



# McCleary City Council

## PROPOSED AGENDA

**April 11, 2012**

### **7:00 Council Meeting**

Flag Salute  
Roll Call  
Minutes (Tab A)(Not Included)  
Public Comment:  
Mayor's Report/Comments:

Staff Reports:            Dan Glenn, City Attorney (Tab B)  
                                 Nick Bird, Director of Public Works (Tab C)  
                                 Staff Reports (Tab D)

Old Business:            On Call City Engineering Services (Tab E)

New Business:

Ordinances:            Forfeitures (Tab F)

Resolutions:

Vouchers  
Mayor/Council Comments  
Public Comment  
Executive Session  
Adjournment

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

Please Turn Off Cell Phones – Thank You

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

**MEMORANDUM**

TO: MAYOR AND CITY COUNCIL, City of McCleary  
FROM: DANIEL O. GLENN, City Attorney  
DATE: April 6, 2012  
RE: LEGAL ACTIVITIES as of APRIL 11, 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. **LEGISLATURE:** As of the time of the preparation of this report, the Special Session is still in session in terms of budget consideration. As you likely have read, one of the approaches being considered is changing the method/timing under which sales tax revenue is transmitted to the cities. Purportedly, the indication is this can be done in such a manner as to generate hundreds of millions of dollars of revenue for the State without costing the cities anything. I will admit, if it is that great a deal with only benefit and no problem, it is odd it was not previously utilized. In any event, we will see how things play out.

As a side point, apparently some members are seeking to resubmit some bills which did not pass during the regular session. That would be contrary to the normal protocol for a special session, but one can never tell.

At this stage, I am in the process of a review of the effect the various pieces of legislation enacted by the two Houses and signed by the Governor will have on the City.

One enactment which potentially directly affects the City relates to the validity of a preliminary plat. I do not believe Mr. Bird has any preliminary plats approved prior to December 31, 2007, which have not been finalized. If there were, that plat will be valid for nine years following the date of the granting of the preliminary approval. The aspect which likely most directly affects us is the provision which mandates that, as

to a plat application given preliminary approval on or before December 31, 2014, the applicant will have seven years to obtain final approval rather than the five years which has been the historical mandated time frame by statute and within our Code. Of course, the five years was subject to discretionary extension by the City upon good cause shown. After December 31, 2014, it goes back to the mandated five year period for completion. (Preliminary approval is basically approval of the design aspects of the plat. Final approval occurs when all of the improvements, including roadways, utilities, etc., required by the preliminary plat approval are actually in place.)

2. **SOLID WASTE DISPOSAL CUSTOMER COMPLIANCE:** Unfortunately, we continue to have a number of individuals who fail to comply with the mandatory compliance provisions of the ordinance in spite of efforts by City Staff. In light of that, we will be going forward with enforcement of the requirement through follow up notifications and then, as to those who do not comply, issuance of notices of infraction.

I provide you this information since it is entirely likely that one of those not in compliance may either contact one or more of you directly or appear, as they have the right, to speak at a meeting of the Council.

I will keep you informed.

3. **NUISANCE PROPERTIES:** On April 5, Colin transmitted an email dealing with a number of issues Nick and he have been discussing. One of those is the presence of several properties which have fallen into neglect, including one which has apparently been abandoned by its owner and left for the lender to worry about.

As with the prior matter, we will be discussing and implementing necessary enforcement steps. Hopefully, none of them will become another Theater situation with the required commitment of City funds to cure the problem and the years of delay and associated costs arising from the efforts to recapture the funds.

4. **DELINQUENT ACCOUNTS:** One of the areas about which the Staff of the Clerk-treasurer's Office and I are having discussions is as to what recommendation to make as to a formal resolution-adopted policy in relation to interest on past due utility accounts. To an extent, this ties into the protocol of the collection agency to charge a particular interest rate once it is turned over to the agency, with the amount collected shared with the City.

