



McCleary City Council

PROPOSED AGENDA

January 26, 2011

7:00 Council Meeting

Flag Salute
Roll Call
Minutes (Tab A)
Public Comment
Mayor's Report

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

Old Business: City Facility Fees (Tab D)

New Business:

Ordinances:

Resolutions: Res. 473; Update Community Center Fees and Deposits (Tab E)

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, January 12, 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, Schiller, and Ator. All present.
ABSENT	None.
STAFF PRESENT	Present at the meeting were Mayor Dent, Councilmember's Lant, Boling, Ator, Schiller, and Geer. Also present were Dan Glenn, Wendy Collins, Nick Bird, Randy Bunch, John Graham, Jennie Reed, and George Crumb.
MINUTES APPROVED	It was moved by Councilmember Geer and seconded by Councilmember Ator to approve the minutes as written. Motion Carried.
PUBLIC COMMENT	None.
MAYOR'S REPORT	<p>The Mayor informed the Council after reviewing the financials for December 2010, which are not final yet, it appears all funds are going to end the year in the black. This is due to diligence from staff members to cut spending. Staff will keep a close watch on the stormwater and current expense funds at the start of the year.</p> <p>Mayor Dent reported the City has officially submitted our application for the Department of Corrections facility opportunity. We have been informed there are eleven applications submitted. The Mayor was pleased to hear that the Grays Harbor County Commissioners submitted a letter of endorsement on behalf of the City of McCleary as the best site for the DOC facility. The City greatly appreciates their support.</p>
PUBLIC WORKS DIRECTOR REPORT	The Governor has funded the Public Works Trust Fund, where the City submitted our loan application for the replacement of the mechanical and electrical components at the wells and to provide treatment for the water. We will be bringing this to the Council in mid 2011 to determine if we are at a comfortable level to increase debt service to complete the design and construction phases of this project. The approximate anticipated debt for replicating the mechanical and electrical components is \$100,000 annually for the following 20 years starting in 2012. Mr. Bird is anticipating applying for funding through the Drinking Water State Revolving Fund (DWSRF), which has a lower interest rate in March.
AUDITOR UPDATE	The State Auditor will be returning to finish the 2009 audit and the fraud audit in late January. She will also begin working on the 2010 audit, which will save the City money since she is already working on our financials and will not need as many hours to perform the set up tasks. She will return in early summer to finish the financial portion of the audit for 2010.
CONTRACT WITH VISION MUNICIPAL SOLUTIONS	The City purchased Vision Software in 2009 with the promise they would create and install all modules for Financial, Payroll, Utility Billing, Cash Management, Reporting Services, and electronic conversion from the current software. Vision has not delivered the cash management or utility billing modules to date. The utility billing module has been promised and delayed for over a year and will probably not be delivered until late fall, if at all. Staff is asking Council to authorize the Mayor and City Attorney to respond to the software company in regards to the extended delay and if the response is unsatisfactory, allow the Mayor and City Attorney to terminate the current contract and move forward with the Request For Proposal process. It was moved by Councilmember Lant, seconded by Councilmember Schiller to authorize the Mayor and City Attorney to respond to the delay in writing, including possible refund, and move to terminate if unsatisfied with the response, and to move forward with the RFP process.
UTILITY BILLING CLARIFICATIONS	City staff has been reviewing the various rates on billing fees and is bringing to the Council's attention the snowbird rate, which we currently offer our residents when they leave their residence for the winter months. The Council agreed to discontinue and eliminate the snowbird rate.

Ambulance fees are charged on all municipally owned electric accounts. Staff requests Council to clarify the existing Resolution 601 to not require the ambulance fee from municipally owned public places (park kitchen, ball field, lift stations, etc). **The Council agreed to have the City Attorney clarify the existing Resolution to discontinue supplementing the ambulance utility through fees imposed on municipally owned and**

Charges on accounts that are on "shut-off" status currently continue to accrue charges at the base rates. Both water and electricity are shut off when an account is put shut-off status. Staff is asking Council to clarify whether this practice should continue or should all fees related to the account freeze and not accumulate any new charges. **Council agreed to discontinue all charges when an account is in shut-off status.**

RESERVOIR REPAINTING
PROJECT - PE #2

It was moved by Councilmember Lant, seconded by Councilmember Ator to authorize payment to Shields Painting in the amount of \$89,337.70, and deposit \$4,320.00 into the retainage account consistent with Progress Estimate No. 2, and payment to be made after the reimbursement has been received from the USDA. Motion Carried.

