



McCleary City Council

PROPOSED AGENDA

January 25, 2012

7:00 Council Meeting

Flag Salute

Roll Call

Minutes (Tab A)

Public Comment:

Mayor's Report/Comments:

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

Old Business: IT Service Contract (Tab D)
 Mayor Pro Tem (No Tab)
 Elcon Work Order 2012-1 (Tab E)
 Step Systems (Tab F)
 Stormwater Billing (Tab G)

New Business: Well 2/3 Pilot Study (Tab H)

Ordinances: Street Weight Limits (Tab I)

Resolutions: Storm Rates (Tab J)

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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CITY OF MCCLEARY
Regular City Council Meeting
Wednesday, January 11, 2012

FLAG SALUTE	Mayor Dent Called the Regular Meeting to order at 7:00 PM with the Flag Salute.
ROLL CALL	Councilmember's Catterlin, Reed, Lant, Schiller and Ator.
ABSENT	None.
STAFF PRESENT	Present at the meeting were Dan Glenn, Wendy Collins, Nick Bird, George Crumb, John Graham, Randy Bunch and Jennie Reed.
MINUTES APPROVED	It was moved by Councilmember Schiller, seconded by Councilmember Ator to approve the minutes. Motion Carried.
MAYOR'S COMMENTS	Mayor Dent welcomed the City of McCleary's new Police Officer, Officer Churchil. Chief Crumb gave a warm welcome to the new officer who came from the City of Pacific as a Detective. Officer Churchil was raised in McCleary and Elma and is very familiar with the area. Chief Crumb is excited to have the additional coverage for the City's residents and believes the new officer will be a benefit to the area.
PUBLIC COMMENT	Helen Lake again asked if the Mayor had any updates on the fraud audit. The Mayor had nothing to report.
CITY ATTORNEY REPORT	Mr. Glenn is researching the legal implications regarding the building permit incentive plan Nick Bird has been preparing. He will continue to report his findings.
MAYOR PRO TEM	The decision to vote on a new Mayor Pro Tem was tabled until the next meeting.
DIRECTOR OF PUBLIC WORKS REPORT	Nick Bird has provided a staff report and welcomes any questions by the Councilmember's.
IT SERVICE CONTRACT	Dan Glenn stated he spent over one and a half hours speaking with Adnets IT Service representatives and Nick Bird today. They are hoping to come up with a contract that will suit all parties. Hopefully this will be available for the next Council meeting.
ELCON WORK ORDER 2012-1	Elcon Associates, Inc have been the City's electrical engineering consultants since 2008. The existing contract requires a work order to associate the billing. Staff is requesting the Council to consider authorizing the City to execute Work Order 2012-1 with Elcon Associates. A motion on this item was not made.
CELL TOWER SITE MANAGEMENT	A site management company contacted the City and is interested in purchasing the rights to the lease agreement between the City and US Cellular. The City currently receives approximately \$12,000 a year from the lease agreement. If the City agrees to the purchase, it would lose the consistent revenue received from the agreement. Staff is recommending the Council not consider the offer. The Council decided to not take any action and not entertain the offer.
STEP SEWER SYSTEMS	The City was approached by a developer that is considering constructing a 23 lot subdivision on the north end of town. The developer's engineer has requested to use a Septic Tank Effluent Pumps (STEP) to convey the waste to the City's gravity system. The Department of Ecology considers any mechanical equipment required to get waste to the collection system is the responsibility of the City to maintain, repair and replace. The property owner/tenant would be responsible for the power cost of the pump system. Staff believes the City's best interest is to not authorize the use of STEP systems at this time. The item is tabled until the next meeting.

ALLEY VACATION Resident Gene Mansmith has requested the City to consider the vacation of the alley between his 2 duplexes on 4th Street between Maple and Fir. The current right of way is 20 feet. Utilities are located within the alley. If the request is considered, the City would need to require a 20 foot utility easement to maintain access to the utilities. Staff does not see any benefit to either party by changing the existing configuration and is requesting the Council to recommend Mr. Mansmith to not complete the vacation process. **It was moved by Councilmember Lant, seconded by Councilmember Schiller to not approve the request for the alley vacation, per staff recommendation. Motion Carried.**

STORMWATER BILLING Tabled until the next meeting.

BPA AMENDED SERVICE AGREEMENT The City has received an amended service agreement for our existing Transmission Service Agreement contract and associated amendment from Bonneville Power Administration. The amendment is a cleanup item. **It was moved by Councilmember Lant, seconded by Councilmember Ator to authorize the City to execute the Amended Service Agreement and Amendment No. 1 our TSA Contract No. 01TX-10742. Motion Carried.**

STREET WEIGHT LIMITS The Council discussed the street weight limits ordinance and various issues relating to noise, weight, and road damage. The Council requested to table the item until the next meeting.

STORM RATES Tabled until the next meeting.

APPROVAL OF VOUCHERS Vouchers/Checks approved were 34085 - 34129, including EFT's in the amount of \$130,756.06 and 34165-34215 including EFT's in the amount of \$46,574.55.

December 2011 payroll and benefit checks 34078-34164 plus EFT's in the amount of \$146,566.01. Voided checks: None.

It was moved by Councilmember Ator, seconded by Councilmember Reed to approve the vouchers as received. Roll call taken in the affirmative. Motion Carried.

PUBLIC COMMENT Helen Lake asked Chief Crumb if crime has increased over the last three months. Chief Crumb stated there has been an influx of vehicle prowls during the night. He is encouraged by having an additional officer on staff to increase coverage.

Dan Glenn informed the Council there will be a workshop held at the City of Montesano for elected officials to attend. It is offered by MRSC and Mr. Glenn reminded the Council that the open meetings act will apply. Councilmember's are encouraged to attend.

EXECUTIVE SESSION None.

MEETING ADJOURNED **It was moved by Councilmember Lant, seconded by Councilmember's Ator and Catterlin to adjourn the meeting at 7:36 PM. The next meeting will be on January 25, 2012 at 7:00 PM. Motion Carried.**

Mayor Gary Dent: _____

Clerk-Treasurer Wendy Collins: _____

MEMORANDUM

TO: MAYOR AND CITY COUNCIL, City of McCleary
FROM: DANIEL O. GLENN, City Attorney
DATE: January 23, 2012
RE: LEGAL ACTIVITIES as of JANUARY 25, 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. STREET USE REGULATION ORDINANCE: As was discussed at the last meeting, the draft ordinance I have provided relates almost exclusively to establishing limitations upon the weight of motor vehicles, including trailers, which would be allowed upon such streets as might be designated. As of the time of the preparation of this report, I have received no suggestions as to potential changes in the draft, whether such changes be in the form of modifications, additions, or deletions. However, one of the questions which was discussed was the noise impact of vehicles, more often than not large tractors or trucks, resulting from their operation.

Since the last meeting I have reviewed our existing Code since it was my memory there are noise limitations within the Code. One of those, which appears at least initially most relevant to the question, is Section 8.16.124. Subsection [A] of that particular section reads as follows:

8.16.124 Public disturbance noises designated.

It is unlawful for any person wilfully to cause, or any person in possession of property wilfully to allow to originate from the property, any sound which:

A. Is caused by the operation of a motor vehicle, including by way of example and not by way of limitation, automobile, truck, motorcycle and all-terrain vehicle, upon

property other than a public highway, and which is so loud as to unreasonably disturb or interfere with the peace, comfort and repose of owners or possessors of real property;...

As you will note, it deals specifically with the operation of such vehicles upon property other than a public highway. Thus, it would be applicable to that area only and not the public highway. However, I believe Chief Crumb will confirm there are other limits contained with RCW Chapters 46.08 and 46.37 which govern both off the road vehicles and normal motor vehicles, including trucks.

I would appreciate your review and guidance on how you would like to move forward in this area.

2. **JAIL SERVICES:** As you are aware, we have a continuing contract with the County for provision of jail services for defendants charged in our Court. Historically, we have also had contracts with one or both of the following cities, Forks or Wapato, in terms of provision of such services when the confinement will be for a longer term since the per diem cost is lower than charged by the County. To avoid a problem which was discovered in the past, I would recommend Ms. Collins and Chief Crumb be authorized to review the current status of these two contracts to make certain they are in place and when they would require renewal.

