and

(d) The City Council finds the sale of marijuana, no matter how designated by dispensaries, is prohibited by federal and state law; and

(e) E2SSB 5073 - Chapter 181, Laws of 2011 ("the bill") was adopted with a partial veto of the Governor, and became effective July 22, 2011; and

(f) Section 404 of the bill effectively eliminates medical marijuana dispensaries as a legally viable model of operation under state law; and

(g) Section 403 of the bill provides that qualifying patients may create and participate in collective gardens for the purpose of producing, processing, transporting, and delivering cannabis for medical use subject to compliance with specific statutory conditions; and

(h) The City acknowledges the right of qualified health care professionals to prescribe the medical use of marijuana, as well as the right of patients to designate a "designated provider" who can "provide" rather than sell marijuana to "only one patient at any one time;" and

(i) The City Council finds the secondary impacts associated with marijuana dispensaries and collective gardens include, but are not limited to, the invasion of the business, burglary, and robbery associated with the cash and drugs maintained on the site; and

(j) Pursuant to Section 1102 of the bill and under their general zoning and police powers, cities are authorized to adopt and enforce zoning requirements, business licensing requirements, health and safety requirements, and business taxes

on the production, processing, or dispensing of cannabis or cannabis products; and

(k) The voters of the State of Washington will have the opportunity to vote to legalize the use of marijuana in the State of Washington in November, 2012.

SECTION III: Pursuant to the provisions of RCW 35A.63.220, a zoning moratorium is hereby enacted in the City of McCleary prohibiting licensing, permitting, establishment, maintenance, or continuation of any use consisting of or including the sale, provision, and/or dispensing of medical marijuana to more than one person, the establishment of a medical marijuana dispensary, or creation of or participation in a "collective garden" as referenced and defined in Section 403 of E2SSB 5073 - Chapter 181, Laws of 2011.

SECTION IV: For purposes of this ordinance

4.1. "Medical marijuana dispensary" is hereby defined as any person, business, corporation, partnership, joint venture, organization, association, and/or other entity which: 1) sells, provides, and/or otherwise dispenses marijuana to more than one "qualifying patient" in any thirty (30) day period, or to any person who does not meet the definition of "qualifying patient" under the terms of Chapter 69.51A RCW; and/or 2) maintains and/or possesses more than one sixty-day supply of marijuana for one qualifying patient at any time. The receipt of cash or other legal tender in exchange for, contemporaneously with, or

immediately following the delivery of marijuana to a qualifying patient shall be presumed to be a sale. Any person, business, corporation, partnership, joint venture, organization, association, and/or entity which sells, provides, and/or otherwise dispenses marijuana to more than one qualifying patient in any sixty (60) day period should be presumed to be a "medical marijuana dispensary."

4.2. The definitions contained within RCW 69.51A.010, referenced in the recitals, are hereby adopted by reference as if fully set forth herein.

SECTION V: Until such time as the McCleary Municipal Code may be amended to authorize such land uses, medical marijuana dispensaries and collective gardens are hereby designated as prohibited uses in the City of McCleary, in accordance with the provisions of RCW 35A.82.020 and the City's Zoning Code. No business license, permit, zoning, or development approval shall be issued to a medical marijuana dispensary or collective garden.

SECTION VI: In the event that Washington State voters do not pass I-502 in November legalizing the use of marijuana, the City Council hereby directs that draft regulations be developed by City staff to identify a process for review of medical marijuana dispensaries and collective gardens for potential regulation and inclusion in the McCleary Municipal Code. Said draft regulations shall be transmitted to the City of

McCleary Planning Commission for review and recommendation for inclusion in the City of McCleary Zoning Code.

SECTION VII: This Ordinance being found necessary for the immediate preservation and protection of the public health and safety, an emergency shall be and is hereby found and declared. The ordinance shall take effect immediately upon adoption; PROVIDED THAT, unless extended by further action of the Council, this ordinance shall automatically expire six months after the date of its adoption.