UTILITY SERVICE
IMPROVEMENT COSTS

Staff established a schedule last May, showing the associated cost with providing labor and materials to achieve the physical connection to the system for new services or upgrades to the existing services, in accordance with Resolution 507. Staff is requesting the Council to review costs, which were updated on January 7, 2011 and will continue to be updated annually each January. **It was moved by Councilmember Schiller, seconded by Councilmember Geer to authorize the utility service improvement costs effective January 13, 2011. Motion carried.**

GRAYS HARBOR ECONOMIC
DEVELOPMENT COUNCIL

The budget for 2011 did not include \$1,000 for the EDC dues which is due each year. **It was moved by Councilmember Boling, seconded by Councilmember Ator to authorize the Mayor to execute the service contract for the EDC and pay the 2011 dues. Motion carried.**

COMMUNITY CENTER FEES
AND DEPOSITS

The City is having difficulty with certain renters of the Community Center not cleaning after use. Staff believes if they increase the refundable cleaning deposit fee, it would encourage the renter to make a stronger effort in cleaning appropriately. Also, the fees should be reviewed for possible increases. **Councilmember Lant requested staff to add fee amounts to the draft Resolution and they will review them at the next meeting.**

WATER & SEWER RATE
CLARIFICATION

Rates have not been implemented consistently with the Resolutions that are in place. Staff has discovered the discrepancy and is asking Council to review the rates as they are today and what they should have been according to Resolution. Council is upset at the discovery of the rate adjustments being inaccurate for two years. Councilmember Lant is concerned of how many more discrepancies are going to be discovered from the past few years. Mr. Bird stated staff is just as frustrated over the lack of accurate implementation. **Council requested to table the Resolution until the next meeting so they could have more time to review the figures.**

APPROVAL OF VOUCHERS

It was moved by Councilmember Geer, seconded by Councilmember Ator to approve the vouchers. Motion carried.

PUBLIC COMMENT

Amber and Nicole Digerlando addressed the Council regarding an ongoing code violation they have been attempting to resolve. Ms. Amber Digerlando listened to the meeting from the November 10, 2010 and she was discussed in the meeting in regards to the public nuisance issue she is dealing with. She is very upset over the treatment she said she has received from Mick Schlenker, Building Official. She said he is hostile, unfriendly, and belligerent and has threatened legal action. She stated she is getting conflicting information from Mr. Schlenker and is confused as to what she needs to do to comply. Mayor Dent stated the Building Official cannot tell a customer an issue is going to court. Ms. Digerlando is asking for more time to address the code violation and drainage issues. Mayor Dent said the issue of the water is being studied in house and the drainage resolve may have to be made between Ms. Digerlando and her neighbor with a civil claim, not involving the City.

A citizen, Josh Streeter, spoke in support of the Digerlando's asking the City to send a letter stating the City is going to take an impartial review of this situation. Attorney Glenn stated the City will send letters that are deemed appropriate from the City's standpoint. Mr. Glenn asked Ms. Digerlando to write a letter requesting an extension to address her issues to the Building Official. Mayor Dent added she should send a copy to the Public Works Director and the Mayor. Mayor Dent reminded Ms. Digerlando the water issue is between her neighbor and herself, not the City.

Helen Lake asked about the status of the old auction house site. Attorney Glenn stated they are going forward with the sale but nothing is final yet.

EXECUTIVE SESSION None

ADJOURNMENT **At 8:06 pm, it was moved by Councilmember Boling seconded by Councilmember Schiller to adjourn the meeting. The next meeting will be held on January 26, 2011 at 7:00 PM. Motion Carried.**

Mayor Gary Dent: _____

Clerk-Treasurer Wendy Collins: _____

CITY OF MCCLEARY
Special City Council Meeting
Tuesday, January 18, 2011

REGULAR MEETING Called to order by Mayor Dent.

 FLAG SALUTE The meeting was called to order at 6:30 PM.

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

 ABSENT None.

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

MINUTES APPROVED None.

 PUBLIC COMMENT None.

 MAYOR'S REPORT The Special Meeting was requested by staff to review the water and sewer rates presented at the last Council meeting. Staff did not emphasize enough the deadline of adopting the rates so they meet the current Resolution deadline for implementation of the January 31st billing. The Council was presented with a few scenarios to review for how the rate structure could impact non-residential accounts.

