



McCleary City Council

PROPOSED AGENDA

June 22, 2011

**7:00 Council Meeting
Public Hearing: STIP**

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: Float Shed (Tab E)
 Beerbower Park Path (Tab F)
 EMS Code Revision (Tab G)
 Solid Waste Collection (Tab H)

New Business: Six Year Street Plan Adoption (Tab I)
 IT Request for Proposal (Tab J)
 PWTF Loan – Well 2 & 3 Improvements (Tab K) (For discussion only)
 G&O Amendment #19 – Well 2 & 3 Design (Tab L)
 L&P Material Purchase (Tab M)
 Park Request (Tab N)

Ordinances: Emergency Medical Services (Tab O)
 Solid Waste Collection (Tab P)
 Park Ordinance (Tab Q)

Resolutions: Six Year Street Plan (Tab R)

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, May 25, 2011

REGULAR MEETING	Called to order by Mayor Dent.
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	None.
STAFF PRESENT	Present at the meeting were Dan Glenn, Wendy Collins, Nick Bird, George Crumb, John Graham and Jennie Reed.
MINUTES APPROVED	It was moved by Councilmember Boling, seconded by Councilmember Ator to approve the minutes as received. Motion Carried.
PUBLIC COMMENT	<p>Joy Iverson was approached by a member of the community asking if the City plans on creating a plan to assist residents who require life saving oxygen during future planned power outages. She stated Mark Reed Hospital can only accommodate a minimal amount of people and she believes it would be a good idea for the City to create a back-up plan for an alternate location.</p> <p>Nick Bird stated in the event of a large disaster local churches in neighboring cities would be a good option since they may not be affected by the outage.</p>
MAYOR'S REPORT	<p>Mayor Dent asked the City Council to confirm the reappointment of Susan Strong to the Civil Service Commission for Position #2, which is a five-year term. It was moved by Councilmember Lant, seconded by Councilmember Boling to approve the reappointment of Susan Strong to the Civil Service Commission, Position #2. Motion Carried.</p> <p>Mayor Dent believes the economic forecast is looking brighter for McCleary. He said Mike's Market and the Next Door Cafe will be reopening soon. He also stated the remaining lots in Cedar Heights have been sold to a builder and may be under development in the near future.</p> <p>The legislature made revisions to the real estate excise tax. The law expands the potential use.</p> <p>The Legislature also voted down the Bill supporting medicinal marijuana shops. They will remain illegal under state law.</p> <p>The U. S. Supreme Court ordered the State of California to release 33,000 prisoners within a specific time period. The decision was based on over crowding and inability to provide proper medical care and housing. All the States could be impacted by this decision.</p>
CITY ATTORNEY REPORT	Dan Glenn provided his report and has asked Council to let him know if they have any questions.
DIRECTOR OF PUBLIC WORKS REPORT	<p>Marketing inserts were added to the utility bills explaining the conservation program in an effort to remind people there is an active program with funds available</p> <p>The hanging baskets will be picked up this week and will be hung as the City kicks off its summer beautification program.</p> <p>Todd Baun has been working on replacing the "Welcome to McCleary" signs at the City entrance, which were purchased in 2009. The back side was printed incorrectly showing the sign information upside down. The back of the signs have been covered in black plastic to hide the error.</p>
FLOAT SHED	Nick Bird contacted three companies to obtain quotes for completion of a good faith survey for the float shed structure. The siding was confirmed not to be cement asbestos board. Mr. Bird anticipates entering into an agreement to have the good faith survey conducted next week.

BEERBOWER PARK PATH	Nick Bird contacted RCO to request an extension for the project deadline but has not been notified if it will be granted. One of the park trees appears to be rotten and further verification is under way to confirm the condition. Depending on the outcome, the tree will have to be removed before the path is completed.
FIREWORK STAND PERMIT	The Olympic Christian Center has applied for a fireworks stand permit. It was moved by Councilmember Lant, seconded by Councilmember Boling to authorize the City to issue a fireworks stand permit, as per State Law, for the July Fourth celebration only. Motion Carried.
PARKS REGULATION ORDINANCE	Dan Glenn asked the Council to review the parks regulation ordinance draft and notify staff with any questions or concerns. The Council will review and address all questions to Mr. Glenn for preparation of final draft for the next meeting.
SIX-YEAR TRANSPORTATION IMPROVEMENT PROGRAM	Nick stated a Public Hearing is required prior to adoption of the STIP and he wasn't able to get the advertisement notice out in time so the public hearing and adoption must wait until the June 22, 2011 Council meeting. Similar to last year, the project cost was increased by 3% to account for inflation. The Council was provided a copy of the plan to review and Mr. Bird requested them to identify any concerns or comments before the next meeting.
ONE CALL SUBSCRIPTION AGREEMENT & UULC MASTER AGREEMENT	All City departments are notified when someone calls before they dig in the city limits. We have a small amount of our electrical distribution in Mason County that is not covered by our current One Call Agreement. To cover overlapping of the two service areas, the City needs to enter into an agreement with UULC to receive notifications for calls on West County Line Road, West Oak Meadows Road, and West Bonnieview Drive. The added cost is \$1.20 per notice and City staff does not anticipate a large number of notices. It was moved by Councilmember Geer, seconded by Councilmember Lant to authorize the City to execute the UULC Master Agreement. Motion Carried.
EMS CODE REVISION	The City currently pays EMS fees on all municipal accounts, including unoccupied facilities such as lift stations, park lighting, etc. Dan Glenn has provided an updated draft version of Ordinance 648 adding a new definition stating municipal corporations shall not be included. Since the Ordinance is being updated, Nick Bird has requested that Council review the current Equivalent Dwelling Unit (EDU) definition for occupancy rate of an average single family home and for businesses. Businesses are more challenging because it should be a population based charge. No action was taken at this time.
SOLID WASTE COLLECTION ORDINANCE	The Council will review a draft version of the solid waste collection ordinance. The current ordinance is old and should be updated to current standards. No action required at this time.
EMERGERGENCY MEDICAL SERVICES ORDINANCE	This is another ordinance that is old and should be reviewed and updated. Council will review and no action is required at this time.
SUPRLUS POLICE VEHICLE RESOLUTION NO. 629	Chief Crumb asked Council to declare one of its vehicles to be surplus and disposed. It was moved by Councilmember Lant, seconded by Councilmember Boling to adopt Resolution No. 629 declaring the stated vehicle to be surplus and providing for the disposition thereof. Resolution Adopted.
PUBLIC COMMENT	<p>Barbara McBride from the Beehive Retirement Center expressed a safety concern with the poor street lighting. She would like to see the lights that are out be replaced. She encouraged Councilmembers to drive around the facility so they can see the poor lighting and offer suggestions to remedy the situation.</p> <p>Sandra Brownfield, also from the Beehive, stated she has concerns about potholes around the streets boarding the Beehive facility. She said it is difficult to get into a vehicle on the street without stepping into a pothole full of rain water and end up with a wet foot. She expressed worry over the employees safety when changing shifts at night when streets are too dark to see the area around their vehicles. In addition, she has concern for the residents that walk after dark.</p> <p>Councilmember Lant informed the Council that the Firefighters Association is awarding three \$500 scholarships from the Brent Keel Memorial Fund to Seniors at Elma High School.</p>
APPROVAL OF VOUCHERS	It was moved by Councilmember Boling, seconded by Councilmember Schiller to approve the vouchers. Motion carried.
EXECUTIVE SESSION	None.

ADJOURNMENT

It was moved by Councilmember Boling, seconded by Councilmember Ator to adjourn the meeting at 7:52 PM. The next meeting will be held on June 22, 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: June 17, 2011
RE: LEGAL ACTIVITIES as of JUNE 22, 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. **SIX-YEAR STREET PLAN UPDATING:** Given the statutory mandates, Ms. Collins and Mr. Bird have taken the necessary steps, including publication of notice, so that tonight is the hearing date for the receipt of public input on the updating of this plan. As I am certain is recognized by all, the annual updating, with associated public hearing, is mandated in order to conform with requirements for funding of projects through the Transportation Improvement Board. Prior to this evening, Mr. Bird has provided you his recommendations as to the updated listing of streets which will be on our "wish list" for improvement funding.

The Plan theoretically must be filed with the pertinent state agencies by the end of this month in order to continue eligibility for funding through their programs. From a technical standpoint:

A. The sequence of the projects on the draft plan does not govern or restrict the ability of the City to choose to seek funding for a project which is lower down the list before finishing the projects which are above it on the list.

B. Further, if during the year the situation changes and you need to add a different project, that can be done through the giving of the appropriate public notice and adoption of an amended resolution. We have done that on one or more occasions in the past without problem.

2. EMS SERVICES: As all are aware, Elma, McCleary, and FD #12 have a contract with FD #5 for the provision of EMS services. The extension of that contract expires at the end of this year. Under the terms of the extension, negotiations as to an extension are to be commenced on or before August 1 of this year with the goal being that a contract extension, if reached, is entered into prior to October 15.

As you will remember, last time the three contracting entities worked together in the negotiation process. I have directed a query to Mr. Banks of FD #12 and to Mayor Osgood as to whether or not they are interested in undertaking the same approach. As of the time of the preparation of this Report, I have not received a response from Mayor Osgood, but anticipate a positive response. Commissioner Banks has responded in an affirmative manner.

I will keep you informed.

As a side note, I took a look at the court information as to the litigation between the bank and District #5 in relation to the loan made. It appears they resolved their dispute by the entry of a stipulated judgment admitting liability, fixing an amount of the judgment at over \$331,000.00, providing for interest at something over 7.25%, and setting up a payment pattern. It would be my assumption that, so long as the payment agreement is honored, Sterling will not take further action.

3. PARKS & CEMETERY USE REGULATORY ORDINANCE: Following the last meeting, I have made additional changes in the draft ordinance to reflect suggestions from Ms. Collins and Mr. Bird. Ms. Collins will have provided the "C" draft for your review. I have sought to show the modifications through the usual underlining or (~~bracketing~~) protocol. Hopefully the draft will be of such a content as to be acceptable for consideration and action. However, if any of you have any questions or suggested modifications, ship me an email and I can prepare a modified draft for your review.

I would note that Nick and Wendy have confirmed the old, uncodified ordinance setting up the Parks Board was repealed some time ago. Thus, you will find that aspect gone from the "C" version of the ordinance.

4. SOFTWARE CONTRACT ISSUE: Based upon the communication the City has received from the prior provisioner, it continues to fail to recognize it has been terminated for non-compliance with its contract. It is unfortunate, but as you are aware, such termination was necessary in the views of Ms. Collins

and Mr. Bird due to the impacts upon the City's accounting system.

I will keep you informed of the status of this matter.

5. **SOLID WASTE CODIFICATION UPDATE:** As of this time, I have received no requests either for additional information in relation to or for modification of the draft ordinance provided to you prior to last meeting. As always, if any of you have questions or suggestions you would like to direct/make to me prior to the meeting, give me a call or send me an email and I will seek to respond.

6. **LABOR NEGOTIATIONS:** As I believe you are aware, recently Mike Meglemre passed away after an extended illness. Subsequently Bette has given notice she is no longer in a position to carry on the negotiating process. Since in the not too distant future the City will be undertaking negotiations with one or more of its bargaining units, we will need to obtain a replacement labor consultant.

I have suggested to the Mayor, as at least an interim step, the City retain the services of Scott Snyder, an attorney whose firm specializes in this area, to provide the City guidance in the matter of labor relations, including contracts. Mr. Snyder has represented Montesano in the period since PSPE decided to discontinue providing the service to Montesano a couple of years ago. He was chosen by the Council and Mayor after a review of a variety of proposals. I believe you will find Montesano has been very satisfied with his services, both from an achievement standpoint and a cost standpoint.

I have requested that he provide to me a written summary of the billing pattern. If I receive it by the time of this meeting, I will provide to you for your information. Also, I have spoken to him. First he indicated that his hourly billing rate is \$210.00. (As difficult as it may be to accept, that is a very reasonable rate anymore. Of course, work done by a legal assistant is billed separately.) Further, he noted, since his billing protocol provides for a base number of hours for visits to Montesano or any of his other clients, having multiple clients in the same area would allow allocation of that four hours, some of which represents travel time, among multiple clients. Thus, it would be more cost effective for each client.

At this stage, since you have not had the opportunity Montesano had to carry out a less time-stressed resolution, any agreement would be on an at will status. However, ultimately after such review of the alternative approaches as you deem

appropriate is completed, an agreement for a more long term approach for labor consultation is appropriate.

I would recommend that the Mayor be authorized to enter into an "at will" contract with Mr. Snyder to provide such labor consulting services as the City might need. That would have the dual advantage of providing the service availability we may need in the short term while allowing you to evaluate the cost/benefit of his services.

7. BEAR FESTIVAL: The Festival will soon be "on the ground." I have discussed the situation with Mr. Bird. He will be reviewing the terms of the existing agreement, especially as to scope and proposed activities, after meeting with a Festival representative. The goal will be to make certain that all elements are covered for the benefit and protection of all parties.

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

Energy Conservation Program

The marketing inserts have worked wonders! We are fielding questions on a regular basis, conducting energy audits, and providing reimbursements for projects all throughout the City. If you would like to learn more about the program, please visit the website (www.cityofmccleary.com) or give us a call at (360) 495-3667!

3rd Street Planter Boxes

A special thanks to Brycen Huff, Ms. Ferrier, and the McCleary ASB students for their "hands on" assistance in beautifying McCleary. An article about the project was included in the Vidette on June 9 and a photo was included in the East County News on June 15!