My fundamental concern is as a general proposition in the cities which I have the opportunity to represent, we seem to be having an increasing number of defendants who, for instance, have had two or more earlier DUIs or violation of no contact orders (VNCO), and thus, upon conviction, upon whom the Court must impose a lengthy jail sentence which may not be suspended.

3. **MEDICAL CANNABIS CONTROVERSY:** As you are aware, the Legislature in 2011 adopted a piece of legislation which would have provided for the State, through one of its agencies, to become directly involved in the licensing of growing and distribution of cannabis a/k/a marijuana for medical purposes. Then, after its adoption, the U.S. District Attorneys for Washington responded to a query from the Governor as to whether or not state employees fulfilling the duties tied to the act would be exempt from federal prosecution by saying no. Thus, she vetoed the portions of the act which would have involved the state leaving what is perceived to be a mess for local entities. It is a mess since it is unclear what the counties and cities may/should/must do in this area. The matter was discussed at

length at the Municipal Attorneys conference with conclusion being reached that there was no clear conclusion available.

Of the four entities which I represent, only one so far has had to directly face the issue, specifically Oakville. Since Oakville contracts with the County for law enforcement services, the Sheriff's Office has been implementing the policies. However, some other cities, such as Seattle, have taken a more liberal viewpoint while other have imposed a moratorium while they study the matter.

It is my understanding the current legislative session has before it one or more pieces of legislation to "clarify" the situation from a municipal standpoint. However, that is what they thought they had done last session until the Governor's veto pen was utilized. Thus, with the recognition the issue may arise with McCleary at one time or another, I felt it appropriate to provide some background information. AWC recently published an article entitled, *I am certain coincidentally, "Stirring the Pot."* (Italics added.) In the event you have not had the opportunity to read the article, I am attaching a copy of it to this report for your reference.

4. **FIRE DISTRICT #5:** Information requested by Chief Prater in terms of revenue and expenditures from the appropriate funds by both McCleary and Elma has been provided. Chief Prater's indication was the District did agree with the concept of a multi-year contract with automatic adjustments but did not agree with a percentage sequence suggested by Mayor Dent. Further, that the District had developed a response. I assume all of this was done at a public meeting. I have requested that he provide to us the District's suggestion in a written form so the negotiating group can review and then meet with the Chief as quickly as possible.

I will keep you informed.

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

DG/le

FEATURE STORY
JANUARY/FEBRUARY 2012



Lydia and Jake George, the founders of Issaquah-based GreenLink Cooperative, tend to a cannabis crop.

STIRRING THE POT

Cities large and small seek the best recipe for public safety in compliance with confounding medical marijuana law. By Ted Katauskas



THE CITY OF ISSAQUAH'S first foray into the thorny thicket of the state's ever-evolving medical marijuana law happened last January, when a city code enforcement officer noticed an unpermitted A-frame sign outside GreenLink Collective, a nonprofit that had opened for business in a former day-care center just west of downtown.

"The code enforcement officer stopped by and said, 'You need a permit for the sign, and oh, by the way, what's the business?'" recalls city planning manager Dave Favour.

Like the generic front it projects to passersby on Northwest Alder Court in Issaquah, the home page of GreenLink's website avoids using the words "medical marijuana," describing itself vaguely as a "non-profit patient network" that strives "to help medical patients in our community. . . . If you are an authorized WA State medical patient in accordance with RCW 69.51A, contact us to learn more." Yet RCW 69.51A, as insiders know, is legislative code for the state's medical cannabis statute, which would explain the lush banner photo filled with thin, green, serrated leaflets. Clicking a heading marked "Edibles" at www.greenlinkcollective.com reveals that one way GreenLink helps community medical patients is by providing access to "quality edibles" from "the Northwest's premier medical cannabis bakery, infusing potent THC in every sweet bite!"

Not long after that first encounter with the city, Jake and Lydia George, medical marijuana patients and Issaquah residents who founded GreenLink to give other qualified patients in their community access to state-sanctioned medicinal cannabis, filed for a business permit. Since there was no local precedent for a business that catered to the needs of medical marijuana patients, even though in theory such businesses had been allowed to operate under state law since 1998, the city deemed GreenLink a pharmacy. And since the business was located in an area that had been zoned for multifamily homes, GreenLink's permit was denied. The Georges appealed, and their request was again denied.

"We presented the argument to the city that we were a non-profit social services organization and applied for a business license as such, and they disagreed," says Lydia George. Favour, who testified against the couple, explains, "There are all these competing interests, balancing federal, state, and local laws. We represented our position, and the city couldn't approve it. And then the whole situation changed."

In April, the state Legislature passed SB 5073, legislation that would have created a state system regulating the production and dispensing of medical marijuana. But the governor vetoed all



Mayor Ava Frisinger of Issaquah, which has taken steps to accommodate collective gardens

I understand why it happened, but I wish it were something other than what it was. Cities get lots and lots of responsibilities that they don't particularly ask for, and we just deal with them.

provisions for state regulation. One key provision that survived was a new option for marijuana production known as "collective gardens," the regulation of which was left up to cities. Like many Washington cities, Issaquah adopted a six-month moratorium on collective gardens while it consulted with attorneys, law enforcement officers, and medical marijuana patients—in the process reaching out to folks like Jake and Lydia George—and held public hearings to hammer out a local regulatory framework that balanced the needs of medical marijuana patients with the safety concerns of the community.

"There's always hope that cities won't be thrown into these types of situations," says Mayor Ava Frisinger. "I understand why it happened, but I wish it were something other than what it was. Cities get lots and lots of responsibilities that they don't particularly ask for, and we just deal with them."

SENATOR JEANNE KOHL-WELLES traces her emergence as the state Legislature's champion of medical marijuana to 1995. Shortly after her election to the senate, a medical marijuana activist phoned and asked whether she'd be receptive to bringing the cause to the attention of lawmakers in Olympia. Kohl-Welles, who represents Seattle's 36th Legislative District (which includes the liberal enclaves of Ballard, Belltown, Magnolia, and Queen Anne), promised to look into the issue, motivated by her own family history: marijuana had been the only drug that eased her 34-year-old sister-in-law's final stages of terminal cancer in the late 1980s. To obtain it, her



staunchly law-abiding brother-in-law had been forced to do business with dealers on the streets of Connecticut, which, like Washington at the time, had no medical marijuana provision.

The senator vowed her state could, and would, do better.

Kohl-Welles joined forces with the late Bob McCaslin, a conservative Republican representing Spokane's Fourth Legislative District, to draft a bill that would have allowed physicians to recommend or authorize medical marijuana for patients with chronic illnesses that no other drug could treat. Introduced in the 1998 legislative session, the bill went nowhere. But her resolve redoubled that year—while backers of Initiative 692, a.k.a. the Medical Marijuana Act, were gathering signatures to put the measure on that November's ballot—as she sat bedside with a Bainbridge Island friend whose oncologist had recommended marijuana as a palliative for the final stages of terminal cancer.

"This was before the initiative passed, so I thought that was pretty brave of her doctor," Kohl-Welles says. "I would go visit her on weekends and saw firsthand that she was so ravaged with pain and nausea from chemotherapy and radiation that she couldn't hold anything down, but all she had to do was take a couple of puffs of medical marijuana and get it instantly into her bloodstream, and she could take some soup, drink some water. Then I'd go back to Olympia and hear people say, 'Well, we can't do this because it will turn people into addicts.' That's so ridiculous, so I just got more involved."

Stymied in the statehouse, she threw her weight behind Initiative 692, and in November 1998 Washington became one of only four states (with California, Oregon, and Alaska) to have enacted medical marijuana laws. Since then, that number has grown to 16 (plus Washington, D.C.), and Kohl-Welles has made addressing the act's shortcomings one of her highest legislative priorities.

Initiative 692's primary focus was to create an "affirmative defense" that would protect medical marijuana patients from criminal prosecution for marijuana possession, requiring a jury to return a not-guilty verdict as long as the defendant could prove the drug was medically necessary. However, unlike every other medical marijuana state, Washington did not create a registry that could insulate patients from arrest by giving law enforcement authorities a practical way to distinguish legitimate medical marijuana patients from recreational drug users. The measure also permitted authorized patients to possess a 60-day supply of the drug without defining what a 60-day supply means. And although Initiative 692 allowed qualified patients to grow marijuana for personal consumption, it failed to address how patients who were too sick to feed themselves, much less tend a marijuana garden or find a designated provider to produce medical marijuana for them, could legally obtain the drug.