 Discussion took place on the various fees for water and sewer.

RESOLUTION No. 623 - WATER RATES **It was moved by Councilmember Schiller seconded by Councilmember's Boling and Geer to Adopt Resolution No. 623 adopting water rates. Roll call taken in the affirmative. Motion Carried.**

RESOLUTION No. 624 - SEWER RATES **It was moved by Councilmember Lant, seconded by Councilmember Geer to Adopt Resolution No. 624 adopting sewer rates. Roll call taken in the affirmative. Motion Carried.**

 APPROVAL OF VOUCHERS None.

 PUBLIC COMMENT None.

 EXECUTIVE SESSION None

 ADJOURNMENT **At 7:08 pm, it was moved by Councilmember Boling seconded by Councilmember Schiller to adjourn the meeting. The next meeting will be held on January 26, 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: January 21, 2011
RE: LEGAL ACTIVITIES as of JANUARY 26, 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. LEOFF LONG TERM CARE STANDARD ESTABLISHMENT ISSUE: As you are aware, the City has two retired police officers who were covered under the provisions of what is known as LEOFF I. One of those is currently receiving long term health care. That program requires that the City pay all health care costs, including those related to the provision of long term health care, deemed necessary and appropriate. As we are only too aware, the approval of the expenses is done by the local board administered by the County. It is basically composed of one representative from five constituencies, the County government, the cities involved, police agencies, fire agencies, and a citizen.

In the middle of last year, the situation arose when Ms. Collins discovered the Board had not established standards in relation to determining the level of care required nor the qualifications of the care givers. We requested that the Board adopt standards based upon concerns tied to insuring that appropriate care is provided and costs to the taxpayers maintained at an appropriate level. One of the suggestions was to adopt, as an interim measure, the standards adopted by the Department of Social & Health Services governing these issues. For whatever reason, no action was taken and none has yet to be taken.

In any event, Ms. Collins and I put together a letter which was sent to the Mayors of the Cities requesting that they review the situation in terms of taking a position on the matter.

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Based upon a response received by Ms. Collins from Mayor Durney, the Mayor of Hoquiam, it was relatively clear that he concurs that it is a matter of concern and desired to move forward with bringing the issue before the Mayors' "consortium." At his request, Ms. Collins and I put together a letter for consideration by the consortium which would, if utilized, go to the Board requesting they put standards in place. Apparently, the matter was discussed at the last meeting of the consortium, but no action was taken in terms of deciding whether or not to submit the request to the Board.

In the interim, the City continues to pay several thousand dollars per month for the provision of LTC approved by the Board without any standards to determine the appropriate level of care or the qualifications of the care givers. I have spoken to the Board's counsel. She indicated that, at a meeting held on or about the 20th, they commenced review of the matter. One step is consideration of a formal questionnaire to be directed to the physicians involved. Also, they requested that they review a policy utilized by another agency. However, nothing yet is in place. However, this is a positive step forward. It is our hope that, as a result, the Board will adopt valid standards to be applied in the future relating to both the level of care required and the qualifications of the care givers.

2. UTILITY RATE RESOLUTIONS: Based upon your action last Tuesday, updated drafts have been prepared and provided to you. Of course, during the course of the "just one more thing" with which we have afflicted you in this process arose. That is a difference in the application of the overage factor. As has been historically written, the overage language has been "X cents per 100 cubic feet or portion thereof" while the computer program has apparently billed it along the lines of "X cents per 100 cubic feet" all right, but then prorated. So if a customer used 50 cubic feet over the base and the rate was \$3.00 per 100 cubic feet, it would charge one-half of the \$3.00. (In effect, charging three cents per cubic foot.) Apparently the same has been done as to the water where the overage would be \$.60 per 100 cubic feet.

In any event, I have prepared two drafts of the final resolutions. One has the historical language in it which, if applied, would increase the cost charged for overage since if one used three cubic feet over the base, they would pay the \$3.00 or \$.60 for those feet. The other would formally authorize what the computer has apparently been doing for an unknown period by adding the language, such sum to be pro rated based upon actual use and rounded to the nearest penny after the overage amount, whether it be the water or sewer amount. It is the assumption you wish to continue the historical pattern of application, but

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it was my advice that would require confirmation by you since the application by the computer has been contrary to the language adopted by the Council and Mayor.