SECTION VIII: 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.

PASSED THIS _____ DAY OF _____, 2012, by the City Council of the City of McCleary and signed in

PASSED THIS _____ DAY OF _____, 2012, by the City Council of the City of McCleary, and signed in

ORDINANCE NO. _____, AS AMENDED

AN ORDINANCE ADOPTING A SUPPLEMENTAL BUDGET FOR THE CALENDAR YEAR 2012; AMENDING ORDINANCE 775 AS TO CERTAIN PARTICULAR ELEMENTS; AND DECLARING AN EMERGENCY.

R E C I T A L S:

1. Since the adoption of the budget for 2012, as set out in Ordinance 775, it has been discovered that funding for the summer temporary employees of the City was not included within the ordinance's salary attachment.

2. Based upon this most recent information received from the Director of Public Works, the Mayor and City Council have undertaken a review of the anticipated expenditures and revenue of the City in the affected areas for the year 2012.

3. These expenditures, while not included in the budgetary ordinance, were anticipated by the City at the time of the adoption of Ordinance 775.

4. Since introduction, further information has been received in relation to the resolution of several labor contracts and other fiscal matters relating to compensation of exempt employees.

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

SECTION I: Attachment B of Ordinance 775, adopting a salary schedule for the year 2012, is replaced to read as set forth upon Attachment #1 attached hereto. All compensation amounts shall be deemed to have become effective January 1, 2012, such retroactivity being found to be in the public interest.

SECTION II: The Office of the Clerk-treasurer shall be authorized to modify the referenced funds and accounts as may be required and authorized pursuant to the BARS accounting system issued by the Office of the State Auditor to correctly reflect revenues and expenditures.

SECTION III: To the extent not amended by Section I, the budget adopted pursuant to Ordinance 775 is reaffirmed.

SECTION IV: 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.

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:

Attachment "1"

**City of McCleary
2012 Salary Schedule**

I. Unrepresented Admin Personnel

| | Beginning Salary | Step A 2nd year of service | Step B 3rd year of service | Step C 4th year of service | Step D 5th year of service |
|--------------------------|-------------------------|---------------------------------------|---------------------------------------|---------------------------------------|---------------------------------------|
| POSITION | 0-12 M | 13-24 M | 25-36 M | 37-48 M | 49-60 M |
| Police Chief | \$5,436.14 | \$5,599.23 | \$5,767.21 | \$5,940.22 | \$6,118.43 |
| Clerk-Treasurer | \$4,848.54 | \$4,994.00 | \$5,143.82 | \$5,298.13 | \$5,457.07 |
| PW Director | \$6,681.87 | \$6,882.32 | \$7,088.79 | \$7,301.46 | \$7,520.50 |
| Court Clerk/Police Clerk | \$3,368.74 | \$3,469.80 | \$3,573.89 | \$3,681.11 | \$3,791.54 |

II. Unrepresented Labor Personnel

Part Time Maintenance (600 Hours) \$9.04 / Hour
 Part Time Seasonal Employee (680 Hours)..... \$9.04 / Hour

III. Unrepresented Fire Personnel

Fire Chief (Volunteer) \$2,767 / Year + calls
 Fire Assistant Chief (Volunteer)..... \$1,237 / Year + calls
 Firefighter (Volunteer)..... \$9.04 / Hour

IV. Represented Police Personnel (FOP)

| | Beginning Salary | Step A 2nd year of service | Step B 3rd year of service | Step C 4th year of service | Step D 5th year of service |
|-----------------|-------------------------|---------------------------------------|---------------------------------------|---------------------------------------|---------------------------------------|
| POSITION | 0-12 M | 13-24 M | 25-36 M | 37-48 M | 49-60 M |
| Police Officer | \$3,375.04 | \$3,564.36 | \$3,737.90 | \$3,939.83 | \$4,184.89 |
| Seargent | N/A | N/A | N/A | N/A | \$4,603.48 |