Session after session, bill after bill, Kohl-Welles worked on fixes. Finally, in 2007, she succeeded in passing an amendment that directed the state Department of Health to clarify the 60-day

supply provision. All through the summer and into the fall of 2010 (the year another Kohl-Welles bill passed, allowing all health professionals with prescriptive authority to authorize medical marijuana), Kohl-Welles convened a coalition of lawmakers, attorneys, physicians, law enforcement officials, and medical marijuana patients. The coalition worked together to draft a wholesale revision of the Medical Marijuana Act that would strengthen legal protection for qualified patients and provide a statewide regulatory



State Senator Jeanne Kohl-Welles

I'm trying to provide more clarity, more flexibility, more authority for the local jurisdictions since we can't do a statewide licensing system'

system that would license dispensaries and growers or producers and processors to provide qualified patients with safe and reliable access to the drug.

"I spent a year and a half on this," she says. "I couldn't begin to tell you how many meetings I had. When I finally introduced the bill, we had had 12 or 14 formal drafts, trying to get it right."

Introduced as Senate Bill 5073 in January 2011 in partnership with Republican Senator Jerome Devlin of Tri-Cities, the legislation proposed the creation of a voluntary patient registry, instructions to the Department of Agriculture to develop regulations for growers, and the sanction for qualified patients to purchase marijuana from dispensaries licensed by the Department of Health, to grow it themselves, or to join regulated collective gardens designed to make it easier for patients to grow medicine by pooling together and sharing resources. On April 21, the bill passed with a comfortable majority in both houses.

"I didn't love everything in the bill, but when it passed the Senate and then the House, I thought it was all workable," Kohl-Welles says. "It would have gotten away from the ambiguity that's the state law now."

But one obstacle proved insurmountable. As the bill was working its way through the House and Senate, Governor Gregoire

was consulting with the state's United States attorneys, Jenny Durkan and Michael Ormsby, about the legislation. Concerned by feedback from those conversations, on April 13 she sent a letter to U.S. Attorney General Eric Holder asking for written guidance about whether state employees who carried out the proposed medical marijuana licensing regulations would be immune from arrest and federal prosecution. When both Durkan and Ormsby replied the next day, on U.S. Department of Justice letterhead, with an unequivocal "no," the governor announced that she couldn't sign the legislation as written, and she vetoed the regulatory provisions on April 29.

In response, Kohl-Welles began working on a legislative fix for the 2012 session. A summary of a draft bill circulated in early January includes an amendment that would establish a voluntary patient registry. It also would allow local governments to regulate collective gardens by imposing "zoning, licensing, permitting, and health and safety requirements" and to collect taxes and other fees, but would prohibit an outright ban. And it would allow medical marijuana patients and their designated providers to form "nonprofit patient cooperatives" to dispense medical marijuana grown by the co-ops or collective gardens, but would include opt-in or opt-out clauses for cities and counties based on their populations (generally, smaller cities or counties would have to opt in to allow such cooperatives, whereas larger cities would have the right to opt out).

"I'm trying to provide more clarity, more flexibility, more authority for the local jurisdictions since we can't do a statewide licensing system," Kohl-Welles says. "But I'm also very cognizant that patients need access to a safe, secure, and reliable source of medicine. ... I understand that there are differences in suburban, rural, and urban areas, but I don't want to see Seattle and Tacoma having to be the magnet cities for medical marijuana. That's not fair to Seattle and Tacoma, and it's not fair to the patients."

BUT GIVEN THE TOLERANCE that the chief prosecutor of Washington's biggest city has for the drug—after he was sworn in to office two Januarys ago, city attorney Pete Holmes announced that he had better things to do than prosecute cases of simple marijuana possession—it's not surprising that Seattle already has become a medical marijuana magnet, with 105 dispensaries believed to be operating within city limits. It was the proliferation of dispensaries that initially spurred Holmes to seek out Kohl-Welles and begin the talks that ended with the final draft of SB 5073.

"When I took office, it seemed like faster than a new Starbucks would open in the prerecession days, you'd have a new medical marijuana facility," explains Holmes, who's also a sponsor of Initiative 502, Washington's marijuana legalization campaign. "Law enforcement authorities were asking, 'What are we supposed to do with all these? We can't possibly shut them all down.'"

In the wake of the bill's adoption, Seattle's city council in July took the unprecedented step of drafting an ordinance that requires existing medical marijuana dispensaries to obtain city business licenses. Essentially, medical marijuana operations—whether they call themselves dispensaries, collective gardens,

GRASS ROOTS Q&A WITH ALISON HOLCOMB

Seattle defense attorney Alison Holcomb, drug policy director at the American Civil Liberties Union of Washington, talks about recent revisions to the state's medical marijuana law and what every city leader should be doing to make communities safe.



What's happening nationally with medical marijuana laws? Nationwide, 16 states plus Washington, D.C., have medical marijuana laws on the books. Of those, seven—and Washington, D.C., is one of them—have medical marijuana laws that include licensing and regulation of the production of medical marijuana for medicinal purposes. I emphasize Washington, D.C., because I think it's important to note that whenever that jurisdiction adopts a new law, it's subject to congressional review, and the U.S. government didn't do anything to stop the Washington, D.C., provision from going into effect.

In what way is the State of Washington's existing medical marijuana law unique? Every other state that has a medical marijuana law has arrest protections for patients, and every other medical marijuana jurisdiction has a registry—that's how they extend that arrest protection. We're the only medical marijuana state that doesn't have a registry.

Isn't the collective gardens provision in SB 5073, the state's revised medical marijuana law, also unique? It is, but it really created a mess for us: it was only in there because it was supposed to work in a complementary fashion with the dispensary provisions [included in SB 5073 prior to the governor's veto]. So now cities and counties don't know what a collective garden is supposed to be, and they don't know how to strike the right balance between providing safe access to patients and keeping our communities safe.

Are there other models out there nationally that we can emulate?

The only other state we can look at that has anything similar to what we have is California, and I think most people would agree that California is a mess. From jurisdiction to jurisdiction the rules change, and you have patchwork enforcement. What we've seen recently is cities and counties passing moratoriums to

continued on page 19 →

nonprofit collectives, or, as some creative operators now prefer, "licensed medical cannabis access points"—would be regulated like any other local business, expected to follow the same land-use, fire-safety, and building codes and other regulations. (For example, a medical marijuana business offering cannabis-laced "edibles" like GreenLink—which just opened a Seattle storefront at the start of 2012—would have to follow food safety regulations.) And the licenses created a way for the city, and law enforcement officers, to separate legitimate medical marijuana operations from rogues that clearly were abusing the system.

"The governor altered the statewide effort and left counties and municipalities to decide how they want to enforce this," Holmes explains. "The City of Seattle had a pretty good framework of existing business regulations. And contrary to some cities that

what the community wants about where these businesses can be located, let's make sure that law enforcement knows where the licensed facilities are, and they'll know that they're hands-off. Any other instances where there's manufacture and sale going on they'll know are fair game."

OME 117 MILES down I-5 in Castle Rock, the debate over how to regulate medical marijuana has pitted neighbor against neighbor in an otherwise cooperative community of 2,100 on the banks of the Cowlitz River.

It started at city hall on April 25, four days after the passage of SB 5073, at the regular meeting of the Castle Rock City Council. The first order of business was to discuss a proposal submitted by Julian and Melissa Robinson, residents who planned to open a medical marijuana clinic called the Healing Hands of God. After hearing testimony from a half-dozen medical marijuana supporters, including an emergency room physician from Centralia and an Oregon woman who spoke movingly of her 32-year struggle with cancer, the county sheriff chaplain spoke for the half-dozen detractors when he stood up and declared, "Do we want Castle Rock to be known as the place to get medical marijuana? What does it profit a man to gain the world but lose his soul? also applies to our city!"