3. USE OF CITY FACILITIES: As noted in the prior report, I have provided a draft resolution which would update the regulations and rates to be charged for use of the Community Center and other community facilities. It is my understanding you will be receiving recommendations from Staff as to their view on the appropriate rates for such use.

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

DG/le

RESOLUTION NO. 623

A RESOLUTION RELATING TO PUBLIC SERVICES;
REPEALING RESOLUTION 578; ESTABLISHING RATES
CHARGED FOR WATER; PROVIDING FOR ADJUSTMENT;
AND PROVIDING FOR EFFECTIVE DATES.

R E C I T A L S:

1. Pursuant to Resolution 578, adopted in 2008, the Council and Mayor set forth fees to be charged for the provision of water service to those served by the City's system. The fees were set after careful analysis by the Mayor and Council, after receiving the advice of City staff, as to the minimum levels necessary to adequately maintain and provide funding for the various services involved.

2. The Mayor and Council have been informed that since the implementation of the prior resolution, certain administrative inconsistencies in its application have been identified which are best resolved by adoption of updated rate schedules.

3. It is the intention of the Mayor and Council, in the adoption of this resolution, to establish the minimum rates required to assure the fiscal stability of the utility system.

4. Pursuant to the recommendations of a consultant retained by the City in 2008, a program of rate adjustment of 22% per year through 2013 was previously implemented. To aid in predictability and reduce the likelihood of the need for major

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adjustments to the rates, it is the intention to clarify the provisions which adjust the rates for the period commencing December, 2013.

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

SECTION I: RATES:

On and after the effective date set forth below, the rates and charges set forth and continuing thereafter until changed, monthly water consumption rates shall be as follows:

A. For Services Within the City Limits

1. Basic Charge:

- (a) Meters of 1" or less: \$43.10
(including 500 cubic feet)
- (b) Meters over 1": \$55.40
(including 500 cubic feet)

2. Excess Charge: Any use in excess of the base amount shall be charged at the following rate per one hundred (100) cubic feet or portion thereof:

\$00.60, such sum to be pro rated based upon actual use and rounded to the nearest cent.

B. For Services Outside The City Limits

1. Basic Charge:

- (a) Meters of 1" or less: \$64.30
(including 500 cubic feet)
- (b) Meters over 1": \$85.30
(including 500 cubic feet)

2. Excess Charge: Any use in excess of the base amount shall be charged at the following rates per one hundred (100) cubic feet or portion thereof:

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\$00.60, such sum to be pro rated based upon actual use and rounded to the nearest cent.

C. UNMETERED SERVICE OR HYDRANT FILL UP:

Unmetered service or hydrant fill up provided on a temporary basis shall be charged at the flat rate of thirty-three & 70/100 dollars (\$33.70) per use, as is applicable.

Such services shall be authorized in advance of use by the City Administrator or his or her designee.

SECTION II: INTERPRETATION

A. TIMING:

The rates established by Section I shall be effective on and after the commencement of the next utility billing cycle.

1. The annual adjustment authorized pursuant to Section III. A shall occur as to water utilized on and after the 16th day of December of each succeeding year through 2012.

2. The annual adjustment authorized pursuant to Section III. B shall occur as to water utilized on and after the 16th day of December of each year commencing with December 16, 2013.

B. CALCULATION:

1. In computing water consumption, meter readings ending in the number "1" through "5" shall be counted as "0" and meter readings ending in the numbers "6" through "9" shall be counted as "10".

2. If a meter serves more than one residential unit, the rate shall be determined by multiplying the base rate times the number of units served by that meter. To that sum, shall be

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added the excess usage. If the occupant of each unit has an account with the City's utility, then the billing shall be divided pro rata among the units.

SECTION III: ANNUAL ADJUSTMENT

A. ADJUSTMENT BASIS THROUGH DECEMBER, 2012: Through the adjustment to be made on December 16, 2012, the rates set by Section I of this resolution shall be subject to an increase of twenty-two percent (22%) as of date set forth in Section II.A unless the Council sets a different rate of adjustment: PROVIDED THAT, the adjustment shall be rounded up to the nearest ten cents.

