



# McCleary City Council

## PROPOSED AGENDA

**July 20, 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)  
                                 Staff Reports (Tab D)

Old Business:            PWTF Loan – Well 2 & 3 Improvements (Tab E)  
                                 G&O Amendment #19 – Well 2 & 3 Design (Tab F)

New Business:           Eagle Scout Project (Tab G)  
                                 Substation Repair PE#3 (Tab H)  
                                 District 5 Contract – Discussion (No information)

Ordinances:              Parks Ordinance (Tab I)

Resolutions:

Vouchers  
Mayor/Council Comments  
Public Comment  
Executive Session  
Adjournment

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

Please Turn Off Cell Phones – Thank You

**CITY OF MCCLEARY**  
**Public Hearing and Regular City Council Meeting**  
**Wednesday, June 22, 2011**

PUBLIC HEARING                    **7:00 PM Public Hearing on 6 year street plan.**

FLAG SALUTE                    The meeting was called to order at 7:00 PM with the Flag Salute.

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

ABSENT                            Mayor Dent was absent. **It was moved by Councilmember Boling, seconded by Councilmember Ator to excuse Mayor Dent. Motion Carried.**

STAFF PRESENT                 Present at the meeting were Dan Glenn, Wendy Collins, Nick Bird, George Crumb, Todd Baun, Randy Bunch and Jon Hinton.

SIX-YEAR STREET PLAN        Nick Bird listed the four top priorities for the coming year, which is very close to what we listed last year. First priority will be the Ash Street improvements on sidewalks and replacing utilities as cost allows. Second priority is 3rd Street to Simpson and up to the stop sign. The plan is to make ADA pedestrian improvements compliant. Beck Street to Larson is a full-blown street construction improvement. The third priority is N. Summit Road from Beck Street to Larson. This is the largest project including street widening, bike lanes, and pedestrian mobility. The fourth priority is South 4th Street from Simpson Avenue to the 4th Street extension, which will be a full-blown reconstruction project providing new curb and gutter, stormwater, sidewalk, planter strip and other improvements. Discussion took place regarding the priorities and Joy Iverson asked if the priority list is cast in stone. Dan Glenn replied by stating the City is not bound by these priorities as they are only a guideline.

The Public Hearing ended at 7:15 pm.

**Regular City Council Meeting**

REGULAR MEETING             Called to order by Mayor Pro Tem Lant at 7:16 pm.

SIX YEAR STREET PLAN        **It was moved by Councilmember Ator, seconded by Councilmember Geer to adopt the**  
RESOLUTION NO. 630        **six year street plan. Motion Carried**

MINUTES APPROVED         **It was moved by Councilmember Boling, seconded by Councilmember Geer to approve the minutes after a correction on the second page is made regarding the Fred Keel Memorial Fund. Motion Carried.**

PUBLIC COMMENT                Tanya Keel and the Bear Festival Royalty presented the Councilmembers and staff with Bear Festival buttons and invited them all to join the festivities July 8 - 10, 2011. Council and staff expressed their appreciation.

Doug Krikava, Bear Festival Parade Chair, invited all of the Councilmembers to attend the parade and ride in a car, which they will provide.

CITY ATTORNEY REPORT        Dan Glenn informed the Council that Mike Meglemre passed away. He and his wife Bette have represented the City during employee labor contract negotiations. Bette has decided to discontinue working for the City. Mr. Glenn is recommending the Council approve an interim agreement with Scott Snyder to represent the City during labor negotiations. Mr. Snyder currently represents Montesano and Elma and has done very well. The City will benefit by sharing travel fees with Montesano and Elma when trips can be combined. **It was moved by Councilmember Boling, seconded by Councilmember Ator to authorize the City Attorney to enter into an agreement with Scott Snyder for interim labor negotiations. Motion Carried.**

DIRECTOR OF PUBLIC WORKS    Nick Bird thanked Bryson Huff for helping on the beautification project in the City.  
REPORT

FLOAT SHED	Mayor Pro Tem Lant stated he believes it would be in the best interest of the City to put the property up for sale to see if there is any interested buyers. Councilmember Ator said he doesn't want the City to just dump it or give it away too cheap. Mayor Pro Tem Lant agreed and said he would like to see if there is any interest at fair market value and noted the Councilmembers will have to approve the final decision. The City will have to extend their current 6 month lease on the fencing. Helen Lake suggested a sealed bid sale with the option to turn down any and all bids. Resolution 541 explains the protocol needed to follow and Dan Glenn will prepare an updated version for Council to review at the next meeting.
BEERBOWER PARK PATH	The approval is moving forward regarding the extension but it has not been confirmed. The damaged tree in the park will need to be removed due to root damage that will occur during path construction. <b>It was moved by Councilmember Boling, seconded by Councilmember Schiller to remove the tree from Beerbower Park. Motion Carried. It was moved by Councilmember Schiller, seconded by Councilmember Ator to use concrete for the path paving material. Motion Carried by three votes in the affirmative and one in the negative, Councilmember Geer.</b>
EMS CODE REVISION ORDINANCE NO. 771	The Ordinance amends the language that allowed the City owned buildings to be billed for EMS fees for buildings that are not populated (lift station, park kitchen, sub station, etc.). <b>It was moved by Councilmember Ator, seconded by Councilmember Geer to Adopt Ordinance No. 771. Roll call taken in the affirmative. Motion Carried.</b>
SOLID WASTE COLLECTION ORDINANCE NO. 772	Dan Glenn updated Ordinance 57, which was adopted in 1948, and required updating to remain compliant to the code. <b>It was moved by Councilmember Boling, seconded by Councilmember Ator to adopt Ordinance No. 772 updating the solid waste collection Ordinance. Roll call taken in the affirmative. Motion Carried.</b>
IT REQUEST FOR PROPOSAL	Three proposals were received and scored by three staff members who unanimously chose Adnets as their first choice. <b>It was moved by Councilmember Boling, seconded by Councilmember Schiller to authorize the City to begin negotiating the service contract with Adnets. Motion Carried.</b>
PWTF LOAN - WELL 2 & 3 IMPROVEMENTS	The City will be submitting the pre-contract documentation to the Public Works Board for creation of the loan contract. Once the contract is ready, the City will need the Council's authorization to proceed with execution of the contract, the project design, and construction of the Well Improvement Project. The loan from the PWTF will be a \$1.6 million dollar project with \$100,000 yearly payments for 20 years. Per Attorney Glenn's suggestion, staff will develop an economic forecast for the water fund to show how the loan would impact the City's future finances. Council will table until the next meeting.
G&O AMENDMENT #19 WELL 2&3 DESIGN	This item was tabled until the next meeting.
L&P MATERIAL PURCHASE	The City needs to replenish some supplies in the Light & Power department that have a total value of approximately \$5,000. Because the purchases are not for a specific job, staff wanted to obtain the Council's approval prior to the purchase. <b>It was moved by Councilmember Geer, seconded by Councilmember Boling to authorize the execution of purchase orders 11858 and 11859. Motion Carried.</b>
PARK REQUEST-TREE PLANTING FOR LINDSEY BAUM IN BEERBOWER PARK	Resident Julie Colbert addressed the Council asking for authorization to dedicate a tree to Lindsey Baum and have it planted in Beerbower Park along with a low profile plaque. <b>It was moved by Councilmember Boling, seconded by Councilmember Schiller to authorize the tree to be planted, due to unique circumstances in remembrance of missing child Lindsey Baum, under the supervision of the Public Works Director. Motion Carried.</b>
BEAR FESTIVAL AGREEMENT	The Bear Festival Agreement must be renewed annually in an effort to update changes with activities and programming. The Bear Festival Committee will review the agreement and work with Nick Bird on a mutually agreeable agreement. <b>It was moved by Councilmember Geer, seconded by Councilmember Ator to authorize the Mayor to execute the agreement, as mutually agreed, between the Bear Festival Committee and City staff. Motion Carried.</b>
PARK REGULATIONS ORDINANCE	This will be tabled until next meeting.

PUBLIC COMMENT

Shanie Cohen asked permission to allow the festival security to pitch tents in the park. They will be monitoring the park with rotating shifts during the night. Mayor Pro Tem Lant asked Ms. Cohen to inform the McCleary Police Department so they are aware in advance.

APPROVAL OF VOUCHERS

**It was moved by Councilmember Geer, seconded by Councilmember Boling to approve the vouchers as received. Motion carried.**

EXECUTIVE SESSION

At 8:34 p.m. a ten-minute executive session was called by Mayor Pro Tem Lant. Attending was the City Attorney and Elected Officials. At 8:44 p.m. the Council requested an additional five minutes. The executive session ended at 8:49 p.m.

RECESSED MEETING

Councilmembers Geer and Schiller will not be able to attend the Council meeting on July 27th so they asked if it could be moved to the week prior. **It was moved by Councilmember Schiller seconded by Councilmember Geer to recess the meeting until July 20th, 2011 at 7:00 pm. Motion Carried.**

Mayor Gary Dent:

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Clerk-Treasurer Wendy Collins:

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**MEMORANDUM**

TO: MAYOR AND CITY COUNCIL, City of McCleary  
FROM: DANIEL O. GLENN, City Attorney  
DATE: July 15, 2011  
RE: LEGAL ACTIVITIES as of JULY 20, 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. **THEATER PROPERTY EXECUTION SALE**: Chief Civil Deputy O'Connor has scheduled the Sheriff's Sale of the subject property in terms of executing upon the judgment lien the City obtained against the property. Notices have been published as well as sent to the last known address we have for the corporate owner.

One of the fundamental questions which may be presented is whether or not, if there were a competitive bidder present who was willing to bid more than the amount of City's lien, would the City wish to outbid that entity/individual so as to own the property. I will need direction on that at your convenience.

2. **PUBLIC WORKS TRUST FUND LOAN**: It is my understanding that the consideration of whether or not to accept the proposed loan is before you this evening. From a legal standpoint, as to the documents there really is no alternative. If the loan/s is/are accepted, the documents are to be executed in the format provided by the State. The fundamental question, as the Mayor has noted at a prior time, is one tied to balancing the fiscal impacts against the anticipated operational benefits. I am certain that Mr. Bird's report will deal more extensively with both of these elements.

3. **FIRE DISTRICT #5 EMS CONTRACT**: Based upon the provisions of the agreement entered into among McCleary, Elma, FD #12, as one group, and FD #5, as the other party, the contract is up for renegotiation this year. The language of the extension indicates that negotiations are to start by August 1 with the

anticipation that a contract will hopefully be achieved by the end of October.

It is likely that the fundamental issues will relate to fiscal matters since to my knowledge, there has been no concerns on either side in relation to the level and nature of service provided. A surprise, huh? With the hope that the situation can be moved forward more effectively and more quickly than the Congress and the President appear to be able to do on their current fiscal matter I have requested Chief Prater of FD #5 to provide a written indication of the District's position on an extension/successor agreement. As of this date, it has not been received. Upon receipt, we will move forward. As was true last time, it is my recommendation that McCleary work jointly with the other two parties in terms of negotiations. Since that allowed greater weight to be given to anything put forward, I would assume we will follow the same pattern.

I would note that the District's fiscal position appears to be more stable than at the time of the prior negotiations. For example, in checking the Superior Court records, it appears to have entered into an agreement with its primary lender under which a stipulated judgment was entered under which an amount owing was agreed upon as well as payment terms.

4. **PARKS/CEMETERY REGULATORY ORDINANCE**: As of this time, I have received no requests for modification of the existing draft. If any of you have any such requests or if there are questions, please feel free to give me a call or e-mail on the matter.

5. **COMPUTER SERVICES PROVIDER CONTRACT**: As of the time of the preparation of this report, it is my understanding that Mr. Bird and the company are still discussing certain issues. I am reviewing the draft which has been provided to me. When the two of them finish their discussions and I am provided the Company's proposed final draft, I will undertake one final review and recommendation. In the interim, it is my understanding that the Company is providing services to the City on an "as needed" basis.

6. **A NON-LEGAL QUERY**: My spouse wishes to confirm that I am actually attending council meetings and not simply out wandering around. Thus, we would like to invite the six of you, Ms. Collins, Ms. Reed, Chief Crumb, Mr. Bird, and your respective spouses or significant others as well as likely some other folks to a picnic out at our house on Sunday, August 7th, starting at around 1:30 or so in the afternoon. Based upon personal experience over the last 36 years, the drive to our house takes

less than an hour and hopefully, fuel will be even less expensive than it is now. It will be a bit easier than some picnics in that all you are to bring are yourselves.

