

CITY OF MCCLEARY
City Council Meeting
Wednesday, March 10, 2021

CALL TO ORDER

Mayor Orffer called the meeting to order at 6:30 pm.

ROLL CALL

Wendy Collins took roll call. Councilmember's Jenna Amsbury, Brycen Huff, Jaron Heller, Chris Miller, and Joy Iversen were all present, via Webex.

STAFF PRESENT

Wendy Collins, Clerk-Treasurer, Todd Baun, Director of Public Works, Steve Blumer, Police Chief, and Chris Coker, City Attorney were present.

PRESENTATION

Emily Dillingham, Foundation and Community Development for Summit Pacific gave a presentation on Community Opportunities for the County.

PUBLIC COMMENT

Max Ross, W. Ash Street, prepared comments in chronological order regarding the asphalt debacle off of Summit Road. He thanked the city for having the special council meeting a couple weeks ago at the Summit site. He said there was a lot of skepticism that was going on regarding asphalt being buried and he thinks it was great for the city to allow the public to come out there and have a trench dug to see what was out there. With that being said, he wants to clarify to the people on the council and other community members that are listening in on this call, that all investigation that has been done by the city up to this point has been more for the sake of public transparency due to pressure from the public to figure out what is going on out there. In reality, the actual investigation that matters is being headed up by the county Department of Environmental Health. The stage of investigation they're in is the stage that is pushing forward to see what is going on out there.

His understanding is the county is requiring facts to be produced by the city so Sampling and Analysis Plans so the city has to come up with a comprehensive plan to investigate the entire footprint of the site and come up with a sampling plan the county has to approve. Then the city is responsible for implementing that plan. He is not sure if the city was going to address that later on in the meeting or not, but at some point, everyone deserves to know what is going on there.

He has spoken with a handful of city employees, residents of the city, and folks at the county and everyone has expressed their concerns about what is going on and their concern has exasperated his concern to look into these issues more because he is familiar with this realm of environmental science and environmental policy stuff. He wants to say to the mayor and council what his concerns are and let the rest of the public hear what he is saying, too. The more he looks at the practices that have been going on under the leadership of the city, the more he is quite concerned from both the financial and fiscal responsibility side of things, the environmental quality side, and the public image these things are having and will continue to have on the city.

What was brought to light was a pattern of the city's project management disregarding policies, documented plans, and critical areas ordinances. For the Summit site, the consulting firm that did the design for the 3rd Street Project, Skillings, they stated in one of their planning documents, there was going to be an 8500 square foot staging area for waste products from the construction project. That area was going to be out at the Summit site and that same document stated that after the 8500 square foot area was going to be storage and no other land would be developed, excavated, or cleared to be used as a staging area or waste storage. That document was dated June 2018, however, an air photo from July 2018 shows that the Summit site area was forested, so sometime between July 2018 when that document was produced by Skillings, and now, over a half an acre, about 30,000 to 35,000 square feet of land was cleared. He called around and asked a few people what was going on and he found out it was the city crew that were the people who cleared this 35,000 feet of land, which the planning document said nothing beyond the 8000 square foot would be cleared. That bothers him.

He asked more questions and one was if the city cleared over a half acre of land, would they at least have done it above board, because in Washington State you can't cut trees down at will, was there a forest practices permit obtained? Come to find out, no, one wasn't. Not only was the land cleared when it wasn't supposed to without a permit, the site was then used to store waste material from the construction site. That five feet of ground material that was dug through a couple Saturdays ago was all soil material that was underneath the asphalt and concrete that was dug up from the road surfacing project. It was basically fill material that was brought in from the construction site and dumped there. That bothers him.

There's also allegations of asphalt that is buried out there and the dig that was done didn't discover a distinct layer of asphalt that was buried but the backhoe was churning up buckets of this fill material that had noticeable chunks of asphalt in the fill material they tossed aside. There were a couple pieces that were quite large and bigger than a basketball that came out. There is definitely asphalt mixed in with the fill material that was brought in. If that was systematically buried or just a product of sloppy project management, he doesn't know, but it's still out there when it's not supposed to be.

Additionally, the planning document from Skillings that the 8500 square foot area was supposed to be used as a staging area where they bring the waste in and store it there and brought off site. It's been over two-years and there's still a mountain of asphalt and concrete out there. When he read documents and letters from the county to the city and what some of their concerns were, they wanted to address the surface piles of asphalt. In his head, he thought it was a couple of wheelbarrows full out there that got missed. When he was out there a couple of Saturdays ago there is a 30 foot tall by 50 foot diameter mountain of asphalt that's been sitting there for two-years.

All the environmental concerns of asphalt being buried where water is going to leach through it with full heavy metals, pH's, and other organic contaminants out of the asphalt and into the ground water and the fact that the asphalt is sitting on the surface versus buried five feet doesn't really make a whole lot of difference. It's sitting on top of our aquifer 100 feet from our well site, whether that is buried or sitting on the surface, it's still going to leach down and make it into the ground water eventually. That bothers him.