B. ADJUSTMENT BASIS COMMENCING DECEMBER, 2013 & THEREAFTER:

1: As of December 16th, 2013, and each calendar year thereafter, the adjustment shall be the greater of following:

(1) three percent (3%) or

(2) the monetary amount which is the result of the following calculation:

Methodology of Calculation of CPI Based Adjustment: The then existing utility rate shall be multiplied by a figure established as the average of the Seattle-Tacoma-Bremerton Area Bi-Monthly Index CPI-U (June compared with June) and the US All City Average CPI-U for the same period. [Example: S-T-B Area Bi-monthly Index CPI-U is 3.5% and the US All City Average CPI-U for that period is 2.5%. The multiplier to be utilized is 3.0%. If

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the existing rate is \$4.00, the result would be an increase of \$00.12 for an adjusted rate of \$4.12.]

C. PRINCIPALS OF APPLICATION:

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

2. Application of annual adjustment rate to classifications:

a. As to the base rate for any classification, the resulting product of the calculation carried out pursuant to §§ A & B shall be rounded to the next highest 1/10th of a dollar, if the initial calculation does not so result.

b. As to the overage rate for any classification, the resulting product of the calculation carried out pursuant to §§ A & B shall be rounded to the next highest 1/100th of a dollar, if the initial calculation does not so result.

SECTION IV: Resolution 578 shall be and is hereby deemed repealed as of 12:01 a.m., January 15, 2011; PROVIDED THAT, such repeal shall not effect any billing or obligation for services received prior to that date under the terms of that resolution.

PASSED THIS 19TH DAY OF JANUARY, 2011, by the City Council of the City of McCleary, and signed in authentication thereof this _____ day of January, 2011.

CITY OF McCLEARY:

D. GARY DENT, Mayor

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dg/le

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ATTEST:

WENDY COLLINS, Clerk-Treasurer

APPROVED AS TO FORM:

DANIEL O. GLENN, City Attorney

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RESOLUTION NO. 624

RESOLUTION RELATING TO RATES TO BE CHARGED FOR SEWER SERVICE; PROVIDING FOR A SPECIFIC METHOD FOR ANNUAL MODIFICATION; AND REPEALING RESOLUTION 546.

RECITALS

1. Pursuant to the applicable provisions of the Municipal Code, the Council is given the authority and responsibility to establish utility rates by resolution.

2. The Mayor and Council have been informed that since the implementation of the prior resolution, certain administrative inconsistencies in its application have been identified which are best resolved by adoption of updated rate schedules.

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

SECTION I: Until modified as authorized by Section II, the following rates and charges shall continue to be applied for the use of and the furnishing of services of the sewer system of the City and shall be collected from the users thereof:

A. From each and every person or entity making use of the system:

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1. For each residential user:

- A. 65 years of age or older: \$53.10.
- B. Under 65 years of age: \$74.90.

2. For all non-residential users: an amount which is the sum of the monthly fixed rate of \$74.90 and three dollars (\$03.00) or pro rated portion thereof rounded to the nearest penny for every one hundred (100) cubic feet or portion thereof of water consumed over 850 cubic feet.

B. The rates for any establishment not herein covered shall be negotiated between such establishment and the City. In such negotiations, the City shall, in establishing the rate, consider the volume of the effluent, the nature and contents of the effluent, and the demands placed upon the treatment capabilities of the City as a result of such characteristics, as well as such other factors as may be deemed reasonably appropriate.

C. All persons or entities connecting to the sewer system of the City shall pay in advance of connection to the sewer system a hook-up charge in accordance with the schedule set forth by the City by Resolution from time-to-time.

D. In the event that any customer of the system establishes to the satisfaction of the City Engineer that the rateEngineer, with the approval of the City Council, the rate for such customer shall be established as follows:

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1. By negotiation, taking into consideration the factors established in paragraph B of this Section, as well as such other factors as may be recommended to the Council by the City Engineer; or

2. Installing a sewer meter at the expense of the customer. The meter in question shall be the property of the City, but the customer shall be responsible for such repair or replacement costs as may from time-to-time exist. The rate established for such service shall be as established in Section I, Article A(2).