In terms of attending, you would bring nothing other than your spouse or significant other and yourself. By Carleen's nature, she believes that when she invites someone to a picnic, that is all that the invitee should have to bring.

Please let Ms. Collins know if the concept, time, and date are agreeable to you as individuals. (I recognize that it is possible some of you may not be able to attend, but hopefully the time and date will work.) I will provide driving instructions since "Google" makes it a bit harder than it needs to be.

As you will note, Mr. Coker will be here in lieu of my presence. When the decision as to the "summer schedule" was made, I went ahead and scheduled a trip down south for the period including this Wednesday evening in the anticipation that the meeting would be next Wednesday. Well, things did change but Alaska Airlines is not as flexible in terms of scheduling and charges as one would like. Thus, Mr. Coker's presence.

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

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### **Energy Conservation Program**

We have seen a significant increase in project applications, but we still have approximately \$64,000 that needs to be allocated before the end of August! We will be coordinating with local businesses (industrial and commercial customers) and are considering conducting a lighting project of our own in-house. If you know somebody that is considering installing a heat pump (ductless or ducted), wants to install windows, wants to insulate their home, please send them in! Again, if you are curious as to what may qualify for conservation incentives, please visit the website ([www.cityofmccleary.com](http://www.cityofmccleary.com)) or give us a call at (360) 495-3667!

### **Entrance Signs**

Unfortunately we were unable to install the entrance signs before Bear Festival. Operationally there are a few other tasks that need to be buttoned up before the installation takes place, but in the mean time, a photo of one of the signs is shown below (photo provided by Todd Baun)!



### **Bear Festival**

What a fantastic event! To date, the Bear Festival Committee and the City have not sat down to discuss the good/bad/ugly of the event, but to my knowledge everything went great. Again, all of the volunteers that helped make this event so successful deserve a big "THANK YOU"!



### **Comprehensive Stormwater Management Plan**

It is our understanding that the draft plan is almost done. We should have the complete draft for review in the near future. Based on the remaining work, it is anticipated the final copy will be provided to Council for review and approval in September.

### **Float Shed**

Last meeting Mr. Glenn suggested that we provide a copy of Resolution 541, which identifies procedures for the sale of City owned property. A copy of this resolution is included following the staff report. Unfortunately, due to the events of the last few weeks, we have not had the opportunity to start the process as defined in Resolution 541.

Additionally, after the suggestion of selling the property, staff is concerned that we may have difficulty finding a proper location for the material that is currently stored on the site. Along with traffic control devices stored in the back, the future high-line poles (100' poles) and spares are stored on this site. In the event this property is sold, we will need to find a new home for this material. We believe we will have a difficult time locating an appropriate storage site for the high-line poles, specifically one that is somewhat secure (having a lineman right next door is helpful) and one that allows for relatively easy ingress/egress for transport of the poles.

In any case, we will continue as requested unless instructed otherwise.

### **Beerbower Park**

Just a follow-up notice, we did receive the requested extension from RCO regarding our project. The project must be complete by September 30, 2011. As discussed last meeting, the tree removal process will likely begin the first week in August (after the Bassett Tournament).

RESOLUTION NO. 541

A RESOLUTION ESTABLISHING PROCEDURES AS TO  
DISPOSITION OF SURPLUS REAL PROPERTY.

R E C I T A L S:

1. In the course of its municipal activity, the City has acquired real property.

2. At various times in the past, the potentiality of disposing of the municipally-owned real property has been presented to the Council.

3. Previously, the Council has not adopted a Resolution setting forth the procedure as to disposition of certain specific property and finds it appropriate to establish a general policy. Further, it has been determined that the provisions of the Optional Municipal Code do not set forth requirements in relation to such a disposition unless the property was acquired for utility purposes (RCW 35.94.040) or is being transferred to another governmental entity (RCW 39.33.020).

4. By adopting this resolution, the Council is not indicating that it intends to dispose of any real property held by it at this time but rather simply the desire to have in place

a process to guide such dispositions if they are considered in the future.

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

SECTION I: The following procedure shall be utilized in the disposition by sale of real property, or interest therein, held by the City:

A. The Council shall adopt a Resolution finding the property in question to be surplus to the present and anticipated future needs of the City.

B. One or more signs of such size and content as would be reasonably capable of providing notice to the public at large of the fact that the property is for sale shall be placed upon the property at such location as is visible to the public.

C. A Resolution shall be adopted providing for submission of proposals to purchase the subject property. That Resolution may, but is not to required to, include the specifics as to the closing date for the receipt of proposals, establishment of a minimum price, and limitations upon use.

D. Upon receipt of any proposal to purchase the property, the Council may accept, reject, or make a counteroffer.

In the event more than one proposal has been received and a

counteroffer is made, the counteroffer shall first be tendered to the party submitting the highest and best proposal to purchase. In the event the counteroffer is not accepted, the Council may, but is not required to, make the counteroffer to the next highest proponent.


SECTION II: Prior to or during the course of the process authorized by Section I, the Council may undertake such processes as it deems appropriate to obtain a valuation of the property. This authority shall include, but is not limited, hiring of a qualified party to provide an appraisal.

SECTION III: With the exception of Section I.A, the Council may, by vote of a majority plus one of its members waive any other provisions of Section I and Section II in the disposition of real property.

SECTION IV: This resolution shall take effect immediately.

PASSED THIS 25<sup>th</sup> DAY OF July, 2007, by the City Council of the City of McCleary, and signed in authentication thereof this 25<sup>th</sup> day of July, 2007.

CITY OF McCLEARY:


  
WALLACE BENTLEY, Mayor

ATTEST:

  
\_\_\_\_\_  
DONNIE ROSTEDT, Clerk-Treasurer

APPROVED AS TO FORM:

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DANIEL O. GLENN, City Attorney

To: Mayor Dent  
From: Vern Merryman, Water/Wastewater   
Date: July 2011  
Re: Council Report

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The wastewater treatment plant heat pump has been repaired and I have suggested that we look at a maintenance agreement for not only the heat pump, but also our effluent chiller and other city HVAC equipment as well.

On the 7<sup>th</sup> of July, the city experienced a power surge that has caused a non resettable fault on the belt filter press plc (programmable logic controller). With the filter press out of commission we are unable to dewater our liquid sludge until it is reprogrammed or worst case scenario has been replaced. We are also in need of replacement uninterrupted power source packs. This is something the city should look at for all computer work stations.

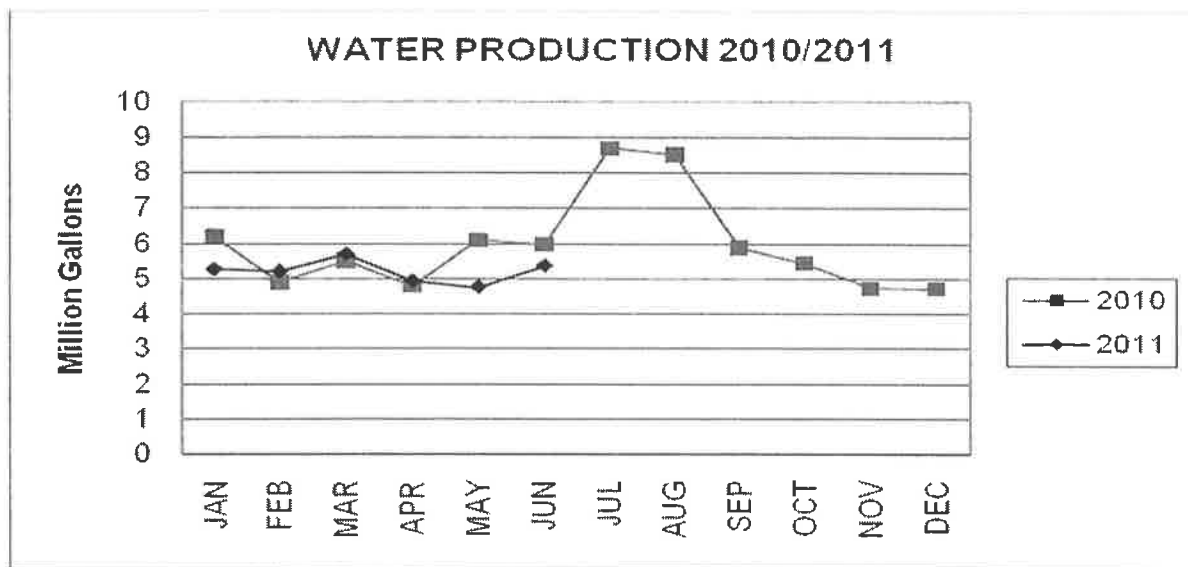
The Water Use Efficiency (WUE) report has been completed with as much information that is available at this time. If its completeness is unacceptable DOH will contact us for further clarification.

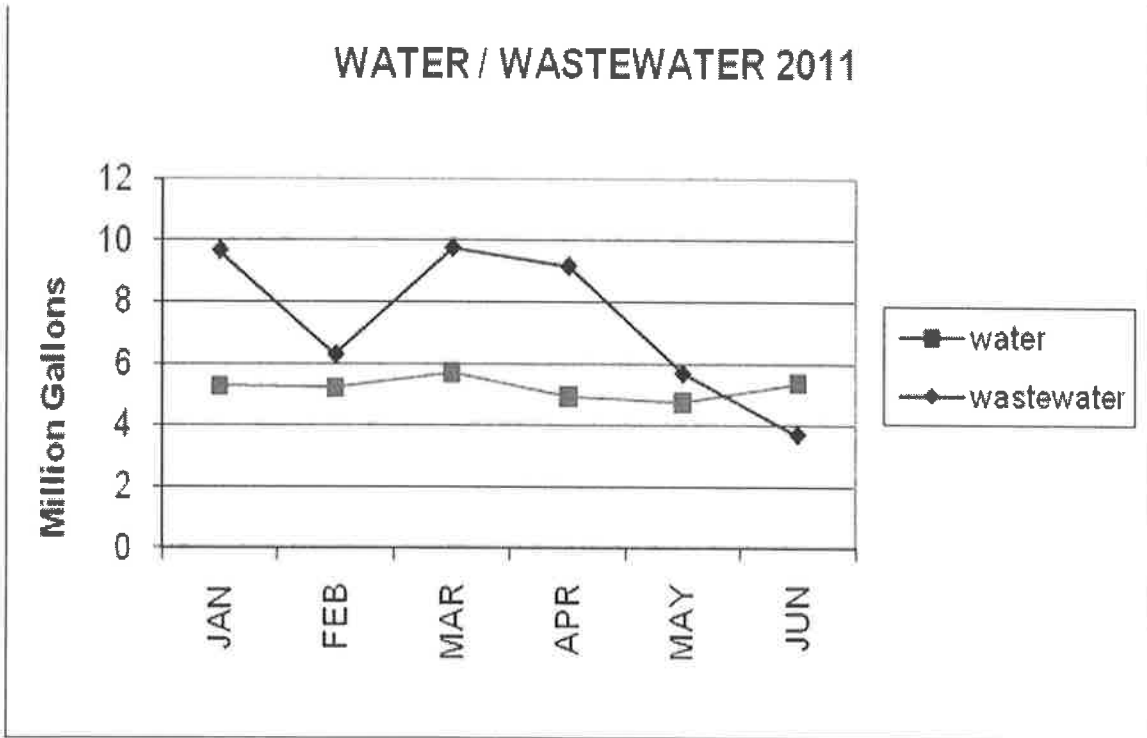
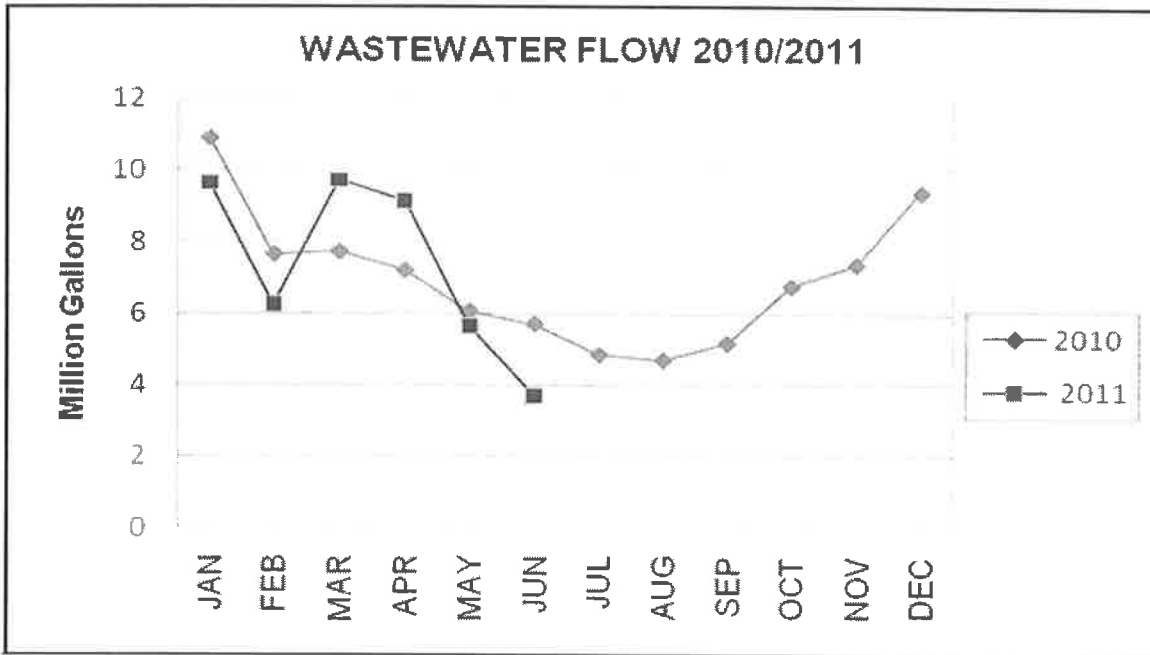
The annual Consumer Confidence Report (CCR) has been completed and sent out to our water customers.

