



McCleary City Council

PROPOSED AGENDA

September 28, 2011

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: Light & Power Capital Improvement Plan (Tab D)

New Business: Approve new Janitorial Contractor (Tab E)
 Service Requests / Placement Permits (Tab F)

Ordinances:

Resolutions: Light & Power CIP (Tab G)

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

CITY OF MCCLEARY
Regular City Council Meeting
Wednesday, September 14, 2011

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

ROLL CALL Councilmember's Boling, Lant, Ator and Schiller.

ABSENT Councilmember Geer was absent. It was moved by Councilmember Schiller, seconded by Councilmember Lant to excuse Councilmember Geer's absence. Motion Carried.

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

MINUTES APPROVED It was moved by Councilmember Boling, seconded by Councilmember Ator to approve the minutes as received. Motion Carried.

PUBLIC COMMENT Larry Birindelli complimented all the City staff members for the hard work they are doing in the park to keep it beautiful, in the office by being friendly and helpful, and for all the help he gets from the Building Department. Mr. Birindelli went on to discuss the impact fees the City charges for new water and sewer connections. He asked the City to consider other options than the current charge of \$10,000. One options he suggested was to pay half at permit application time and the pay the balance when water is connected. Mayor Dent asked staff to research the option and how it would affect the budget. Dan Glenn will research other options that may be available

Councilmember Schiller asked if Chief Crumb could check into the Ordinance on oversized commercial vehicles that park in residential areas. The heavy weight of the large semi-trucks cause road damage and they block visibility for people trying to drive around them. Chief Crumb will research the issue and report back.

MAYOR'S REPORT The Mayor reported the 2009 Financial Audit results are final are now posted on the State Auditor's Website.

The City held a give-a-way event and gave out light bulbs they received from the conservation program. Four light bulbs were given to each resident that showed their City utility bill. There are hundreds of light bulbs remaining so the office staff started distributing them to the customers that did not attend the event when they come in to pay their bill. The response has been very positive.

The Mayor announced that the Public Works Trust Fund Loan has been signed and the City is moving forward.

Mayor Dent stated the City crew has been doing a phenomenal job on the park path project and is very happy with the results.

CHAMBER BANNER DONATION FOR CITY-WIDE GARAGE SALE Mayor Dent informed the Council the Chamber of Commerce donated the City-wide Garage Sale sign to the City. The City is responsible for paying the \$20 sign permit fee, which was paid by a private donor this year, and the City will have to cover any potential insurance claim.

L & P CAPITAL IMPROVEMENT PLAN In August 2011, Elcon Associates, Inc. completed the Capital Improvement Plan (CIP) Report, which only evaluates and recommends improvements to our electrical system. Staff is requesting the Council to consider adoption of the Capital Improvement Plan Report after reviewing the material at a future meeting.

TRANSFORMER REQUEST Paul Nott, L & P Supervisor, submitted a memorandum showing the deficiencies of the Light & Power material inventory. He proposes purchasing 30 transformers to restock the City's inventory at an estimate of approximately \$45,000. It was moved by Councilmember Lant, seconded by Councilmember Schiller to authorize the City to call for bids for purchasing 30 transformers. Motion Carried.

COASTAL COMMUNITY ACTIONS PROGRAM The City has an annual agreement with CCAP to define the conditions that the City must agree to so the program can make energy assistance payments to the City on behalf of eligible, low-income households. It was moved by Councilmember Ator, seconded by Councilmember Boling to authorize the execution of the Agreement by the Mayor. Motion Carried.

BPA AGREEMENT 09PB-13069
EXHIBIT B REVISION

The power sales agreement with BPA and the City contained a clause to have a Contract High Water Mark (CHWM), Provisional CHWM's, and Contract Demand Quantities (CDQ's) established by September 15, 2011. The agreement has now been proposed. The CHWM and Provisional CHWM will be revised by September 14, 2014 to account for additional load growth. In the event the loads are annexed (or de-annexed); the Contract will be adjusted accordingly. **It was moved by Councilmember Lant, seconded by Councilmember Boling to authorize the execution of Revision No. 1 to Exhibit B of the existing Power Sales Agreement. Motion Carried.**

BPA CUSTOMER PORTAL

The City uses BPA's Portal Tracking and Reporting (PTR) System for submitting conservation reimbursements. The PTR system will be decommissioned at the end of September and replaced with their new Customer Portal, which will allow us to access active BPA contracts, view monthly bills and view meter information. **It was moved by Councilmember Schiller, seconded by Councilmember Lant to authorize execution of the Customer Portal Access and Use Agreement. Motion Carried.**

EXECUTIVE SESSION

None.