This goes to show that there's this pattern of the city disregarding plans and critical areas ordinances. What really gets him is that the city is responsible for the tax payer, so if the city was autonomous in operating like a for-profit company and wanted to gamble by cutting corners and designating waste storage sites that aren't supposed to be there at the risk of getting caught by the county and paying fines and mediation costs and eating

out of a private companies pockets, that is that company's problem. The city is running on tax payer dollars so these corners that are cut and mistakes that are made, which are not just one or two, but it's a series of mistakes. This project alone along with complaints of the asbestos issues and investigations done by L&I, ORCAA all these things result in a loss of tax payer dollars that are in his opinion, way beyond the excess of the acceptable margin of error should be.

He thinks his concerns should be heard. He has had similar conversations about these things with many other people in the community and city employees and it seems there are a lot of people that share the same sentiment as he does. He wants to know what is going to be done. He knows we have a city manager/public works director that makes a handsome salary, which is public information. Todd Baun he doesn't know personally and this isn't an attack on him as a person or his character, but we have someone that we are paying 6% of the city's budget. \$115,000 we are paying someone to manage a public works crew of about four or five people and not huge projects so it just seems like things that should be done properly are just slipping through the cracks. If the city of Olympia paid someone 6% of their budget that would be \$12 million dollar salary. That is huge. If we are going to pay someone that much of our budget to manage stuff, it should be managed properly. He thinks there should be some accountability for the constant mistakes and corner cutting that's been going on and is now being brought to light.

Mayor Orffer will do some checking with Skillings and Connelly to get verification on some of the things he said and to get information together and she will reach out to him so they can have a conversation. She can't respond to all of this in this moment but she will definitely reach out to him.

Mr. Ross thinks a conversation would be good and he has the planning documents from Skillings that he pulled his notes from before he talked and he is happy to share those with her. The more he looks into this, it's really not acceptable as to how things are being managed. It's tax payer dollars being wasted and the city doesn't have a big enough budget to be wasting tens of thousands of dollars. He knows sampling and analysis plans that have been done for similar size projects for half acre parcels that can run from \$30,000 to \$50,000 for the plan an implementation of the plan. You have to pay for the sampling and lab work and shipping so it's not small potatoes. That is serious money that the city could be putting towards bettering the community providing services and facilities that would benefit us as opposed to cleaning up mess after mess.

He is happy to talk about this more with Mayor Orffer.

Angela Rittinger, Main Street

She is commenting on Mas Ross's comments about the city not following proper procedure, there is also a pattern the city has a propensity for which is not only lack of transparency but lack of flat-out telling the truth to us. She has the minutes from the meeting last week where Joy Iversen flat-out asked you, mayor, if the county was satisfied and you said yes. Todd said at one point that every state agency that he knows that has been out to the site has signed off and said everything is good here. He even questioned Councilmember Amsbury about her questioning the integrity of the county.

She did a public information request and she has the letter from the county and she's going to go through it real quick because it appears some of you folks haven't read it or haven't read it clear enough and mayor should pay extra close attention to this so the next time a councilmember asks you if the county says things are hunky dory out there, you might be able to reference this letter.

Ms. Rittinger went on to read a few phrases from the letter she referenced.

About the Summit site, there is evidence of land clearing and potential land filling of

CONSENT AGENDA

- Minutes from the February 24, 2021 council meeting and the February 27, 2021 Special Meeting.
- Approval of accounts payable vouchers Vouchers/Checks approved were 48935 - 48965, including EFT's, in the amount of \$26,404.90.

It was moved by Councilmember Iversen, seconded by Councilmember's Huff and Heller to approve the Consent Agenda. Motion Carried 5-0.

STAFF REPORTS

Public Works, Water/Wastewater, Building, Light & Power, and Finance submitted written staff reports.

LEGAL UPDATE

Chris Coker said

MAYOR'S COMMENTS

DAUPLER IRMS LICENSE

LINDSEY BAUM REWARD MONEY

SPRINGBROOK ADDITIONAL USERS QUOTE

SKILLINGS, INC. SOILS SITE SAMPLING AND ANALYSIS PLAN AGREEMENT

COUNCILMEMBER UPDATES

MAYOR'S UPDATE AND COVID-19 UPDATE

PUBLIC COMMENT

Monique Buechel, 427 S 3rd Street,

Max Ross, W. Ash Street

Angela Rittinger, Main Street,

Monique Buechel, 427 S 3rd Street,

Suzannah Winstedt, 527 W Simpson Avenue

ADJOURNMENT

It was moved by Councilmember Iversen, seconded by Councilmember Heller to adjourn the meeting at 8:11 pm. The next City Council meeting will be held at 6:30 pm on March 24, 2021.