



## McCleary City Council Agenda

**4/25/18- 6:30PM- Community Center**

Flag Salute

Roll Call: \_\_\_ Pos. 1- Orffer, \_\_\_ Pos. 2-Huff , \_\_\_ Pos. 3- Heller, \_\_\_ Pos. 4- Blankenship, \_\_\_ Pos. 5- Iversen

Mayor Comments

☐

Honoring Dan Glenn

Public Comment

☐

Minutes

☐

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A April 11th

Approval of Vouchers

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Staff Reports

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B Dan Glenn

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C Todd Report

Old Business

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D Thurston PUD Wells discussion

New Business

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H Budget Amendment

Resolutions

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Mayor/Council Comments

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Town meeting- Economic Development

Public Comments

☐

Executive Session

☐

Adjourn/Recess Meeting

☐

Previously Tabled Items

☐

Developer incentives, TBD

**Please turn off Cell Phones- Thank you**

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

The City of McCleary is an equal opportunity provider and employer.

La ciudad de McCleary es un proveedor de igualdad de oportunidades y el empleador

**TAB - A**

**CITY OF MCCLEARY**  
**Regular City Council Meeting**  
**Wednesday, April 11, 2018**

ROLL CALL AND FLAG SALUTE	Councilmembers Orffer, Huff, Heller, Blankenship and Iversen were in attendance.
ABSENT	Mayor Schiller was on vacation so Mayor Pro Tem Orffer Chaired the meeting.
STAFF PRESENT	Present at the meeting were Director of Public Works Todd Baun, Clerk-Treasurer Wendy Collins, Police Chief Steve Blumer, and Attorney's Dan Glenn and Sharon English.
PUBLIC HEARING	None.
EXECUTIVE SESSION	None.
VOUCHERS	Accounts Payable checks approved were 44187- 44232 including EFT's in the amount of \$144,884.38.  Payroll checks approved were 44127- 44130, 44176 - 44186, and 44233 - 44243 including EFT's in the amount of \$159,827.88.  Bank reconciliation for March 2018.  <b>It was moved by Councilmember Huff, seconded by Councilmember Heller to approve the vouchers. Motion Carried 5-0.</b>
MINUTES APPROVED	<b>It was moved by Councilmember Iversen, seconded by Councilmember Huff to approve the minutes from the meetings held on March 28, 2018 and April 4, 2018. Motion Carried 5-0.</b>
PUBLIC COMMENTS	None.
MAYOR COMMENTS	Mayor Pro Tem Orffer stated that Mayor Schiller was away on a well-deserved vacation and she will be Chairing the meeting.  The next Council meeting will be held at the community center building. The City will be honoring Dan Glenn, as it will be his last meeting with the City. Mr. Glenn has been serving as City Attorney for 36-years. The community is all invited to attend.
CITY ATTORNEY REPORT	Dan Glenn provided a written report for the Council.
DIRECTOR OF PUBLIC WORKS REPORT	Todd Baun received a grant award from TIB for the 3rd Street Project in the estimated amount of \$273,000 and asked for authorization from the Council to have Mayor Pro Tem Orffer sign it. <b>It was moved by Councilmember Blankenship, seconded by Councilmember Heller to authorize Mayor Pro Tem Orffer to sign the grant award from TIB. Motion Carried 5-0.</b>
MANUFACTURED HOME ISSUE REFERRAL DATE	Todd Baun announced the Public Hearing is scheduled for May 1st at 1:30 pm and will be held at City Hall.
CRITICAL AREA ORDINANCE UPDATE	<b>It was moved by Councilmember Iversen, seconded by Councilmember Blankenship to authorize staff to forward the critical area ordinance to the Department of Commerce. Motion Carried 5-0.</b>

THURSTON PUD WELLS  
DISCUSSION

The City received a letter from Thurston County PUD regarding a proposed transfer of water systems from PUD No.1 of Thurston County to the City of McCleary. They own over 200 water systems in Western Washington. They have three water systems outside of their service area and they would like to offer us first right of refusal for purchase of the wells. This has been in discussion for a few years and the PUD is reaching out again in an effort to come to a deal. They are willing to entertain discussions to enter into a contract to sell the City the water systems, with their associated water rights, subject to applicable law and Board approvals, under specific terms. Gray & Osborne is looking into it and will advise the City on whether this will be beneficial to the City. Dan Glenn added that these are orphan water systems and it would be at a cost to the City to operate and maintain and would not be a significant revenue source for the City, however, it would be additional water for the City. Todd will have an updated report on this after he hears back from Gray & Osborne.

PUBLIC COMMENT

Councilmember Huff asked Todd Baun if a stop sign could be installed on 5th Street at the Maple Street intersection where people come down the hill. He was asked to inquire about it because the hedges are too high to see around when people are in smaller vehicles.

Councilmember Blankenship asked if the sidewalk in Cedar Heights passed inspection and Todd Baun said it did. This issue is finally set to rest.