Six weeks later, 120 residents packed the high school cafeteria at a raucous public hearing the council had convened to debate and vote on a six-month moratorium on collective gardens. A Longview resident opposed to the moratorium kicked things off by saying that he worried the ordinance would damage the community by dividing neighbors—which proved prophetic. After one moratorium proponent distributed a leaflet titled "Arguments

Against Marijuana Legalization and/or Decriminalization from a Prevention Standpoint," Julian Robinson, the medical marijuana clinic owner, announced that he had filed a lawsuit against the city, claiming that the proposed ordinance violated the rights of the medical marijuana patients he represented. At a subsequent hearing that drew a crowd of 65 to the cafeteria, one resident complained that he felt his rights were being violated by the fact that he was being forced to live with a local ordinance that violated fed-

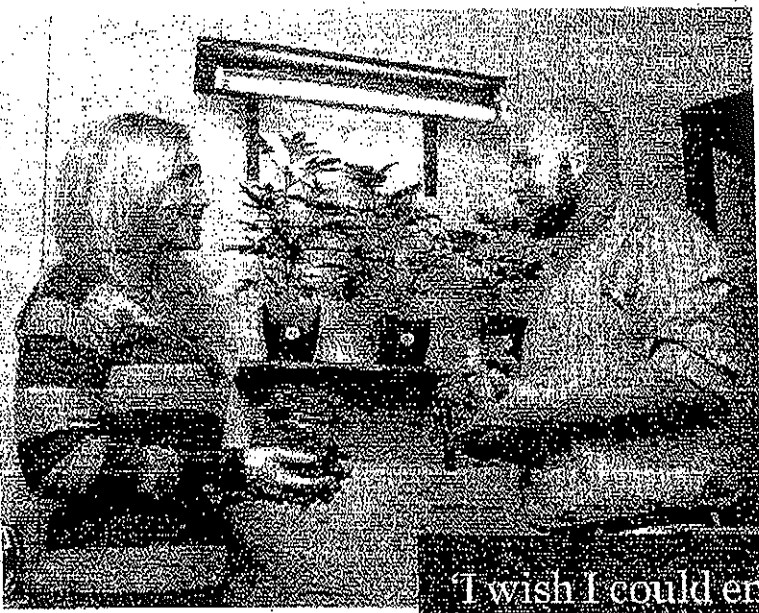
made moratoriums or tried to ban it altogether, we said what we want you to do is comply with our existing statutes. ... It does not give you safe harbor from federal prosecution. But God help you if you can't comply with our ordinance."

Case in point: Of four Seattle operations targeted in a November 15 federal raid of 14 Puget Sound-area medical marijuana facilities (accused of money laundering and large-scale marijuana distribution), two had city business licenses.

"Considering that we have 105 and only four were raided, I don't see this as a wholesale attempt to eviscerate Seattle's medical cannabis industry," Holmes says. "The next chapter from our standpoint is to look at zoning of these facilities. My goal would be to give law enforcement really clear guidance: let's find out about

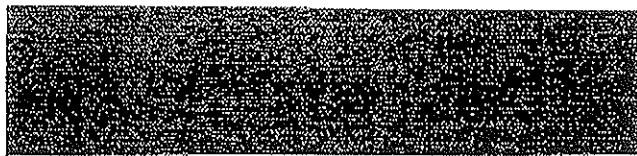
eral law, affirming, "I came to this community because I thought it was a wholesome community to raise my kids. If I had known this was going to happen, I would have bought a different house."

Asked about what medical marijuana has done to Castle Rock, which ultimately adopted an interim zoning ordinance (and then a permanent ordinance on December 27 that confines collective gardens to commercial districts clustered around two highway interchanges), city attor-



I wish I could encourage every city to really take advantage of this opportunity to have some regulatory authority over this, because the ability to access medical marijuana is not going to go away.





ney Frank Randolph sighs.

"It's been an interesting and painful issue," he says. "The heart of it is that federal law defines marijuana as a Schedule I drug up there with heroin, whereas state law has tried to decriminalize and has recognized the medical value of it. The clash between federal and state law probably reflects the conflict in the population in Washington and the majority of states that don't have this exception. There's also a split in Washington: Southwest Washington is more conservative than Puget Sound, and most jurisdictions here have done moratoriums. ... The law is very complex and very volatile."

Not to mention expensive, given the hours he's had to bill the city so far.

"A small jurisdiction during the Great Recession that's struggling to maintain essential services can't afford a fight to the Supreme Court. Where the rubber hits the road is the local jurisdictions, 2,100-person-sized towns that have to try to make legal sense out of something that doesn't make sense."



HAT MADE SENSE for the City of Issaquah was enlisting the help of former GreenLink adversaries Jake and Lydia George to help draft its collective gardens zoning ordinance and spread the word to

the public. After a series of hearings at which the debate proved to be reasoned and surprisingly rancor-free, the city adopted regulations restricting the facilities to commercial areas, created buffer zones between schools and parks, and required security measures like cameras and alarms.

"I kept waiting for the opposition to come out and turn it into a big kablooy, but they weren't the hot-button, emotion-packed hearings you would imagine," says Issaquah's Dave Favour. "We had a couple packed hearings with people speaking emotionally, but it was always people in favor of medical marijuana."

On December 19, the day Issaquah's ordinance took effect, Jake and Lydia George came to city hall and filed an application for the city's first medical marijuana collective garden.

"We're really happy with the City of Issaquah," says Jake. "We're really proud that we went from having a litigation hearing against us to working with the city. We handed out fliers inviting people to speak for or against; we had no opposition, and the city was blown away by how supportive the community was for this—no rioting in the streets by soccer moms the next morning."

Adds Lydia: "I wish I could encourage every city to really take advantage of this opportunity to have some regulatory authority over this, because the ability to access medical marijuana is not going to go away. It's given to us by state law. It's a really great opportunity for cities to do something like Issaquah did, to balance the needs of the public and the needs of the patient and create a safe environment that works for everybody."



not allow dispensaries at all, and a large concentration of dispensaries in a particular area like the Bay Area.

That sounds familiar. In Washington you have jurisdictions outside of Seattle where people are saying, "We don't want these here; we're going to shut these down," and you have a greater concentration of dispensary-like operations in Seattle. That's not fair to Seattle, but it's also not fair to patients in Cle Elum and Okanogan and Spokane.

If you were a city leader in Washington right now, what would you be doing? I would want to have medical marijuana-specific regulations for my city that would deal with community safety. I'd want my community to be safe and healthy, and I'd want my citizens to have access to safe and healthy sources of cannabis.

What about the governor's petition to reclassify marijuana as a Schedule II substance? What are the chances of that succeeding, and how long might it take? It's very good to have powerful governors acknowledging that marijuana does not belong on Schedule I and having scientific evidence in support of that made publicly available. I applaud Governor Gregoire for doing that. That being said, I see very little chance of the petition being successful. The shortest period of time that any of the previous three petitions took was six years; the most recent petition, which was filed in 2002, was just denied this summer (2011).

As the director of Washington's marijuana legalization campaign, how do you explain what's driving the push for legalization?

More and more voters are looking at medical marijuana and saying, "This is looking a lot like medicinal whiskey during alcohol prohibition," when you could go get a prescription from your doctor that gave you the legal protection to continue to drink. People are looking at medical marijuana and thinking there's more going on than actually getting medical marijuana to people who really need it. ... People feel like there's a sham being pulled on us, so let's just get rid of the sham. Clean it up, regulate it, get it out in the open, and stop doing the wink-and-nod thing. Because really I think ultimately it boils down to a disrespect for the law. That is very troubling to our society on a really fundamental level.

What's the risk of doing nothing?

As a city leader, I'd want my law enforcement officers to be respected in my community and my laws to be respected by my community. In order to do that, I need to show my community that these laws are effective and that our law enforcement officers are able to do their jobs well. As borders have been tightened since 9/11, major criminal organizations in Mexico and up in Canada are sending their labor into the state to grow here so they don't have to bring their product over the border. If we do nothing, things are just going to get worse. There's too much money at stake.



STAFF REPORT

To: Mayor Dent
From: Nick Bird, Director of Public Works
Date: January 5, 2012
Re: Current Non-Agenda Activity

Winter Storm

What a storm event! As I am sure you are aware, Governor Gregoire proclaimed a State of Emergency on Wednesday, January 18. The storm started over the previous weekend, with minor amounts of snow fall. By Tuesday, we had a 24 hour snow plow shift running. Tuesday night the storm had subsided a bit and we took the opportunity to widen the roads a bit, knowing that more was sure to come. The start of Wednesday brought 12-inches of snow in the first 12 hours of the day. Our 2-person plow crew did everything they could to keep up on Wednesday and Thursday. Two sets of chains snapped on the plow, a hydraulic bracket failed on the plow, and the disk sander sheared off during the event. The crew, in their creative ways, still found a way to make the plow function and continue their service.