APPROVAL OF VOUCHERS

Vouchers/Checks were submitted for approval for transactions 3960-4001 in the amount of \$38,924.42 and 4096-4145 in the amount of \$107,702.94. **It was moved by Councilmember Boling, seconded by Councilmember Ator to approve the vouchers as received. Motion Carried.**

ADJOURNMENT

It was moved by Councilmember Boling, seconded by Councilmember Lant to adjourn the meeting at 7:42 PM. The next meeting will be held on September 28, 2011 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: September 22, 2011
RE: LEGAL ACTIVITIES as of SEPTEMBER 28, 2011

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. VISION SOFTWARE DISPUTE: As you are aware, Vision disputes the position of the City that they breached the agreement by failing to provide in a timely manner certain of the various software modules required under their contract. Based upon information provided by Ms. Collins, I have directed a letter to their counsel in response to his letter as to possible solutions. I would anticipate a response by the time of the next meeting.
2. NETWORK MAINTENANCE CONTRACT: As of the time of the preparation of this report, the provisioner has not yet provided to the City a clarified version of either what they indicate is their scope of services or of the contract which would incorporate this scope. As I have indicated to Mr. Bird, it is my recommendation, when they are received, Ms. Collins, Mr. Bird, and I should take a reasonable time to review prior to making any recommendation to the six of you as to execution.
3. JANITORIAL SERVICES CONTRACT: Assuming the proposals are received in a timely manner so as to allow the Mayor and Staff to review them prior to this meeting, if a recommendation is made and a proposal is accepted I will thereafter prepare a written contract. Based upon applicable state law, it will require that any employee of the company be compensated at the prevailing wage for the service provided. Also, due to prior discussions with Chief Crumb and the reality of the extent to which there is confidential information within the City's facilities, it will require that any individual who

will provide services within the City's facilities under the contract pass a background check.

4. UTILITY DISCONNECT/RECONNECT SITUATION: Based upon discussions with Ms. Collins and Mr. Bird, we apparently have situations in which various of our utility customers who are in no way delinquent have certain of their utility services shut off and then turned on for reasons not tied to repair issues. In a way, it sounds as if it is analogous to the requests from customers who wish certain of their utility services turned off while they are down south during the winter. Obviously, turning off and turning on a utility costs the City, and thus the citizens generally, money and is thus reflected in the rates paid by all.

If I understood correctly, currently there is no fee established for such services. If that is the situation, we would appreciate your direction as whether or not you wish to have me draft an amendment to any necessary ordinance or resolution setting forth the necessary protocol. Obviously, Mr. Nott and Mr. Baun will need to provide monetary recommendations as to the charges necessary to insure that the individual requesting the service internalizes the associated costs, rather than having them absorbed by the entire utility customer base.

5. FIRE DISTRICT #5: As indicated in the prior report, a letter requesting factual/fiscal information was tendered to the District. It went Mr. Prater for provision to the District's Commissioners as part of his preparation of a response. Hopefully, he will be able to provide the responses promptly since his indication previously was that he was working on the gathering of the information upon which the District was going to base its figures.

Upon receipt of any response, it will be provided to you for your information.

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: September 22, 2011
Re: Current Non-Agenda Activity

Energy Conservation Program

The light bulb promotion was slow, but we managed to meet our goal. As we had so many bulbs left over after the Saturday event, we gave them away in the front office until September 23. We still have a few cases of bulbs left, but will likely save them for another event.

Beginning October 1, our new fiscal year begins for the conservation program. We have a limited budget (approximately 45% of what we had last year). Our main focus will remain on residential customers.

Again, if you are interested in any component of the program, please feel free to stop on by or give us a call to see how we can help.

PWTF Update

One little bit of legislation that crept in unbeknownst to most entities is the concept of a energy conservation design review. We will be required to conduct a 3rd party independent review of our project to ensure that we are providing all of the cost effective conservation measures possible. It is estimated that this can cost approximately \$5,000 - \$15,000. Fortunately, we have been working with Cascade Energy (a consultant of BPA) to evaluate the facility. It is possible we may be able to get the documentation we need from Cascade rather than hire a 3rd party consultant as a no cost alternative. I will keep you informed as this develops.

Comprehensive Stormwater Management Plan

The complete Comprehensive Stormwater Management Plan has been provided to the City. Unfortunately we were unable to complete the review of the Stormwater Plan. The final document will be provided after Todd and I have reviewed the draft version again.

Beerbower Park

The concrete ADA path is now complete. We are in the process of finalizing the project (final grading, topsoil, seed). We will be conducting our final walk through with RCO next week.

STAFF REPORT

To: Mayor Dent
From: Nick Bird, P.E., Director of Public Works
Date: September 22, 2011
Re: Light and Power Capital Improvement Plan

In June 2011, we provided an update on the Light and Power Capital Improvement Plan. In August 2011, Elcon Associates, Inc. completed the Capital Improvement Plan (CIP) Report. This CIP only evaluates and recommends improvements to our electrical system. We have included the summary and conclusions as an attachment to this report as well as the recommended construction summary (schedule and estimated costs) for your review and reference. Copies of the complete document can be reviewed at City Hall.