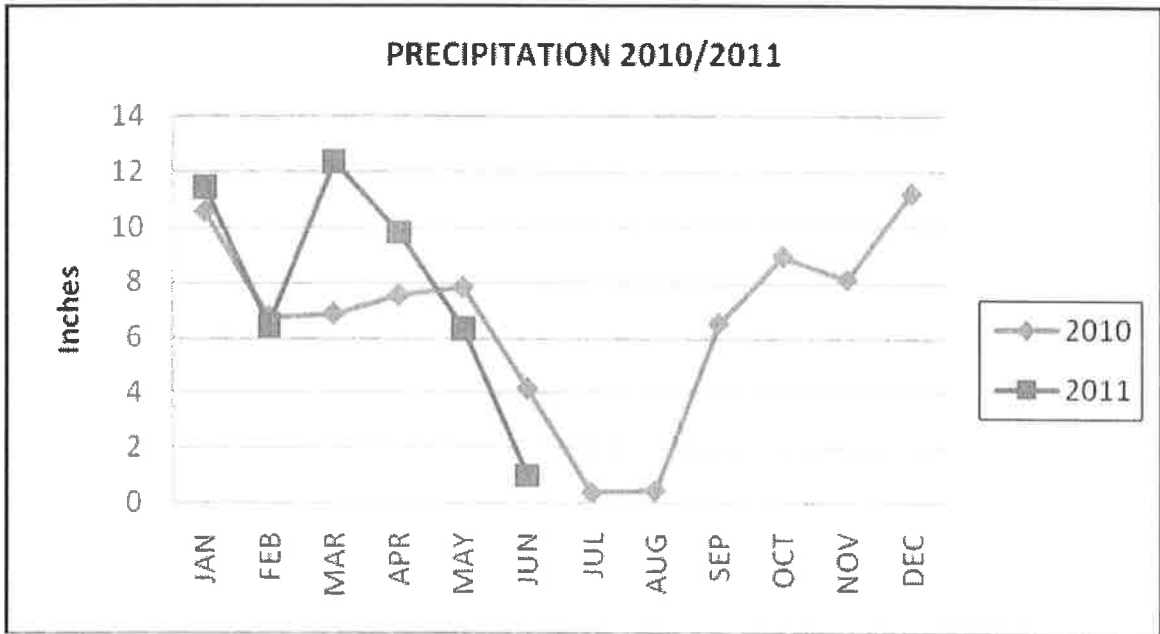
June precipitation came in at just under one inch.

Biosolid production for June was less than one dry ton, dewatered from 41,746 gallons of liquid digester sludge.

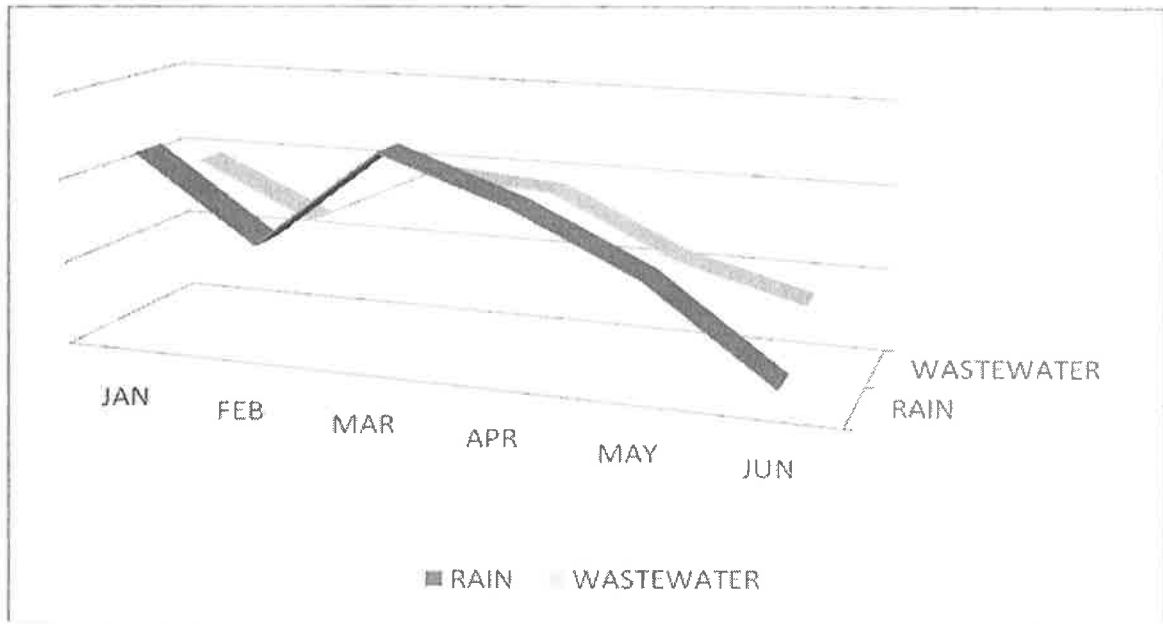
Charts for water production, waste flow and precipitation follow.







In the chart below, notice how the rain influences wastewater flow. This is caused from Inflow and Infiltration (I/I). When the water table raises so does the waste flow, when the water table recedes, the waste flow follows. This indicates a leaking collection system or I/I.





**STAFF REPORT**

To: Mayor Dent  
From: Colin Mercer Webmaster  
Date: July 1, 2011  
Re: June Website & Help Desk



**Re-Occurring Website Activities**

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

**New Website Activity**

- Posted outdoor burning regulations on the Fire Department Page.
- Perform complete review of McCleary Municipal Code hard copy and website copy for discrepancies.
- Posted the Ducted Heat Pump Conservation Measure

**Additional Tasks**

- Review IT RFP proposals.
- Prepare documents for the EO-0505 regarding the Well 2 & 3 improvement plan.
- Researched and developed the Ducted Heat Pump Conservation Measure.

**Help Desk Activity**

Month	Number of Incidents Reported	Staff Reported / Closed / Open	Citizen Reported / Closed / Open
March	15	2 / 5 / 2	13 / 9 / 13
April	12	3 / 8 / 2	9 / 9 / 13
May	3	4 / 4 / 2	2 / 4 / 11
June	18	5 / 4 / 3	13 / 15 / 9

**Conservation Program**

Month	Applications Received	Conservation Permits Issued	Rebates Paid This Month	Total Rebates Paid To Date
April	2	1	\$70.00	\$70.00
May	2	2	\$70.00	\$140.00
June	6	5	\$517.00	\$657.00

Website Traffic

June 1, 2011 through June 30, 2011

<b>Page Views by Section</b>		
<b>Section</b>	<b>Page Views</b>	<b>Percent of Total</b>
<a href="#">Default Home Page</a>	1992	29.05%
<a href="#">Events Calendar</a>	536	7.82%
<a href="#">City Departments</a>	408	5.95%
<a href="#">City Jobs</a>	404	5.89%
<a href="#">Police</a>	386	5.63%
<a href="#">Conservation Program</a>	367	5.35%
<a href="#">Agendas and Minutes</a>	324	4.72%
<a href="#">Bear Festival</a>	212	3.09%
<a href="#">Utilities</a>	179	2.61%
<a href="#">Code, Ordinances &amp; Standards</a>	179	2.61%
<a href="#">Mayor and Council</a>	157	2.29%
<a href="#">Search Results</a>	157	2.29%
<a href="#">City Photos</a>	130	1.9%
<a href="#">Administration</a>	103	1.5%
<a href="#">Light &amp; Power</a>	100	1.46%
<a href="#">FAQ's Page</a>	97	1.41%
<a href="#">Water / Wastewater</a>	97	1.41%
<a href="#">Public Facilities</a>	94	1.37%
<a href="#">Helpful Links</a>	87	1.27%
<a href="#">Fire</a>	84	1.22%
<a href="#">Chamber of Commerce</a>	80	1.17%
<a href="#">2008-11 Budget</a>	72	1.05%
<a href="#">Planning Department</a>	68	0.99%
<a href="#">Interlocal Agreements</a>	62	0.9%
<a href="#">Development Services / Building</a>	60	0.87%
<a href="#">Municipal Court</a>	51	0.74%
<a href="#">Tell Us What You Think!</a>	50	0.73%
<a href="#">Previous Years Council Minutes</a>	38	0.55%
<a href="#">City Staff</a>	37	0.54%
<a href="#">Bear Festival Photos</a>	37	0.54%
<a href="#">Flood Photos 2009</a>	32	0.47%
<a href="#">Christmas Photos 2007</a>	30	0.44%
<a href="#">Park Project Photos</a>	28	0.41%
<a href="#">Home Page</a>	28	0.41%
<a href="#">65th Anniversary Photos</a>	26	0.38%
<a href="#">Previous Years Council Agendas</a>	25	0.36%
<a href="#">Conservation Data Page</a>	20	0.29%
<a href="#">Community Center</a>	15	0.22%
<a href="#">Surveys &amp; Questionnaires</a>	6	0.09%
TOTAL	6858	100%

## STAFF REPORT

To: Mayor Dent  
From: Paul Nott, Light & Power  
Date: July 15, 2011  
Re: June Report



	<b>Monthly Statistics;</b>	<b>YTD Totals;</b>
<b>New Services;</b>	<b>0</b>	<b>0</b>
<b>System Outages;</b>	<b>1</b>	<b>12</b>
<b>Pole Replacements;</b>	<b>1</b>	<b>6</b>
<b>Maintenance Work Orders;</b>	<b>3</b>	<b>22</b>
<b>Billable Work Orders;</b>	<b>0</b>	<b>1</b>

Activities for the power crew this last month have been as such;

We changed out a rotten pole at the end of Larson Rd.

We began brushing on Larson Rd. but with Bear Festival this month we have yet to complete it.

Bear Festival is always a very busy time for all City staff. Once again, it appears that it went on without any major events.

We had an underground fault power outage out on Oak Meadows. Once again we were reliant on Mason County PUD 1 for assistance in locating the damaged cable.

The City also experienced a "blink" last week. The cause of this was a tree that fell on the Elma - McCleary Rd. that brushed the high line and caused the BPA 69KV breaker to operate.

KVA was here two weeks ago and took another set of DGA's on the 12 KV substation and we are awaiting the results.

