

CITY OF MCCLEARY
Regular City Council Meeting
Wednesday, May 8, 2019

ROLL CALL AND FLAG SALUTE Councilmembers Richey, Heller, Blankenship and Iversen were in attendance.

ABSENT Councilmember Huff was absent and requested to be excused. **It was moved by Councilmember Heller, seconded by Councilmember Iversen to excuse Councilmember Huff. Motion Carried 4-0.**

STAFF PRESENT Present at the meeting were Director of Public Works Todd Baun, Clerk-Treasurer Wendy Collins, Chief Blumer and Attorney Chris Coker.

PUBLIC HEARING The Public Hearing opened at 6:32 pm regarding the Critical Areas Ordinance (CAO). Todd Baun gave an opening statement and said he is working with the Department of Ecology and the Department of Commerce to update our Critical Area Ordinance (CAO). He stated all of the State agencies that reviewed it were happy with it. The Council at that time recommended staff forward it to the Department of Commerce for review. We just recently heard back from them and they have no issues with it. Tonight is the Public Hearing on it and the Council can choose to approve it tonight, if they wish.

Helen Hamilton asked how the CAO will affect her property because she has Wildcat Creek running through her property. Todd Baun responded that since her building already exists, the CAO will only affect her if she remodels or adds on to her current buildings. He stated she could not build within the buffered area. He believes she lives in the Type 3 category requiring 200 feet for regulated uses if the technical assessment indicates the need for a buffer. She would be fine with a 50 foot buffer, but not a 200 foot buffer. Todd explained the presented recommendation comes from the Department of Ecology from the best available science they have. She asked him to look over her specific property to make sure it won't affect her and he said he would check into it.

Ms. Hamilton said there are a lot of people that will be impacted by this and she recommends the City not take action tonight. She wants the other property owners to be aware of the change because it will devalue her property. Todd Baun asked Chris Coker what happens if she sells her property and would she be able to be grandfathered in. Chris Coker cannot give legal advice to a homeowner regarding grandfathering clauses, however, he has had first-hand experience with this in the past. In the case he was involved in, the ownership of the property didn't matter or change the outcome in the challenge lawsuit. Helen Hamilton asked if this will also affect the treatment plant and Todd said it will not.

Teri Franklin said there are things in the CAO that she is not happy with. Her concern is regarding the forestry stuff with the class 4. She also questioned how many public meetings and comment times will be set for the people to come review and provide public comment. Since this affects so many homeowners, what has been offered to notify the people? Mayor Orffer stated there was a public hearing regarding this ordinance when she was on the City Council and it was also on the agenda many times and they had several conversations regarding it. Teri said there are usually workshops that are held when these types of issues come up to allow people from the community to come and participate. Mayor Orffer believes there was a Saturday workshop on this ordinance, which would have had a notice sent to the newspaper and posted around town. It was also on the City Council Agenda, which is available online. Teri would like more notice for these types of meetings. She wants more time to read this and prepare a response. Mayor Orffer responded that this has been on the website for a long time. Councilmember Heller asked her to clarify her concern with the forestry buffer and she said she wants a stronger buffer than what has been presented.

Helen Hamilton asked Todd Baun to please make sure he looks up that information for her and gets back to her and he said he would.

Councilmember Blankenship commented on the reasonable use exemptions and asked if we no longer have a site plan review committee. Todd responded we do not have a committee but we have engineers and a building official that review submitted site plans. Councilmember Blankenship is bringing this up because in the McCleary Municipal Code 15.08, it states a request for reasonable use exemption shall be considered by the Public Works Director. This gives Todd Baun sole discretion over what gets approved or not. He wants to know if there should be a site plan review prior to getting to this point. Any business coming into town must get reviewed. Todd responded anything that comes to him for review is sent out to the City Engineer, the Building Official and to staff for review before he approves or denies any request. Councilmember Blankenship asked if that was done at the hospital and Todd stated yes it was. Councilmember Blankenship asked if all of the Department Heads were given the opportunity for input and Todd replied yes.