I would anticipate that, in the not too far distant future, we will be providing a draft of a resolution for your review. As is usually true, the Office's Staff wish to make certain that it will achieve clarity, consistency, and equal treatment of customers.

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: April 6, 2012  
Re: Current Non-Agenda Activity

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### **FEMA**

We are currently still trying to close out disasters 1734, 1817, and 1825 from the 2007 – 2009 time period. Essentially all that is required at this time is project certifications (ie when the work was completed) and signatures. We anticipate that these disasters will be closed out in the near future.

Our preliminary assessment will be completed on April 9, 2012 for disaster 4056 (January 2012 storm). During this assessment we will identify all components associated with the storm, some of which will need to be sent through insurance. The remainder of the work items will likely be reimbursed (with the exception of snow removal which was not authorized with this disaster). This will require a complete and thorough evaluation of the equipment, material, and labor costs.

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

We are currently waiting for the first round of comments from the Department of Health (DOH) and the railroad permit completion. In the event that DOH does not issue any substantive comments we will likely proceed with the advertisement of the project. Items complete to date include; Pre-Design Report, EO 05-05 (cultural resources), SEPA, Investment Grade Efficiency Audit, Site Plan Review, Pilot Study, and the Grading & Demo Permit. We still need to complete the building permit and railroad permit processes prior to construction. A tentative major milestones schedule is shown below:

- Call for Bids – April 26, 2012
- Bid Opening – May 17, 2012
- Project Award – May 23, 2012
- Notice to Proceed – June 4, 2012
- Construction Completion – November 19, 2012

### **Bushing Replacement**

After a discussion with the General Manager at Grays Harbor PUD, it sounds like their substation crew will not be able to perform this work for us. Therefore, we will need to contract this work out. A bid package similar to the package prepared last year for the maintenance work will be prepared and distributed in the near future. We are attempting to coordinate this outage with a system wide outage that is required for GHPUD to do some work adjacent to the transmission line. The budgeted cost for this work is \$20,000.

### **Highline Project**

Material supply quotes have been requested. We anticipate providing the quotes to you for review and approval next meeting. As identified in the Bushing Replacement section, we are attempting to coordinate this work as well as the bushing replacement during the system wide outage required for GHPUD's work. We are hoping to schedule this work somewhere between late July and early September. Material estimates are approximately \$20,000, included in the budget line item, Capital Outlay System.

### **Cedar Heights**

Westside Community Bank (WCB), the current owner of Cedar Heights, is currently negotiating with the bonding company to assist with cost sharing for correcting the noted deficiencies. This may be tough to do, as upon review of the file, it appears that only a maintenance bond was issued. Typically, when additional work is required, a performance bond is also issued at final plat. WCB will continue to work with the bonding company to complete the work as it is in the best interest of all parties to do so; ultimately resulting in a lower cost to correct the noted deficiencies.

### **Reservoir Inspection**

The 150,000 gallon reservoir is filled and has been soaking for over a week now. Samples were taken on April 3 to test for bacteriological contamination and Volatile Organic Chemicals (VOCs). The results from the bacteriological contamination sample have been provided (negative – which is what we want), but we will need to wait until early next week to receive the results from the VOC sample. Once the VOC samples are received, presuming the sample shows all non-detects, we will de-chlorinate and put the reservoir back into service. We anticipate the reservoir will be on-line before the Council Meeting on the 11<sup>th</sup>.

We will likely start draining the 500,000 gallon reservoir the week of April 16, with the presumption that cleaning and inspection would occur the week of April 23. Presumably, with no substantive repairs, we will have plenty of time to get the reservoir back on line prior to the start of the Well 2/3 Improvement Project.

### **Summit II**

The Performance Bond issue is still underway. We hope to address this in the near future. Two new houses are under construction in this development; one of which is affected by this bond issue. We hope to have this addressed prior to their driveway installation so that a clean, seamless product can be constructed.