We are anticipating a primary line extension project coming up in the next month and we will be back to brushing the power lines and starting a 7 pole change out project on the North end.

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

## **STAFF REPORT**

To: Mayor Dent  
CC: Ron Pittman, Chief  
From: Paul Nott, Assistant Chief  
Date: July 15, 2011  
Re: June Fire Department Report



	<b>Monthly Statistics;</b>	<b>YTD Totals;</b>
<b>Actual Structure Fires:</b>	<b>0</b>	<b>1</b>
<b>Fire Calls:</b>	<b>6</b>	<b>12</b>
<b>Rescue/EMS assists:</b>	<b>2</b>	<b>8</b>
<b>Motor Vehicle Collisions:</b>	<b>3</b>	<b>12</b>
<b>Hazardous Material Response:</b>	<b>0</b>	<b>1</b>
<b>Service Calls:</b>	<b>2</b>	<b>6</b>
<b>False Alarms:</b>	<b>0</b>	<b>2</b>

June was a busy month for Station 89. We had 13 fire calls this month.

Once again, we had quite a few illegal burn calls. It should be noted that Grays Harbor Co. follows the State burn ban regulations which as of July 1<sup>st</sup> the entire State is under a burn ban. At this time only recreational fires in approved fire pits are allowed.

The only call we had on the 4<sup>th</sup> was another illegal burn complaint.

Thanks to all the volunteers from the Firefighter Association for their efforts in creating another fantastic bear stew.

It comes with a heavy heart to report that once again the McCleary Police Department will be the guardians of the annual Guns and Hoses softball trophy for another year. The game was a battle to the bitter end, with alternating leaders throughout. But, when the dust finally settled, the cops never gave up, and finally prevailed. Congratulations and thank you to all of the law enforcement officers that participated, you earned it. We look forward to another battle next year!!!

Be safe all...

There were no firefighter injuries or safety concerns to report from the Safety Officer.

## STAFF REPORT

To: Mayor Dent  
From: Nick Bird, P.E., Director of Public Works  
Date: July 15, 2011  
Re: PWTF Loan – Well 2 & 3 Improvements

---

Last meeting, we were asked to present a projection of the water fund to help in the decision making process regarding acceptance of the PWTF loan for the Well 2 and 3 Improvement project.

Attached you will find a spreadsheet displaying:

- Revenues – revenues include water sales revenue and non-rate revenues which include “other charges” (fee’s charged for work completed), “New Water Service Connections”, and ULID payments. Additional revenues were intentionally omitted to provide a conservative projection.
- Expenses – expenses include salary and O&M expenses, existing debt service, a water main replacement program, a meter replacement program, a placeholder for additional capital improvements, and continuation of the equipment fund.
- New Debt Service – as previously indicated the 2012 payment is an interest only payment (conservatively shown as \$35,000) and the principal and interest payments are anticipated to be approximately \$100,000 annually.
- Annual Net Balance – the annual net balance shown is the difference between total revenues and total expenses. The two subsections, “Without New Debt Service” and “With New Debt Service” attempt to convey the net gain or loss on an annual basis.
- Unreserved Total Balance – the unreserved total balance is attempting to project the ending fund balance in the two scenarios, “Without New Debt Service” and “With New Debt Service”.

We have attempted to provide a conservative projection for your evaluation by intentionally omitting growth and assuming a small contingency in the event rate based revenue growth is not exactly 22% as one would assume with a 22% rate increase. Additional assumptions are shown below the financial data on the attached spreadsheet.

We have also included two figures for your convenience. The first, “Annual Net Balance”, depicts the data shown in the spreadsheet as Annual Net Balance. Again, this figure is intended to help display the annual net gain/loss in the two scenarios being considered. The second figure, “Unreserved Fund Balance”, depicts the data shown in the spreadsheet as Unreserved Total Balance. This figure is intended to show the projected ending fund balance through the evaluation period for each scenario.

### **Action Requested:**

Please consider authorizing acceptance of this loan.

**WATER FUND PROJECTION**

	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
<b>Revenues</b>												
Rate Revenue Under Existing Rate Structure	Act. 2009	Act. 2010	Proj. 2011	Proj. 2012	Proj. 2013	Proj. 2014	Proj. 2015	Proj. 2016	Proj. 2017	Proj. 2018	Proj. 2019	Proj. 2020
Non-Rate Revenues	\$ 282,653.56	\$ 328,663.03	\$ 401,100.08	\$ 469,287.09	\$ 549,065.90	\$ 565,537.88	\$ 582,504.01	\$ 599,979.13	\$ 617,978.51	\$ 636,517.86	\$ 655,613.40	\$ 675,281.80
<b>Total Revenues</b>	\$ 15,695.88	\$ 21,917.51	\$ 17,244.16	\$ 18,000.00	\$ 18,000.00	\$ 18,000.00	\$ 9,000.00	\$ 9,000.00	\$ 9,000.00	\$ 9,000.00	\$ 9,000.00	\$ 9,000.00
	\$ 298,349.44	\$ 350,580.54	\$ 418,344.24	\$ 487,287.09	\$ 567,065.90	\$ 583,537.88	\$ 591,504.01	\$ 608,979.13	\$ 626,978.51	\$ 645,517.86	\$ 664,613.40	\$ 684,281.80
<b>Expenses</b>												
Cash Operating Expenses	Act. 2009	Act. 2010	Proj. 2011	Proj. 2012	Proj. 2013	Proj. 2014	Proj. 2015	Proj. 2016	Proj. 2017	Proj. 2018	Proj. 2019	Proj. 2020
Existing Debt Service	\$ 279,148.44	\$ 274,225.82	\$ 298,980.00	\$ 310,939.20	\$ 323,376.77	\$ 336,311.84	\$ 349,764.31	\$ 363,754.88	\$ 378,305.08	\$ 393,437.28	\$ 409,174.77	\$ 425,541.77
Main Replacement Program	\$ 11,979.51	\$ 11,979.51	\$ 36,610.00	\$ 36,610.00	\$ 36,610.00	\$ 36,610.00	\$ 36,610.00	\$ 24,640.00	\$ 24,640.00	\$ 24,640.00	\$ 24,640.00	\$ 24,640.00
Meter Replacement Program	\$ -	\$ -	\$ 15,000.00	\$ 25,300.00	\$ 26,100.00	\$ 26,900.00	\$ 27,800.00	\$ 28,700.00	\$ 29,600.00	\$ 30,500.00	\$ 31,500.00	\$ 32,500.00
Additional Capital Projects	\$ -	\$ -	\$ -	\$ 12,200.00	\$ 12,600.00	\$ 13,000.00	\$ 13,400.00	\$ 13,900.00	\$ 14,400.00	\$ 14,900.00	\$ 15,400.00	\$ 15,900.00
Equipment Fund	\$ -	\$ -	\$ 5,750.00	\$ 30,000.00	\$ 30,900.00	\$ 31,900.00	\$ 32,900.00	\$ 33,900.00	\$ 35,000.00	\$ 36,100.00	\$ 37,200.00	\$ 38,400.00
<b>Total Expenses</b>	\$ 291,127.95	\$ 286,205.33	\$ 361,340.00	\$ 415,049.20	\$ 429,586.77	\$ 444,721.84	\$ 460,474.31	\$ 464,894.88	\$ 481,945.08	\$ 499,577.28	\$ 517,914.77	\$ 536,981.77

<b>New Debt Service</b>												
PWTF Loan (Well 2 &3)	\$ -	\$ -	\$ -	\$ 35,000.00	\$ 100,000.00	\$ 100,000.00	\$ 100,000.00	\$ 100,000.00	\$ 100,000.00	\$ 100,000.00	\$ 100,000.00	\$ 100,000.00
<b>Net Annual Balance (Annual Gain/Loss)</b>												
Without New Debt Service	Act. 2009	Act. 2010	Proj. 2011	Proj. 2012	Proj. 2013	Proj. 2014	Proj. 2015	Proj. 2016	Proj. 2017	Proj. 2018	Proj. 2019	Proj. 2020
With New Debt Service	\$ 7,221.49	\$ 64,375.21	\$ 57,004.24	\$ 72,237.89	\$ 137,479.13	\$ 138,816.04	\$ 131,029.70	\$ 144,084.25	\$ 145,033.43	\$ 145,940.58	\$ 146,698.62	\$ 147,300.03
	\$ 7,221.49	\$ 64,375.21	\$ 57,004.24	\$ 37,237.89	\$ 37,479.13	\$ 38,816.04	\$ 31,029.70	\$ 44,084.25	\$ 45,033.43	\$ 45,940.58	\$ 46,698.62	\$ 47,300.03

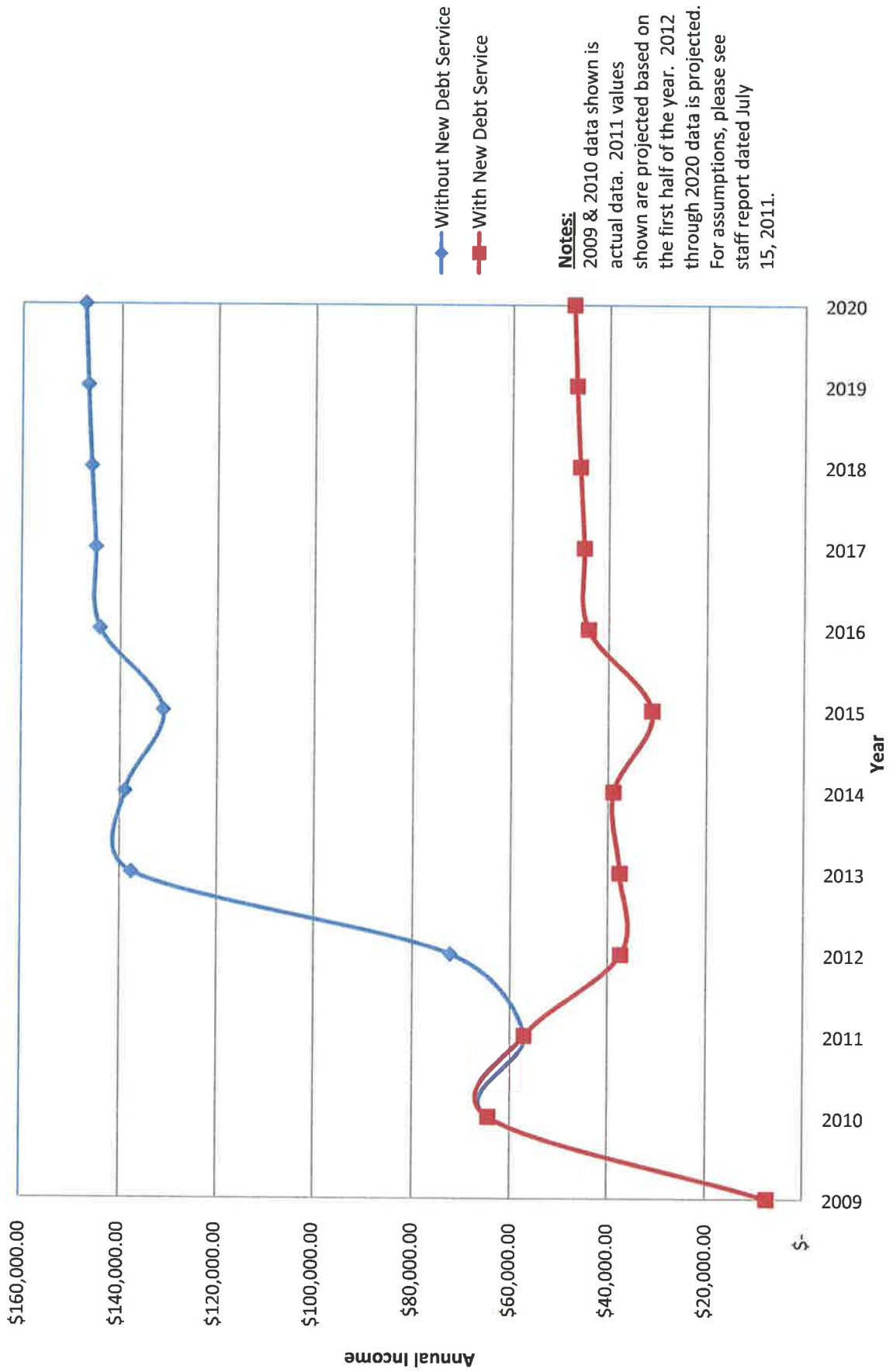
<b>Unreserved Total Balance (Ending Balance)</b>												
Without New Debt Service	\$ (44,324.53)	\$ 53,717.01	\$ 110,721.25	\$ 182,959.14	\$ 320,438.28	\$ 459,254.31	\$ 590,284.01	\$ 734,368.26	\$ 879,401.69	\$ 1,025,342.27	\$ 1,172,040.89	\$ 1,319,340.93
With New Debt Service	\$ (44,324.53)	\$ 53,717.01	\$ 110,721.25	\$ 147,959.14	\$ 185,438.28	\$ 224,254.31	\$ 255,284.01	\$ 299,368.26	\$ 344,401.69	\$ 390,342.27	\$ 437,040.89	\$ 484,340.93