SECTION II:

2.1: Annual Adjustment Protocol: In recognition of the necessity of assuring that the rates established for this service remain consistent with the increase in costs and of the billing period utilized by the City utility, the rates set by Section I of this resolution shall be subject to adjustment as of December 16, 2011, and as of December 16th of each calendar year thereafter, including 2011. The adjustment shall be the greater of following:

- (1) three percent (3%) or
- (2) the monetary amount which is the result of the following calculation:

Methodology of Calculation of CPI Based Adjustment:

The then existing utility rate shall be multiplied by a figure

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established as the average of the Seattle-Tacoma-Bremerton Area Bi-Monthly Index CPI-U (June compared with June) and the US All City Average CPI-U for the same period. [Example: S-T-B Area Bi-monthly Index CPI-U is 3.5% and the US All City Average CPI-U for that period is 2.5%. The multiplier to be utilized is 3.0%. If the existing rate is \$4.00, the result would be an increase of \$00.12 for an adjusted rate of \$4.12.]

2.2. Principals of application:

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

B. Application of annual adjustment rate to classifications:

1. As to the base rate for any classification, the resulting product of the calculation carried out pursuant to §2.1 shall be rounded to the next highest 1/10th of a dollar, if the initial calculation does not so result.

2. As to the overage rate for any classification, the resulting product of the calculation carried out pursuant to §2.1 shall be rounded to the next highest 1/100th of a dollar, if the initial calculation does not so result.

SECTION III: Resolution 546 shall be and is hereby deemed repealed as of 12:01 a.m., January 15, 2011; PROVIDED THAT, such repeal shall not effect any billing or obligation for

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services received prior to that date under the terms of that resolution.

PASSED THIS 19th DAY OF JANUARY, 2011, by the City Council of the City of McCleary, and signed in authentication thereof this _____ day of January, 2011.

CITY OF McCLEARY:

D. GARY DENT, Mayor

ATTEST:

WENDY COLLINS, Clerk-Treasurer

APPROVED AS TO FORM:

DANIEL O. GLENN, City Attorney

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STAFF REPORT

To: Mayor Dent
From: Nick Bird, Director of Public Works
Date: January 21, 2011
Re: Current Non-Agenda Activity

Department of Corrections – Reception Center

The Supplemental Information for the submittal package has finally been completed and submitted to the Department of Corrections. A big thank you is in order for every individual that helped put this package together, including Colin, Paul, Jennie, and George from the City, Adam Fulbright from GH FD 5, Kristin Masteller from Mark Reed, Mike Unger from Elcon (City's Electrical Consultant), and Jon Hinton, Mike Johnson, JR Hammond, and Chris Gaskin from Gray & Osborne (City Engineering Consultant). Thank you again for all your help!

Now the Department will begin their screening process. As I have stated before, the DOC website states that the site selection and Environmental Impact Statement (EIS) will be complete in December 2011. In the event we are chosen for additional consideration through the EIS process, I am assuming we will be notified. Again, as this develops I will keep you informed.

On a side note, we have received a few questions as it relates to public involvement through this process. Typically, concurrent with the EIS process, agencies will commonly hold frequent open house type meetings to provide opportunities for public comments. These open house opportunities in conjunction with the EIS provide opportunities for the public to support the project verbally or in written form. In the event one of the sites we proposed is selected as the "preferred site", as part of the permitting process prior to construction a conditional use hearing will be required, which will give the public another opportunity to support the project in verbal or written form.

Conservation Program

As a result of my involvement with the Corrections Center application, we have not yet finalized the Conservation Program. At this point in time, we are allowing Commercial and Industrial customers to present conservation projects, as the Commercial / Industrial projects are significantly different than Residential Projects. The main focus of the Conservation Program will be Residential component. At this point in time, our goal is to market the availability of the program in the first half of February.

Should you have any questions about any items that have not been addressed, please feel free to ask away!

RESOLUTION NO. _____

A RESOLUTION RELATING TO THE UTILIZATION OF CERTAIN MUNICIPAL FACILITIES, ESTABLISHING FEES; AND REPEALING RESOLUTION NUMBER _____ AND ANY OTHER RESOLUTION IN CONFLICT THEREWITH.

R E C I T A L S:

1. The City has previously adopted a Resolution in relation to those facilities it makes available to the public for rent. Since the adoption of that resolution, the City has added additional facilities, expanded the utilization of these facilities by groups directly related to the parks and recreation programs implemented by the City, and undertaken a general review of the existing utilization and provisions. In light of those factors, the Mayor and Council deem it appropriate to update these provisions.

2. It is the intention of the Council, the Mayor concurring, to provide certain terms and conditions that relate to the utilization of covered City facilities by non-profit entities associated with the operations of the parks and recreation activities of the City, modify rates, and clarify fees.