### **M&M Properties**

As noted in the last report, water use data has been provided. There appears to be some abnormalities in the data as it appears that more water is consumed in the winter than in the summer. While it is possible that this can occur, it is more probable that many of the units were not rented in the summer, translating to a lower consumption. This is a critical component in evaluating water use and the associated connection charge, as it creates the illusion that the complex uses less water on a per unit basis than is actually occurring. Once vacancy verification has been completed, we will be able to move forward in projecting actual water use and defining the anticipated connection charge.

### **Snow Policies**

With the passage of Snow Control Ordinance last meeting, this section will be used for process updates. It is likely that preparation of the policies will not occur until mid to late summer.

### **Developer Extension**

A local developer is in the process of planning a developer extension off of Summit Road. This extension is not to serve a development, but rather to create service adjacent to the property to allow for future development. Plans and specifications will likely be provided to the City in the near future. Coordination with WSDOT is required.

### **Development Standards**

With the instruction provided last meeting, we are to incorporate STEP systems into the Development Standards and remove grinder pumps. This may be a great opportunity to clean-up our existing standards, as it is my opinion that there is too much ambiguity in the standards, which were originally created for a much larger municipality. In any case, we will begin diving into the standards to make the appropriate revisions.

### **Narrowband Radio**

Day wireless is scheduled to be onsite to complete the conversion the week of April 16. After the conversion is complete, the City will comply with the FCC regulations and requirements.

## STAFF REPORT

To: Mayor Dent

From: Colin Mercer Webmaster *gym*

Date: April 6, 2012

Re: March Website & Help Desk

### Re-Occurring Website Activities

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

### New Website Activity

Posted City Wide Spring Clean Up day on calendar.

Hydrant flushing notice posted.

### Additional Tasks

Conduct daily building department activities in the absence of the Building Official.

SEPA and Site Plan Review for the Well Field Improvement project.

Send out 45 Garbage non-compliance letter to tenants and owners.

Produce a storm water flyer for the utility bills to notify customers of the rate increase.

### Help Desk Activity

Month	Number of Incidents Reported	Staff Reported / Closed / Open	Citizen Reported / Closed / Open
December	5	2 / 4 / 0	3 / 6 / 1
January	17	5 / 4 / 1	11 / 4 / 8
February	15	9 / 7 / 3	6 / 5 / 9
March	9	4 / 2 / 5	5 / 5 / 9

### Conservation Program

Month	Applications Received	Conservation Permits Issued	Rebates Paid This Month	Total Rebates Paid To Date
December	1	1	\$85.00	\$10856.08
January	3	3	\$50.00	\$50.00
February	1	1	\$1620.00	\$1670.00
March	0	0	0	\$1670.00

### Website Comments:

None this month.