The Public Hearing closed at 6:54 pm.

EXECUTIVE SESSION

None.

PUBLIC COMMENTS

Teri Franklin has been hearing about all the development that is planned. Twenty years ago, she was in the same position. She has been reading through the sewer treatment plant reports and permits and discovered, the City met 85% capacity on 1/1/2015. She wants to know if the City has been making a plan since then to do something different with our sewer treatment plant because when they gave us this permit the last time, they told us we won't be able to do anything larger and we were at our limit. She said the last time she came to the Council and had this discussion, she ended up paying \$28.00 more per month to flush her toilet. She was assured by the City Council and the Public Works Director that was not going to be the case. If we are at 85% capacity in 2015, with all the new development, we must be getting close to our capacity. According to the permit, if we get past 85%, it all has to go to the Department of Ecology to get reviewed. She asked if the City is aware of all of this. She went to a meeting a few weeks ago to talk about the interlocal agreement between Grays Harbor County and the City of McCleary and she is appalled that after eleven years, you don't know anything more than you did back then. In the agreement, the City agreed they would look at the water issues and that is how they got the building moratorium released from this area. The agreement was signed in 2008 and nothing has been done since. Her background is watershed analysis. Her concern is their properties are not going to be worth anything because they won't have water and there is no other source for water. She has tried for years to get the City Council's attention. She doesn't know how else to get their attention than through their pocket books. She's not into that, but if that is where they make her take it, she will. There are reasons we have these rules and limits. Development costs money. She said they all need to look at what they are doing to her, to themselves and to her family.

Councilmember Richey asked if the treatment plant is at 85% capacity and Todd Baun said no. Councilmember Richey wanted to ask her where she came up with that figure. He needs to look at the sewer report that we have to see what the capacity is. Mayor Orffer stated she asked that question when she first got on the Council and we had plenty of capacity at that time. She said we will look into these things and try to associate the facts and what she has shared with us, and what the City has on record to see what we can improve on. She doesn't believe anyone on the Council was here 20 years ago but they will do their best. She appreciates people that have passion for what they care about.

MAYOR COMMENTS

Mayor Orffer thanked everyone that came out this past Saturday to help with the Comcast Cares event at the VFW and the playground work. Everything is looking very nice.

She has been told the 3rd Street Project is doing well and is running ahead of schedule. It is dusty in that area so be careful up there.

Councilmember Blankenship thanked the City for allowing the VFW to use the City equipment to spread the bark in the play area of the park. It saved them a bundle of time.

VOUCHERS

Accounts Payable checks approved were 46001 - 46038, including EFT's, in the amount of \$336,837.13.

It was moved by Councilmember Richey, seconded by Councilmember Blankenship to approve the vouchers. Motion Carried 4-0.

MINUTES APPROVED

It was moved by Councilmember Iversen, seconded by Councilmember Heller to adopt the minutes from the April 24, 2019 meeting. Motion Carried 4-0.

CITY ATTORNEY REPORT

Chris Coker reported there are three properties that are being dealt with through the municipal court. One of them is owned by John Allardin. He was given several options and opportunities to correct his nuisance property and there has not been a change in circumstances. The other property owner is Libby Jo Tanatchangsang. She has several nuisance cases on her property and is currently in bench warrant status. Mr. Allardin and Ms. Tanatchangsang have until June 1st to respond and come into compliance. Councilmember Blankenship agrees to draw a line in the sand for compliance in municipal court.

Mr. Coker also has been working with Wendy Collins and Lori Ann Hanson on five property owners with outstanding balances. One of them owed \$4900 and that one was paid in full, along with another one. A third one accepted a payment plan so there are only two left that have not paid and one of them is Libby Jo Tanatchangsang. The letters were remarkably effective but he wants to continue having the City try to collect delinquent accounts and only use the attorney letter as a last resort.