Thursday morning, as a result of the freezing rain and ice formation, power outages occurred in many places. The current count is 30 “events” throughout our service area that the crew responded to between Thursday and Saturday. We had two system wide outages during the event. The first, on Thursday evening, was the longest outage we had seen in a long time. Fortunately, the power crew had their work done in the first hour, but we had to wait for a tree trimming contractor working for an outside entity to complete their work before our power could be restored.

Both crews put in long hours to make sure power was on and the streets were passable. Thank you again, for all the hard work you put in during this event.

At the Wastewater Treatment Plant, we were fortunate, as our backup generator started without a problem during the two outages and we really did not see the flow rates we were anticipating. As a result of one outage, Well No. 2 was down for a few hours. Again we were fortunate that it was just a blown fuse that was easily replaced.

As a result of this event, it was brought to my attention that no “policies or procedures” are in place for snow plowing. The crew and I had discussed that our focus was on primary emergency services routes first, then secondary streets, then tertiary streets. We will work with Mr. Glenn to get a draft version together for your review.

Well 2 & 3 Project

Design is approximately 90% complete. Plans and specifications will be submitted to the City for review shortly. The pilot testing quote is identified as a new item in this packet as previously discussed.

Reservoir Inspection

As part of the reservoir project that was completed last year, we will be conducting a warranty inspection of the new coatings for each tank at the beginning of March. During this time, we will be taking each tank off line to conduct the inspection. You should not see any noticeable difference in system pressure or water quality as a result of these inspections.

Gov. Gregoire proclaims winter storm emergency

For Immediate Release: January 19, 2012

OLYMPIA – Gov. Chris Gregoire today issued a proclamation that ensures the delivery of valuable dairy products across Washington state. The proclamation would also – if needed – allow the activation of the Washington National Guard, and free up state agencies to take extraordinary steps to help local jurisdictions during the current winter storm.

“This is purely a precautionary measure,” Gregoire said. “So far, we haven’t received any requests for state assistance – but we know weather conditions are rapidly changing. I want to make sure we have every resource available to ensure our communities are safe. This proclamation would allow us to activate the National Guard if we need to. It also allows state agencies to respond quickly to any storm-related requests from cities and counties for state assistance. A brief waiver of the restrictions on dairy truck drivers’ work hours is needed now to avoid shipment delays that could mean the loss of nearly \$1 million a day for the state’s dairy industry.”

Gregoire signed the proclamation into effect on Jan. 18. The proclamation:

- Waives hours of service for drivers of trucks hauling intrastate bulk milk shipments from farms to dairy processing facilities and from dairies to processing facilities. The waiver is in effect through Jan. 22;
- Directs state government to support emergency response activities in local jurisdictions affected by the winter storm;
- Allows state agencies to make expenditures and utilize resources to assist local communities in their recovery efforts; and
- Authorizes the Washington National Guard to activate at the direction of State Adjutant General Maj. Gen. Timothy J. Lowenberg.

The proclamation adds that state actions are to be coordinated through the State Emergency Operations Center (EOC) at Camp Murray.

STAFF REPORT

To: Mayor Dent
From: Nick Bird, P.E., Director of Public Works
Date: January 23, 2012
Re: IT Service Contract

ADNETS is currently working on revising the service agreement as discussed last meeting. We had hoped to provide you a copy for review at this meeting. We anticipate transmitting the service agreement under separate cover for Council review on Tuesday.

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: January 20, 2012
Re: Elcon Work Order 2012-1

This topic was originally presented at the January 11 meeting. A concern was brought up identifying the open ended nature of the work order. We believe we have corrected that concern by revising the Work Order to read "*Each service request shall not exceed \$500 and the total aggregate fees for this work shall not exceed \$3000. Service requests shall be authorized via email and each request shall have a task number.*"

Therefore, attached for your review is a revised copy of Work Order 2012-1, which provides an avenue for the City to appropriately use Elcon's services on an as needed basis.

Staff Recommendation:

Authorize the City to execute the Work Order.

Action Requested:

Please consider authorizing the City to execute Work Order 2012-1 with Elcon Associates.

WORK ORDER 2012-1

GENERAL ENGINEERING SERVICES

Elcon Associates Inc. (Elcon) shall provide engineering and consulting services as requested by The City of McCleary (City). Services shall be supplied in response to City requests. They shall include but not be limited by the following:

1. System Protection Studies, for example, determination of fuse sizes on primary distribution circuits.
2. Quality of Service Studies, for example, determination of potential flicker voltage associated with the starting of a proposed customer motor or determination of the voltage drop on a distribution transformer and service wire.
3. Design and specification of primary line extension, distribution transformer and service wire.
4. Consultation on service requirements for new loads.
5. Consultation and support to address customer concerns

Elcon shall invoice at the standard billing rates listed in Exhibit A. Each service request shall not exceed \$500 and the total aggregate fees for this work shall not exceed \$3000. Service requests shall be authorized via email and each request shall have a task number.

ENGINEER

OWNER

Elcon Associates, Inc.

The City of McCleary

BY _____

BY _____

NAME Kinh D. Pham, P.E.

NAME _____

TITLE Vice President

TITLE _____

_____, 2012
Date Executed

_____, 2012
Date Executed

Exhibit A

2012 BILLING RATES

Below is a fee schedule of hourly rates broken down by staff classification for 2012. After 2012, the rates are subject to revision.

<i>Classification</i>	<i>Billing Rate</i>
Project Manager	\$138.00
Senior Engineer	\$117.00
Substation Design Specialist	\$138.00
Engineer	\$110.00
Junior Engineer	\$97.00
Senior Technician	\$109.00
Junior Technician	\$97.00
CADD Operator	\$83.00
Drafter	\$70.00
Clerical/Administration	\$63.00
Accountant	\$67.00
Senior Energy Consultant	\$195.00

Reimbursable expenses include the pre-approved purchase of any supplies required to complete our services. Such approved expenses shall be reimbursed at cost. The general reimbursable costs are:

- Mileage (regulated by the IRS) – IRS rates
- Reimbursable costs (travel, courier, FedEx, parking, any out of pocket expenses) – at cost
- Photographs – make multiple copies of reports, plotting, drawings, specifications, etc. - \$0.10/copy

Any other reimbursable expenses required for the project will be brought to your attention for pre-approval.

STAFF REPORT

To: Mayor Dent
From: Nick Bird, P.E., Director of Public Works
Date: January 20, 2012
Re: STEP Systems

This topic was originally presented to Council on January 11. It was suggested at that meeting for the City to contact the City of Montesano, as their system is mostly comprised of STEP systems.

We have not yet had the opportunity to conduct a site visit, but we have spoken with Russ Birk about the systems / operations / etc. Based on that conversation, we have put together a few figures for your consideration.

- Based on the City's 2012 budget and the total number of STEP systems the City of Montesano has; the operations and maintenance cost for each system is approximately \$310 a year. Please keep in mind that because they have 1200 systems, that cost is likely much lower than we would anticipate with the current proposal due to the concept of economy of scale.
- When reviewing the man hours required for operation and maintenance of the system (which includes the floats, screens, pumps, motors, tanks, alarms, and conveyance system), on average the City of Montesano spends approximately 5.2 hours per system per year. For reference, a typical gravity collection system and pump station requires an average of approximately 0.9 hours per household per year. Again the likely scenario is that the hours per system would be higher in our case as a result of the economy of scale.

With the current proposal of 23 STEP systems, the above figures translate to the following:

- An estimated operations and maintenance cost of \$7,100 to \$9,300 (includes a 30% contingency factor).
- An estimated full time employee (FTE) increase of 0.05 to 0.1 FTE

In the event authorization of STEP systems were to take place, the burden of the cost should be paid by the homeowners using the systems and not supplemented by the remaining rate payers. The estimated additive amount, based on the figures shown, would be approximately \$26 - \$34 a month more than the existing sewer charge. In this scenario, sewer rates would exceed \$100 per month for residences with STEP systems.

A few other additional items from the conversation with Mr. Birk that should be noted are as follows:

- Use of STEP systems may increase your tax base by increasing the opportunity for development in places where contractors may consider development cost prohibitive.

- Once a STEP system is installed, it is very costly to convert to a typical gravity system.
- Concrete tanks were recommended over all other materials.
- Inflow and Infiltration into the collection system can be more problematic than with gravity systems because of the callout alarms for high flows; which results in additional overtime accrual.
- Odor from the force mains can be a concern, but Montesano has not experienced many odor problems.
- Owner education must be a high priority as any solids or grease deposited in the tank tends to stay in the tank. The positive side of this issue is that it is very easy to identify any culprits that are depositing something they are not supposed to.