**Website Traffic      March 1, 2012 through March 31, 2012**

<b>Section</b>	<b>Page Views</b>	<b>Percent of Total</b>
<a href="#">Default Home Page</a>	1959	33.3%
<a href="#">Events Calendar</a>	325	5.53%
<a href="#">Agendas and Minutes</a>	297	5.05%
<a href="#">City Departments</a>	276	4.69%
<a href="#">Search Results</a>	268	4.56%
<a href="#">City Jobs</a>	212	3.6%
<a href="#">Utilities</a>	204	3.47%
<a href="#">Code, Ordinances &amp; Standards</a>	199	3.38%
<a href="#">Police</a>	152	2.58%
<a href="#">Conservation Program</a>	134	2.28%
<a href="#">Mayor and Council</a>	129	2.19%
<a href="#">Bear Festival</a>	128	2.18%
<a href="#">Administration</a>	128	2.18%
<a href="#">Public Facilities</a>	122	2.07%
<a href="#">Planning Department</a>	113	1.92%
<a href="#">Development Services / Building</a>	109	1.85%
<a href="#">City Photos</a>	93	1.58%
<a href="#">Municipal Court</a>	92	1.56%
<a href="#">Chamber of Commerce</a>	88	1.5%
<a href="#">Helpful Links</a>	83	1.41%
<a href="#">Water / Wastewater</a>	79	1.34%
<a href="#">FAQ's Page</a>	70	1.19%
<a href="#">Fire</a>	69	1.17%
<a href="#">Light &amp; Power</a>	62	1.05%
<a href="#">Previous Years Council Minutes</a>	53	0.9%
<a href="#">Bear Festival Photos</a>	51	0.87%
<a href="#">Home Page</a>	46	0.78%
<a href="#">Previous Years Council Agendas</a>	45	0.77%
<a href="#">Interlocal Agreements</a>	43	0.73%
<a href="#">2008-12 Budget</a>	41	0.7%
<a href="#">Tell Us What You Think!</a>	39	0.66%
<a href="#">65th Anniversary Photos</a>	36	0.61%
<a href="#">Flood Photos 2009</a>	31	0.53%
<a href="#">Park Project Photos</a>	30	0.51%
<a href="#">Christmas Photos 2007</a>	27	0.46%
<a href="#">City Staff</a>	22	0.37%
<a href="#">Community Center</a>	13	0.22%
<a href="#">Conservation Data Page</a>	7	0.12%
<a href="#">Surveys &amp; Questionnaires</a>	6	0.1%
<a href="#">Public Facilities Survey ( Ends March 7th)</a>	1	0.02%
<b>TOTAL</b>	<b>5882</b>	<b>100%</b>

## STAFF REPORT

To: Mayor Dent  
From: Paul Nott, Light & Power  
Date: April 3, 2012  
Re: March Report



	<b>Monthly Statistics;</b>	<b>YTD Totals;</b>
<b>New Services;</b>	<b>0</b>	<b>0</b>
<b>System Outages;</b>	<b>2</b>	<b>12</b>
<b>Pole Replacements;</b>	<b>0</b>	<b>1</b>
<b>Maintenance Work Orders;</b>	<b>1</b>	<b>12</b>
<b>Billable Work Orders;</b>	<b>1</b>	<b>3</b>

The month of March consisted of two power outages, some maintenance work and one customer service job.

The outages were weather related.

We continue to brush our service area. Remember that if you plant trees in the right of way under the power lines expect to have them trimmed when they grow up.

Even though the weather doesn't show it, we have changed the banners to spring in hopes the weather gets the hint.