Entrance Signs

We have not yet had the time to install the entrance signs. Our goal is to complete this task before the Bear Festival.

Bear Festival

The City and the Bear Festival Officers have been communicating regularly. The parade route application has been submitted to WSDOT for review and approval, and insurance forms have been received. Mr. Glenn did bring up one issue as it relates to use of public facilities. When reviewing the most recent agreement (2002), there are defined areas of use as part of that agreement. As the Bear Festival activity areas have been slightly modified since the agreement was executed, we will likely need to bring a revised agreement to you for review and approval. We will be meeting with the Chair to facilitate this agreement early next week to have a draft amendment (attachment) provided at the Meeting.

Water Complaints

We have had some strange water complaints lately relating to taste and odor. Please note that we still meet all primary drinking water regulations. Secondary contaminants are not health concerns that relate to taste and odor, which is where our problem lies. The normal odor that is attributed to the chemical makeup of our water is hydrogen sulfide (a rotten egg smell) due to the iron in our water. Due to the manganese in our water, we typically have a metallic aftertaste as well. If you notice anything other than our "typical" taste and odors, please let us know.

Light and Power Capital Improvement Plan

In 2009, the City entered into a contract with Elcon Associates (the City's electrical consultants) for a general engineering service contract and to prepare a Capital Improvement Plan (CIP). We put the CIP on hold for a bit to assess the financial stability of the Light and Power fund, ultimately authorizing the preparation of the CIP in late 2010. The document, currently in draft form, will be reviewed by staff, finalized by Elcon, then brought to Council for review and approval. Staff will meet with Elcon next week to provide comments on the Draft Plan, so we can anticipate likely having this plan presented to Council for approval in August.

Wastewater Treatment Plant

We were notified by the Department of Ecology that we are a recipient of the 2010 "Wastewater Treatment Plant Outstanding Performance" award! Out of approximately 300 wastewater treatment plants state wide, only approximately 100 plants were selected for the award. While not a one of a kind award, it is still important to recognize our plant staff for doing a great job!

Wildcat Creek Aquifer Agreement

While reviewing a SEPA for a short plat in the county just north of the City, I had the fortune of being reminded of our interlocal agreement with Grays Harbor County regarding the Wildcat Creek Aquifer. Upon review of the Agreement, it appears that we have agreed (in 2009) to define an "Urban Service Area" (or commonly called urban growth area), which is land that the City recognizes may, at some stage, be subject to consideration for annexation and/or provision of City utility services, whether within the City or while in the County. This agreement has many additional provisions as well, but the main focus at this time will be to comply with the initial components of Land Use Coordination. In the upcoming months, staff will need to coordinate with the County and Planning Commission (as it is the Planning Commission's responsibility to provide the recommendation to the Council) to facilitate this process. As usual, we will keep you informed as this develops.

Substation Repair

If you remember, we withheld a portion of the contract amount from the work performed on the 7th and Maple substation, as one of the parts supplied was defective. The Contractor has coordinated with the supplier to replace the defective part (no cost). Unfortunately the shell of the regulator was a little banged up during shipping. KVA is testing the regulator to verify that there was no additional damage (limiting the function of the unit). In the event the regulator is "OK", they will replace the sheet metal exterior and likely install the unit within the next couple weeks. If additional damage is found, we will likely be waiting a little bit longer while KVA facilitates the repair through the supplier.

STAFF REPORT

To: Mayor Dent
From: Todd Baun, Public Facilities Manager
Date: June 16, 2011
Re: April, May, and June Report

The following items are the highlights of what I have been working on during the past 3 months.

- I still have received no contact from Mr. and Mrs. Gravatt on the storm water issue affecting their property located at 311 W. Simpson Ave. We are in a holding pattern until we receive the legal documents that have been given to them by the city.
- Mowing season has started for us. We have been mowing our usual areas which are Beerbower Park, Community Center, Cemetery, Eddie Biers Park, Simpson Ave. Strips, and the Park and Ride. We are also mowing and weed eating many of the City's ROWs. With the weather behaving like it has, we can barely keep up with the mowing.
- Due to the mowing, our water meter replacement has slowed down quite a bit. Once mowing gets back under control, we will be resuming our radio read meter replacement.
- The crew has dug up area next to Main St. We were looking for a "water leak" that we thought was there. What we ended up finding is some old, abandoned, wood stave water line and an old, buried catch basin that was connected to the old sanitary system (which is now our current storm system). The catch basin was plugged and was causing the mysterious leak. We have not found the origin of the water, but we will be installing a new catch basin, so we can explore the issue when we clean our storm system.
- The park trail has been surveyed and Nick has the numbers.
- We are still in the design phase of the storm drainage issue for the area of 6th and Hemlock.
- I am starting a review of our streets. I'm hoping to have the review done by the beginning of May.
- The crew has been filled in many potholes throughout the City. We still have several more to get
- We have been grading shoulders and gravel roads in the City. There still are several areas that need to be graded and also areas that need to be graded again. We will be grading this summer until the weather puts a stop to it.
- The City has the SEPA for the maintenance of our outfalls at the big culverts at 7th and Maple. I have received no responses from any agencies on the SEPA.
- I have turned in permit to the WSDOT for the Bear Festival. We should have the parade permit in hand before the Festival starts.
- I have not received any word from Gray and Osborne about the City Stormwater Plan.

- The flower baskets are now up. The McCleary School has also planted flower boxes in front of businesses on 3rd Street. Tami is taking care of the flowers and I'm sure they will look great, just like the past couple of years we have had the flowers.
- WSDOT will be in town to sweep all the streets and stripe when their schedule allows.
- City wide clean up went well. I'm not sure of the final numbers, but there were several big dumpsters of discarded material hauled away from the City.
- I have given Nick the 2011 Asphalt Patching list. It has grown since last year. A majority of our streets are layers of chip seal with no real gravel base and they are starting to fail. If we don't repair them, the damaged area ends up expanding very quickly.
- We are finishing up on the cemetery expansion grading. We will have it planted in grass soon.
- And as always, we are trying to keep up on all our routine and daily maintenance of the parks, cemetery, streets, water, sewer, storm and buildings.

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

STAFF REPORT

To: Mayor Dent
From: Paul Nott, Light & Power
Date: June 16, 2011
Re: May Report



	Monthly Statistics;	YTD Totals;
New Services;	0	0
System Outages;	0	11
Pole Replacements;	5	5
Maintenance Work Orders;	3	19
Billable Work Orders;	0	1

This last month for the L&P crew has been busy;


Even though we had no outages, the three maintenance work orders we had and brushing kept our plate full. We had a pole change out on County Line Rd. for a customer that is upgrading their service. A four pole change out at the intersection of 4th and Maple and per Councilman Lant request, we researched and installed 4 street lights at the Beehive Retirement Center.

We have completed brushing all of Lynch Road but with all the new growth on the trees, we still have a lot more to do. The job never ends. Along those lines, we had Asplundh come and do their annual weed control spraying.

We have received the draft of the L&P CIP and Nick and I have a phone conference with Elcon and Associates to go over changes and corrections.

We are currently waiting for KVA to come and do the preliminary DGA tests at the 12KV substation. They are waiting for a replacement part for one of the regulators at the 4KV substation. As soon as they receive it they will schedule to come replace the part and take the sample.

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

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

We have received the results of our first semiannual laboratory performance evaluation tests. This type of testing is done to ensure laboratory accuracy. These series of “blind” tests are done not knowing the sample portions to be used. The test provider compares our sample results with their known sample results. Our results are then given an acceptable or non-acceptable finding. Our results were found to be acceptable and were then forwarded to the Dept. of Ecology (DOE). This type of performance testing with acceptable results enables us to keep our lab accredited with DOE.

We had an electrical outage on the head works, after troubleshooting the outage condition, it was revealed that a power phase monitor had failed and the repairs were completed.

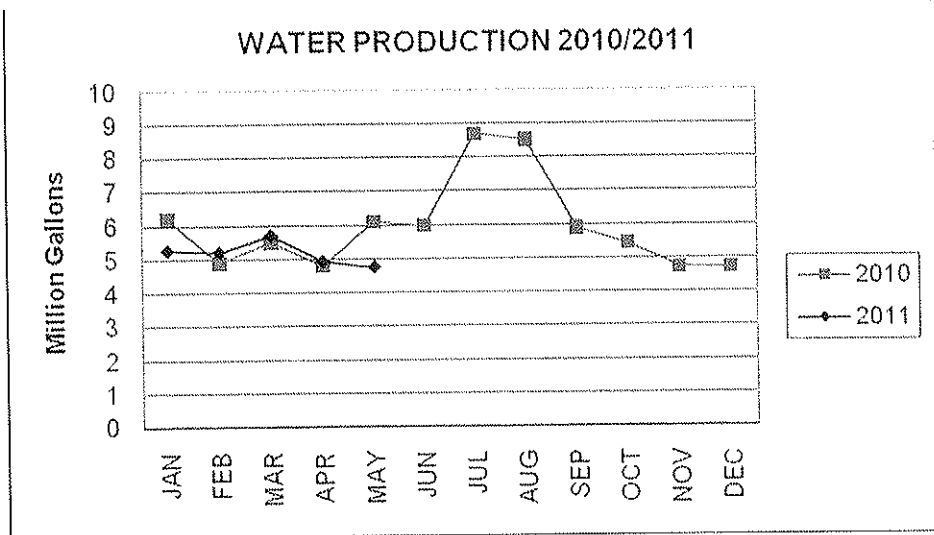
The Sequencing Batch Reactors (SBRs) are showing signs of warmer weather, foaming is beginning to appear. Using process control as our tools, we should be able to keep it under control so as not to have any effluent violations caused by this seasonal condition.

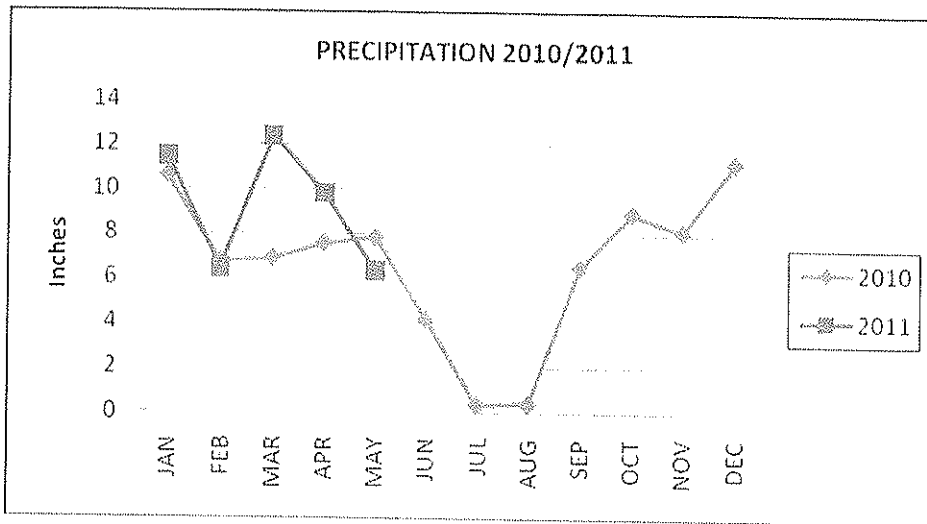
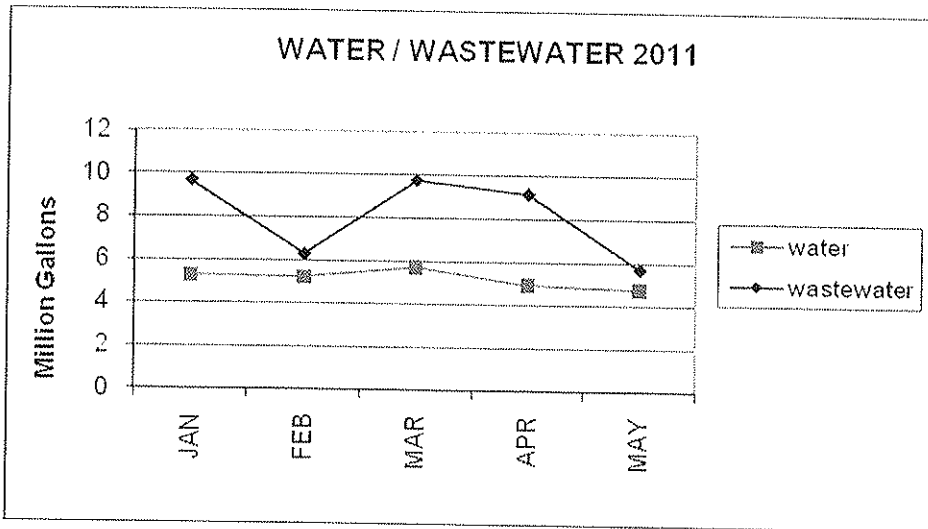
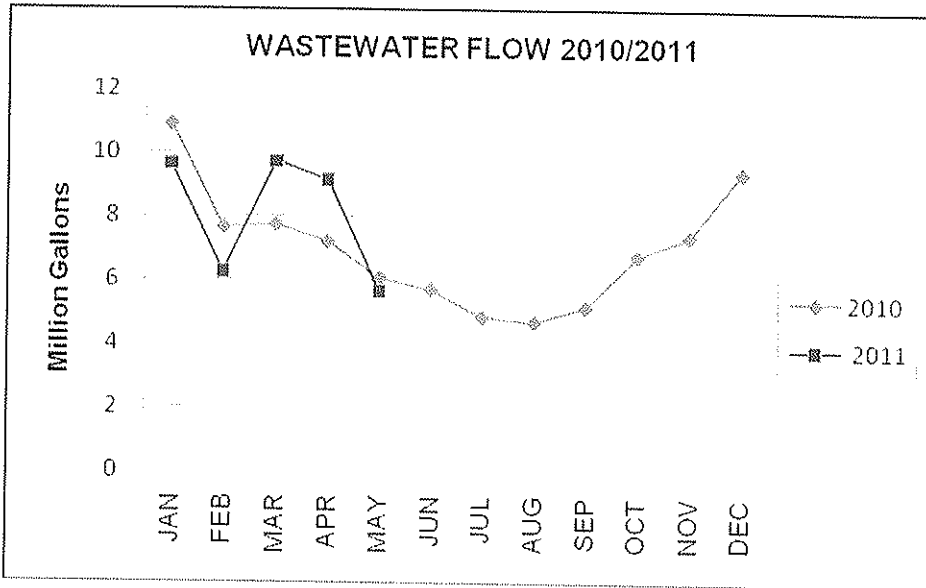
Our wells are operating smoothly without any new problems.