Councilmember Huff asked if the State owns the street with the crosswalk between Beerbower Park and the old motorcycle shop. Todd answered that the State does own it. Councilmember Huff asked if there has been any talk about improving the safety for that crosswalk by adding flashing lights. He said it is hard for people driving to see walkers when it is dark out. He asked if any of the Council would be interested in working with the State on getting flashing lights on that corner to prevent someone from getting hit. Councilmember Iversen agreed and said it is the busiest intersection in town. Dan Glenn stated Elma is having a similar issue and he suggested using flags for the interim. Todd will talk to the Washington State Department of Transportation engineer.

Sue Portschy said there is bad flooding in the yard on Simpson and 6th Street. She said the house is starting to settle badly. Todd will check it out.

EXECUTIVE SESSION

None.

**TAB - B**

## MEMORANDUM

TO: MAYOR AND CITY COUNCIL, City of McCleary  
FROM: DANIEL O. GLENN, City Attorney  
DATE: April 20, 2018  
RE: LEGAL ACTIVITIES as of APRIL 25, 2018

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. **SUPPLEMENTAL BUDGET ORDINANCE:** During the course of her work with the staff at BIAS, the City's primary software supplier, Ms. Collins became aware of a modification in how the State desires City's receiving revenue from what is known as the "Multimodal" fund which is included in the State's biennial budget. It is a piece of legislation initially adopted 2015 with one-half going to counties and one-half to cities. The city allocation is based upon population. The City has received funds in 2016. The purpose of the ordinance is to make explicit the statutory mandate that the moneys received may be used for transportation improvements. Thus, the moneys received this year will be moved from the Current Expense fund to the Street fund and assigned the BARS number designated by the SAO.

The Mayor has made clear that funding of improvement to the City's street system is a priority. Since this is one specific new source, albeit not a large amount, I am setting out at the end of the Report the relevant portion of an article produced by MRSC on this subject.

2. **LEGAL SERVICES CONTRACT:** As I informed you in a letter a couple of months back, I will be resigning from the position of City Attorney as of the end of this month. It is a position I have had the honor and, normally, pleasure of fulfilling since 1982 when Ted Rakoski made the decision to appoint me. (There was a short gap in service when a mayor whose inappropriate fiscal activities I brought to the attention of the SAO, thanks to their discovery by Donnie Rostedt, the then serving Clerk-treasurer, and the authorization of then Mayor pro tem Pam Ator, fired me for doing so. Well, he ended up pleading guilty, being sentenced to jail, and leaving the position of mayor. Wallace Bentley, upon that resignation, assumed the position of Mayor for his first but not last term and reactivated my involvement.)

Under the City's Code, the Mayor has the authority to appoint the City Attorney with the appointment being subject to the Council's approval. As you are aware, it is his intention to appoint Sharon English, who has handled the prosecution side of the duties for a couple of years and been present at the meetings recently, to the position. In that regard, it will come before you for confirmation and, if granted, authorization of the execution of a contract governing the provision of those services.

The contract authorizes one year terms with either party having the right to terminate the contract by giving 90 days notice and automatic extension in the absence of the notice of a desire to terminate. The contract itself seeks to make clear what activities will be included within the retainer and which are not. Also provisions are present for dispute resolution.

3. **CRITICAL AREAS ORDINANCE REVIEW:** I have spoken to a staff member at the Department of Commerce. They are awaiting receipt of the draft ordinance. Director Baun has informed me that he now has the transmittal form the Department wished to be utilized. He indicates that he anticipates completing the form and forwarding the ordinance to the Department prior to this meeting. Review will hopefully take 60 days or less and not result in Ms. English and Mr. Baun having to do a lot of "tweaking" before adoption of the ordinance and forwarding of the adopted version to the same Department.

4. **CONCLUSION:** Well, this is the last of the Reports I will be preparing for the McCleary Mayor and Council. Since the first one done back in 1982, that means that you and your predecessors have had to tolerate something over 850 reports for Council Meetings. Thanks to all, both past and present, for giving me the opportunity to serve in this position. May all go well for the City, its citizens, the Staff, my successor, and the six of you. I have no doubt that my spouse, Carleen, will have things for the two of us to do on the second and fourth Wednesdays of every month. Maybe it will mean getting the DeLorean out of the garage in which it has resided since 1981. We will then go on to enjoy the future... As it says at the bottom of the office stationery, Carpe diem.

**So where do we record these new resources and how can we use them?**

1. [RCW 47.66.070](#) provides for the multimodal transportation account and states that the funds "may be used only for transportation purposes." Transportation is defined as "the movement of people, animals and goods from one location to another." [Chapter 47.66 RCW](#) provides the statutes applicable to "multimodal transportation programs" however, this chapter does not have a definition of multimodal. Multimodal is a planning concept associated with transportation.