DIRECTOR OF PUBLIC WORKS REPORT

Todd Baun provided a written report for the Council. Josh Cooper prepared a list of nuisance issues along with a building department staff report.

TREE REMOVAL IN BEERBOWER PARK

Todd received a request from the Lindsey Baum Memorial representatives and they would like to remove a tree, which is located north of the walk way. He said the trees have not been taken care of properly and they have rot in them and are not designed to be near sidewalks. Their roots lift and crack sidewalks. The trees will all eventually need to be removed and his hope is to replace the sidewalk next year. Michelle Ames has been working with a landscaper on the memorial tree project and she was aware the City was going to remove some of the trees and has found someone that offered to remove the tree in question for free. He runs a company called Dreamscapes Landscape and Design and is bonded and insured. **It was moved by Councilmember Richey, seconded by Councilmember Blankenship to authorize the removal of the tree by Dreamscapes. Motion Carried 4-0.**

POLICE CHIEF REPORT

None.

TRUCK PERMITTING

Councilmember Blankenship and Mayor Orffer were part of a meeting with the Department of Transportation regarding this proposal. Councilmember Blankenship stated nothing has changed from the first meeting we had. Their concern was rerouting truck traffic at the west exit. During the peak traffic, from 6 am to 6 pm, there were seven additional trucks per hour according to Todd's traffic count numbers. Those are the trucks that would decide not to use 3rd Street and instead use the alternate route of the State system. The DOT wants to monitor it and based on the data they get, they will determine a fix, if there is one, either by putting in an acceleration/deacceleration lane at that exit. That is data driven so we don't have answers yet. There were two fatalities at that exit in the last ten years. Councilmember Richey asked if the DOT would consider paying for repairs on our street and Councilmember Blankenship said that is something they would consider. They are also looking into our three-way stop to see if there is anything they can do to help.

Councilmember Blankenship shared the truck decal he has in mind. Discussion ensued over the truck parking permit ordinance which is not currently enforced. To enforce that ordinance, the City needs signage posted. Todd Baun added the City Council previously requested signage from the State to be placed on the Highway showing McCleary is a business loop. The McCleary businesses believed we were being bypassed by potential business so we worked with the State for the signage, which directs traffic down 3rd Street. Mayor Orffer asked Chris Coker to look into what signs the City will need to be posted for both the truck route and for truck parking. She would like Council to review the cost of signs and decide whether they want to keep the parking ordinance or rescind it. The Council needs more information before they can move forward. Councilmember Iversen added she is all for permitting for the heavy trucks after the new road is in place to maintain it. Chris Coker stated we have an ordinance allowing trucks to use City streets with a payment of sorts, what it does not apply to is 3rd Street. His understanding is to rescind the current truck ordinance and create a new ordinance for the non truck route/3rd Street truck driving. Councilmember Blankenship said they would also be taking Main Street off the truck route. The DOT was in agreement with this decision because of the school. Councilmember Richey asked to have Chris Coker write up an ordinance for the next meeting.

Mayor Orffer clarified they did follow up with the message that was left (by the DOT) regarding truck permitting. She and Councilmember Blankenship met with the DOT and their concerns were unwarranted because they had a misunderstanding of what we were doing. They thought we were going to implement a toll road.