May precipitation came in at 6.3 inches. This puts us over 46 inches so far this year.

Biosolid production for May was equivalent to 1.3 dry tons, dewatered from 61,530 gallons of liquid digester sludge.

Charts for water production, wastewater flow and precipitation follow.





STAFF REPORT

To: Mayor Gary Dent
 From: Mick Schlenker Building Official
 Date: June, 16, 2011
 Ref: May Staff Report

Building Permit Activity					
	Current	Fees	Total 2011 YTD	Fees	Project Valuation
Customer Service	69	\$931.99	464	\$2,105.99	\$23,250.00
Building Permits Issued	5				
Nuisance Letters	2				
Inspections Performed	19				
Plan Reviews	2				
Stop Work Issued	0				
City Projects	1				
Complaints	4				
Demo Permits	0				
Court Issues	0				
Fire Projects	0				
Cars	2				
Abatements	0				
Eima Inspections	1				
Montesano	0				
Total	<u>105</u>	<u>\$931.99</u>	464	<u>\$2,105.99</u>	\$51,212.00

Summit II

10 lots have been sold to a contractor

McCleary School

Remodel for new office and bathroom in Play Shed

Cedar Heights

No activity

Conservation Program

Is doing well new permits and inspections each month

Float Shed

Still looking at possible new ideas with the building

Office Projects

Filing

Public Relations

Lots of Email correspondence

Archives

Meetings

STAFF REPORT

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



Re-Occurring Website Activities

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

New Website Activity

- Created Ductless Heat Pump page for the website.
- Posted fireworks notice on home page.

Additional Tasks

- Perform Vacant Land Evaluation; create spread sheet & binder of all available/vacant land within the City Limits by Zone.
- Create Conservation Program Promotional Flyer for inserting with utility bills.
- Research 3 parcels in town for their origins, and how to have them dedicated properly as ROWs.
- Research for adding Ducted Heat Pumps to the Conservation Program.
- Pre-installations of BIAS on users computers
- Re-Issue of IT RFP.

Help Desk Activity

Month	Number of Incidents Reported	Staff Reported / Closed / Open	Citizen Reported / Closed / Open
February	9	3 / 3 / 5	6 / 6 / 9
March	15	2 / 5 / 2	13 / 9 / 13
April	12	3 / 8 / 2	9 / 9 / 13
May	3	4 / 4 / 2	2 / 4 / 11

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				

Website Traffic

May 1, 2011 through May 31, 2011

Page Views by Section

Section	Page Views	Percent of Total
Default Home Page	1915	28.41%
Conservation Program	584	8.66%
Events Calendar	555	8.23%
Agendas and Minutes	367	5.44%
City Departments	276	4.09%
City Jobs	267	3.96%
Utilities	209	3.1%
Code, Ordinances & Standards	187	2.77%
Mayor and Council	174	2.58%
Search Results	168	2.49%
Police	162	2.4%
Public Facilities	136	2.02%
Bear Festival	129	1.91%
Light & Power	124	1.84%
Chamber of Commerce	107	1.59%
Administration	106	1.57%
Previous Years Council Minutes	105	1.56%
City Photos	103	1.53%
FAQ's Page	100	1.48%
Helpful Links	93	1.38%
Water / Wastewater	87	1.29%
Development Services / Building	72	1.07%
Fire	66	0.98%
Previous Years Council Agendas	65	0.96%
Planning Department	62	0.92%
2008-11 Budget	61	0.9%
Municipal Court	61	0.9%
Tell Us What You Think!	57	0.85%
Interlocal Agreements	53	0.79%
Conservation Data Page	44	0.65%
Home Page	43	0.64%
Bear Festival Photos	38	0.56%
Christmas Photos 2007	35	0.52%
Park Project Photos	30	0.45%
65th Anniversary Photos	30	0.45%
Flood Photos 2009	29	0.43%
Community Center	17	0.25%
City Staff	15	0.22%
Surveys & Questionnaires	5	0.07%
Public Facilities Survey (Ends March 7th)	2	0.03%
Stormwater Plan Questionnaire	2	0.03%
TOTAL	6741	100%

STAFF REPORT

To: Mayor Dent
From: George M. Crumb, Chief of Police
Date: June 17, 2011
RE: Report for June 29, 2011, Council Meeting

SUMMARY OF POLICE INCIDENTS / ACTIVITIES:

The below listed information are calls or contacts received by McCleary Police Officers either generated by Grays Harbor County dispatch 911 service, citizen reports or call in, or other officer generated incidents:

*1024 incident histories reported.

*Assisted Elma on 061711, 0800-1800 to monitor calls while in training.

- . Speeding.
- . Speeding in School Zone
- . DWLS (Driving While license Suspended/Revoked
- . Theft 3rd
- . Disorderly Conduct
- . Violation of Protection Order
- . No Valid Operator's License without ID
- . Failure to Renew Registration (-2MO)
- . Failure to wear safety belt.
- . Insurance violation
- . Vehicle Prowl
- . Resisting Arrest
- . Expired Tabs

Discussion: Open

Police applications starting to come in, approx 50 sent out, approx. 10 have come back in.
()

Council Members Present: ALL.... Mr. Ator, Mr. Boling, Mr. Geer, Mr. Lant,
Mr.Schiller.

Mayor Dent: Present / Not Present _____

Officer Reporting: Chief Crumb _____

STAFF REPORT

To: Mayor Dent
CC: Ron Pittman, Chief
From: Paul Nott, Assistant Chief
Date: June 16, 2011
Re: May Fire Department Report



	Monthly Statistics;	YTD Totals;
Actual Structure Fires:	0	1
Fire Calls:	2	6
Rescue/EMS assists:	0	6
Motor Vehicle Collisions:	1	9
Hazardous Material Response:	0	1
Service Calls:	2	4
False Alarms:	0	2

This last month we had five calls;

The two fire calls consisted of a chimney fire and a vehicle fire. We had a report of a vehicle collision which we were unable to locate and the two service calls were an illegal burn and assisting law enforcement with locating a 4yr. old that had wandered away from his residence (I'm happy to report that the 4 yr. old was quickly found, unharmed and had decided on his own to take his two dogs on a little adventure).

Firefighters, Eric Cohen, Donny Sanders and Jason Keel all successfully passed their First Responder training and are now certified. Congratulations to all three and thanks again for all your efforts.

With the recent increase in illegal fires we would like to remind everyone to only burn what is allowed. Recreational and yard material fires are only allowed. For more information on fire regulations you can go to the City's web site and then to the fire department link (Thanks Colin).

At this time we would like remind all staff and citizens that school is out for summer break and be extra aware for children out playing at all times of the day. Drive careful.

One last note, be sure to support your fire department in the Guns and Hoses softball game during Bear Festival (where we intend on getting the trophy back to a familiar location, the Fire Department)...

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: June 22, 2011
Re: Float Shed

A "Good Faith Survey" has been conducted on the Float Shed and follows this staff report. As can be seen from the Survey, there are a variety of Asbestos Containing Materials (ACM) that must be removed prior to demolition or reconstruction. I have contacted the company who completed the survey to obtain a planning level cost estimate for removal of the ACM, and hopefully will have a budget cost to provide at the meeting.

As was previously stated, we will need to remove the ACM before moving forward with either demolition or reconstruction. The current plan, depending on cost, is to conduct the abatement (hopefully via Corrections Staff), then proceed with the direction given. In any case, the abatement contract will be provided to Council for review and authorization when prepared.

Additionally, upon review of the minutes, I did not see where we have confirmed the City's intent to demolish or reconstruct the structure. I have a vague recollection of the discussion leaning toward demolition after the costs were presented on May 11, but we thought it appropriate to confirm this intent rather than assume.

Action Requested:

Please confirm the City's intent to demolish or reconstruct the structure.



KD&S ENVIRONMENTAL, INC.

P.O. BOX 312, MONTESANO, WA 98563

OFFICE: (360) 249-5540 FAX: (360) 249-3475

HAZARDOUS MATERIALS INVESTIGATION ASBESTOS SURVEY

**PERFORMED FOR:
NICHOLAS D. BIRD, P.E.**

**PROPERTY KNOWN AS:
FLOAT SHED
721 SIMPSON
MCCLEARY, WA 98557**

PERFORMED BY:

KATHIE WILSON

AHERA CERTIFICATION: BI/PD/R-NAI-0117-11-01

JUNE 9, 2011

TABLE OF CONTENTS

SECTION 1.0 – SCOPE OF WORK.....	
SECTION 2.0 – ASBESTOS-CONTAINING MATERIALS (ACM) SURVEY SUMMARY.....	
SECTION 3.0 – ASSESSMENT AND RECOMMENDATIONS.....	
SECTION 4.0 – STATEMENT OF COMPLIANCE.....	
APPENDIX A	ASBESTOS SAMPLE SUMMARY
APPENDIX B	LABORATORY ANALYSIS DATA SHEETS (ASBESTOS)
APPENDIX C	PICTURES
APPENDIX D	DRAWINGS

SECTION 1.0 SCOPE OF WORK

On, June 9, 2011, Kathie Wilson, (AHERA Certification BI/PD/R-NAI-0117-11-01), an accredited asbestos and hazardous materials inspector for KD&S Environmental, conducted an asbestos containing materials survey of the property known as:
The following suspect materials were investigated:

**FLOAT SHED
721 SIMPSON
MCCLEARY, WA 98557**

- **Asbestos Containing Material**

Field inspection, data collection, and report generation were based on the following Scope of Work:

1. Perform a visual inspection of the subject property to identify and inventory all accessible suspect asbestos containing materials.
2. Bulk sampling and analysis of identified suspect asbestos containing materials.
3. Provide quantity estimates of asbestos containing materials.
4. Provide a written report including sample descriptions, sample locations, and sample location drawing.

The survey was intended to identify any possible asbestos containing materials (ACM) which may be disturbed during demolition, remodeling or maintenance activities per 40 CFR 61 Subpart M and to maintain compliance with WAC 296-62-07721 and current applicable **Olympic Region Clean Air Agency (ORCAA)** Regulations. KD&S Environmental has made a best effort attempt to identify materials, which may be disturbed. In addition, the asbestos survey meets the "Good Faith" asbestos inspection requirements. It should be noted that "Good Faith" surveys are limited in scope and that those materials which required destructive means to access or sample (interstitial spaces) is not included in this report.

Suspect asbestos containing materials within the structure were identified and classified as either a surfacing material, thermal system insulation, or miscellaneous materials. Surfacing materials are those, which are either, spray applied or troweled-on for acoustical, decorative, or fireproofing purposes. Thermal system insulation (TSI) is insulation used to inhibit heat transfer or to prevent condensation on pipes, boilers, tanks, ducts and various other components. Miscellaneous materials include all other materials not included in the above categories such as floor tile, ceiling tile, roofing felt, cementitious materials, wallboard systems and products such as caulking, mastics and putties 13 miscellaneous samples were collected and submitted for laboratory analysis.

Limitations of the Assessment

This targeted assessment was limited to the referenced buildings and did not include areas beyond the “foot print” of the buildings. The conclusions within this report are professional opinions base solely upon visual site observations and interpretation of analytical data as described in this report. Typical construction techniques can render portions of the building inaccessible. As a result, additional ACBM may be present in inaccessible areas (i.e. within wall and ceiling cavities). Suspect ACBM within inaccessible areas should be presumed to contain asbestos until characterized. The opinions presented herein apply to the site conditions existing at the time of the investigation and interpretation of current asbestos regulations. Recommendations provided may not apply to future conditions that exist at the above mention site.

Survey Methodology

The supporting documentation provided within survey report includes material summary table and the appendices that included site photographs, lab analytical reports, chain of custody forms, staff certification.

SECTION 2.0 ASBESTOS-CONTAINING MATERIALS (ACM) SUMMARY

Bulk samples collected by KD&S Environmental were submitted for sample analysis in accordance with method EPA-600/R-93/116: "Method for the Determination of Asbestos in Bulk Building Materials". Seattle Asbestos performed analysis of suspect asbestos materials. The following suspect materials were found to contain asbestos in quantities equal to or greater than one percent (1%).