When considering whether or not to authorize the use of STEP systems in a development, we would ask if this is an appropriate use for STEP systems. The most appropriate place for these facilities is where we currently have grinder pumps. In the future, we would like to consider replacing the grinder pump details and standards in our Development Standards with STEP system standards. This is an important similarity to evaluate; would we allow an entire 23 unit development to be constructed with grinder pumps? The Development Standards currently read "Grinder pumps may only be used on single lots at the discretion of the City and City Engineer".

Staff Recommendation:

As was stated last meeting, there are many positives and many drawbacks to allowing these systems. When asked if he would prefer a gravity system over STEPs, Mr. Birk indicated that he would prefer to have gravity if he could. After careful consideration, we believe there is an appropriate use of STEP systems for small lot development that would be unable to gravity into the collection system. Additionally, we believe that when constructing a 23 lot development, the financial burden and risk should remain on the contractor; rather than being displaced to the City or its new residents.

Again, authorization of a long plat development using STEP systems would set a major precedence; thus it is not recommended.

Action Requested:

Please discuss and confirm whether or not the City should allow STEP systems.

STAFF REPORT

To: Mayor Dent
From: Nick Bird, P.E., Director of Public Works
Date: January 20, 2012
Re: Stormwater Billing

Tabled on January 11, 2012

Upon conducting an internal quality assurance review on our stormwater billing, we noticed an area that may be problematic. The existing billing process is such that every billing account is charged the base stormwater rate plus associated overages. The existing resolution (Resolution 545), and the revised resolution included within your packet, both tie the stormwater rate to the parcels.

While this is not a problem for most residential users, or even typical commercial facilities; it becomes problematic when there are multiple billing accounts on a single parcel. This creates a potential reduction in existing revenues as well as a potential liability for the stormwater fund. As fortune would have it, we still have the new stormwater resolution on the table, thus giving us the opportunity to fix this deficiency.

There are likely many solutions to correct this problem. A global solution could simply be to add a new section (H.D) addressing multiple accounts on a single parcel. The difficult component to implement is equitable distribution of the stormwater billing across multiple accounts. If the accounts are static, it is relatively simple, but if a tenant moves out and the utility account is completely shut off (ie not billed because a tenant moves out), technically the billing should be redistributed. This process will become very frustrating to staff.

Another solution could be that, in the event of multiple accounts on a parcel, the parcel owner is responsible for the stormwater charge. This solution would minimize the adjustments required when tenants move in and out as well as minimize the need for sending a regular utility bill and a stormwater billing statement. However, enforcement may be very difficult as the owner has no other utilities to be motivated with (assuming all units are rented out).

Staff Recommendation:

Given the basic recommendations provided here in, we would recommend the owner be responsible for the stormwater charge in the event multiple accounts are on a single parcel, with the provision that no new tenants will be authorized without a current stormwater account. Obviously at this stage we would welcome other alternatives.

Action Requested:

Prior to adopting the stormwater resolution on the table, please consider addressing multiple utility accounts on a single parcel.

STAFF REPORT

To: Mayor Dent
From: Nick Bird, P.E., Director of Public Works
Date: January 20, 2012
Re: Well 2/3 Pilot Study

As previously mentioned, the pilot study conducted for the iron and manganese removal components for Well 2 and 3 was done 9 years ago. Since then, ATEC, the supplier of the filtration components, have discovered that the presence of silica can impact the filtration process. It is possible to correct this impact, but it is important to know before we enter the construction phase to minimize the cost impact. If silica is present, the impact can be negated via chemical addition.

It is important to try and identify as many of the variables as possible prior to construction to minimize the risk the contractor is bidding on as well as limit the necessity for change orders

Staff Recommendation:

In an effort to identify all identifiable variables, staff recommends conducting the pilot study prior to construction via authorizing the ATEC Agreement.

Action Requested:

Please consider authorizing the City to execute the ATEC Agreement to conduct the additional pilot retesting.



January 10, 2012

The City of McCleary
% Karl Johnson, P. E. Gray and Osborne, (sent by email)

Re: Proposal for Additional Pilot Retesting, McCleary Wells 2 and 3.

Hello Karl:

From an email you sent 1-05-2012 we understand that the City of McCleary has two wells they plan to treat for iron and manganese. We tested these wells in 2002 and very good results were obtained, and a system sized, but these wells should be retested briefly to verify we can obtain the same results with our present media as we did with the media we used 9 years ago (we have a different gradation), and to assure that there is not a silica loss across the media, an unusual and correctable condition that was not known then.

The additional pilot testing will allow ATEC Systems and Associates, Inc. to guarantee treatment iron to less than 0.15 mg/L, and manganese to less than 0.025 mg/L, one half of their respective SMCLs. Along with iron and manganese, our system is effective in removing Hydrogen Sulfide and Ammonia, two constituents that are often a problem in taste and aroma.

OBJECTIVE OF THE ASSIGNMENT

Pilot Test

Pilot testing will be conducted using 36-inches of ATEC pyrolusite filter media with varying doses of chlorine, ferric chloride and loading rates.

The scope of work for the pilot test portion of this project is:

- a) Set up pilot test and provide necessary fittings and connections to connect the well pump outlets to the pilot plant, provided such connections are threaded and no larger than 3". In most situations, we connect to a standard 3/4" hose fitting to run the system.
- b) At each well site, run the plant for a continuous period of 4 to 6 hours.
- c) Measure the following parameters on the source and product water as indicated below during pilot plant operation:
 - i) Manganese, hourly;
 - ii) Iron, hourly;
 - iii) pH, hourly;
 - iv) Silica, two or three samples
 - v) Temperature, hourly;
 - vi) Free residual chlorine in the product water, continuous;
 - vii) Hydrogen Sulfide, hourly when manned;
 - viii) Ammonia, as needed;
- d) Measure the following parameters continuously:
 - i) Flow rate;

- ii) Influent and effluent pressure;
 - iii) Chlorine dosage
- e) Remove the pilot plant.

Description of Pilot Plant

The physical characteristics of ATEC Systems' pilot plant are described in the Table 1. Photographs of the pilot plant presented in Figure 1. Site requirements and necessary client provided data are shown in Table 2.

STAFFING

The pilot testing portion of this assignment will be conducted by a member of ATEC Systems' staff who has completed at least 25 pilot tests of similar projects. The pilot testing work will be conducted under the supervision of Bill Ketchum, the president of ATEC Systems Associates, Inc. who has been involved in the development of ATEC Systems' programs for removing metals from drinking water since their inception.

TIME AND COST

The cost of this retesting is \$1,500 which includes the cost of moving in.

Our normal terms of payment are Net 30 Days from date of invoice. Progress billings will be submitted as work progresses.

PROPOSED SCHEDULE

We can undertake the project at a mutually agreeable date. We should be able to start pilot testing within three weeks of receiving authorization to proceed. Completion of the pilot test portion of the work and the presentation of the results require approximately one to two weeks.

ACCEPTANCE

Signing in the space provided below will indicate acceptance of this letter proposal. In the alternative, this proposal and scope of work may be incorporated in a purchase order or other document indicating acceptance. Please return one executed copy of this letter proposal or other documentation of acceptance to ATEC Systems Associates, Inc. at the address in this letter.

We appreciate your interest and look forward to the opportunity to work with you and your organization on this project.