*Note: Pending union contract approval

V. Represented Administrative Personnel (IBEW)

| | Step A 1st year of service | Step B 2nd year of service | Step C 3rd year of service | Step D 4th year of service | Step E 5th year of service | Step F 6th year of service |
|--------------------------------------|----------------------------------|----------------------------------|----------------------------------|----------------------------------|----------------------------------|----------------------------------|
| POSITION | 0-12 M | 13-24 M | 25-36 M | 37-48 M | 49-60 M | 60+ M |
| Deputy City Clerk | \$3,272.49 | \$3,339.15 | \$3,406.85 | \$3,476.63 | \$3,546.42 | \$3,617.24 |
| Utility Accounts Manager | \$3,954.70 | \$4,034.90 | \$4,117.18 | \$4,201.54 | \$4,286.95 | \$4,372.35 |
| Public Works / Planning Assistant | \$3,474.55 | \$3,545.38 | \$3,616.20 | \$3,688.07 | \$3,762.01 | \$3,837.00 |
| Building Official | \$4,510.88 | \$4,602.53 | \$4,696.27 | \$4,792.09 | \$4,889.99 | \$4,987.90 |

VI. Represented Light and Power Personnel (IBEW)

| | | |
|--|------------------|--------------------|
| Senior Lineman..... | \$42.56/hr | \$7,377.07 / Month |
| Lineman | \$38.69/hr | \$6,706.27 / Month |
| Line Equipment Operator 3 rd Year | \$32.89/hr | \$5,700.93 / Month |
| Line Equipment Operator 2 nd Year..... | \$31.92/hr | \$5,532.80 / Month |
| Line Equipment Operator 1 st Year..... | \$30.95/hr | \$5,364.67 / Month |
| Lineman in Training – 6k Hours | \$36.75/hr | \$6,370.00 / Month |
| Lineman in Training – 4k Hours | \$33.66/hr | \$5,834.40 / Month |
| Lineman in Training – 2k Hours | \$30.95/hr | \$5,364.67 / Month |
| Ground Worker..... | \$19.26/hr | \$3,338.40 / Month |
| Beginning Groundman..... | \$16.07/hr | \$2,785.47 / Month |

*Note: Contract displays hourly wage; monthly salary shown for reference.

VII. Represented Public Works Personnel (Teamsters)

| | Beginning Salary | Step A 2nd year of service | Step B 3rd year of service | Step C 4th year of service | Step D 5th year of service |
|--|---------------------|----------------------------------|----------------------------------|----------------------------------|----------------------------------|
| POSITION | 0-12 M | 13-24 M | 25-36 M | 37-48 M | 49-60 M |
| Public Facilities Manager | \$3,893.34 | \$4,136.10 | \$4,379.88 | \$4,622.64 | \$4,866.42 |
| Water/ Wastewater Manager | \$3,893.34 | \$4,136.10 | \$4,379.88 | \$4,622.64 | \$4,866.42 |
| Public Works Crew Field Forman | \$3,448.62 | \$3,630.18 | \$3,819.90 | \$4,024.92 | \$4,229.94 |
| Wastewater Treatment Plant Operator | \$3,448.62 | \$3,630.18 | \$3,819.90 | \$4,024.92 | \$4,229.94 |
| Utility Maintenance II | \$3,106.92 | \$3,268.08 | \$3,442.50 | \$3,625.08 | \$3,814.80 |
| Utility Maintenance I | \$2,752.98 | \$2,896.80 | \$3,050.82 | \$3,215.04 | \$3,381.30 |
| Ground Maintenance I | \$2,752.98 | \$2,896.80 | \$3,050.82 | \$3,215.04 | \$3,381.30 |

VIII. Longevity

Longevity is not shown in the previously displayed charts. Longevity shall be added to the base pay shown in the respective section in accordance with the appropriate provisions of the Collective Bargaining Agreement or the Employee Handbook.