TOTAL ASBESTOS

721-1	ROOFING MULTI-LAYERS AND SLIVER	MISCELLANEOUS	ROOFING FRONT STREET SIDE ½ INCH THICK	2% CHRYSOTILE
721-2	ROOFING MULTI-LAYERS AND SLIVER	MISCELLANEOUS	ROOFING MIDDLE ½ INCH THICK	2% CHRYSOTILE
721-3	ROOFING MULTI-LAYERS AND SLIVER	MISCELLANEOUS	ROOFING BACK ½ INCH THICK TOTAL ROOFING 2668 SQUARE FEET	2% CHRYSOTILE
721-4	FRONT OFFICE	Miscellaneous	VINYL TILE AND MASTIC 156 SQUARE FEET	2% CHRYSOTILE
721-6	BACK OF BUILDING BOARD BEHIND STOVE	Miscellaneous	CEMENT ASBESTOS BOARD 32 SQUARE FEET	19% CHRYSOTILE
721-8	BATHROOM	Miscellaneous	VINYL SHEETING 35 SQUARE FEET	TOP LAYER SHEETING 50% CHRYSOTILE BOTTOM LAYER TILE 2% CHRYSOTILE

3.0 ASSESSMENT AND RECOMMENDATIONS

ASSESSMENT

The asbestos containing materials identified in the subject property fall into the Miscellaneous Category.

RECOMMENDATIONS

All identified asbestos containing material is regulated material and must be abated prior to any demolition or remodeling activity which may disturb these materials at the subject property. A Washington State Certified Asbestos Contractor must conduct abatement of asbestos containing materials.

NARRATIVE

This building is presumed to be demolished.

SECTION 4.0 STATEMENT OF COMPLIANCE

In accordance with W.A.C. 296-62-07721 and current applicable ORCCA Regulations, KD& S Environmental Consulting performed an Asbestos Inspection of :

**FLOAT SHED
721 SIMPSON
MCCLEARY, WA 98557**

Abatement of asbestos-containing materials must be conducted by a Washington State Certified Asbestos Abatement Contractor. Should employees or contract personnel encounter any suspect asbestos-containing materials it is their responsibility to:

1. Contact a representative of the owner.
2. Consult the inspection report to determine whether or not the suspect material contains asbestos.
3. Ensure that all employees and contractors are informed and advised of the location and type of materials that contain asbestos.

The following asbestos-containing materials were identified at the subject property:

Roofing

Vinyl Tile

Vinyl Sheeting

Cement Asbestos Board

I Hereby Attest:

The inspection report has been made available to me. I will inform all subcontractors of the location and types of materials containing asbestos. I am authorized to sign on behalf of my company.

Contractor: _____ Owner's Rep: _____

Signature: _____ Signature: _____

Print Name: _____ Print Name: _____

Title: _____ Title: _____

Date: _____ Date: _____

**ASBESTOS SAMPLE SUMMARY
 FLOAT SHED
 721 SIMPSON
 MCCLEARY, WA 98557**

SAMPLE NUMBER	MATERIAL LOCATION	AHERA CATEGORY	DESCRIPTION LOCATION/ ESTIMATED QUANTITY	ASBESTOS %
721-1	ROOFING MULTI-LAYERS AND SLIVER	MISCELLANEOUS	ROOFING FRONT STREET SIDE ½ INCH THICK	2% CHRYSOTILE
721-2	ROOFING MULTI-LAYERS AND SLIVER	MISCELLANEOUS	ROOFING MIDDLE ½ INCH THICK	2% CHRYSOTILE
721-3	ROOFING MULTI-LAYERS AND SLIVER	MISCELLANEOUS	ROOFING BACK ½ INCH THICK TOTAL ROOFING 2668 SQUARE FEET	2% CHRYSOTILE
721-4	FRONT OFFICE	Miscellaneous	VINYL TILE AND MASTIC 156 SQUARE FEET	2% CHRYSOTILE
721-5	FRONT OFFICE	Miscellaneous	CEILING PANEL	NON DETECT
721-6	BACK OF BUILDING BOARD BEHIND STOVE	Miscellaneous	CEMENT ASBESTOS BOARD 32 SQUARE FEET	19% CHRYSOTILE
721-7	CHIMNEY PIPE	Miscellaneous	CONCRETE PIPE	NON DETECT
721-8	BATHROOM	Miscellaneous	VINYL SHEETING 35 SQUARE FEET	TOP LAYER SHEETING 50% CHRYSOTILE BOTTOM LAYER TILE 2% CHRYSOTILE
721-9	BATHROOM	Miscellaneous	CEILING TILE SQUARES WITH DESIGN AND GOLD FLECKS OVER SAMPLE #5 35 SQUARE FEET	NON DETECT

721-10	CEMENT MORTAR	Miscellaneous	AT FIRE DIVIDER WALL	NON DETECT
721-11	BATHROOM	Miscellaneous	PANELING	NON DETECT
721-12	BATHROOM	Miscellaneous	SHEETROCK ONE (1) WALL ONLY	NON DETECT
721-13	BATHROOM	Miscellaneous	COVE BASE WITH MASTIC	NON DETECT



721 Simpson, McCleary, WA (Float Shed)



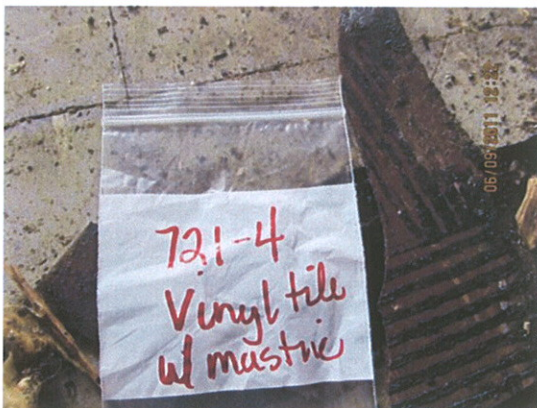
Sample 721-1 Front of Roof



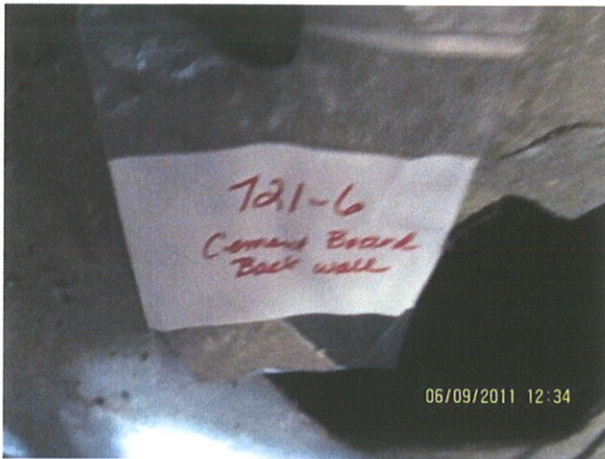
Sample 721-2 Middle of Roof



Sample 721-3 Back of Roof



Sample 721-4 Vinyl tile Negative (mastic)



Cement Asbestos Board back wall

Sample 721-6



Vinyl sheeting and Vinyl tile (Negative Mastic)

Sample 721-8



P.O. Box 312 (360) 249-5540
Montesano, WA 98563 Fax (360) 249-3475 1-800-339-9546 www.kdsenvironmental.com

#20111712

ASBESTOS
BULK CHAIN OF CUSTODY

SAMPLED BY: Kathie Wilson
 Company: KD&S Environmental
 Address: PO Box 312

 City & State Montesano, WA 98563


SENT TO:
Seattle Asbestos Testing
19711 Scriber Lake Rd
Suite D
Lynwood, WA 98036

Project #: 11-3149
Client: City of McCleary
Float Shed
721 Simpson
McCleary, WA

Submitted by: Kathie Wilson

721-1	6/9/11	Roofing Front- Multi-layers with silver coat (1/2")
721-2	6/9/11	Roofing Middle - Multi-layers with silver coat (1/2")
721-3	6/9/11	Roofing Backside - Multi-layers with silver coat (1/2")
721-4	6/9/11	Vinyl tile with black mastic (in office area)
721-5	6/9/11	Ceiling Panel – Stapled – in office area
721-6	6/9/11	Cement Board behind heating stove
721-7	6/9/11	Concrete Pipe inside chimney
721-8	6/9/11	Vinyl sheeting over vinyl tile and mastic in bathroom
721-9	6/9/11	Ceiling tile (with design and gold flecks) stapled on stringer over sample #5
721-10	6/9/11	Cement Mortar – Cement Masonry Unit – fire wall
721-11	6/9/11	Paneling (nailed place)
721-12	6/9/11	Sheetrock on in bathroom (composite) not textured
721-13	6/9/11	Cove base with mastic in bathroom
		24 Hour Turnaround Please
		PLEASE EMAIL RESULTS TO and Sandie@kdsenv.com or Kathie@kdsenv.com

RELINQUISHED BY: Kathie Wilson *Kathie Wilson* DATE: 6/9/11

RECEIVED BY: *E. Dutton*  DATE: 6/10/11, 1410

SEATTLE ASBESTOS TEST, LLC

NVLAP Accredited - Bellevue:200876; Lynnwood:200768

Lynnwood Laboratory: 19711 Scriber Lake Rd, Suite D, Lynnwood, WA 98036; Tel: 425.673.9850, Fax:425.673.9810

Bellevue Laboratory: 12727 Northup Way, Suite 1, Bellevue, WA 98005; Tel: 425.861.1111, Fax: 425.861.1118

Website: <http://www.seattleasbestostest.com>, E-mail: admin@seattleasbestostest.com**ANALYTICAL LABORATORY REPORT**

PLM by Method EPA/600/R-93/116

Attn.: Ms. Kathie Wilson
 Client: KD & S Environmental
 Address: PO Box 312
 Montesano, WA 98563

Client Job #: 11-3149
 Laboratory Batch #: 201111712
 Date Received: 6/10/2011
 Samples Received: 13
 Date Analyzed: 6/13/2011
 Samples Analyzed: 13

Project: City of McCleary, Float Shed, 721 Simpson, McCleary, WA

Lab ID	Client Sample ID	Layer	Description	%	Asbestos Fibers	Non-Fibrous Components	%	Non-asbestos Fibers
1	721-1	1	Silver paint	2	Chrysotile	Paint, Filler	3	Cellulose
		2	Multi-layered black asphaltic material with sand		None detected	Asphalt/binder	44	Glass fibers
		3	Black asphaltic fibrous material		None detected	Asphalt/binder, Binder/filler	70	Cellulose
2	721-2	1	Silver paint	2	Chrysotile	Paint, Filler	4	Cellulose
		2	Multi-layered black asphaltic material with sand		None detected	Asphalt/binder	72	Glass fibers
		3	Black asphaltic fibrous material		None detected	Asphalt/binder, Binder/filler	69	Cellulose
3	721-3	1	Silver paint	2	Chrysotile	Paint, Filler	2	Cellulose
		2	Multi-layered black asphaltic material with sand		None detected	Asphalt/binder	70	Glass fibers
		3	Black asphaltic fibrous material		None detected	Asphalt/binder, Binder/filler	67	Cellulose
4	721-4	1	Brown tile	2	Chrysotile	Vinyl/binder, Mineral grains	2	Cellulose
		2	Black mastic		None detected	Mastic/binder	4	Cellulose
5	721-5	1	Brown fibrous material with paint		None detected	Filler, Paint	89	Cellulose
6	721-6	1	Gray cementitious material with paint	19	Chrysotile	Cement/binder, Paint	5	Cellulose
7	721-7	1	Gray sandy/brittle material		None detected	Sands, Filler, Binder	3	Cellulose
8	721-8	1	Brown tile	2	Chrysotile	Vinyl/binder, Mineral grains	2	Cellulose
		2	Black mastic		None detected	Mastic/binder	4	Cellulose
		3	Multi-colored sheet vinyl		None detected	Vinyl/binder		None detected
		4	Gray fibrous material with mastic	50	Chrysotile	Binder/filler, Mastic/binder	35	Cellulose
9	721-9	1	Brown fibrous material with paint		None detected	Filler, Paint	88	Cellulose
10	721-10	1	Gray sandy/brittle material		None detected	Sands, Filler, Binder	3	Cellulose

Analyzed by:  Heather Mummey

Report reviewed by: Steve (Fanyao) Zhang, President

SEATTLE ASBESTOS TEST, LLC

NVLAP Accredited - Bellevue:200876; Lynnwood:200768

Lynnwood Laboratory: 19711 Scriber Lake Rd, Suite D, Lynnwood, WA 98036; Tel: 425.673.9850, Fax:425.673.9810

Bellevue Laboratory: 12727 Northup Way, Suite 1, Bellevue, WA 98005; Tel: 425.861.1111, Fax: 425.861.1118

Website: <http://www.seattleasbestostest.com>, E-mail: admin@seattleasbestostest.com**ANALYTICAL LABORATORY REPORT**

PLM by Method EPA/600/R-93/116

Attn.: Ms. Kathie Wilson
 Client: KD & S Environmental
 Address: PO Box 312
 Montesano, WA 98563

Client Job #: 11-3149
 Laboratory Batch #: 201111712
 Date Received: 6/10/2011
 Samples Received: 13
 Date Analyzed: 6/13/2011
 Samples Analyzed: 13

Project: City of McCleary, Float Shed, 721 Simpson, McCleary, WA

Lab ID	Client Sample ID	Layer	Description	%	Asbestos Fibers	Non-Fibrous Components	%	Non-asbestos Fibers
11	721-11	1	Brown fibrous material		None detected	Filler	91	Cellulose
12	721-12	1	White powdery material with paint		None detected	Binder/filler, Paint	3	Cellulose
		2	White chalky material with paper		None detected	Binder/filler Gypsum/binder	26	Cellulose
13	721-13	1	Brown rubbery material		None detected	Rubber/binder	2	Cellulose
		2	Brown mastic		None detected	Mastic/binder	4	Cellulose

Analyzed by:  Heather Mummey

Report reviewed by: Steve (Fanyao) Zhang, President

STAFF REPORT

To: Mayor Dent
From: Nick Bird, P.E., Director of Public Works
Date: June 22, 2011
Re: RCO / Beerbower Park ADA Path

Project Extension

After multiple attempts to contact RCO, we still have not been notified if our extension has been approved. As soon as we hear something, we will let you know.