William E. Ketchum
President

ACCEPTANCE:

BY: _____ TITLE _____ DATE _____

Table 1

**Physical Characteristics of Pilot Filter Set and Media
ATEC Iron and Manganese Removal System**

Pilot Filters¹

Sidewall Height (inches)	48 to 60
Overall Height (inches)	62 to 74
Diameter (inches)	6
Filter Surface Area (each) (ft. ²)	0.1964
Total Filter Surface Area (ft. ²)	0.7854
Underdrain	Stainless Steel Wedgewire, 0.01" slots
Media Support	¾" minus crushed granite, 4"
Source Water Connections	¾" Standard Hose
Recommended Minimum/Maximum Working Pressure	20/90 psi

Filter Media²

Depth in Filters (inches)	36 to 48
Volume in Filters (ft ³)	2.36 to 3.15
Approximate Weight in Filters (lbs.)	285
Weight (lbs./ft ³)	120.5
Physical Size (mm)	0.32 -to-0.85

Maximum Removal Capacity

Iron Removal (mg/L)	10
Manganese Removal (mg/L)	10
Hydrogen Sulfide Removal (mg/L)	5
Non-Adsorptive Removal (microns)	>20

Chemical Dosing Equipment³

Stenner Peristaltic Solution Metering Pumps (up to 17.0 gpd @ 100 psi)
LMI Solution Metering Pumps (various capacities)

Other Equipment

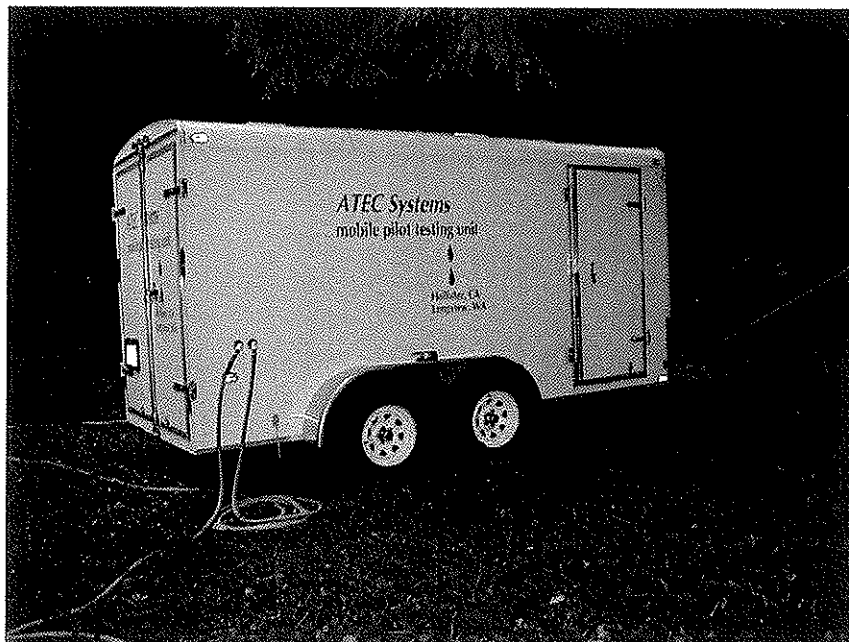
Chlorine Analyzer, Hach CL 17 or ProMinent D2C
Flow Meters, Sea Metrics, Inc., FT-420
Data Logger, Endress + Hauser, Mini-Logger
Automatic Samplers, ISCO, Inc.

^{1/} The pilot filter plant consists of four, 6" filter columns connected by common manifolds for influent, effluent and backwash water. Each filter is controlled by a three-way ball valve. The system is set up to closely mimic a full-scale filter system in terms of media depth, application rates in terms of both area (gpm/ft² of filter area) and volume (gpm/ft³ of media), and backwash characteristics to the extent possible. Source water is metered using a totalizing flow meter. Pressure is measured on the influent and effluent manifold to determine headloss. Chemical injection points are located as close to the filter as possible to simulate actual operation. In cases where extended contact time is desired before the source water enters the filters, a pipe section of pre-determined volume is placed between the chemical injection points and the filters to provide accurate contact time measurement. Sidewall height is variable to a maximum of 60" without modification, allowing a maximum media bed depth of 48".

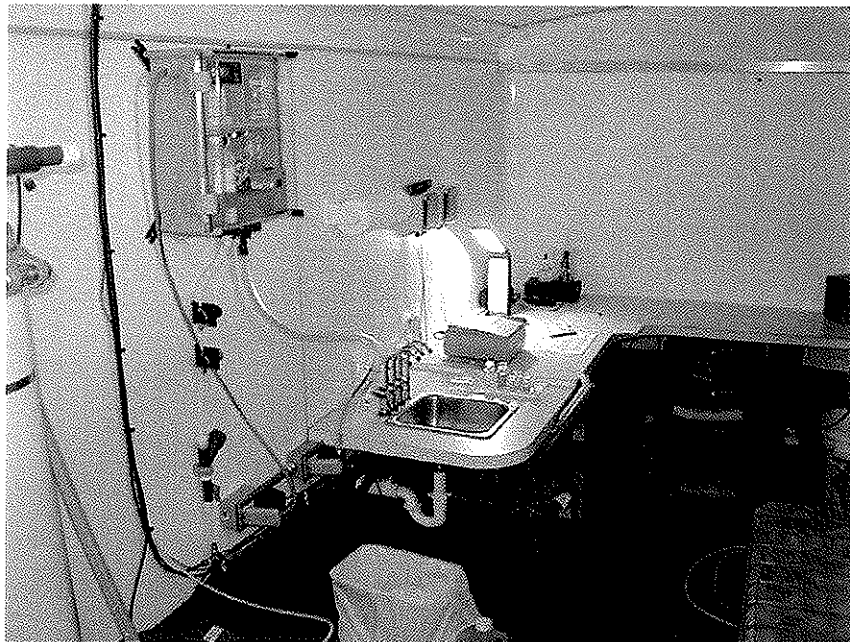
^{2/} AS-721M and AS-741M Filter Media, 0.85 to 2.36mm and 0.42mm to 0.85mm, respectively, are both granular manganese dioxide media, derived from naturally occurring pyrolusite, and are certified to ANSI/NSF Standard 61.

^{3/} Solution metering pumps are available for the injection of up to three chemicals, if needed. Normally, the only chemical injected is chlorine. And in the case of arsenic, ferric chloride. There are, however, provisions for special circumstances, such as pH adjustment for corrosion control or the treatment of water at fish hatcheries that do not permit chlorine.

Figure 1
ATEC Iron and Manganese Removal Pilot Plant



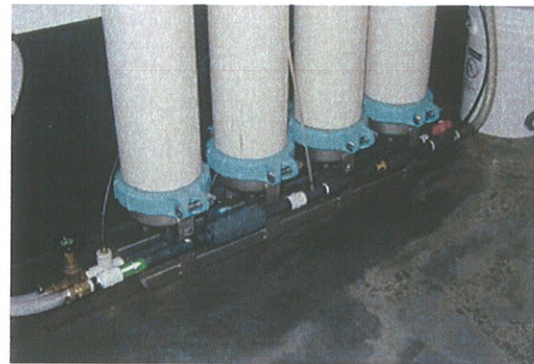
The exterior of ATEC Systems' pilot trailer is shown above. The source and product water connections are shown entering and exiting the trailer. Inside dimensions are 14' x 6' x 6 1/2'.



The front one-half of the trailer is shown above. The instrument foreground on the wall is an in-line chlorine analyzer. The smaller boxes on the wall above the light are electronic flow meters used to monitor cumulative as well as instantaneous flow for each treatment train in the pilot plant.



Picture above shows the interior of the pilot plant trailer from the rear. The sample outlets and the analytical equipment are on the desk in the front of the trailer.



The picture on the left shows one set of filters. Source water enters through the hose inlet in the wall, passes through a flow meter, past a chlorine injection point, through an in-line static mixer, into the inlet manifold, down through the filter media. Product water is discharged through the wall. The pail holding the sodium hypochlorite solution can be seen to the right of the filter vessels and the in-line chlorine analyzer is on the wall above the NaOCl container. The sample ports and analytical equipment is forward of the chlorine analyzer. A second container of Ferric Chloride solution and feed pump is provided for pilot testing for arsenic removal.

Table 2
SUMMARY OF SITE AND INITIAL DATA REQUIREMENTS

1. Power, 115 VAC for injection equipment and lighting
2. Source water, minimum 10 gpm @ 30 psig (ATEC will supply pump if necessary).
3. Disposal of water and backwash effluent¹

Data Needed from Utility

1. Comprehensive Water System Plan (relevant sections)
2. Inorganic test results (most recent)

¹ Any necessary permits are the responsibility of the client

ORDINANCE NO. _____

AN ORDINANCE ESTABLISHING WEIGHT LIMITS UPON CERTAIN STREETS; PROVIDING FOR A PERMITTING PROCESS; IMPOSING PENALTIES; AND ADDING A NEW CHAPTER TO TITLE 10.

R E C I T A L S:

1. The City of McCleary maintains public streets within the ordinary course of its operations.

2. There is concern that vehicles of over a specified weight may create significant risk of damage to those streets in light of the level of construction of the streets, thus requiring repair at the City's expense as a result of private activity.