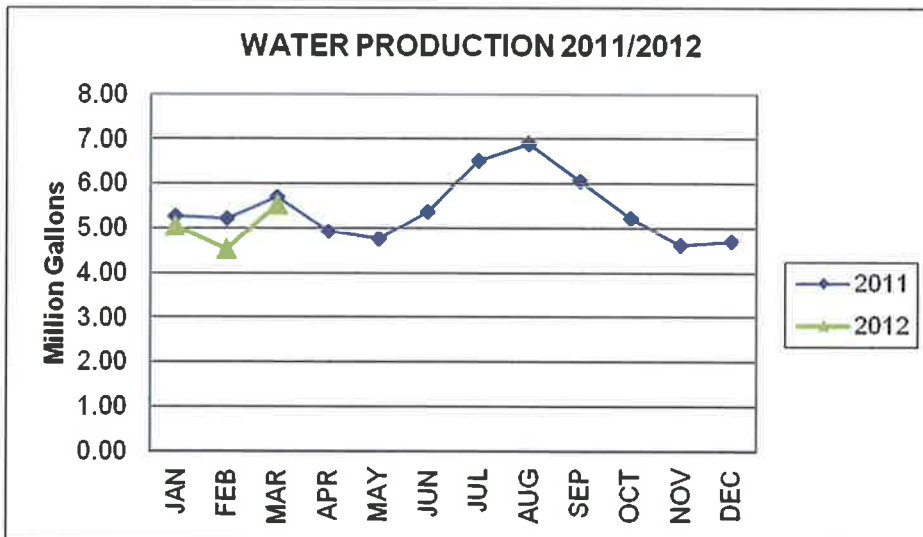
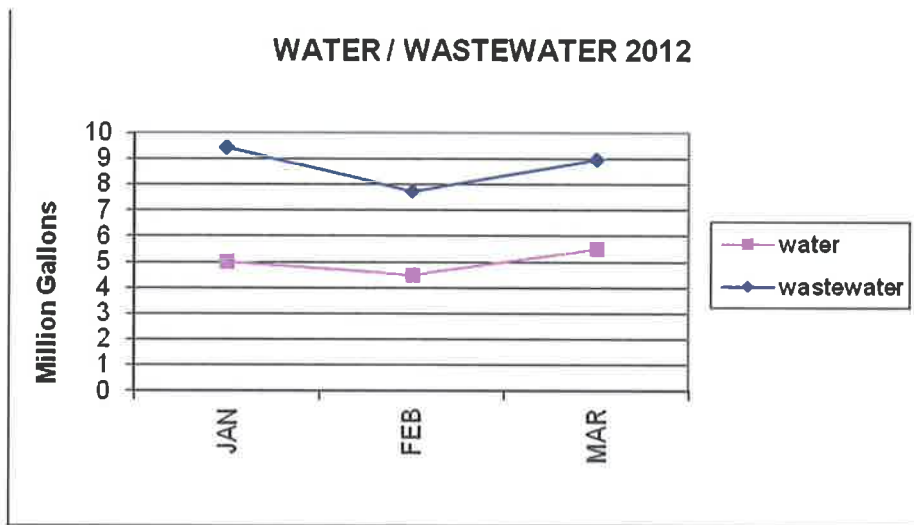
We are gearing up for a busy spring/summer. This year we intend to complete the high line re-route, make some repairs at the 7<sup>th</sup> and Simpson substation, construct a new service to the well project and get back on the cutover.

We are beginning a project in the alley to the south of Simpson Ave. this is related to the cut over. We apologize in advance for any inconvenience in blocking the alley way during construction.

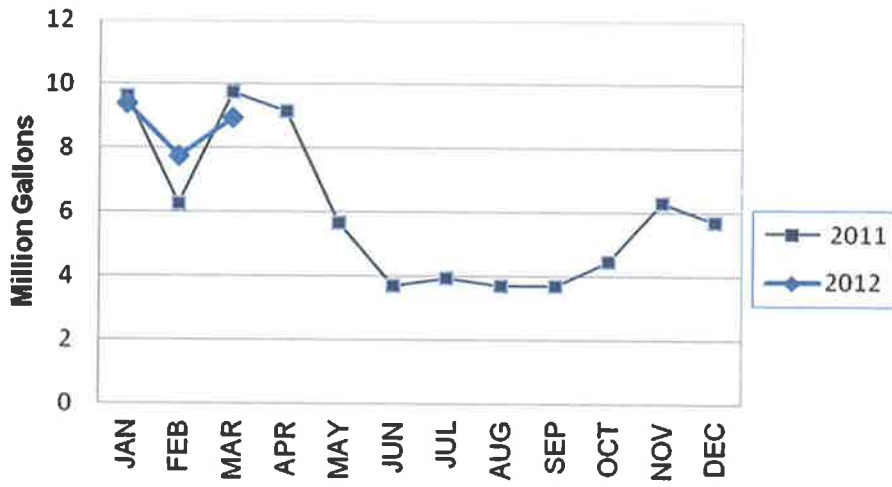
If you have any questions or concerns feel free to contact us...