ELECTRICAL ENGINEERING	<p>Councilmember's Heller and Richey, Paul Nott, Josh Cooper, Wendy Collins and Todd Baun participated in interviews for Electrical Engineers. Everyone agreed on one firm that we would like to move forward on. Councilmember Richey added they were fantastic and relatable to our small city which is what they specialize in. Councilmember Heller added they put together a very convincing presentation. It was moved by Councilmember Richey, seconded by Councilmember Heller to authorize the contract with BKI Electrical Engineers. Motion Carried 4-0.</p>
3RD STREET PROJECT PAYMENT	<p>It was moved by Councilmember Heller, seconded by Councilmember Iversen to authorize the payment to Barcott Construction in the amount of \$648,572.43. Motion Carried 4-0.</p>
CRITICAL AREAS ORDINANCE	<p>Councilmember Blankenship would like to hold off on this until we get some of the questions answered. Tabled.</p>
BPA PORTAL UPDATE	<p>Todd Baun reported every so often we need to update our access portal users and we needed to add Josh Cooper and remove Paul Morrison. None of the terms were changed. It was moved by Councilmember Blankenship, seconded by Councilmember Richey to authorize the Mayor to sign the BPA Customer Portal Access and Use Agreement. Motion Carried 4-0.</p>
PAYROLL POLICY AMENDMENT	<p>Mayor Orffer requested Wendy Collins to update the Payroll Policy. The way payroll is done, there are timelines and dates for payroll deadlines for timesheet processing, submitting payroll taxes and benefits. Sometimes, an employee may accrue overtime in the timeline after the timesheets were submitted and pay day. They have to wait until the next payroll to receive that pay. She is proposing to change the language for receiving that pay by adding an option for a special draw if there is a timesheet error that is financially burdensome to the employee. They need to request it in writing and the Mayor must approve it. Councilmember Iversen asked if the draw process would be difficult to process and Wendy stated it would not. It was moved by Councilmember Iversen, seconded by Councilmember Richey to approve the updated Payroll Policies. Motion Carried 4-0.</p>
PUBLIC COMMENT	<p>Councilmember Iversen asked if the Council will get an opportunity to walk through the new mental health clinic. Mayor Orffer sent an email to the group since we have not heard from them in awhile and she hopes this is something we can arrange.</p> <p>Councilmember Blankenship asked if we will be discussing the CAO at the next meeting and Mayor Orffer said yes and we will answer the questions stated tonight. She will have it added to the next agenda as a discussion and the Council can talk about how they can proceed in getting community feedback and if they need to set up a workshop.</p> <p>Helen Hamilton said she is happy to be here tonight and to see everybody. Councilmember Iversen responded she is happy to see Helen.</p> <p>Teri Franklin said it is her understanding that the City doesn't believe our sewer plant is at 85% capacity. She said to write down WA0024040 and go to the Department of Ecology's website, look at Wastewater Treatment, and look at the City's permit, which states we were at 85% capacity on 1/1/2015. She said the City should have a copy of the permit here.</p> <p>The City of McCleary Mayor's position is open since Mayor Orffer was appointed to fill Mayor Schiller's open seat during his first two years. Mayor Orffer added, a recent article in the paper did not include the Mayor's vacancy, which was a mistake at the County level and Wendy graciously called and got it corrected. There are two Councilmember seat openings, as well. She spoke with City staff and it is her intent to run as Mayor and she invites anyone that is interested to run as Mayor to do so because the most important thing is to have the best person here to run the City. She has been in office as Mayor for 11 months now and she wants people to know her door is always open to the community and she welcomes feedback.</p> <p>Sue Portshey asked Todd Baun if the signs have ever gone up for the deaf and the blind residents in Rainbow Park they requested. Todd said we have them sitting there but they have not been put up. Councilmember Blankenship said we could have put them up during Comcast Cares Day. Todd will get the signs installed.</p> <p>A resident asked if the drinking fountains are turned on in the park and Todd said it is broke and we are having issues finding parts for it.</p>

John Carle said he will be asking for Council feedback at the next meeting regarding the easement issue on the DOT property he wants to purchase.

Gloria Hale asked if small business and crafters need a business license to operate in McCleary and Todd stated the City does not require a business license. He isn't sure what the State requires but the City does not require one.

MEETING ADJOURNED

It was moved by Councilmember Richey, seconded by Councilmember Heller to adjourn the meeting at 8:11 pm. The next meeting will be Wednesday, May 22, 2019 at 6:30 pm. Motion Carried 4-0.

Approved by Mayor Brenda Orffer and Clerk-Treasurer Wendy Collins.