3. It is the desire and intention of the Mayor and Council to control such activity, but at the same time, establish a procedure by which such use may be permitted.

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

SECTION 1: On and after the ____ day of _____, 2012, it shall be unlawful for any person to drive or operate a motor vehicle having a gross weight greater than _____ thousand pounds on those certain streets as described upon Attachment Number 1 attached hereto and incorporated by this reference without possessing the appropriate road use permit

authorized pursuant to the provisions of Section II of this Ordinance: PROVIDED THAT, the primary entrance to the streets subject to this restriction shall be posted with signs giving notice of the restriction: PROVIDED FURTHER THAT, this prohibition shall not apply to the following classification of vehicles:

A. Emergency vehicles, including but not limited to fire suppression equipment, emergency medical services equipment, and police equipment.

B. Public utility vehicles.

C. Vehicles, the presence of which would otherwise be prohibited, for the sole purpose of traveling upon the roads within the restricted area to make delivery of a product carried by such vehicle to a location within the restricted area: PROVIDED THAT, such exemption shall not apply if a similar delivery has been made to that location within the prior _____ calendar days.

SECTION II: Prior to the operation of a motor vehicle upon any public street subject to the restrictions set forth in Section I of this Ordinance, the owner or operator shall apply and receive a road use permit from the City.

2.1. The road use permit shall be applied for through the Office of the Clerk-Treasurer of the City. The fee to be charged for the issuance of such permit shall be established by

resolution. It shall be subject to issuance by the Clerk-Treasurer.

2.2. In issuance of the permit, the Clerk-Treasurer shall be authorized to rely upon advice of the Director of Public Works or such other persons as may be deemed appropriate, and shall take into consideration the nature of the traffic which is requested, the amount of such traffic resulting, the street or public rights-of-way involved, the nature of construction of the streets in question, and such other factors as may be relevant.

2.3. The issuance of the permit may be conditioned upon such conditions as may be deemed appropriate and necessary, including but not limited to posting an appropriate bond, having acceptable sureties, or maintaining or restoring the street to the same condition as it was prior to the commencement of the utilization.

SECTION III: In the event an individual who has sought a permit is aggrieved by the terms and conditions of the proposed permit, that individual may appeal the conditions to the City Council. The appeal shall be in writing, filed with the Office of the Clerk-Treasurer, and shall state with reasonable specificity the portions of the permit which are being appealed. Within forty-five days of the filing of the notice of appeal, the Council shall hold a hearing upon the appeal. The Council may affirm, reverse, or modify the decision of the Clerk-Treasurer. The decision of the City Council shall be final.

SECTION IV: Any person violating the provisions of this Chapter shall be subject to the following penalties:

A. Upon a finding of committed as to up to two notices of infraction alleging a violation of this ordinance within any twelve-month period, the party shall be subject to a penalty not to exceed \$300: PROVIDED that the Court upon such finding may also require restitution for any damage suffered.

B. Upon a third or subsequent finding of violation within any twelve-month period, the party shall be subject to punishment as provided in the general penalty provision of the first paragraph of Section 1.20.010 M.M.C., as now existing or hereafter amended or supplanted: PROVIDED that, in addition to any fine or jail sentence, restitution for any damage may be required.

SECTION V: Sections I through IV shall constitute a new Chapter in Title 10 of the McCleary 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

ORDINANCE -A- 5
12/07/2011
DG/le

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

RESOLUTION NO. _____

A RESOLUTION ESTABLISHING RATES AND CHARGES
IN RELATION TO THE STORM WATER UTILITY OF
THE CITY; REPEALING RESOLUTION 545; &
PROVIDING AN EFFECTIVE DATE.

R E C I T A L S:

1. Pursuant to existing Ordinances, the City established a storm water utility.

2. Those Ordinances authorized the establishment by resolution of rates and charges to be paid by those benefitted by and within the area subject to the storm water. This was done most recently through the adoption of Resolution 545.

3. In setting those rates and charges, the Council and Mayor considered the factors set forth within the Ordinance, as well as such other information and factors as have been developed since the adoption of the Ordinance, including the information referenced in Recital 4.

4. Since the adoption of Resolution 545, the Council has received the recommendations contained with a Storm Water Utility Plan prepared by the City's engineering consultant. While that Plan recommended significant increases in rates, the Council and Mayor do not find such increases appropriate at this time. Rather they have chosen to modify the rates in a more

limited manner so as to reflect both the impacts of increased costs and the impact of fee increases upon the utility's customers.

5. In light of those factors, the rates set forth herein are found to be reasonable, necessary, and appropriate to operate the utility.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS BY THE CITY COUNCIL OF THE CITY OF McCLEARY, THE MAYOR CONCURRING:

SECTION I: AUTHORIZATION:

Pursuant to the authority granted by the Ordinance establishing the utility, there is hereby created and imposed in Section II a system of rates and charges on each parcel of real property within the City served by or which is capable of receiving benefit and service by and from the Storm Water Utility established by Ordinance.

SECTION II: RATES AND CHARGES:

The following Utility rates and charges are hereby established for all parcels of real property in the City:

2.1. System Development Charge: The charge assessed to all parcels upon application for development. The System Development Charge shall be a one-time charge of \$578.90 for all applications received on and after the effective date of this resolution. This charge shall be adjusted annually as of December 16, 2012, and each December 16 thereafter as provided in Section III of this resolution.

2.2. Monthly Charges:

2.2.1: The following shall be billed upon the same billing schedule as is provided for the other utility services of the City.

A. Single-Family Parcels: The base single-family residential charge shall be \$7.00 per month for each Equivalent Service Unit (ESU) for a parcel having one residential unit. This uniform rate is based upon each residential unit being equal to or less than 3,000 square feet, or fraction thereof, of impervious surface.

B. Multiple Family Parcels (3 or more units): Base shall be \$7.00 for the first 3,000 square feet of impervious surface, or fraction thereof, and \$3.00 for each additional 3,000 square feet, or fraction thereof, of impervious surface area.

C. Non-residential Parcels: Base shall be \$7.00 for the first 3,000 square feet of impervious surface, or fraction thereof, and \$3.00 for each additional 3,000 square feet, or fraction thereof, of impervious surface area.

2.2.2: The charges established in §2.2.1 shall be adjusted annually as of December 16, 2012, and each December 16 thereafter as provided in Section III of this resolution

SECTION III: ANNUAL ADJUSTMENT:

In recognition of the necessity of assuring that the rates established for this service remain consistent with the increase in costs and of the billing period utilized by the City

utility, the rates set by Section II of this resolution shall be subject to adjustment as of December of each calendar year.

The adjustment shall be the greater of either three percent (3%) or the monetary amount which is the result of the following calculation:

A. Methodology of Calculation: The then existing utility rate multiplied by a figure established as the average of the Seattle-Tacoma-Bremerton Area Bi-Monthly Index CPI-U (June compared with June) and the US All City Average CPI-U for the same period. [Example: S-T-B Area Bi-monthly Index CPI-U is 3.5% and the US All City Average CPI-U for that period is 2.5%. The multiplier to be utilized is 3.0%. If the existing rate is \$4.00, the result would be an increase of \$0.12 for an adjusted rate of \$4.12.]

B. Principals of application:

1. The average for the CPI multiplier, if not an even 1/10th of a percent, shall be rounded upward to the nearest 1/10th of a percent.

2. The resulting product of the calculation carried out pursuant to SA shall be rounded to the next highest 1/10th of a dollar, if the initial calculation does not so result.

SECTION IV: REPEAL & EFFECTIVE DATE:

4.1. This resolution shall take effect at 12:01 A.M. on the day following adoption with the rates established by the provisions of Section II to be applied as to any utility billing

issued by the City on and after the ____ day of _____,
201__.

4.2. Resolution 543 shall be repealed as of the effective date of this resolution: PROVIDED THAT, such repeal shall not affect any obligations which have arisen under the provisions of that resolution, whether fiscal or otherwise.

PASSED THIS ____ DAY OF DECEMBER, 2011, by the City Council of the City of McCLEARY, and signed in authentication therewith this _____ day of December, 2011.

CITY OF McCLEARY:

D. GARY DENT, Mayor

ATTEST:

WENDY COLLINS, Clerk-Treasurer

APPROVED AS TO FORM:

DANIEL O. GLENN, City Attorney