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

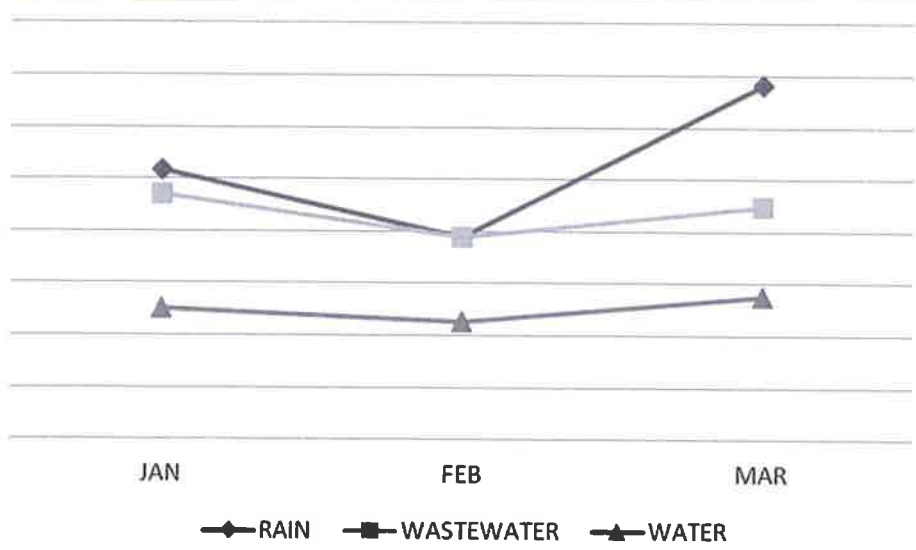
March totals: Water, 5.52 million gallons.  
 Wastewater, 7.75 million gallons.  
 Precipitation, 13.65 inches.  
 Biosolids, 72,572 liquid gallons or 1.53 dry tons.



**WASTEWATER FLOW 2011/2012**



**PRECIPITATION 2011/2012**



## STAFF REPORT

To: Mayor Dent  
From: Todd Baun, Public Facilities Manager  
Date: April 6, 2012  
Re: February/March Report

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

- I still have received no contact from Mr. and Mrs. Gravatt on the storm water issue affecting their property located at 311 W. Simpson Ave. We are in a holding pattern until we receive the legal documents that have been given to them by the city.
- The flower baskets are now at the Elma High School greenhouse. The students have planted them and are taking good care of them. The baskets should be ready to hang by the end of May or early June.
- The crew is still filling in many potholes throughout the City. We are trying to keep up on the potholes, but it seems that they multiply faster than we can fill them.
- We are still installing our radio read water meters. We see the finish line and are working hard to be completed by the end of April.
- Day wireless is scheduled to come in and switch all of the Public Works radios to narrow band. We are required by the FCC to have all our radios running on narrow band by 2013.
- We have used our small Bobcat sweeper to sweep up sand on some our streets. This is not the ideal way to sweep up sand, but it is our only option at this time. I'm going to contact the WSDOT and see if they have the time to come in and sweep all of our streets.
- We have fixed a couple of water leaks at the WWTP.
- We have had quite a few side sewer plugs in our system lately. The plugs have been past our clean out on the right of way line. The most common reason for the plugs has been items flushed into the sanitary sewer system that are not supposed to be there. Examples of items that should not be flushed are paper towels, cooking grease, swifter floor cleaners, and any item with elastic in them.
- We will start the inspection all of our sewer manholes in the upcoming weeks. We are trying to identifying possible I & I issues in our sewer system. We will be working on repairing them once they are identified.
- We are still locating many side sewer clean outs that go to empty lots. We are checking them for possible I & I issues.
- The failing storm line in the alley behind 311 W. Simpson has been fixed. This was a 24" concrete line was separating at the joints. We removed the old pipe and replaced with new 24" Ductile Iron pipe.
- Our maps are still being rehabbed and updated.

- Hydrant flushing will be the week of April 16<sup>th</sup>. We will be using our new flushing equipment and hope to get more debris and smell out of our system.
- And as always, we are trying to keep up on all our routine and daily maintenance of the parks, cemetery, streets, water, sewer, storm and buildings.