Trees

It is my understanding that the tree adjacent to the Train Shelter is not completely rotten. I have heard that there is some concern with keeping the tree, as there is a potential impact to the old train and old fire engine in the event the tree falls. The location of the entrance path will be decided on what we choose to do with the tree. My suggestion would be to keep the tree and find an alternate entrance pathway. If we choose to remove the tree, it will provide a great opportunity to construct a symmetrical entrance, just as the original drawing provided displayed. In either case, please let us know how you would like to proceed.

Material Type

To reiterate the summary provided in the reports dated May 5 and May 17, we have two options; construct an HMA path or construct a Concrete path. With the HMA option, the out of pocket expenses are projected to be just over \$12,000 with a total project cost of almost \$21,000. With the Concrete option, the out of pocket expenses are projected to be approximately \$11,000 with a total project cost of \$38,000.

Action Requested:

Please review the information provided, as well as non-cost factors such as appearance, and let us know which surfacing alternative is the preferred alternative. Additionally, please indicate whether or not you would like to see the tree adjacent to the Train Shelter removed.

STAFF REPORT

To: Mayor Dent
From: Nick Bird, P.E., Director of Public Works
Date: June 22, 2011
Re: EMS Code Revision

The discussion we had last meeting revolved around how to address billing non-residential customers on the "EDU basis". Upon further investigation, Ordinance 748, the ordinance currently being amended, contained a statement in Section II.A.2 which states, "Utility customers, including but not limited to business and industries whose facilities do not include any housing units, shall pay the same rate as established for housing units.". Based on this statement, the non-residential discussion presented in the May 19 Staff Report should be considered a mute point.

It is the opinion of the City Staff that no additional modifications to Ordinance 748, other than currently proposed (removal of municipal accounts), needs to be addressed.

Action Requested:

Please consider adopting the proposed ordinance as written.

STAFF REPORT

To: Mayor Dent
From: Nick Bird, P.E., Director of Public Works
Date: June 22, 2011
Re: Solid Waste Collection

Mr. Glenn has provided a draft ordinance for your review regarding the City's Solid Waste Management requirements. The original ordinance, Ordinance 57 from 1948, follows this report for your reference.

This item has really come to light recently with the "billing agency" transition from the City to Lemay. Individuals have chosen not to pay Lemay, choosing instead to take their trash to the dump individually (or put their garbage in the neighbor's cans) to save money.

While the 1948 Ordinance does require garbage service, it is obviously out dated. The proposed ordinance provides further definition and updates the penalties.

Action Requested:

Please consider adopting the proposed ordinance with revisions if necessary.

ORDINANCE NO. 57

AN ORDINANCE RELATING TO PUBLIC HEALTH AND SANITATION; PROVIDING FOR AND REGULATING THE COLLECTION, REMOVAL AND DISPOSAL OF GARBAGE AND REFUSE AND DEAD ANIMALS IN THE TOWN OF McCLEARY, WASHINGTON; PROVIDING FOR THE HANDLING THEREOF EXCLUSIVELY BY THE TOWN THROUGH A GARBAGE DEPARTMENT HEREIN CREATED; PROVIDING FOR A GARBAGE COMMISSIONER AND PRESCRIBING HIS DUTIES, SALARY AND MANNER OF APPOINTMENT; PROVIDING PENALTIES FOR THE VIOLATION HEREOF; AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH.

BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF McCLEARY:

Section 1. That the maintenance of public health and sanitation requires and it is the intention hereof to make, the collection, removal and disposal of garbage and refuse and dead animals within the Town of McCleary compulsory and universal under the exclusive supervision of said town.

Section 2. That for the purpose of carrying into effect the provisions of this ordinance, there is hereby created and established a department of said town to be known as "Municipal Garbage Department".

Section 3. That the management and control of said department shall be vested in a garbage committee of the council to be appointed as herein after set forth.

Section 4. That the mayor shall annually at the time of appointment of other committees of said town, appoint a garbage committee; that the duties of such committee shall be such as are herein prescribed, and such other and further duties as the Council of said town may from time to time prescribe.

Section 5. That the garbage committee of the Council of the Town of McCleary, shall have general supervision over the garbage conditions of the town; shall direct and supervise the collection, removal and disposal of any and all garbage, offal, refuse substance or dead animals under any and all contracts which may be hereafter entered into as set forth in this ordinance, or as otherwise directed by the city council; shall set up and maintain a proper accounting division for said department; and shall have full charge and control of the city dumping grounds, and for the purpose of fully enforcing the ordinances of said town for the protection of health, shall be empowered to enter into and upon the premises of any person within the limits of said town.

Section 6. That the collection, removal and disposal of garbage, refuse, dead animals, etc., as contemplated under the provisions of this ordinance, may be done under the direct supervision of the garbage committee by city employees, or may be done and performed by contract covering periods not exceeding ten years; that before awarding any such contract, the council shall cause to be published in the official newspaper of said town a notice, for at least ten days before letting such contract, inviting sealed proposals for the furnishing of all necessary equipment

and the doing of the work herein contemplated; that all proposals shall be sealed and filed with the city clerk on or about the day and hour named therein; that all proposals shall be accompanied by a certified check payable to the Town of McCleary in the sum of \$200.00, and no bid shall be considered unless accompanied by such check; that at the time and place named, such bids shall be publicly opened and read; that the council shall proceed to determine the lowest responsible bidder, and may let such contract to such bidder, or, if in its opinion, all bids are too high, it may reject all of them and re-advertise, and in such case all checks shall be returned to the bidders by the clerk, except that of the successful bidder, which shall be retained until the contract be entered into between the bidder and the town in accordance with such bid; that said contractor, upon the acceptance of such bid, shall enter into a bond with the Town of McCleary in the sum of \$2,000.00 for the faithful performance of the terms in the said contract, which said bond shall be filed in the office of the town clerk and duly approved and accepted by the council; if said bidder fails to enter into such a contract in accordance with his bid, and shall fail such bond within ten days from the date at which he is notified that he is the successful bidder, the clerk shall stamp across the face of the certified check; "Forfeited to the Town of McCleary, Elizabeth Rowe, Town Clerk," and shall deliver said check to the town treasurer to be deposited in the Town treasury to the credit, of the municipal garbage department fund of the Town of McCleary, and the council shall readvertise for proposals for such work, etc., the council shall not have power to remit such forfeiture. That when such contract shall have been awarded, all payments due the contractor under the terms thereof, shall be payable from the municipal garbage department fund of the Town of McCleary.

Section 7. That there be and is hereby created and established, a fund to be known and designated as "Municipal Garbage Department Fund of the Town of McCleary, into which shall be paid all funds collected as hereinafter set forth in and about the handling of garbage in said town that such funds so set aside shall be used for the payment of the salary and wages of the employees of said department, and for the monthly contract payments in accordance with budget provisions, and shall be paid out by the town treasurer only upon warrants drawn by order of the council of said town and endorsed by the Mayor and attested by the clerk of said town.

Section 8. That the term "garbage and refuse" as used in this ordinance shall be taken to mean all waste and discarded materials from dwelling and places of business; "waste" shall not include materials subject to manufacture into byproducts.

That the term "person" shall mean every natural person, firm, co-partnership,

association or corporation.

Section 9. That it shall be the duty of every person in possession, charge or control of any dwelling, place of business or manufacturing establishment where garbage and refuse is created or accumulated, at all times to keep or cause to be kept portable metal cans for the deposit therein of garbage and refuse and to deposit or cause to be deposited the same therein.

That it shall be the duty of the owner of any dwelling, flat or apartment house to furnish to or see that his tenants are supplied with such cans, or in the case of apartment houses, with adequate means of disposing of garbage and refuse.

That such cans shall be water tight, of not less than twenty-five and not more than thirty gallons capacity, shall have two handles at the sides thereof and tight fitting metal lids; that such lids shall not be removed except when necessary to place garbage and refuse in such cans or to take same from there; that when garbage and refuse is placed therein or taken therefrom such lids shall be replaced by the person placing the same therein or taking the same therefrom; that such cans shall be kept in a sanitary condition with the outside thereof clean and free from accumulating grease and decomposing materials; that each such can shall be kept in a place accessible to the collector of garbage and refuse.

That large suitable containers for bulk collection of garbage and refuse may with the approval of the garbage committee be used by hotels, restaurants, boarding houses, eating houses, apartment houses, schools and hospitals and in the business district.

That waste paper or office supplies may be deposited in waste paper baskets or other suitable receptacles.

That it shall be the duty of every person to cause such garbage and refuse to be removed and disposed of by the contractor or the municipal garbage department of said town.

That it shall be the duty of every person in possession, charge or control of any dead animal or upon whose premises the same may be located, to forthwith cause the same to be removed and disposed of by the contractor or said municipal garbage department.

That this section is subject to the proviso that in the case of isolated dwellings or places of business located in a sparsely settled portions of the city, or where reasonable access cannot be had by truck, garbage and refuse therefrom may, upon special permit of the garbage committee, be collected, removed and disposed of in such manner as said committee shall in and by such permit approve and direct.

Section 10. That it shall be unlawful for any person to burn any garbage or refuse, except waste paper boxes, rubbish and debris, brush, grass, weeds and cuttings from trees, lawn or gardens burned in a furnace or upon permit from the fire chief; or to dump or deposit any garbage and refuse upon any street or alley or private property in the Town of McCleary or to burn the same; or to collect, remove or dispose of the same except as in this ordinance provided.

Section 11. That the contractor of the municipal garbage department shall collect, remove and dispose of all garbage and refuse in the residential sections of the town at least weekly, and from hotels, restaurants, boarding houses, eating places, apartment houses, schools and hospitals and in the business section of the town as designated from time to time by the garbage committee as often as required by said committee; residential sections of the city shall include all portions thereof not otherwise designated.

Section 12. That the garbage committee is hereby directed to forthwith, as after their appointment fix and determine the rates permonth to be charged for the collection, removal and disposal of garbage, and submit such schedule to the city council for its approval; that except as hereinafter set forth, the rates so fixed shall be charged until the further order of the city council of the said city.

Section 13. That the town, through its said garbage committee, shall have the right to change the rates from time to time as it shall appear that the volume or character of garbage is changed, and the event of and increase in the rate, the customer shall be notified at least (10) days before the next monthly charge is payable.

Section 14. The garbage committee shall cause to be kept, accurate books of accounting, and shall cause proper monthly billing for garbage and refuse services to be made; that such billing, so far as possible, shall be listed and included in the monthly statements sent out by the water department of said town; that such accounts shall be due and payable on or before the 15th day of each month, at the office of the clerk of said town, that a delinquency charge of 50 cents shall be added to all accounts which have been delinquent for sixty (60) days or over; that the garbage committee may suspend service for non-payment of such accounts, but such suspension shall not relieve the person owing such accounts from the duty of complying with the provisions of this ordinance, and such suspension shall render the premises where such service is suspended subject to condemnation for sanitary reasons.

Section 15. That the Town of McCleary reserves the right to and may at its option require the separation of paper or swill or other component part of garbage

and refuse or any of them; may require the deposit thereof in separate cans or receptacles and may prescribe the method of disposal thereof.

Section 16. That no person, except the contractor hereinabove mentioned, shall use or be permitted to use any dumps or dump, sanitary fill or fills or other places of disposal established and used by the municipal garbage department.

Section 17. That from and after the effective date of this ordinance, it shall be unlawful for any person other than said municipal garbage department, or its contractor, to engage in the business of collecting, removing and disposing of other than said department, its agents or employees, to do or perform any of the things herein required, to be done or performed by said department.

Section 18. That it shall be unlawful for any person or persons to allow to remain on his or their premises, kitchen or butcher refuse, offal or garbage, dead animals or any putrid or stinking animal or vegetable matter, or to throw the same on any street, alley place or in standing water or excavation or upon the ground or premises of any person.

Section 19. That the owner of any animal which shall have died within the Town of McCleary shall, within twenty-four (24) hours, notify the garbage committee to cause the same to be removed and disposed of, and shall pay the fee provided for such service.

Section 20. That it shall be unlawful for any person or persons to permit or suffer to accumulate in or about any yard, lot, place or premises, or upon any street or sidewalk adjacent or abutting upon any lot, block, place or premises, owned and occupied by him or them, or for which he or they may be agents or agent, within the city limits refuse vegetable, decayed or decaying substance, garbage or filth of any kind, or to suffer any yard, lot, place or premises to be or remain in such condition as to cause or create a noisome or offensive smell or atmosphere, or thereby to be or become, cause or create a public nuisance.

Section 21. That the doing, allowing and permitting to be done any act or thing which is prohibited or forbidden by this ordinance is hereby declared to be a public nuisance, and it shall be the duty of the garbage committee to give notice to such person or persons to remove such nuisances forthwith under the provisions of this ordinance; and if the owner or owners, occupant or occupants of the premises on which said nuisance shall be situated, shall neglect or refuse to cause the removal of the same for the space of forty-eight (48) hours after the notice shall have been given, he, she, or they, upon conviction thereof before the court having jurisdiction of municipal offenses, shall be liable to the penalty hereinafter pre-

scribed, together with the expense of removing such nuisance and the cost of prosecution; that if any person or persons shall, after notice as foresaid, permit any such nuisance to remain, it shall be lawful for the garbage committee to cause the removal and abatement of such nuisance, and for that purpose they are hereby authorized to expend such sum of money, not exceeding \$15.00 in any one case, as may be required for the removal and abatement of such nuisance; provided that when any greater expenditure is found necessary to be made than the sum of \$15.00, the said garbage committee shall report the same to the town council previous to incurring such expense and request authority to make such expenditure.