**Assumptions:**

- Rate increase through 2012 (affects 2013) 22%
- Rate Revenue Contingency (through 2013) 5% (Reduces actual rate revenue by the amount shown)
- Rate increase after 2013 3% (minimum per Res.)
- Non rate revenues (other charges / new connections) conservatively projected to remain static (two new connections per year).
- ULID (approx. \$9000 annually) projected to expire in 2014.
- Operating Expenses do not include Capital Improvements
- Cash Operating Expenses annual increase 4%
- Existing Debt Service includes:
  - PWTF Loan 1 - \$11980/year; Final Payment in 2015
  - USDA Loan 1 & 2 - \$24700/year; Final Payment in 2031

Upon review of the Water CIP Rate analysis, a Main Replacement Program was scheduled to begin in 2009 at \$23,000/year in 2009 dollars. Projected to begin in 2012 with an annual increase of 3%.  
 Upon review of the Water CIP Rate analysis, a Meter Replacement Program was scheduled to begin in 2009 at \$11,000/year in 2009 dollars. Projected to begin in 2012 with an annual increase of 3%.  
 A placeholder of \$30,000 is shown for additional capital improvements from 2012 to 2020, which increases at 3% annually.

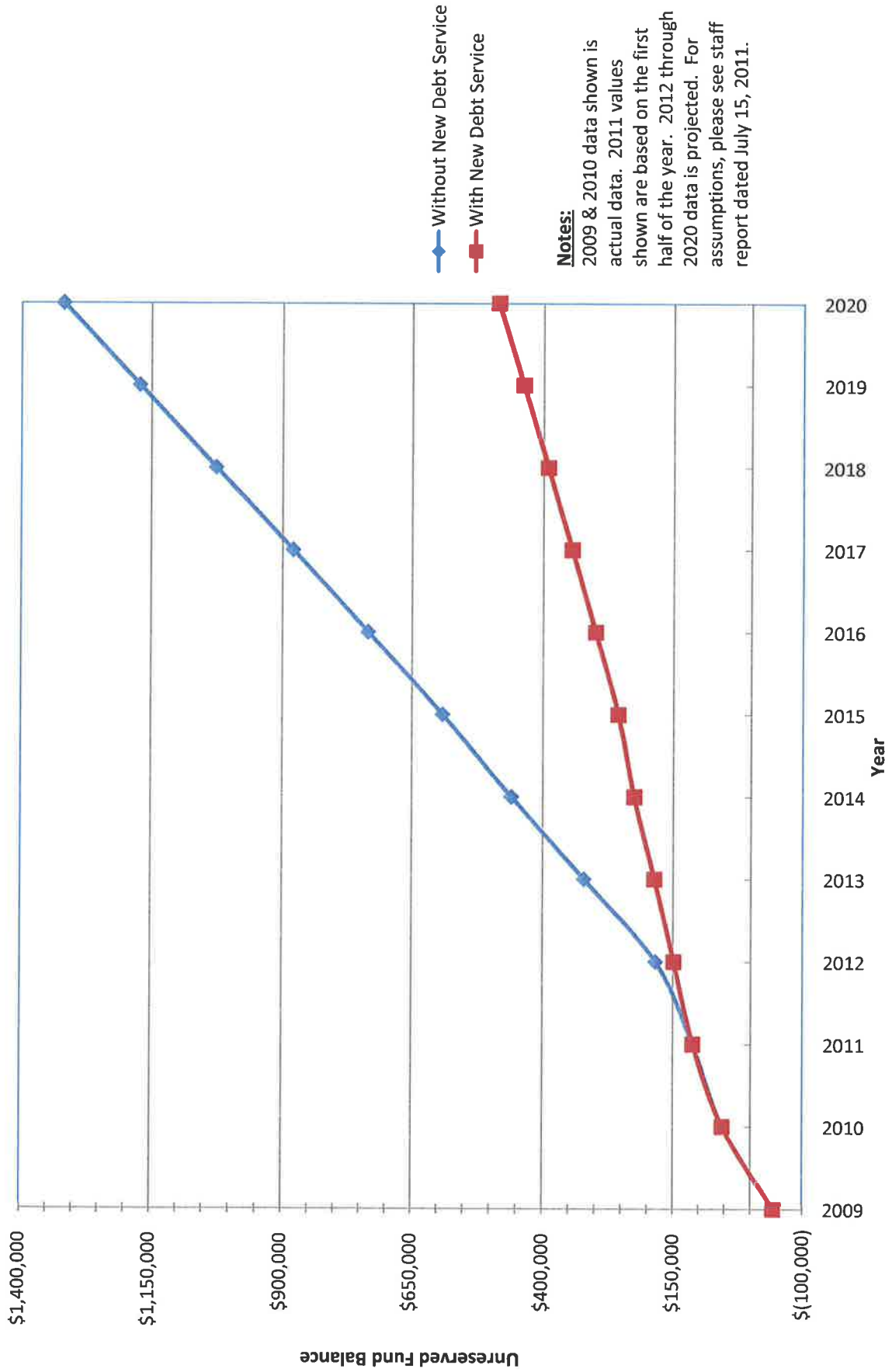
# Water Fund Annual Net Balance Projection (PWTF Loan Evaluation)



**Notes:**

2009 & 2010 data shown is actual data. 2011 values shown are projected based on the first half of the year. 2012 through 2020 data is projected. For assumptions, please see staff report dated July 15, 2011.

# Water Unreserved Fund Balance Projection (PWTF Loan Evaluation)



**Notes:**

2009 & 2010 data shown is actual data. 2011 values shown are based on the first half of the year. 2012 through 2020 data is projected. For assumptions, please see staff report dated July 15, 2011.



## **STAFF REPORT**

To: Mayor Dent  
From: Nick Bird, P.E., Director of Public Works  
Date: July 13, 2011  
Re: G&O Amendment #19

---

Attached you will find a scope and budget proposal for the design work associated with the Well 2 & 3 Improvement Project for your consideration.

Please note that authorization of this contract without accepting/executing the PWTF loan will allow the design process to begin. All expenses incurred back to September 2010 are reimbursable through the PWTF loan; however, if we choose not to accept the loan the City will be responsible for payment of work completed by Gray & Osborne.

### **Action Requested:**

If the PWTF Loan topic is tabled until next meeting, we would suggest tabling this topic as well.

**CITY OF MCCLEARY  
WELLFIELD IMPROVEMENT PROJECT  
EXHIBIT A – SCOPE OF WORK**

The City of McCleary is currently supplied with drinking water by two wells, Wells No. 2 and No. 3. These wells are 50 to 60 years old and are in need of significant improvements as identified in the 2008 Water System Plan. These wells produce water that has elevated levels of iron and manganese. The City currently uses a sequestrant to manage the iron and manganese levels, but it is expensive and not very effective. In 2010, Gray & Osborne prepared a *Wellfield Improvements Pre-Design Report* to evaluate alternatives and develop design criteria for improvements to Wells No. 2 and 3. The City has obtained funding through the Public Works Trust Fund for construction of the following improvements described in the *Wellfield Improvements Pre-Design Report*.

- Demolish the existing Well No. 2 building, well pump, piping, and electrical equipment.
- Construct a new building to house Well No. 2 and a new iron and manganese treatment system.
- Construct a new iron and manganese treatment system initially sized for 500 gpm, but expandable to 900 gpm.
- Construct facilities to dispose of backwash water from the treatment facility.
- Construct a new sodium hypochlorite disinfection system in the new treatment facility.
- Install a new well pump in Well No. 2 with associated piping, electrical, and controls.
- Replace the existing Well No. 3 pump, piping, electrical and controls.
- Install new interconnecting piping between Well No. 3 and the new treatment facility.
- Install a new telemetry system to convey water level information from the reservoir site to the well site.
- Install a new SCADA system for the water system at the WTP site.
- Provide a manual transfer switch and standby generator receptacle.
- Provide a standby generator contingent upon funding availability. Reuse of an existing generator currently owned by the City will be considered.
- Remove the existing Well No. 1 pump, demolish the existing Well No. 1 building, and decommission Well No. 1.

## **SCOPE OF WORK**

Gray & Osborne will perform the following tasks to complete design of the Wellfield Improvement Project described above.

### **TASK 1 - CONDUCT GEOTECHNICAL SITE INVESTIGATION**

- A. Coordinate geotechnical evaluation to be completed by our subconsultant Pangeo, Inc. The geotechnical evaluation will assess the following issues:
- Structural suitability of soils around the proposed treatment building.
  - Soil infiltration rate data sufficient to evaluate the feasibility of constructing a basin to infiltrate filter backwash water.

A report detailing geotechnical recommendations for the project will be prepared.

### **TASK 2 – COMPLETE 50% DESIGN SUBMITTAL**

- A. Prepare preliminary plan sheets including:
- General sheets
  - Civil sheets
    - Site plans
    - Grading and erosion control plans
    - Site piping plans
    - Site details
  - Mechanical sheets
    - Well house plans, sections, and details
    - Treatment facility plans, sections, and details
  - Sheet lists and concepts for electrical, structural, and HVAC sheets.
- B. Prepare preliminary specifications in CSI format. Specifications will include general conditions, proposal form, agreement and bond forms, and any funding agency required documentation.
- C. Prepare preliminary cost estimate.

### **TASK 3 – COMPLETE 90% DESIGN SUBMITTAL**

- A. Prepare 90% plan sheets including:
- General sheets
  - Civil sheets
  - Mechanical sheets
  - Structural sheets
  - HVAC sheets

- Electrical sheets
- B. Prepare 90% specifications in CSI format.
- C. Prepare 90% cost estimate.

#### **TASK 4 – COMPLETE 100% DESIGN SUBMITTAL**

- A. Prepare 100% plan sheets including:
  - General sheets
  - Civil sheets
  - Mechanical sheets
  - Structural sheets
  - HVAC sheets
  - Electrical sheets
- B. Prepare 100% specifications in CSI format.
- C. Prepare 100% cost estimate.

Plans and specifications will be suitable for Public Works Bidding.

#### **TASK 5 – PREPARE PROJECT PERMIT APPLICATIONS**

Gray & Osborne will prepare the required permit applications for the project. Permit fees will be the responsibility of the City. Anticipated permit applications include:

- A. Executive Order 05-05 EZ-1/EZ-2 Forms
- B. Department of Health Project Approval
- C. City of McCleary SEPA
- D. City of McCleary Building Permit
- E. Railroad Utility Franchise

Gray & Osborne will respond to comments from the permitting agencies and make necessary revisions to the plans.

#### **TASK 6 – PROVIDE PROJECT MANAGEMENT**

Gray & Osborne will provide project management services for the project. Services will include:

- A. Coordination of the project with the City, funding agencies, permit agencies, subconsultants, and project team members. This includes providing monthly project progress updates to the City.
- B. Perform internal Quality Assurance / Quality Control reviews of the project at 5%, 50%, and 90% completion.
- C. Participate in review meetings and site visits with City staff. A total of five meetings and site visits have been assumed.

## **TASK 7 – PROVIDE BID AND AWARD SERVICES**

Gray & Osborne will provide bid and award services for the project. Services will include:

- A. Distribution of bid documents to contractors and plan centers. A list of planholders will be maintained.
- B. Response to contractor inquiries and preparation of addenda as necessary.
- C. Conducting a pre-bid walkthrough with prospective contractors.
- D. Attending and assisting with the bid opening.
- E. Review of bids, preparation of bid tabulation, and preparation of an award recommendation letter.