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DG/le

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McCLEARY, WASHINGTON 98557

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

SECTION I: The facilities covered by the terms of this Resolution shall be the public areas of City Hall, the Community Center, and the City's Parks made available for rental by the City, as they may from time-to-time exist pursuant to Council authorization.

SECTION II: Any person or entity requesting the right to utilize the public property normally offered for rental shall make an application to the Clerk-Treasurer upon such form as may from time-to-time be established by the Clerk-Treasurer. The rental shall be at such rates and upon such terms as the City Council, the Mayor concurring, shall from time-to-time establish by action.

SECTION III: The utilization of the facility may be conditioned upon such terms as may be deemed reasonably necessary by the Clerk-Treasurer. These terms shall include, but not be limited to, the following:

A. No intoxicating beverages shall be served or provided to nor shall any consumption be allowed by any minor.

B. All necessary banquet and gambling permits required by law must be obtained prior to the function and only such

activities as may be lawfully authorized on public properties shall be allowed.

C. Care shall be taken to insure that no individual is allowed to consume an excess of intoxicating beverages. For purposes of this term, excess shall mean so as to affect in any significant manner whatsoever the individual's physical or mental capabilities.

D. Deposits shall be paid at the time of application and shall be refunded only upon proof satisfactory to the Clerk-Treasurer that no damages have occurred and that all cleaning has been completed.

E. Any application must be in writing and executed by an authorized individual. That individual shall acknowledge responsibility for the application and for fulfilling the terms of the rental agreement.

F. At the time of the reservation of the facility, one-half of the rental amount shall be paid. The remainder of the rental amount shall be paid no less than forty-eight (48) hours prior to the intended utilization.

G. Any party or entity renting a facility shall be responsible for the cleaning and repair of the facility by restoring it to the condition existing prior to the commencement of utilization. In the event of a failure to do so, whether as to cleaning or repair, the City shall notify the utilizer of the

failure and the costs related to correction of that failure. In the event of a failure to fulfill these responsibilities within such time period as may be established by the Director of Community Development, the responsible individual or entity shall be billed for the costs and shall pay the same.

H. The provision of such insurance coverages as may be deemed necessary and appropriate in light of the type of activity involved.

SECTION IV: The Clerk-Treasurer shall be and is hereby authorized to promulgate such rules and regulations as may be deemed from time-to-time reasonably necessary for operation of the facility. Prior to their effectiveness, they 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 to suspend such proposed rule or regulation, or reject, modify, or supplement such proposed regulations.

SECTION V: As to the security and/or supervision for an event, the Chief of Police or the Chief's designee shall have the sole discretion to determine the level of staffing and the level of qualifications to be required in relation to any particular activity.

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

SECTION VI: NON-GENERAL CATEGORIES:

A. Utilization of the facility for governmental purposes by another governmental agency shall be allowed at the hourly rate of _____ dollars (\$__.00). The utilizing entity shall be responsible for cleaning the facility after use and for the repair or replacement of damage done arising out of or related to its use of the facility. In the event of a failure to fulfill these responsibilities, the entity shall be billed for the costs and shall pay the same.

B. Utilization of the facility by associations related to the operation of the parks and recreation program of the City whose utilization is approved by the Mayor shall be allowed to utilize the facilities without cost so long as the utilization relates directly to their program. The utilizing entity :

1. Shall post a damage deposit of _____ dollars (\$__.00) which shall be retained until the association gives notice of its intention to cease utilization, and

2. Shall be responsible for cleaning the facility after use and for the repair or replacement of damage done arising out of or related to its use of the facility. In the event of a failure to fulfill these responsibilities, the entity shall be billed for the costs and shall pay the same.

C. In recognition of the contribution to the community previously provided by the senior citizens, a rate of one-half of that which is normally charged shall be charged for senior citizen functions carried out by non-profit groups.

SECTION VII: Until further action of the Council, the Park kitchen facilities may be utilized by applicants utilizing the City facility for the purpose of maintaining perishable foods at the appropriate temperatures, whether requiring heating or cooling. **Such utilization shall be at the sole risk of the applicant.** In the event that any such perishable foods require such heating or cooling, the applicant shall provide such equipment as may be necessary to accomplish these actions and to comply with such standards as may from time-to-time be established by the appropriate agency having control over such health matters.