Section 22. That is, it shall be the duty of the Town Marshal to cause to be executed all orders of the garbage committee, so far as they relate to the preservation of health of the town, or whenever ordered to do so by said committee.

Section 23. That any person who violates, disobeys, omits, neglects or refuses to comply with, or who resists any of the provisions of this ordinance, or who refuses or neglects to obey any of the rules, orders, or sanitary regulations of the municipal garbage department, or who omits, neglects or refuses to comply with any order or special regulation of said department, or resists any properly authorized officer in the discharge of his duty, shall, upon arrest and conviction before the court having jurisdiction of municipal offenses, be subject to a fine not exceeding \$100.00 and not less than \$10.00 for such offense, together with the cost of prosecution.

Section 24. That all ordinances and parts of ordinances in conflict herewith, be, and the same are hereby, repealed.

Section 25. That this ordinance shall take effect and be in full force from and after its passage, approval and legal publication.

Passed by the Town Council, approved by the Mayor, and attested by the Town Clerk in authentication of such passage this 22nd day of June, 1948.

Mayor

ATTEST:

TOWN CLERK

STAFF REPORT

To: Mayor Dent
From: Nick Bird, Director of Public Works
Date: June 22, 2011
Re: 2012 STIP

The recommendation to prioritize 3rd Street Improvements above Summit Road Improvements has been implemented. Assuming there are no additional recommendations or modifications during the public hearing, please consider adopting the 2012 STIP.

Action Requested:

Adopt the Six Year Street Plan resolution provided, with modifications if necessary.

Six Year Transportation Improvement Program From 2012 to 2017

Agency: McCleary
County: Grays Harbor
MPO/RTPO: SWW RTPO

N Inside Y Outside

Functional Class	08	Priority Number	6	B. STIP ID		Resolution No.		Improvement Type	04	Utility Codes	O P S T W	Total Length	0.090	Environmental Type	CE	RW Required	No
				C. Structure ID	McC06	Adopted		Amendment									
A. PIN/Project No. C. Project Title D. Road Name or Number E. Begin & End Termini F. Project Description				North 8th Street Improvements North 8th Street West Simpson Ave to West Ash Street Project will reconstruct and widen the existing roadway, provide new curb and gutter, stormwater collection system improvements, sidewalk, planter strip, trees, parking lanes, and ensure ADA compliant corridor.													

Funding		Phase	Phase Start Year (YYYY)	Federal Fund Code	Federal Funds	State Fund Code	State Funds	Local Funds	Total Funds
P	ALL	2016			0	TIB	584,896	30,784	615,680
Totals					0		584,896	30,784	615,680

Expenditure Schedule		1st	2nd	3rd	4th	5th & 6th
Phase	ALL	0	0	0	0	615,680
Totals		0	0	0	0	615,680

Six Year Transportation Improvement Program From 2012 to 2017

Agency: McCleary
County: Grays Harbor
MPO/RTPO: SWW RTPO

N Inside Y Outside

Functional Class	08	B. STIP ID		Hearing		Adopted		Amendment		Resolution No.		Improvement Type	04	Utility Codes	O P S T W	Total Length	0.140 CE	Environmental Type		RW Required	No
Priority Number	5	G. Structure ID	McC05	A. PIN/Project No. C. Project Title D. Road Name or Number E. Begin & End Termini F. Project Description West Maple Street Improvements West Maple Street South 5th Street to South 3rd Street Project will reconstruct and widen the existing roadway, provide new curb and gutter, stormwater collection system improvements, sidewalk, planter strip, trees, parking lanes, and ensure ADA compliant corridor.																	

Funding		Phase	Phase Start Year (YYYY)	Federal Fund Code	Federal Funds	State Fund Code	State Funds	Local Funds	Total Funds
Status	P	ALL	2016		0	TIB	839,800	44,200	884,000
Totals					0		839,800	44,200	884,000

Expenditure Schedule		1st	2nd	3rd	4th	5th & 6th
Phase	ALL	0	0	0	0	884,000
Totals		0	0	0	0	884,000

Six Year Transportation Improvement Program From 2012 to 2017

Agency: McCleary

County: Grays Harbor

MPO/RTPO: SWW RTPO

N Inside

Y Outside

Functional Class	08	A. PIN/Project No. C. Project Title D. Road Name or Number E. Begin & End Termini F. Project Description	B. STIP ID G. Structure ID	Hearing	Adopted	Amendment	Resolution No.	Improvement Type	Utility Codes	Total Length	Environmental Type	RW Required
		4 South 4th Street improvements South 4th Street West Simpson Ave to 4th Street Extension Project will reconstruct and widen the existing roadway, provide new curb and gutter, stormwater collection system improvements, sidewalk, planter strip, trees, parking lanes, and ensure ADA compliant corridor.	McC04					04	O P S T W	0.490	CE	No

Funding		Phase	Phase Start Year (YYYY)	Federal Fund Code	Federal Funds	State Fund Code	State Funds	Local Funds	Total Funds
Status	P	ALL	2015	T1B	0	T1B	2,430,480	127,920	2,558,400
Totals					0		2,430,480	127,920	2,558,400

Expenditure Schedule		1st	2nd	3rd	4th	5th & 6th
Phase	ALL	0	0	0	2,558,400	0
Totals		0	0	0	2,558,400	0

Six Year Transportation Improvement Program From 2012 to 2017

Agency: McCleary
County: Grays Harbor
MPO/RTPO: SWW RTPO

N Inside Y Outside

Functional Class	07	B. STIP ID	McC03	Hearing		Adopted		Amendment		Resolution No.		Improvement Type	05	Utility Codes	O P S T W	Total Length	0.500	CE	Environmental Type		RW Required	No
Priority Number	2	A. PIN/Project No. C. Project Title D. Road Name or Number E. Begin & End Termini F. Project Description South 3rd Street Improvements South 3rd Street West Simpson Ave to McCleary Sine Road Resurface roadway, provide new curb and gutter, sidewalk, Stormwater Collection system improvements, and ensure ADA compliant corridor.																				

Funding									
Status	Phase	Phase Start Year (YYYY)	Federal Fund Code	Federal Funds	State Fund Code	State Funds	Local Funds	Total Funds	
P	ALL	2013	TIS	0		878,332	46,228	924,560	
Totals				0		878,332	46,228	924,560	

Expenditure Schedule									
Phase	1st	2nd	3rd	4th	5th & 6th	Totals			
ALL	0	924,560	0	0	0	924,560			
Totals	0	924,560	0	0	0	924,560			

Six Year Transportation Improvement Program From 2012 to 2017

Agency: McCleary
County: Grays Harbor
MPO/RTPO: SWW RTPO

N Inside

Y Outside

Functional Class	07	Priority Number	3	A. PIN/Project No. C. Project Title D. Road Name or Number E. Begin & End Termini F. Project Description	B. STIP ID	Hearing	Adopted	Amendment	Resolution No.	Improvement Type	Utility Codes	Total Length	Environmental Type	RW Required
				North Summit Road Improvement North Summit Road East Beck Street to Larson Road Resurface roadway, provide new curb and gutter, sidewalk, Stormwater Collection system improvements, planter strip, trees, parking lanes, and ensure ADA compliant corridor.	McC02					04	C O P S T W	0.780	CE	No

Funding		Status	Phase	Phase Start Year (YYYY)	Federal Fund Code	Federal Funds	State Fund Code	State Funds	Local Funds	Total Funds
	P	ALL		2014		0	WSDOT	3,491,592	183,768	3,675,360
					Totals	0		3,491,592	183,768	3,675,360

Expenditure Schedule		Phase	1st	2nd	3rd	4th	5th & 6th	Totals
	ALL		0	0	3,675,360	0	0	0
	Totals		0	0	3,675,360	0	0	0

Six Year Transportation Improvement Program From 2012 to 2017

Agency: McCleary
County: Grays Harbor
MPO/RTPO: S1WW RTPO

N Inside

Y Outside

Functional Class	08	B. STIP ID	McC01	Hearing		Adopted		Amendment		Resolution No.		Improvement Type	04	Utility Codes	OPSTW	Total Length	0.240	Environmental Type	CE	RW Required	No
Priority Number	1	<p>A. PIN/Project No. C. Project Title D. Road Name or Number E. Begin & End Termini F. Project Description</p> <p>West Ash Street Improvements West Ash Street North 10th Street to North 7th Street Project will reconstruct and widen the existing roadway, provide new curb and gutter, stormwater collection system improvements, sidewalk, planter strip, trees, parking lanes, and ensure ADA compliant corridor.</p>																			

Funding									
Status	Phase	Phase Start Year (YYYY)	Federal Fund Code	Federal Funds	State Fund Code	State Funds	Local Funds	Total Funds	Total Funds
P	ALL	2012		0	TIB	1,360,476	71,604	1,432,080	1,432,080
Totals				0		1,360,476	71,604	1,432,080	1,432,080

Expenditure Schedule					
Phase	1st	2nd	3rd	4th	5th & 6th
ALL	1,432,080	0	0	0	0
Totals	1,432,080	0	0	0	0

Grand Totals for McCleary			
Federal Funds	State Funds	Local Funds	Total Funds
0	9,585,576	504,504	10,090,080

STAFF REPORT

To: Mayor Dent
From: Nick Bird, P.E., Director of Public Works
Date: June 22, 2011
Re: IT Request for Proposals

Eleven companies received copies of the RFP, but only three proposals were received by the closing date. At the time this report was prepared, staff is currently evaluating the proposals and we hope to have a recommendation to provide at the Council Meeting.

Action Requested:

Please consider accepting the staff recommendation, when provided, to enter into contract negotiations with the recommended company.

STAFF REPORT

To: Mayor Dent
From: Nick Bird, P.E., Director of Public Works
Date: June 22, 2011
Re: PWTF Loan – Well 2 & 3 Improvements

We have been notified that “It is Official”, the proverbial ball is rolling. We will be submitting the “pre-contract documentation” to the Public Works Board (PWB) for creation of the contract. Once the contract is prepared by PWB, we will need your authorization to proceed with execution of the contract, the project design, and ultimately construction of our Well Improvement Project.

The Well 2 & 3 Improvement Project will include:

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

A brief history of how this project has come to fruition:

- September 2008 – Water System Plan adopted which included 6-year Capital Improvement Plan (CIP), which included Well No. 2 replacement, Well No. 3 replacement and construction of an iron and manganese treatment system.
- November 2008 – Rate study conducted by FCS Group evaluating all projects included in the CIP was in progress with the intent of accommodating the debt service anticipated by constructing improvements identified in the CIP.
- December 2008 – Resolution 578 adopted, which set the fee’s and rate increases recommended by the rate study conducted by FCS Group.

- August 2009 – USDA RD loan applied for to purchase automated water meter reading equipment and to conduct an investigation of Well 2 & 3.
- April 2010 – After much consideration on pulling the equipment to inspect the well casings, we revised our approach to prepare a pre-design report for this project.
- May 2010 – Gray & Osborne began the Pre-design report for the Well 2 & 3 Improvement Project.
- June 2010 – We submitted a loan application for \$1.548 million for funding through the Public Works Trust Fund.
- September 2010 – We were notified that the project was on the “funded” list along with 77 other applicants. This was heavily contingent upon whether or not the Governor or Legislature would keep the program in the budgets.
- January 2011 – Pre-design report completed by Gray & Osborne.
- January 2011 – Governor included PWTF program in the draft budget.
- May 2011 – Legislature finalized the 2012 budget, retaining the PWTF program.
- June 2011 – Notified by the PWB that the program is a go and they are currently in the process of developing the contract for our project.

Ultimately we will need to decide if we are **willing and able** to accommodate the debt service a project of this magnitude will generate. As I have previously stated, the annual debt service resulting from this project is anticipated to be approximately \$100,000 over the 20 year loan period. After a brief discussion with the contracts manager for the PWB, the 2012 payment is an interest only payment (anticipated to be approximately \$31,000), which means the first installment of \$100,000 will not be due until June 1, 2013.

Action Requested:

Please discuss this topic.

STAFF REPORT

To: Mayor Dent
From: Nick Bird, P.E., Director of Public Works
Date: June 22, 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
Task 1 - Complete Geotechnical Evaluation							
A Coordinate Geotechnical Work	1	1	2				
Task 2 - Complete 50% Design Submittal							
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	
Task 3 - Complete 90% Design Submittal							
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	
Task 4 - Complete 100% Design Submittal							
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	
Task 5 - Prepare Project Permit Applications							
A Department of Health		4	8				
B SEPA		1	2				
C Building Permit		2		8	4		
D Railroad Utility Franchise		1	4				4
Task 6 - Provide Project Management							
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	
Task 7 - Provide Bid and Award Services							
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 Cost:	
Mileage & Expenses (Mileage @ \$0.51/mile)	\$ 350
Printing	\$ 538
Subconsultant:	
Geotechnical Investigation (PanGEO, Inc.)	\$ 4,192
Subconsultant Overhead (10%)	\$ 419
TOTAL ESTIMATED COST:	\$ 145,000

STAFF REPORT

To: Mayor Dent
From: Nick Bird, P.E., Director of Public Works
Date: June 22, 2011
Re: L&P Material Purchase

After much deliberation, we thought it appropriate to bring this material purchase to your attention for approval. We currently need to replenish some stock Light and Power supplies that have a total value of approximately \$5,000. Mr. Nott has done his due diligence by contacting three suppliers, receiving written quotes for the miscellaneous items, and ordering the items needed from the supplier that has the "best price". While these items are not specifically for "A" project, we thought it best to be "safe" rather than "sorry" and bring this to your attention.