As Mr. Glenn recommended, this CIP should be adopted via resolution.

Action Requested:

Please consider adoption of the Capital Improvement Plan Report provided by Elcon Associates, Inc., dated August 2011.

STAFF REPORT

To: Mayor Dent
From: Wendy Collins, Clerk-Treasurer
Date: September 23, 2011
Re: RFP for Professional Cleaning Services

The City advertised for a janitorial cleaning service, in both the Daily World and The Vidette. Four individuals requested bid packets and they were contacted to attend a walk-through with Todd Baun so they could accurately bid the job. The bid closes on Monday, September 26, 2011 at 4:00 pm. After the bids are opened and logged in, staff will prepare a list and provide it to you at the meeting on September 28, 2011 for approval of a new janitorial provider. Please review the bids submitted.

Action Requested:

Please authorize the Mayor to sign a contract with a new janitorial company and begin cleaning services as soon as possible.

STAFF REPORT

To: Mayor Dent
From: Nick Bird, P.E., Director of Public Works
Date: September 22, 2011
Re: Service Requests / Placement Permit

Service Requests

As Mr. Glenn noted in his report, we have had a minor problem with electrical disconnects and reconnects. Unfortunately with the downturn in the economy, many homes and rental units are vacant. As a result, there have been a few landlords and real estate agents that prefer, during a short period of time, to shut the power off, turn it back on to do some vacuuming/cleaning, turn it off again, turn it on to show the residence, turn it off again, turn it on to show again, etc. While I understand that this is a duty of the crew, there is a manpower cost.

After discussing this with internally, we thought it ironic that when an individual has power shutoff for non-payment, on top of paying the 5% penalty, there is a \$20 reconnect fee charged. A simple solution to this problem may be charging the customer a \$20 reconnect fee when the customer wants the power turned back on. An additional component could be added, something to the effect of "if the service is transferred to a new tenant or owner, the reconnection charge shall not apply" to minimize the impact of sales and rentals. Another situation may be in the event an electrician is working at the house, they commonly request the service be disconnected for obvious safety reasons. The Council may wish to also provide this as another exception to the reconnect fee.

Placement Permits

Our Municipal Code, specifically Section 17.28.040 via Ord. 709, requires a "Placement Permit" be received from the City to locate a freestanding canopy (Costco canopy for example) to ensure setbacks are being maintained. This Ordinance was adopted in 2004, but specifically states the fee is to be established by the City Council, which has yet to be completed.

Additionally, a building permit is not required for structures under a certain size, in accordance with the exemptions defined in the IBC and IRC. We believe it would also be appropriate to have a "Placement Permit" defined for accessory structures exempted from building permits to also ensure setbacks are being maintained.

Summary

Resolution 539 was adopted to establish fees in relation to various activities in 2007. The fees identified in Resolution 539 have been adjusted accordingly; however, it seems that by updating this resolution we could also include the items just discussed.

Action Requested:

Please consider requesting Mr. Glenn to prepare the appropriate documentation to address these issues.

RESOLUTION NO. _____

A RESOLUTION ADOPTING AN AMENDMENT TO THE CAPITAL IMPROVEMENT PLAN FOR THE ELECTRICAL SYSTEM OF THE CITY.

R E C I T A L S:

1. Previously, the City has adopted a Capital Improvements Plan for its electrical system dated August, 2003. A copy of that Plan is on file in the office the Clerk-Treasurer.

2. The City retained the services of Elcon Associates, Inc., to provide an update to the Electrical Capital Improvements Plan in light of certain problems which were identified within the last 24 months.

3. The consultant has provided an amendment to the Capital Improvement Plan which it has recommended to the Mayor and Council for consideration and adoption.

4. The Council and Mayor have received the recommendation of Mr. Paul Nott, Senior Line Man, and Nick Bird, the Director of Public Works, that such amendment be adopted.

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

SECTION I: That certain document dated the _____ day of _____, 2011, entitled Capital Improvement Plan,

a copy of which is on file in the Office of the Clerk-Treasurer, shall be and is hereby adopted as an amendment to the City's Capital Improvement Plan for its electrical system.

SECTION II: To the extent not inconsistent with the provisions of the amendment adopted pursuant to Section I, the Capital Improvement Plan Report for the electrical system of the City previously adopted shall be and is hereby ratified and reaffirmed.

PASSED THIS _____ DAY OF _____, 2011, by the City Council of the City of McCleary, and signed in authentication thereof this _____ day of _____, 2011.

CITY OF McCLEARY:

D. GARY DENT, Mayor

ATTEST:

WENDY COLLINS, Clerk-Treasurer

APPROVED AS TO FORM:

DANIEL O. GLENN, City Attorney