SECTION VIII: The rates and deposits for general utilization of the cited facilities for a period of up to _____ hours are established as follows:

6.1 RATES

A. City Hall

- 1. Council Chambers \$ _____
- 2. Non-profit Organizations (hourly rate) \$25.00

B. Park Kitchen and Pavilion:

- 1. For each four hour block or portion thereof:

_____ dollars (\$____.00)

C. Community Center: \$_____

D. Beerbower Park \$_____

6.2 DEPOSITS

A. City Hall \$_____.00

B. Park Kitchen & Pavilion \$_____.00

C. Community Center \$_____.00

D. Beerbower Park \$_____.00

SECTION IX: Resolution _____ and any other resolution or portion thereof in conflict with the provisions of this resolution shall be and are hereby repealed.

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

CITY OF McCLEARY:

D. GARY DENT, Mayor

ATTEST:

WENDY COLLINS, Clerk-Treasurer

APPROVED AS TO FORM:

DANIEL O. GLENN, City Attorney

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DG/le

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

STAFF REPORT

To: Mayor Dent
From: Nick Bird, P.E., Director of Public Works
Date: January 21, 2011
Re: City Facility Fees

Last meeting we presented a resolution prepared by Mr. Glenn in 2002 regarding the use of City Facilities. After the discussion of this issue, the Council requested that Staff present "proposed" fee's for the various facilities before considering adoption. Based on a review conducted by Staff, we recommend the following revisions to Section VIII of the proposed resolution:

Rates

- A. City Hall – Remove Section A, as a staff member would need to be present to unlock the facility and ensure the facility has been secured after use.
- B. Park Kitchen - \$45 / 4 hour block
- C. Community Center - \$50 / 4 hour block; \$100 for Friday / Saturday evening
- D. Beerbower Park - \$50 / 4 hour block; \$100 a day for all day events

Spreadsheets for the rate evaluation can be found behind this staff report for items the Park Kitchen, Community Center, and Beerbower Park.

Deposits

- A. City Hall – Remove Section A if removed from Rates Section.
- B. Park Kitchen - \$100; assumes 3 hours labor for cleanup/repairs if necessary
- C. Community Center - \$200; includes allotment to pay for next evening in the event cleaning not completed; includes additional 3 hours labor if repairs / cleanup necessary
- D. Beerbower Park - \$100; assumes 3 hours labor for cleanup / repairs if necessary

Section VI A and Section VI B rates have not been provided as Staff believes these rates are at the discretion of the Council.

Additionally, consideration to adding a Part D in Section VI should be considered for non-profit organizations (churches, little league, Bear Festival, etc.)

Action Requested:

Review and consider rates and deposits presented. Please consider adoption of the resolution with the recommendations provided herein.

CITY FACILITY FEE EVALUATION

A2011-07

FACILITY	ACCT #	INSURANCE VALUE		
COMMUNITY CENTER	004600.0			\$187,135.00
<hr/>				
	City Utility / Yr.	Natural Gas / Yr.	Maint. / Yr.	Ins. Value / YR
	\$1,117.02	\$739.96	\$4,022.72	\$4,678.38

Assume in Use = 2 nights per week (avg)
104 nights per year

Maintenance Budgeted

1 hr (\$38.68) per rental @ 104 rentals/yr = \$4,022.72

Assume 40 year replacement period

Total Annual Cost = \$10,558.08

Cost per use = \$101.52 assumed 8 hour block

CITY FACILITY FEE EVALUATION

A2011-07

FACILITY	ACCT #	INSURANCE VALUE
PARK FIELDS	001029.00	
<hr/>		
Power / Yr.	Maint. / Yr.	
\$406.49	\$0.00	\$10,056.84

Assume in Use = 2 days per week (avg)
104 days per year

Maintenance Budgeted

260 hr/yr per Nick Bird's estimation @ \$38.60 = \$10,056.84

Assume 40 year replacement period

Total Annual Cost = \$10,463.33

Cost per use = \$100.61 assumed 8 hour block

CITY FACILITY FEE EVALUATION

A2011-07

FACILITY	ACCT #	INSURANCE VALUE	
PARK KITCHEN	001022.0		\$293,633.00
	Power / Yr.	Nat. Gas / Yr.	Ins. Value / Yr.
	\$1,557.34	\$141.52	\$7,340.83

Assume in Use = 2 days per week (avg)
104

Assume 40 year replacement period

Total Annual Cost = \$9,039.69

Cost per use = \$86.92 assumed 8 hour block