Attached you will find two purchase orders (PO #11858 and #11859) and a summary sheet for your review.

Action Requested:

Please authorize the execution of Purchase Orders #11858 and #11859.



PURCHASE ORDER CITY OF McCLEARY

100 South 3rd Street
McCleary, WA 98557
Phone: 360-495-3863
Fax: 360-495-3097

City of McCleary
Home of the McCleary Bear Festival

P.O. NO. 11858
DATE June 14, 2011
CUSTOMER ID

VENDOR General Pacific

SHIP TO City of McCleary
100 S 3rd St
McCleary, WA 98557

ORDERED BY	SHIPPING TERMS	DELIVERY DATE
Nott		

QTY ORDERED	QTY RECD	DESCRIPTION	DEPT	UNIT PRICE	LINE TOTAL
2000.00		Voluta 6-6-6 Triplex		\$ 0.37	\$ 736.00
2000.00		Shepard 6-6 Duplex		0.31	620.00
48.00		V12612 Secondary Spool		0.90	43.20
25.00		HDSO 57 4-4/0 D. E. Shoe AL.		12.00	300.00
25.00		ASO-570-1-N-TP D.E. Shoe CU.		12.25	306.25
48.00		84300 4" D.E. Insul.		7.90	379.20
100.00		K1212 5/8 x 12" Bolt		1.16	116.00
50.00		K1216 5/8 x 16" Bolt		1.60	80.00
30.00		W1010-15 Standoff 15"		10.00	300.00
25.00		25 T Fuse		4.23	105.75
3.00		Elec. Caution Tape 6" x 1000'		22.00	66.00

SUBTOTAL	\$ 3,052.40
SALES TAX	256.40
TOTAL	\$ 3,308.80

1. Please send two copies of your invoice.
2. Enter this order in accordance with the prices, terms, delivery method, and specifications listed above.
3. Please notify us immediately if you are unable to ship as specified.
4. Send all correspondence to:
CITY OF McCLEARY
100 South 3rd Street
McCleary, WA 98557
360-495-3863
360-495-3097

Authorized by _____ Date _____



City of McCleary
Home of the McCleary Bear Festival

100 South 3rd Street
McCleary, WA 98557
Phone: 360-495-3863
Fax: 360-495-3097

PURCHASE ORDER

CITY OF McCLEARY

P.O. NO. 11859
DATE June 14, 2011
CUSTOMER ID

VENDOR HD Supply

SHIP TO City of McCleary

100 S 3rd St

McCleary, WA 98557

ORDERED BY	SHIPPING TERMS	DELIVERY DATE
Nott		

QTY ORDERED	QTY RECVD	DESCRIPTION	DEPT	UNIT PRICE	LINE TOTAL
100.00		Maclean 7195		\$ 1.26	\$ 125.50
48.00		J1300 Secondary Clevis		5.70	273.55
20.00		J8812 Extension Link 14"		8.12	162.40
50.00		GDE 1107 3/8 Preform Grip		2.25	112.25
24.00		PTT4 350 12P Transformer Conn.		7.83	187.92
100.00		JR-OS Pad Mount One Shot Locks		1.55	155.00
50.00		ERICO 815880 Galv. Grnd Rod 5/8		7.50	375.00
50.00		J8492 5/8 Bronze Grnd Rod Clamp		2.00	100.00

SUBTOTAL	\$ 1,491.62
SALES TAX	125.30
TOTAL	\$ 1,616.92

1. Please send two copies of your invoice.
2. Enter this order in accordance with the prices, terms, delivery method, and specifications listed above.
3. Please notify us immediately if you are unable to ship as specified.
4. Send all correspondence to:

CITY OF McCLEARY
100 South 3rd Street
McCleary, WA 98557
360-495-3863
360-495-3097

Authorized by _____ Date _____

<u>Qty</u>	<u>Number</u>	<u>Description</u>	<u>WESCO</u>	<u>GP</u>	<u>HDS</u>
2000	Voluta	6-6-6 Triplex		736.00	832.00
2000	Shepard	6-6 Duplex		620.00	660.00
100	W62-1	Wedge Clamp		138.00	125.50
48	V12612	Secondary Spool		43.20	45.60
48	P1300	Secondary Clevis		306.24	273.55
25	HDSO 57	4-4/0 Dead End Shoe (alum. conductor)		300.00	309.00
25	ASO-570-1-N-TP	4-4/0 Dead End Shoe (copper conductor)		306.25	320.25
48	84300	4" Dead End Insulator		379.20	453.60
20	J6658	Extension Link 14"		166.20	164.20
100		12" Bolt		116.00	121.50
50		16" Bolt		80.00	82.50
50	GDE 1107	3/8 Preform Grip		115.50	112.25
30	W1010-15	15" Stand Off		300.00	334.50
25		25 T Fuse		105.75	113.75
24	PTT4 350 12P	Transformer Connector		219.84	187.92
100	JR-OS	Pad Mount Locks		no bid	155.00
3		Elec. Caution Ditch Tape 6"x1000'		66.00	68.25

STAFF REPORT

To: Mayor Dent
From: Nick Bird, P.E., Director of Public Works
Date: June 22, 2011
Re: Park Request

Julie Colbert, from the Lindsey Baum Search Center has requested authorization to plant a tree in Beerbower Park for Lindsey Baum. The request follows this Staff Report.

Todd and I have reviewed the park and have a couple of locations picked out to accommodate the request if authorized. We do not believe this request will increase maintenance activities in the park.

Additionally, Ms. Colbert may be present at the meeting to provide more detail if requested.

Action Requested:

Please consider authorizing the Lindsey Baum Search Center to plant a tree in Beerbower Park.

6/13/2011

To the City of McCleary,

I am asking the City to let The Lindsey Baum Search Center plant a tree for Lindsey Baum. It is almost the 2nd Anniversary of her kidnapping and we would like to honor her by planting a Prairiefire Flowering Crabtree. It is very hardy with bright red flowers and showy foliage. Maroon young leaves maturing to dark green. It is wildlife friendly with little fruit. The height is between 15'-20' and 15' wide. The root ball gets to 71/2'.

Below is a picture of the Prairiefire Flowering Crabtree. We would like to surround the tree with ground level bricks with garden fabric under them and fill in the circle with pretty rocks so it will not require any maintenance.

We would like to add a small plaque (NOT a memorial) but with something to the effects of: This tree as well as Lindsey Baum's Family, Friends and Community is waiting for her return. Hurry Home Angel. 06/26/2011

We hope that you will permit the planting of this tree and give us the perfect place to showcase this beautiful tree as it will also be an asset to the park.

Thank You,
Julie Colbert
Lindsey Baum Search Center



ORDINANCE NO. _____

AN ORDINANCE RELATING TO GOVERNMENTAL OPERATIONS, AMENDING SECTION I, ORDINANCE 748, AND SECTION 2.52.050 OF THE MUNICIPAL CODE; AND PROVIDING AN EFFECTIVE DATE.

R E C I T A L S:

1. Pursuant to Ordinance 748 and subsequent resolutions, fees for the funding of emergency medical services to the citizens of the City have been authorized and implemented.

2. Based upon a number of factors, including fiscal information provided by City Staff, the Council has been informed of the appropriateness of clarifying the exemption from the payment of the charge of those utility service accounts in the name of the City.

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

SECTION I: Section I, Ordinance 648 and Section 2.52.050 MMC are each amended to read as follows:

For purposes of this ordinance and all other purposes in relation to the provision of and charging for emergency medical service, including ambulance service as is established by the City under the Ordinances currently or hereafter codified in its Municipal Code, adopted by resolution, or pursuant to the

ORDINANCE -A- 1
3/2011
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CITY OF McCLEARY
100 SOUTH 3RD STREET
McCLEARY, WASHINGTON 98557

provisions of a contract with another entity for provision of such services, terms shall have such meaning as may be provided therein or within this section:

(1) "Ambulance service" means any time an ambulance operated by the City or its authorized designee responds to a request for service, whether it is:

(A) Of an emergency nature;

(B) Pursuant to a scheduled request for a transfer; or

(C) Of some other nature.

(2) "Excise tax", "fee", or "charge" means a fee, utility service charge, excise tax or charge which has been or may be imposed within this Code or any resolution adopted pursuant to authority granted under this Code pursuant to the provisions of RCW 35.21.766, RCW 35.21.768, or any other applicable authority.

(3) "Population Count" when utilized in relation to a governmental correctional facility, in the event that any such facility might be located within the corporate limits in the future, shall be deemed to mean the average daily usage of the facility as established for the prior calendar year. In calculating such determination, if an individual is held in custody for such a period as to trigger the ability of the governmental entity to charge a daily custodial charge to any municipality contracting for correctional services with that entity, he or she shall be counted. In carrying forth this

calculation, all individuals held in custody shall be included, whether under federal, state, county, tribal, or city charges, serving a sentence pursuant to judgment of any court, or any order of any court.

(4) "Equivalent Dwelling Unit" (EDU) is a measure where one unit is equivalent to the occupancy rate of an average single family home within the City. The figure representing an EDU is determined by taking the average of the number of occupancies within the City and dividing that number by the total population of the City, as determined by the most recent population figure issued by the Office of Financial Management, State of Washington.

(5) "Utility Customer or Account", when utilized in determining whether the charge authorized by these provisions is to be imposed, shall not include a account or service in the name of a municipal corporation organized under the provisions of RCW 35A.

SECTION II: 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 III: 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

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

ORDINANCE -A- 4
3/2011
DC/le

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

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:

ORDINANCE NO. _____

AN ORDINANCE RELATING TO PUBLIC HEALTH; UPDATING THE PROVISIONS OF THE MUNICIPAL CODE RELATING TO THE PROGRAM OF MANDATORY SOLID WASTE COLLECTION; SETTING FORTH GUIDELINES FOR THE COLLECTION AND RECYCLING OF SOLID WASTE MATERIALS; DEFINING VIOLATIONS; ADDING A NEW CHAPTER TO TITLE 8 OF THE McCLEARY MUNICIPAL CODE, & ESTABLISHING PENALTIES FOR VIOLATION OF ITS PROVISIONS.

R E C I T A L S:

1. Since 1948, through the adoption of Ordinance 57 the City has had in place a program requiring mandatory solid waste collection. The necessity was and is based upon fundamental protection of the health and safety of the public. Previously, the City has adopted the Grays Harbor County Comprehensive Solid Waste Management Plan and is responsible for implementing solid waste programs meeting that Plan's requirements.

2. The Grays Harbor County Comprehensive Solid Waste Management Plan and RCW Chapter 70.95 have established waste reduction and source separating recycling as fundamental strategies of solid waste management.

3. RCW 70.95.090 and the Recycling Program adopted by the Grays Harbor County Solid Waste Advisory Committee establish source separation strategies that include the collection of

source separated recyclables from residential dwellings; source separated yard waste collection programs where local markets exist; and programs that educate and promote the concepts of waste reduction and recycling.

4. The City wishes to encourage rate structures that provide incentives for waste reduction and recycling, and supports reduced garbage and recycling collection rates for those who produce less garbage.

5. As has been recognized, state law authorizes the City to enter into a franchise agreement with a qualified hauler to provide the solid waste collection, recycling, and education services anticipated by this Ordinance. It has done so and through the adoption of this updating of its solid waste collection provisions, does not intend to in any way affect the existing contract.

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

SECTION I: Purpose of Chapter: The Council reaffirms its finding in 1948 that the requirement of mandatory solid waste collection is necessary for protection of the public health and safety. In light of that finding, the Council intends to take the following steps:

A. Encourage the management of solid waste according to the priorities defined in RCW 70:95.010 and the Grays Harbor County Comprehensive Solid Waste Management Plan.

B. Set minimum solid waste and recycling collection service levels for solid waste haulers.

C. Define solid waste collection rate objectives that provide incentive for waste reduction and recycling.

D. Set standards for the provisions of recycling opportunities to the citizens of the City.

E. Establish mandatory solid waste provisions for all locations within the corporate limits.

SECTION II: Definitions: The following definitions shall apply to this chapter:

2.1: General Principles of Interpretation -

A. Words in this chapter used in the present tense shall include the future tense, and in the singular shall include the plural and in the plural shall include the singular, and the masculine shall include the feminine gender.

B. To the extent a specific definition is not provided, the generally accepted meaning of a word or term shall be applicable.

2.2: Specific Definitions -

A. City - shall mean the City of McCleary.

B. Contamination - shall mean non-recyclable solid waste mixed with recyclable solid waste.

C. Generator - shall mean the person responsible for collecting, separating, and/or depositing solid waste in approved containers.

D. Hauler - shall mean any certified solid waste hauler authorized to collect solid waste within the corporate limits of the City.

E. Multi-Family Residence - shall mean a building designed exclusively for residential purposes for occupancy by two or more families living separately from each other.

F. Person - shall mean every natural person, firm, copartnership, limited liability company, association or corporation.

G. Premises - shall mean any dwelling, flat, apartment, rooming house, hotel, restaurant, boardinghouse, eating place, shop, place of business, or any other building or structure.

H. Recyclable Plastic Containers - shall mean all plastic containers that can be collected and recycled without undue expense as determined by the City. These plastics may include, but are not limited to, polyethylene terephthalate (PET) and high-density polyethylene (HDPE) containers.