## **DELIVERABLES**

The following deliverables will be prepared and submitted to the City as part of this project.

1. Geotechnical Report (2 hard copies, 1 electronic)
2. 50% Plans, Specifications, and Cost Estimate (3 hard copies)
3. 90% Plans, Specifications, and Cost Estimate (3 hard copies)
4. 100% Plans, Specifications, and Cost Estimate (3 hard copies, 1 electronic native file format and pdf)
5. Permit Applications (2 hard copies)
6. Bid Tabulation and Award Recommendation

## **SCHEDULE**

The anticipated schedule for this project is as follows:

Notice to Proceed	June 18, 2011
50% Design Submittal	September 18, 2011
90% Design Submittal	December 18, 2011
100% Design Submittal	February 18, 2012

## **ASSUMPTIONS**

The following assumptions have been made in preparing this scope of work:

- The City will provide all available construction records of the existing well and reservoir facilities.

- The City will field mark and locate, on request, existing buried water mains and other City owned utilities buried in the project area.
- The City will provide timely review of all draft plans and specifications as the project design progresses.
- No costs have been included for an archeological investigation. Should this be required by the funding agency, a separate scope of work and engineering services amendment can be prepared.
- No construction management or inspection services have been included in this proposal. If these services are desired by the City, a separate scope of work and engineering services amendment will be prepared.

### **ESTIMATED COST**

The estimated cost of completing this scope of services is shown in the attached Exhibit B. Total costs shall not exceed \$145,000 without written authorization from the Agency.

**EXHIBIT "B"**

ENGINEERING SERVICES  
SCOPE AND ESTIMATED COST

**WELLFIELD IMPROVEMENT PROJECT**

Tasks	Principal Hours	Project Mgr. Hours	Civil Eng. Hours	Structural Eng. Hours	Mechanical Eng. Hours	Electrical Eng. Hours	CADD Tech. Hours
<b>Task 1 - Complete Geotechnical Evaluation</b>							
A. Coordinate Geotechnical Work	1	1	2				
<b>Task 2 - Complete 50% Design Submittal</b>							
A. Prepare Plan Sheets	4	16	128	8	8	32	160
B. Prepare Specifications	1	8	16	2	2	4	
C. Prepare Cost Estimate	1	2	8	2	1	2	
<b>Task 3 - Complete 90% Design Submittal</b>							
A. Prepare Plan Sheets	4	12	80	40	20	100	120
B. Prepare Specifications	1	4	16	8	4	16	
C. Prepare Cost Estimate	1	1	4	2	1	2	
<b>Task 4 - Complete 100% Design Submittal</b>							
A. Prepare Plan Sheets	2	8	24	8	4	40	80
B. Prepare Specifications	1	4	8	2	2	8	
C. Prepare Cost Estimate	1	2	4	2	1	2	
<b>Task 5 - Prepare Project Permit Applications</b>							
A. Department of Health		4	8				
B. SEPA		1	2				
C. Building Permit		2		8	4		
D. Railroad Utility Franchise							4
<b>Task 6 - Provide Project Management</b>							
A. Project Coordination		12					
B. QA/QC Review	12	8	8	4	4	8	
C. Meetings and Site Visits	4	12	12	4	4	8	
<b>Task 7 - Provide Bid and Award Services</b>							
A. Distribute Bid Documents		2	4				
B. Respond to Contractor Inquiries and Prepare Addenda	1	4	8	1	1	2	
C. Conduct Pre-Bid Walkthrough		4	4				
D. Assist with Bid Opening		2					
E. Prepare Bid Tabulation and Award Recommendation	1	2	4				
Hour Estimate:	36	112	344	91	52	224	364
Estimated Hourly Rates:	\$56	\$46	\$36	\$46	\$36	\$40	\$28
Direct Labor Cost	\$2,016	\$5,152	\$12,384	\$4,186	\$1,872	\$8,960	\$10,192

Subtotal Direct Labor:	\$ 44,762
Indirect Costs (171%):	\$ 76,543
Total Labor Cost:	\$ 121,305
Fee (15%):	\$ 18,196
Subtotal Labor & Fees:	\$ 139,501
Direct Non-Salary Cos:	
Mileage & Expenses (Mileage @ \$0.51/mile)	\$ 350
Printing	\$ 538
Subconsultant:	
Geotechnical Investigation (PanGEO, Inc.)	\$ 4,192
Subconsultant Overhead (10%)	\$ 419
<b>TOTAL ESTIMATED COST:</b>	<b>\$ 145,000</b>

## STAFF REPORT

To: Mayor Dent  
From: Nick Bird, P.E., Director of Public Works  
Date: July 14, 2011  
Re: Eagle Scout Cemetery Project

---

The City of McCleary has been approached by a local Boy Scout, Daylin Newell, with a potential project for the cemetery to earn his Eagle Scout rank.

The original proposal was to construct a directory/map within a weather protective structure on the grounds of the cemetery. After further planning and research the initial idea was modified to the current proposal of erecting four masonry planters, one on each side of the two active drive entrances off of Simpson Avenue.

The Newell family is on vacation at this time so Daylin is unable to give a presentation. Due to the timing of the council meetings and the construction weather window we have taken this opportunity to present Daylin's project for your consideration. We believe this project would enhance the aesthetics of the cemetery entrances as well as allow Daylin to achieve his Eagle Scout rank.

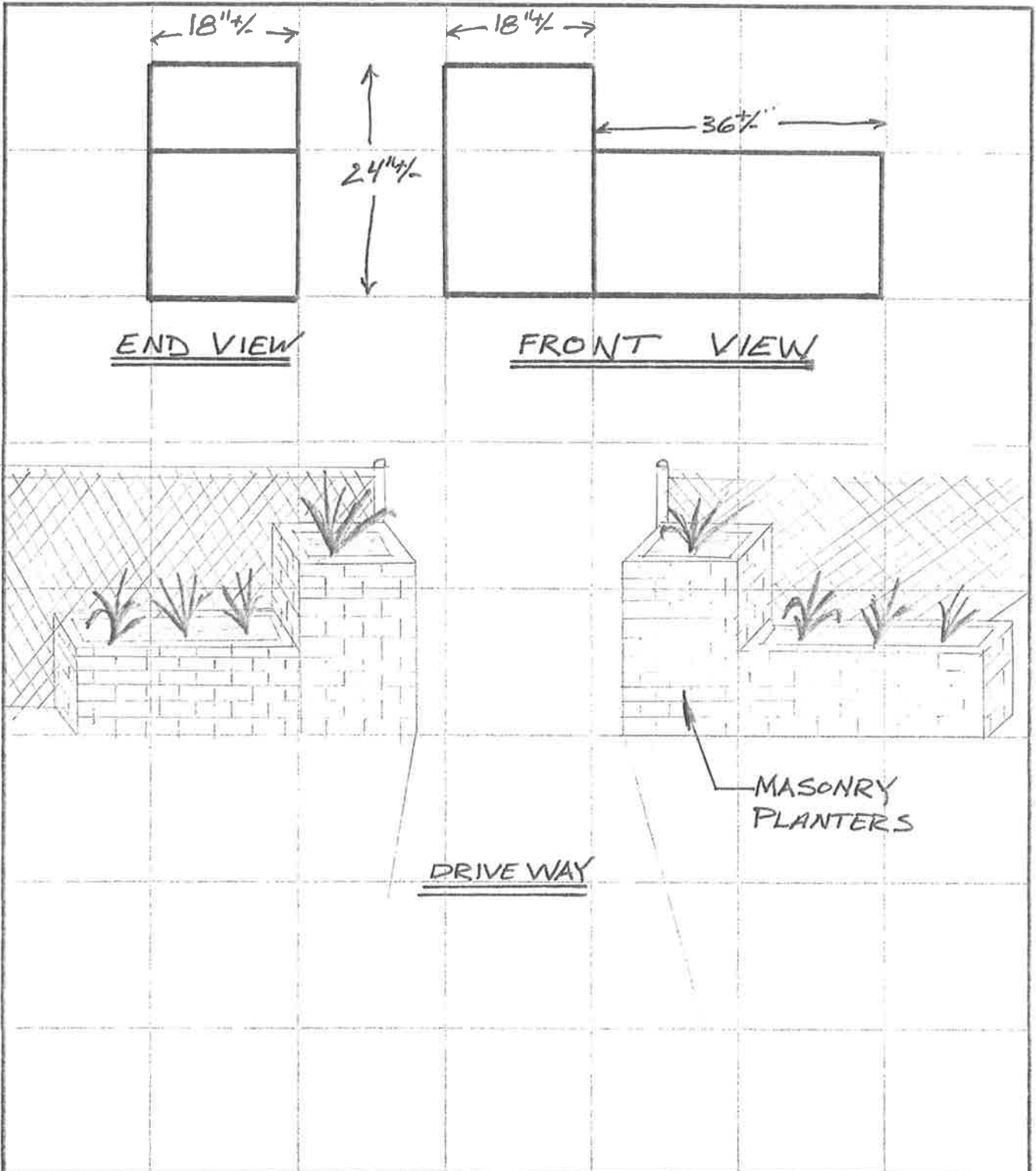
Attached is a drawing to provide a visual representation of the planters.

We still need to obtain concurrence from WSDOT, as it is an obstruction within the "Clear Zone". In the event the request is denied, we would still like to accommodate the request by authorizing a modified version of the planters within the cemetery property.

### **Action Requested:**

Please consider authorizing Daylin's request to provide planters at the cemetery entrance, whether in WSDOT right-of-way or on the cemetery property.





Scale:	Drawn By: COLIN MERCER	City of McCleary 100 S. 3rd Street McCleary WA 98557 360-495-3667
Date: 7-14-11	Checked By:	
Eng.	Measure:	
Drawing # 1	Project: CEMETERY - EAGLE SCOUT	Project # A2011-13

# McCLEARY CEMETERY

Alphabetical  
Name List

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BLOCK 81	BLOCK 106	BLOCK 107	BLOCK 132	BLOCK 133	BLOCK 156	BLOCK 159	BLOCK 184	BLOCK 185	BLOCK 210
BLOCK 82	BLOCK 105	BLOCK 108	BLOCK 131	BLOCK 134	BLOCK 157	BLOCK 160	BLOCK 183	BLOCK 186	BLOCK 209

**D R I V E W A Y**

BLOCK 83	BLOCK 104	BLOCK 109	BLOCK 130	BLOCK 135	BLOCK 155	BLOCK 161	BLOCK 182	BLOCK 187	BLOCK 208
BLOCK 84	BLOCK 103	BLOCK 110	BLOCK 129	BLOCK 136	BLOCK 155	BLOCK 162	BLOCK 181	BLOCK 188	BLOCK 207
BLOCK 85	BLOCK 102	BLOCK 111	BLOCK 128	BLOCK 137	BLOCK 154	BLOCK 163	BLOCK 180	BLOCK 189	BLOCK 206
BLOCK 86	BLOCK 101	BLOCK 112	BLOCK 127	BLOCK 138	BLOCK 153	BLOCK 164	BLOCK 179	BLOCK 190	BLOCK 205
BLOCK 87	BLOCK 100	BLOCK 113	BLOCK 126	BLOCK 139	BLOCK 152	BLOCK 165	BLOCK 178	BLOCK 191	BLOCK 204
BLOCK 88	BLOCK 99	BLOCK 114	BLOCK 125	BLOCK 140	BLOCK 151	BLOCK 166	BLOCK 177	BLOCK 192	BLOCK 203
BLOCK 89	BLOCK 98	BLOCK 115	BLOCK 124	BLOCK 141	BLOCK 150	BLOCK 167	BLOCK 176	BLOCK 193	BLOCK 202