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

## **STAFF REPORT**

To: Mayor Dent  
From: Nick Bird, P.E., Director of Public Works  
Date: April 6, 2012  
Re: On Call City Engineering Services

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This item was tabled last meeting until the statement of qualifications provided by KPFF Consulting Engineers could be reviewed by Council.

Copies of the KPFF submittal have been attached as well as a copy of the Request for Proposals (RFP). The RFP is the original document sent to the requesting firms identifying the submittal requirements and was also used for verifying compliance with the submittal requirements when the review team met.

### **Staff Recommendation:**

It remains the general consensus of staff to recommend negotiating a new contract with Gray & Osborne, Inc.

### **Action Requested:**

Please consider authorizing the City to negotiate an On-Call City Engineering Services contract with Gray & Osborne, Inc.

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION SETTING POLICIES IN RELATION TO  
THE PROCESSING OF APPEALS UNDER RCW  
69.50.505, ESTABLISHING A METHOD FOR  
COMPROMISE SETTLEMENTS OF FORFEITURE  
PROCEEDINGS, & GRANTING AUTHORITY

R E C I T A L S:

1. Under the provisions of RCW 69.50.505, seizure and forfeiture of real and personal property is authorized when the properties meet the criteria set forth in RCW 69.505[1]. Those criteria basically revolve around the property being related to or acquired through the use of funds generated by the sale of controlled substances.

2. The Police Department historically has implemented this type of proceeding through a hearing officer designated by the Chief of Police.

3. The establishment of a formal process to be utilized in the consideration and either the rejection or approval of negotiated settlements of disputed forfeiture proceedings has been recommended. The goals include assurance of consistency and multi-level review.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS BY THE CITY COUNCIL OF THE CITY OF McCLEARY, THE MAYOR SIGNING IN AUTHENTICATION THEREOF:



SECTION I: In any forfeiture proceeding commenced by the Police Department under the authority of RCW 69.50.505, in the event that either one of the named parties to the proceeding or the City feels a negotiated resolution is appropriate for consideration, the following process shall be complied with by the City.

A. A proposal for a negotiated resolution may be received from a named party or initiated by the City. Any proposal initiated by the City shall be reviewed and approved by the Mayor prior to its submission to the opposing party.

B. Either upon receipt from a party of a proposal to resolve the proceeding without hearing or a response to a suggested resolution submitted by the City, the Chief of Police shall review the response and provide copies of the documents necessary to review the matter to the City Attorney.

1. Upon completion of such review, the Chief shall submit the response and a written recommendation as to acceptance, rejection, or the terms of a counter-proposal to the Mayor and the City Attorney: PROVIDED THAT, in the discretion of the Chief and the Mayor, these steps may be concurrently undertaken.

2. To assure compliance with the appropriate legal standards, the City Attorney shall review the response and the facts upon which the proceeding is based and make a recommendation to the Chief and the Mayor.

3. After review of the material received from the Chief and the City Attorney, the Mayor shall make the decision as to acceptance, rejection, or terms of a counter-proposal. This decision shall be provided to the other party or parties.

4. If accepted, the steps necessary to implement the settlement may be carried out. If rejected and no further counter-proposal is received, the matter shall proceed to hearing. Any counter-proposal shall be subject to the same process as the consideration of any initial proposal.

C. Upon resolution of a forfeiture proceeding, whether by settlement or ruling, any funds received from such proceeding shall be distributed as required by law and a report of such results provided to the Mayor and the Council's Finance Committee.

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

CITY OF McCLEARY:

\_\_\_\_\_  
D. GARY DENT, Mayor

ATTEST:

\_\_\_\_\_  
WENDY COLLINS, Clerk-Treasurer

**RESOLUTION -A- 3**  
**03/18/2012**  
DG/1e

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

APPROVED AS TO FORM:

DANIEL O. GLENN, City Attorney

**RESOLUTION -A- 4**  
**03/18/2012**  
DG/le

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