I. Recyclable Materials - shall mean those solid wastes that are separated for recycling or reuse, such as papers, metals, and glass, that are identified as recyclable material pursuant to a local comprehensive solid waste plan, under RCW 70.95.030.

J. Recycling - shall mean transforming or remanufacturing waste materials into useable or marketable

materials for use other than landfill disposal or incineration.

K. Single-Family Residence - shall mean a detached building designed exclusively for occupancy by one family and containing one dwelling unit.

L. Solid Waste or Solid Wastes - shall mean all putrescible and non-putrescible solid and semi-solid waste including, but not limited to, garbage, rubbish, ashes, industrial waste, swill, demolition and construction waste, abandoned vehicles or parts thereof, and recyclable materials.

M. Solid Waste Management - shall mean the management of storage, collection, transportation, treatment, utilization, processing, and final disposal of solid wastes, including the recovery and recycling of materials from solid wastes, the recovery of energy resources from solid wastes, or the conversion of the energy in solid wastes to more useful forms or combinations thereof.

SECTION III: Mandatory Solid Waste Collection & Contracting Authority:

3.1. A. Every owner or occupant of real property, whether improved or unimproved, including specifically all premises within the City boundaries, which generates solid waste on a regular or irregular basis, must provide for the disposal of that solid waste by subscribing with a hauler for collection service.

B. The duty set forth in sub-paragraph A shall be a non-delegable duty for which the owner of the real property shall be directly responsible in terms of compliance, whether as to obtaining and maintaining such service or for payment of any obligations incurred for such service. These non-delegable duties shall exist even in the event that the owner allows an occupant the authority to contract and pay for such services.

3.2. Pursuant to applicable law, the City of McCleary reaffirms its exercise of the authority to gather and collect solid waste and to regulate and manage the disposal of solid waste within the city. Therefore, as has been true since 1948, it is unlawful for any person to collect or gather solid waste, except the contents of any septic tanks within the city, or to deposit or dump the same or cause the same to be dumped or deposited upon any lot of land or in any water or waterways within the corporate limits of the City, except as provided in this chapter.

3.3. The City Council may enter into a contract with a qualified hauler conveying the exclusive rights to collect, remove, and dispose of all solid waste consistent with the provisions of this Chapter. No contract for such services shall be for a term greater than five years, but may provide for mutually agreed upon extensions. However, the City may, at its option, handle the collection and disposal of solid waste under municipal ownership by creation of a garbage utility.

3.4. A. All charges for service to be rendered in accordance with this chapter shall be billed upon such schedule and be payable upon such terms and conditions as may be provided by the terms of any applicable resolution of the City.

B. Upon failure to pay such charges and upon delinquency, to the extent allowed by law,

1. the amount thereof shall become a lien against the premises from which the solid waste collection service shall have been rendered. Such liens shall be made effective by filing a notice thereof specifying the charges, the period covered by the charges, and giving the legal description of the premises to which the service was rendered. Such liens shall be filed in the manner required by law, specifically RCW 35.21.120 through 35.21.150, as now existing or hereafter amended or succeeded.

2. To the extent allowed by applicable law and ordinance, upon such failure, other utilities provided by the City may be terminated to the premises.

C. Service to any premises may be suspended for nonpayment of moneys owing for services rendered. Such suspension shall not relieve the person owing such account of the duty of complying with the provisions of this chapter. Such suspension shall render the premises where such service is suspended subject to enforcement action for sanitary reasons.

SECTION IV: Solid Waste Management Standards: The following provisions shall apply to the application of this Chapter.

4.1. Recycling:

A. To the extent that such services are a part of the mandatory solid waste collection program established by the City, generators of solid waste within the City of McCleary shall comply with recycling programs. Upon request collection containers shall be provided for each premises from which recyclable materials are generated to facilitate the collection of newspapers, mixed wastepaper, cardboard, tin and aluminum cans, recyclable plastic containers, and other recyclable materials. The recycling of glass shall be pursuant to standards and procedures authorized by the City in recognition of the impact of the inclusion of glass in a unified container.

B. The owner or manager of a premises may choose to either self-haul such recyclables or utilize the provided recycling collection services: PROVIDED THAT, the decision to not utilize the provided service shall not constitute a justification for not paying any charge or fee necessary to provide that service within the corporate limits.

C. The owner or manager of each multi-family residence shall be responsible for providing City supplied waste reduction/recycling promotional materials to each existing or incoming resident.

4.2. Accessibility of Containers: On the day of collection, it shall be the duty of each garbage customer to place all garbage cans, excess garbage containers, recycling bins, and yard waste collection containers in an accessible place abutting the street or alley used by the garbage hauler to serve the subject property. The approved cans, containers, or bins shall be situated at the edge of the public right-of-way or at the curb line if such exists. Arrangements may be made for special collection sites for handicapped persons and multi-family complexes. Customers not complying with the collection site requirements shall be charged an additional fee or passed over without collection at the option of the hauler. Failure to comply with this provision shall not relieve the customer of the obligation to pay the collection fee for that day.

4.3. Litter Around Cans: It is the duty of each customer to keep the area around its garbage and refuse receptacles free from litter. The hauler shall not be obligated to clean up litter around receptacles and shall only be required to dump such garbage and refuse as may be in the container at the time of collection.

SECTION V: General Collection Service Levels
Established:

5.1 The following service levels shall be complied with by any hauler engaged in the business of hauling or

transporting solid waste or recyclables for compensation picked up from sites within the city limits:

A. No person, partnership, or corporation shall engage in the business of hauling or transporting residential garbage, refuse, or recyclables for compensation within the City without complying with the requirements of this Ordinance and possessing proper operating authority as determined by the City.

B. The authorized hauler will provide adequate office facilities and phone operators to conveniently handle customer sign-ups, service charges, billings, and complaints. Customer service will be the sole responsibility of the hauler. Hauler will also assist the City with the development of a program of promotion and public education activities.

C. Prior to initiating collection services, the hauler must enter into a binding contractual agreement with the City.

D. The following service levels are established for garbage and recyclables.

1. Garbage collection shall be offered upon such schedule as may be approved by the City.

2. Recyclable collection shall be offered upon such conditions and schedule as are approved by the City. Collected recyclables may include newspaper, glass containers, tin and aluminum cans, and such other materials as may be authorized by the City. They shall be separated in the manner required by such program as may then be authorized by the City.

3. Garbage and recyclables shall be separated and deposited in such manner as is approved by the City.

4. So long as a recycling program is approved by the City, a Hauler must recycle collected materials unless prior approval is obtained from City.

5. So long as a recycling program is approved by the City, a Hauler shall deliver recycling containers to households that request the recycling collection service. Containers must be of sufficient number and design to be capable of holding all approved recyclable materials.

6. Containers that have obvious contamination of recyclables with garbage may be tagged by the hauler with instructions for proper separation and may not be collected. If the uncollected materials are not properly separated on the following collection cycle, they will be collected as garbage and the customer will be billed for the additional volume.

7. Non-resident lot owners shall secure services in one of two manners:

a. Dwelling units shall be serviced and billed as regular residential service.

b. To the extent that they are made available by the hauler, non-dwelling units (recreational vehicles, etc.) shall pay a per-season rate (60 days) to purchase bags from the City to be collected by the hauler. These bags will be issued when the owner secures the 60-day occupancy permit.

8. All collection services shall be offered to each account on a consistent day of the week in a coordinated manner whenever economically feasible.

9. Materials will be collected within such time periods as may be established by the contract entered into with a private contractor: PROVIDED THAT, in the absence of any contractual provisions materials will be collected between 6:30 a.m. and 5 p.m., Monday through Friday.

10. Materials may be collected on legal holidays or, at the hauler's discretion, alternate arrangements may be temporarily made as long as materials are collected within two days of each account's regular collection day.

11. If collections are missed due to hazardous weather conditions, materials may be collected, at no additional charge, during that customer's next regular collection cycle unless the contract for service between the Hauler and the City provides differently.

12. Special arrangements on an individual account basis shall be made to allow disabled single-family residential customers full access to all collection services.

E. The rate structure adopted by written resolution of the City or as later amended pursuant to action of the City Council shall be the rate structure imposed for the services rendered by hauler. Among other things, the rate structure shall

take into consideration the request of the hauler and such other information as is deemed appropriate.

F. Upon written request from the City, a written report shall be delivered by hauler to the City containing such data as may be requested for both residential and commercial accounts. The request may include the following items and shall be made no more frequently than one time per twelve month period.

1. Total garbage and recycling collection accounts.
2. Total sign-ups for recycling and yard waste collection.
3. Average number of pick-ups made for each service.
4. Separate totals for quarterly tonnage collected for garbage and recycling.
5. A log of customer compliments and complaints, whether oral or written, including date, time, subject, and resolution.

5.2. Any provision set forth in Sub-section 5.1 shall be subject to modification by the terms of any written contract entered into between the City and its designated Hauler.

SECTION VI: Violations & Penalties

6.1 Specific Violations:

A. Unlawful Accumulations: It is unlawful for any occupant or owner of any building, lot, or premises in the City to allow or permit any refuse to collect or remain upon such premises in such a manner or quantity as to constitute a fire or

health hazard. Any such accumulation is deemed a nuisance and as such may be abated by the City pursuant to the applicable provisions of the Municipal Code. Further, any person found to have committed a violation of this section shall be subject to punishment as provided in §6.2.

B. Theft of Service: Utilization of garbage or recycling collection services without the establishment of an active account with the appropriate hauler shall be a misdemeanor offense as that crime is described by the McCleary Municipal Code.

C. Unlawful Dumping: It is unlawful to dump or deposit any garbage or refuse upon any street or alley or on any public or private property except in a receptacle intended for that purpose and with the implied or expressed consent of the owner of said receptacle. Any person found to have committed a violation of this section shall be subject to punishment as provided in §6.2.

D. Anti-scavenging: Materials placed in recycling containers shall remain the property of the generator until such materials are delivered by the hauler to a recycling facility. No person shall remove any such materials from these containers without the permission of the generator using the container. Any person found to have committed a violation of this section shall be subject to punishment as provided in §6.2.

E. Failure to Utilize Service: It is unlawful for any occupant or owner of any building, lot, or premises in the City to fail to comply with the provisions of Section 3.1. Such failure shall be deemed a nuisance and as such may be abated by the City pursuant to the applicable provisions of the Municipal Code. Further, any person found to have committed a violation of this section shall be subject to punishment as provided in §6.2.

6.2. Penalty:

Any person found to have violated §6.1 A, C, or D of this ordinance or any other provision of this ordinance for which no specific penalty is established shall, upon a finding of committed or guilty, be subject to punishment as follows:

A. The first two violations found to have been committed by a person within any twenty-four month consecutive period shall constitute infractions and be so cited and heard. Upon finding a violation has been committed, the violator shall be subject to a fiscal penalty of up to \$250.00 and such further order of the Court as will correct the violation.

B. A third violation found to have been committed by a party within any twenty-four consecutive month period shall constitute a criminal offense. Upon conviction, the person shall be subject to punishment as follows: a fine up to \$1,000.00 and incarceration up to ninety (90) days for each offense. Each day that a violation is knowingly permitted to exist shall constitute a separate offense.

SECTION VII: Severability:

If any section, sentence, clause, or phrase of this Ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause, or phrase of this Ordinance.

SECTION VIII: Codification:

Sections I through VII of this ordinance shall constitute a new chapter in Title 8 of the Municipal Code.

SECTION IX: Repeal & Savings Clause:

9.1: Any provision of the existing ordinances or sections of the municipal code of the City in conflict with the provisions of Sections I through VII of this ordinance shall be deemed repealed to the extent that such conflict exists. This shall include the provisions of Ordinance 57, said ordinance not having been codified.

9.2: The repeal of the existing provisions shall be interpreted as prospective. Thus, provisions relating to repeal set forth in Subsection 9.1 shall not abate nor affect any prosecution under any such ordinance which was commenced prior to the effective date of this ordinance nor prevent the issuance of process and the liability of and prosecution of individuals under these repealed sections as to acts committed prior to the date of repeal.

SECTION X: 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

APPROVED AS TO FORM:

DANIEL O. GLENN, City Attorney

STATE OF WASHINGTON)
 : ss.
GRAYS HARBOR COUNTY)

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

WENDY COLLINS

ORDINANCE -A- 17
05/12/2011
dg/le

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

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:

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 its 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:

RESOLUTION NO. _____

A RESOLUTION ADOPTING A SIX-YEAR STREET PLAN FOR THE CITY OF McCLEARY.

R E C I T A L S :

1. The City Council and Mayor have received the recommendations of the Director of Public Works in relation to the requirements and programming involved with the six-year street plan.

2. On June 22, 2011, after the giving of the required public notice, a public hearing was held to allow the receipt of input from the Public.

3. Taking into consideration the information received, the Council wishes to formally adopt those recommendations as they have been established by the City Director of Public Works subject to the modifications and expansions carried forth by the Council.

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 listing of streets and the priorities established thereon attached hereto as Attachment Number 1 and incorporated by this reference shall be and is

RESOLUTION - 1
5/23/11
DG/le

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

hereby adopted as the six-year street plan for the City of McCleary, as that plan is required and designated by the appropriate divisions and agencies of the State of Washington, including but not limited to the Transportation Improvement Board and the Department of Transportation.

SECTION II: The Clerk-Treasurer and the City Director of Public Works shall provide such distribution of this Resolution as may be required from time-to-time.

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

APPROVED AS TO FORM:

DANIEL O. GLENN, City Attorney