**D R I V E W A Y**

BLOCK 90	BLOCK 97	BLOCK 116	BLOCK 123	BLOCK 142	BLOCK 149	BLOCK 168	BLOCK 175	BLOCK 194	BLOCK 201
BLOCK 91	BLOCK 96	BLOCK 117	BLOCK 122	BLOCK 143	BLOCK 148	BLOCK 169	BLOCK 174	BLOCK 195	BLOCK 200
BLOCK 92	BLOCK 95	BLOCK 118	BLOCK 121	BLOCK 144	BLOCK 147	BLOCK 170	BLOCK 173	BLOCK 196	BLOCK 199
BLOCK 93	BLOCK 94	BLOCK 119	BLOCK 120	BLOCK 145	BLOCK 146	BLOCK 171	BLOCK 172	BLOCK 197	BLOCK 198
BLOCK 1	BLOCK 16	BLOCK 17	BLOCK 32	BLOCK 33	BLOCK 48	BLOCK 49	BLOCK 64	BLOCK 65	BLOCK 80
BLOCK 2	BLOCK 15	BLOCK 18	BLOCK 31	BLOCK 34	BLOCK 47	BLOCK 50	BLOCK 63	BLOCK 66	BLOCK 79
BLOCK 3	BLOCK 14	BLOCK 19	BLOCK 30	BLOCK 35	BLOCK 46	BLOCK 51	BLOCK 62	BLOCK 67	BLOCK 78
BLOCK 4	BLOCK 13	BLOCK 20	BLOCK 29	BLOCK 36	BLOCK 45	BLOCK 52	BLOCK 61	BLOCK 68	BLOCK 77

**D R I V E W A Y**

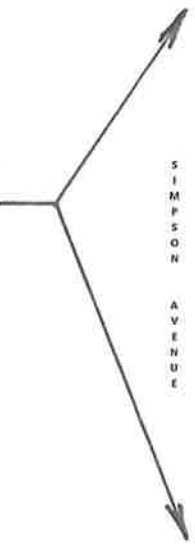
BLOCK 5	BLOCK 12	BLOCK 21	BLOCK 28	BLOCK 37	BLOCK 44	BLOCK 53	BLOCK 60	BLOCK 69	BLOCK 76
BLOCK 6	BLOCK 11	BLOCK 22	BLOCK 27	BLOCK 38	BLOCK 43	BLOCK 54	BLOCK 59	BLOCK 70	BLOCK 75
BLOCK 7	BLOCK 10	BLOCK 23	BLOCK 26	BLOCK 39	BLOCK 42	BLOCK 55	BLOCK 58	BLOCK 71	BLOCK 74
BLOCK 8	BLOCK 9	BLOCK 24	BLOCK 25	BLOCK 40	BLOCK 41	BLOCK 56	BLOCK 57	BLOCK 72	BLOCK 73

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**COMMUNITY CENTER**



**PLANTER  
LOCATIONS**



## STAFF REPORT

To: Mayor Dent  
From: Nick Bird, Director of Public Works  
Date: July 14, 2011  
Re: FINAL Progress Estimate No. 3

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Attached is one copy of Progress Estimate No. 3, which is the final progress estimate for this project. The amount now due the contractor and the amount to be deposited in the retainage account are as follows:

<u>Amount Now Due</u>	<u>Amount to be Deposited in Retainage Account</u>	<u>Total Retainage Amount</u>
\$1,777.29	\$85.94	\$3,814.10

On June 29, 2011, KVA completed the remainder of the contract work; therefore we can now determine the project as substantially and physically complete.

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

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

1. Complete and sign the "Final Contract Voucher" and forward a copy to the contractor.
2. Complete and forward to the Washington State Department of Revenue the "Notice of Completion of Public Works Contract" form.
3. Complete and forward to the Washington State Department of Labor & Industries the "Notice of Completion of Public Works Contract" form.

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

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

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

**Action Requested:**

1. Authorize the Mayor to pay Progress Estimate #3. The amount to be paid is \$1,777.29 and the amount to be deposited in the Retainage Account is \$85.94.
2. Accept the Project as Complete.

## FINAL PROGRESS ESTIMATE NO. 3

July 12, 2011

CITY OF McCLEARY  
GRAYS HARBOR COUNTY  
WASHINGTON

PROGRESS ESTIMATE PERIOD:  
MAY 1, 2011 TO JUNE 30, 2011

PROJECT:  
CITY OF McCLEARY  
SUBSTATION INSPECTION AND REPAIR PROJECT  
CN2011-02

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

NO.	DESCRIPTION	BID ITEMS			QUANTITIES		PROJECT COSTS		ESTIMATED PERCENT OF PROJECT COMPLETION
		QUANTITY	UNIT	UNIT PRICE	TOTAL TO DATE	TOTAL THIS PERIOD	AMOUNT TO DATE	AMOUNT THIS PERIOD	
<b>BASE BID</b>									
1	7TH AND MAPLE SUBSTATION	1	LS	\$ 34,377.00	100%	5%	\$ 34,377.00	\$ 1,718.85	100%
2	7TH AND ASH SUBSTATION	1	LS	\$ 41,905.00	100%	0%	\$ 41,905.00	\$ -	100%

**CHANGE ORDERS**


<b>TOTAL EARNED TO DATE</b>		\$ 76,282.00	\$ 1,718.85
<b>SALES TAX</b>	8.4%	\$ 6,407.69	\$ 144.38
<b>TOTAL WITH SALES TAX</b>		\$ 82,689.69	\$ 1,863.23
<b>LESS 5% RETAINED (BEFORE TAX)</b>		\$ 3,814.10	\$ 85.94
<b>TOTAL EARNED TO DATE LESS RETAINAGE</b>		<b>\$ 78,875.59</b>	

**CONTRACT AMOUNT (Incl. Sales Tax)** \$82,689.69

**CONTRACT PERCENTAGE TO DATE** 100%

**TOTAL PAYMENT NOW DUE: \$ 1,777.29**

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

  
\_\_\_\_\_  
NICHOLAS D. BIRD, P.E.  
CITY OF MCCLEARY  
DIRECTOR OF PUBLIC WORKS

**SUMMARY AND DISTRIBUTION OF PAYMENTS**

PAY EST. NO.	PROGRESS ESTIMATE PRIOD DATES	TOTL EARNED PER PERIOD	SALES TAX RATE	SALES TAX AMOUNT	MATERIALS ON HAND	RETAINAGE (5%)	TOTAL PAYMENT
1	MARCH 17, 2011 TO MARCH 31, 2011	\$ 41,905.00	8.4%	\$ 3,520.02	\$ -	\$ 2,095.25	\$ 43,329.77
2	MAY 1, 2011 TO JUNE 30, 2011	\$ 32,658.15	8.4%	\$ 2,743.28	\$ -	\$ 1,632.91	\$ 33,768.53
3	MAY 1, 2011 TO JUNE 30, 2011	\$ 1,718.85	8.4%	\$ 144.38	\$ -	\$ 85.94	\$ 1,777.29
<b>Total</b>		<b>\$ 76,282.00</b>		<b>\$ 6,407.69</b>		<b>\$ 3,814.10</b>	<b>\$ 78,875.59</b>

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

AN ORDINANCE RELATING TO PARKS; ESTABLISHING REGULATIONS; GRANTING AUTHORITY; ADDING NEW SECTIONS TO CHAPTER 12.16 MMC; IMPOSING PENALTIES; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

## R E C I T A L S:

1. The City maintains a cemetery as well as a park and other recreational facilities for use by the citizens. It has also, in recent years, acquired additional property for potential use as a second park.
2. The Administrative Staff has reported to the Council that the operation of the system would benefit from the implementation of a formal set of regulations.
3. Staff have reviewed the materials and have recommended to the Council and Mayor that the provisions set out below be adopted.
4. During the course of the review, attempts have been made to update and insure consistency with the relevant portions of the provisions of the Municipal Code relating to activities within the City operated cemeteries. Also, it is the goal of this ordinance to integrate its provisions with the existing provisions of Chapter 12.16 of the Municipal Code.

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

SECTION 1: SIGN POSTING AND STRUCTURES PROHIBITED

Without the prior written consent of the Director of Public Works, hereinafter referred to in this ordinance as the Director, or his or her designee, the following acts are unlawful:

A. To place or erect any sign, board, billboard, or similar device of any kind in any park or cemetery.

B. To create, place, or erect any structure in any park or cemetery.

SECTION 2: DISTRIBUTION OF HANDBILLS

It is unlawful to exhibit or distribute any handbills, circulars, or signs in any park or cemetery in any manner that interferes with or obstructs the normal use of the park or cemetery or the normal passage of people or vehicles within or through the park or cemetery.

SECTION 3: STORAGE OF EQUIPMENT

Persons using parks should not expect storage space for equipment necessary for their activity. Any user desiring to store equipment, supplies, or material of any type or kind on a park site shall obtain the written approval of the Director in advance. If temporary storage is allowed with the permission of the Director, the City shall not be responsible for loss or damage to the equipment or property stored.

SECTION 4: REMOVAL, ALTERATION, OR DESTRUCTION OF PARK OR CEMETERY PROPERTY PROHIBITED:

4.1 It is unlawful to remove, destroy, mutilate, or deface any structure, monument, wall, fence, railing, bench, shrub, tree, lawn, grass, plant, flower, lighting system, or sprinkling system, or any other property or thing lawfully in any park or cemetery.

4.2 No physical alteration, whether in the form of additions, modifications, or removal, to the park or cemetery or other facility covered under the provisions of this ordinance or any improvements located therein shall be done without the prior written approval of the City, acting by and through the Director of Public Works or such other official as may be designated by the Mayor.

4.3 No foreign matter of any sort (including without limitation such materials as sawdust or sand) may be added to any field for any reason without the prior written consent of the Director.

SECTION 5: ANIMALS IN PARKS OR CEMETERIES

5.1. Dogs, pets, or domesticated animals are not permitted on any area covered by turf, whether natural or artificial, nor in or upon any picnic area, sport court, or inbounds play area in any park or cemetery nor in any park or



cemetery structure unless specifically authorized by posting or by special permission given in writing by the Director. This section shall apply neither to animal guides nor service animals.

5.2. Dogs and other pets or domesticated animals shall be kept on a leash and under control at all times unless otherwise posted.

5.3. Any person whose dog or other domesticated animal is in any park or cemetery shall be responsible for the conduct of the animal and shall promptly remove and properly dispose of all animal waste deposited by such animal.

5.4. No person shall allow his or her dog or other pet or domesticated animal to commit any of the following acts:

A. to bite, disturb, or harass any park or cemetery user, wildlife, or other animals.

B. to bark or make noise continuously or with such frequency or volume as to disturb the peace and tranquillity of the park or cemetery.

C. to damage, destroy or remove park or cemetery vegetation.

SECTION 6: HORSES & OTHER QUADRUPEDS PROHIBITED

Horses and other quadrupeds are not permitted in any park or cemetery at any time except with the written permission of the Director or within areas specifically designated for such use.

SECTION 7: SELLING REFRESHMENTS OR MERCHANDISE PROHIBITED

It is unlawful to sell refreshments, merchandise, or any other thing in any park or cemetery without the prior written consent of the Director or without a valid concession contract with the City and being the holder of such other licenses and permits as are required by any applicable state law or city ordinance.

SECTION 8: SOLICITING PROHIBITED

Except as may be specifically provided by law, no person shall solicit contributions for himself or others in any park or cemetery.

SECTION 9: USE BY GROUPS OR ASSEMBLIES

Parks and associated facilities shall be available for any person, group, or assembly on a first come, first served basis, subject to priority use through a supplemental park permit issued by the Director or for classes, special events, public forums, or athletic programs as determined by the Director.

SECTION 10: VEHICLE AND ANIMAL USE RESTRICTED

10.1. It is unlawful to operate, ride, or drive any wheeled device, sled, vehicle, or animal over, across, or through any park or cemetery, except along designated paths, drives, or

streets, provided however, motorized devices are restricted solely to streets, parking lots, and drives.

10.2. It is unlawful to operate, ride, or drive any wheeled device, vehicle, or animal at a speed in excess of five (5) miles per hour in any park or cemetery unless a different speed limit is posted.

10.3. It is unlawful to stand or park any vehicle except where so designated and posted. It is unlawful to use or operate vehicles in any portion of a park devoted to skateboards.

10.4. No device, referred to generically as "toy wheels", shall be utilized in an area in which their use is specifically prohibited. For purposes of this section, a "toy wheel" shall include, but is not limited to, skateboards, roller blades, roller skates, scooters, bicycles, and similar wheeled devices.

10.5. The restrictions imposed pursuant this section shall not apply to such wheeled items as carriages for infants, children's wagons, and similar items nor, as to use in a park, to snow sleds intended for individual use so long as such utilization does not harm park property.

#### SECTION 11: CAMPING PROHIBITED

It is unlawful to camp in any cemetery nor shall any camping be allowed in any park except at places within a park so

designated and posted and with the prior written approval of the Director.

SECTION 12: GOLF PROHIBITED

Golf activities shall not be permitted in any cemetery nor in any park unless a supplemental park permit or the written consent of the Director is obtained prior to commencement of the activity.

SECTION 13: ENDANGERING PERSONS OR PROPERTY PROHIBITED

It is unlawful to knowingly hurl or propel any object or to take any physical action in any park or cemetery which endangers or is likely to endanger any persons or property or interfere with park or cemetery purposes: PROVIDED THAT, this prohibition shall not apply if such action occurs as an anticipated element of any authorized event. This shall include baseball games, soccer games, and similar events.

SECTION 14: FIRES PROHIBITED

It is unlawful to build or have any fire in any cemetery or in any park except where so designated and posted. Appliances such as portable grills, barbecues, or hibachis are permitted in parks so long as they do not otherwise violate any section of this ordinance nor any chapter of the Municipal Code. In recognition of the possible hazard resulting from such action, no ash or similar by-product resulting from the permitted use of such an appliance shall be deposited in any garbage receptacle

maintained within a park or cemetery nor otherwise disposed of within a park or cemetery.

SECTION 15: FIREWORKS PROHIBITED

It is unlawful in any park or cemetery to use, exhibit, display, or possess any fireworks or common fireworks as those terms are defined in the Municipal Code unless authorized by the Director and so long as any necessary permit has been obtained from all governmental agencies having jurisdiction over such actions.

SECTION 16: SOUND-AMPLIFYING DEVICES

16.1. Except as authorized by use agreement or by the prior written permission of the Director, or except as necessary for the preservation of public peace or safety, it is unlawful to use any public address system, loudspeaker, or other sound amplifying device in any park or cemetery other than in compliance with §16.2 of this Section. This section shall not apply to such instruments utilized during the ordinary course of a funeral ceremony.

16.2. Unless operated by a user during the course of an activity of which the Director has authorized such use, no person shall use, operate, or play in any park a radio, tape player, disc player, television, musical instrument, record player, or any other machine or device capable of producing sound (1) without the use of headphones or a similar personal listening device or (2) at a volume level where discernible noise can be

heard more than ten feet from the device or (3) in such a manner as violates any other provision of the Municipal Code.

SECTION 17: INTOXICATING LIQUOR PROHIBITED

It is unlawful to possess a container of any alcoholic beverage, whether opened or unopened, while in any park or cemetery or in any publicly owned parking area associated with a park or cemetery. For purposes of this section, possession means having a container within one's immediate reach or control and not secured in a location such as a vehicle's trunk or storage compartment.

In addition to any other applicable penalty, any person violating this section is guilty of a misdemeanor and upon conviction shall be subject to punishment as provided in §1.08.010 of the Municipal Code.

SECTION 18: LITTERING -- TRASH DEPOSIT

It is unlawful to commit any of the following acts:

- A. throw or deposit any refuse or other material in any park or cemetery, including, but not limited to, any artificial surfaces, play fields, or picnic areas, except in designated receptacles; or
- B. to take garbage or refuse to a park or cemetery for disposal; or
- C. to deposit garbage or refuse generated outside a park or cemetery in a receptacle provided for deposit of trash by

the public using the park or cemetery or in any publicly owned parking area associated with a park or cemetery.

D. to violate the provisions of Section 14 by the deposit of any ash or similar by-product in any receptacle.

SECTION 19: PARK OR CEMETERY HOURS, AREAS OF RESTRICTED OCCUPANCY, & RIGHT TO PROHIBIT CONTINUED USE

19.1. Park or cemeteries are open to the public daily from 6:30 a.m. to 10:00 p.m. unless other hours are posted at the entrances to a park or cemetery.

19.2. The Director shall have the following authority:

A. To make and enforce special park or cemetery closure hours for specific areas within them if the Director determines that such special closure hours are necessary or appropriate to protect public property or public safety, to prevent public nuisances, or to prevent breaches of the peace.

B. In the Director's sole discretion, to permit special hours of utilization by written authorization in the course of utilization for special events, sport leagues, and tournaments so long as the applicant submits a written request no less than one week prior to the intended date or dates of utilization. The request shall contain such information as may be required by the Director. If the Director authorizes the utilization, it shall be the responsibility of the applicant to provide written notice of such authorization to each residence which abuts the park or cemetery to be utilized. If the

residence is an apartment building, notification to the manager of the building shall be deemed adequate notice.

19.3. It is unlawful for any person to enter or remain in a closed park or cemetery unless permitted and authorized in advance by the Director.

19.4. No person except an authorized City employee or other person duly authorized pursuant to law shall enter or go upon or into any park or cemetery area which has been posted as a "No Admittance" or "No Trespassing" area, or at a time a park or cemetery is closed to the public.

19.5. The misuse of a park or cemetery facility, the failure to conform with any of the provisions of this ordinance, or the failure or refusal to comply with the directions of City employees shall be good cause for requiring the individual to exit the park or cemetery and to prohibit the individual from reentering the park or cemetery in the future.

19.6. Any person violating this section is guilty of a misdemeanor and upon conviction shall be subject to punishment as provided in Section 21 of this ordinance.

SECTION 20: SKATEBOARD PARK AREAS

To the extent that any area of a park is now or may hereafter be devoted to skateboards, its use shall be governed by rules promulgated by the Director, and as may be posted at the entrance to the skateboard area. A violation of any such rules, whether or not posted, shall be a violation of this chapter.



SECTION 21: USER'S FAILURE TO FOLLOW PARK OR CEMETERY  
RULES - PENALTIES & PROHIBITION FROM REENTRY

21.1. Fiscal Penalties: Any violation of or any failure to comply with any of the provisions of this ordinance which is not defined as a criminal law violation by the municipal code or state law and for which no penalty is otherwise specified by the municipal code or state law shall constitute a civil infraction as contemplated by RCW 7.80.120. Any person found to have committed such a violation may be punished by a civil fine or forfeiture in any sum not exceeding \$250.00. The following penalties shall apply:

A. Initial Infraction within any twenty-four calendar month period: Monetary penalty of Fifty Dollars (\$50.00);

B. Second Infraction within any twenty-four calendar month period: Monetary penalty of One Hundred Dollars (\$100.00);

C. Third Infraction within any twenty-four calendar month period: Monetary penalty of One Hundred Fifty Dollars (\$150.00);

D. Fourth & subsequent violation within any twenty-four calendar month period: Monetary penalty of Two Hundred Fifty Dollars (\$250.00).

21.2. Prohibition From Reentry:

A. Any person who is either sentenced pursuant to 21.1.D of this section or who, regardless of the violator's prior history, is found by the Director to have committed an act or

acts which created or resulted in an unreasonable risk to safety of persons or property may be forbidden from reentering the premises of a park or cemetery or its associated public parking areas. The written order prohibiting reentry shall set forth in reasonable detail the reasons for the prohibition and may be for such period as the Director deems appropriate and shall be served upon the violator. In the event that attempts to serve the order are unsuccessful, a record of the efforts shall be maintained in the records of the City and the name of the individual may be posted at the entry of the City's parks or cemetery upon a document setting forth a listing of any individual subject to such order.

B. Any person who is the subject of an order issued pursuant to §§21.2 shall have the right to appeal that order to the City Council in writing within ten (10) calendar days of the service of the order upon the person. The notice of appeal shall be filed in the Office of the Clerk-treasurer and set forth the name and contact information for the appellant, as well the grounds for the appeal. The Council, after giving written notice to the individual at the address provided in the notice of appeal, shall set a date upon which the appeal shall be heard. The Council may hear such testimony and accept such exhibits as it deems appropriate and issue a written decision with findings. That decision shall be final.

By written resolution, the Council may delegate the duty and authority it possesses under this sub-paragraph to the Hearing Examiner.

SECTION 22: The Director shall be and is hereby authorized to promulgate such written rules and regulations as may be deemed reasonably necessary and appropriate to implement and administer the provisions of this ordinance. Prior to its effectiveness, any proposed rule or regulation shall be submitted to the City Council and Mayor for review. To the extent not disapproved, such rule or regulation shall go into effect upon the thirtieth day following the first Council Meeting at which they are presented to the Mayor and Council in a written form: PROVIDED that the Council specifically reserves to itself the right (a) to suspend such proposed rule or regulation, (b) authorize its immediate effectiveness, or (c) reject, modify, or supplement such proposed regulations.

SECTION 23: For purposes of this ordinance, the following definitions shall apply:

A. Park: Any land, whether with or without improvements, owned by the City and made available to the public for recreational uses.

B. Cemetery: Any property owned by the City and meeting one, or a combination of more than one, of the following criteria, in a place used, or intended to be used for the

placement of human remains and dedicated, for cemetery purposes:

- (a) A burial park, for earth interments.
- (b) A mausoleum, for crypt interments.
- (c) A columbarium, for permanent niche interments; or
- (d) any burial site, burial grounds, or place where five or more human remains are buried.

Unless a cemetery is designated as a parcel of land identifiable and unique as a cemetery within the records of the county assessor, a cemetery's boundaries shall be a minimum of ten feet in any direction from any burials therein.

SECTION 24: Section 12.16.020 MMC and Section II, Ordinance 521 are each amended to read as follows:

When consent or authorization is required prior to the undertaking of an activity specified under the provisions of this ordinance (~~in Section 12.16.010~~), that consent or authorization shall be sought as follows:

A. A request shall be directed in writing to the Director of Public Works (~~Mayor~~), detailing with adequate specificity the activity sought to be permitted. Upon receipt of such a request, the designated official (~~mayor~~) shall undertake consideration as to the appropriateness of authorizing the activity. If in the (~~mayor's~~) designated official's opinion and discretion it is deemed necessary to obtain additional information, such request for information shall be responded to by the applicant. In making the determination, the designated

official ((~~mayor~~)) shall consider such factors as may be deemed necessary and appropriate, including but not limited to the impact of the requested utilization upon the use by the facility by other citizens; the demands that may be placed upon public services by the anticipated activity; prior experience or history of the applicant in undertaking similar activities; prior history or experience of the city in the allowance of such similar activities; and such other factors relating to public health, safety, and welfare as may be articulated. The decision of the designated official ((~~mayor~~)) shall be in writing and rendered in a reasonably timely manner after application.

B. If any person is aggrieved by the decision of the responsible official ((~~mayor~~)) whether to grant or deny a request, that person may appeal the decision of the responsible official ((~~mayor~~)) to the city council, which shall hear the matter at its next regular session or at such other time as it may deem appropriate. The council, after receiving such information as it deems necessary and appropriate, may either affirm, reverse, or modify the responsible official's ((~~mayor~~)) decision. The decision of the council shall be final.

SECTION 25: CODIFICATION: Sections 1 through 23 of this ordinance shall constitute new sections in Chapter 12.16 of the McCleary Municipal Code.

SECTION 26: SEVERABILITY:

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

SECTION 27: EFFECTIVE DATE:

This Ordinance shall take effect upon the fifth day following date of publication.

PASSED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2011, by the City Council of the City of McCleary, and signed in approval therewith this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

CITY OF McCLEARY:

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

ATTEST:

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

**ORDINANCE - C - 17**  
**06/16/2011**  
dg/le

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

APPROVED AS TO FORM:

DANIEL O. GLENN, City Attorney

STATE OF WASHINGTON )  
: ss.  
GRAYS HARBOR COUNTY )

I, WENDY COLLINS, being the duly appointed Clerk-Treasurer of the City of McCleary, do certify that I caused to have published in a newspaper of general circulation in the City of McCleary a true and correct summary of Ordinance Number \_\_\_\_\_ and that said publication was done in the manner required by law. I further certify that a true and correct copy of the summary of Ordinance Number \_\_\_\_\_, as it was published, is on file in the appropriate records of the City of McCleary.

WENDY COLLINS

SIGNED AND SWORN to before me this \_\_\_\_\_ day of \_\_\_\_\_, 2011, by WENDY COLLINS.

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