The Washington State Department of Transportation (WSDOT) in its [2007-2026 Washington Transportation Plan](#), provides a basic idea of this planning concept in the glossary of terms:

**Multimodal Transportation Systems.** Buses, ferries, cars, bicycles, and aviation are all examples of modes of travel. In a multimodal transportation system, each of these components is factored in so that service can be delivered efficiently. For example, the waterfront trolley that conveys ferry passengers to a bus terminal might be considered an interdependent multimodal transportation system.

WSDOT is updating this planning document in phases to meet federal and state requirements for long-range statewide transportation planning and to help guide the development of



the state's multimodal transportation system. That system includes public roads, ferries, public transportation, aviation, freight and passenger rail, ports, and bicycles and pedestrian facilities. This is a work in progress, but demonstrates the fact that transportation is taking on a broader meaning than simply vehicular transport.

It is our interpretation that use of these funds must be for "transportation" purposes and those can include multiple forms of transportation. It is also our recommendation that these funds should be recorded within your street and/or road fund because of the restrictions imposed by [RCW 47.66.070](#) to use "only for transportation purposes."

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

DG/le

**TAB - C**

## **STAFF REPORT**

To: Mayor Schiller  
From: Todd Baun, Director of Public Works  
Date: April 21, 2018  
Re: Current Non-Agenda Activity

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### **City Wide Clean-Up**

The City wide clean-up has been scheduled for April 28<sup>th</sup>, from 8 am to 1 pm. Our Crews are out this week picking up the elderly and disabled contributions for the clean-up and we will also be cleaning our own areas.

### **WSDOT Meeting**

I have been in contact with WSDOT Regional Engineers about the cross walk and Simpson and Summit intersection. They are looking into the issue and we hope to have a solution that will help keep our pedestrians and drivers safer in this area.

### **3<sup>rd</sup> Street Bid Openings**

At the time of the meeting, we will have received and opened all bids for our 3<sup>rd</sup> Street project. I'm hoping to have favorable bidding news about the project at the Council Meeting.

### **Council City Tour**

I'm hoping to schedule a City Council tour for May 11<sup>th</sup> or 18<sup>th</sup>. Please let me know if you prefer one date over the other.

**TAB - D**

## **STAFF REPORT**

To: Mayor Schiller  
From: Todd Baun, Director of Public Works  
Date: April 21, 2018  
Re: Thurston PUD Wells Discussion

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Jon Hinton will have some more information about the wells that I will pass along at the Council Meeting.

**TAB - E**

<b>SUPPLEMENTAL AGREEMENT</b>		<b>ORGANIZATION AND ADDRESS</b>	
<b>No. 10</b>		<b>Skills Connolly, Inc.</b>	
<b>AGREEMENT NUMBER</b> <b>14044</b>		<b>PO Box 5080</b>	
<b>PROJECT NUMBER</b>		<b>Lacey, WA 98509-5080</b>	
<b>PROJECT TITLE</b> <b>Third Street Improvements</b>		<b>PHONE</b> <b>(360) 491-3399</b>	
<b>DESCRIPTION OF WORK</b> <b>Time Extension Only</b>		<b>NEW MAXIMUM AMOUNT PAYABLE</b> <b>\$416,255.00</b>	

The Local Agency of **City of McCleary** desires to supplement the agreement entered into with **Skills Connolly, Inc.** executed on **June 26, 2014** and identified as Agreement No. **14044**. All provisions in the basic agreement remain in effect except as expressly modified by this supplement.

The changes to the agreement are described as follows:

SECTION 1, SCOPE OF WORK, is hereby changed to read:

**No change in Scope of Work**

SECTION IV, TIME FOR BEGINNING AND COMPLETION, remains is changed from **April 30, 2018 to May 31, 2018**.

SECTION V, PAYMENT, shall be amended as follows:

<b>Original Agreement</b>	<b>\$322,914.00</b>
Supplement No. 1 – Time Extension Only	--
Supplement No. 2 – Time Extension Only	--
Supplement No. 3 – Add Jeffrey B. Glander to Contract	7,000.00
Supplement No. 4 – Time Extension Only	--
Supplement No. 5 – Time Extension Only	--
Supplement No. 6 – Real Estate Kickoff Meeting	3,000.00
Supplement No. 7 – Move \$1,093.48 from Design Budget to Right of Way Phase Budget	<u>(1,093.48)</u>
Supplement No. 8 – Time Extension Only	--
Supplement No. 9 – Time Extension Only	--
Supplement No. 9 – Time Extension Only	--
<b>Total Design Budget</b>	<b><u>\$331,820.52</u></b>
<b>Supplement No. 7 --Right of Way Phase</b>	<b>\$83,341.00</b>
Plus \$1093.48 from Design	<u>1,093.48</u>
<b>Total Right of Way Phase</b>	<b><u>84,434.48</u></b>
<b>New Maximum Amount Payable</b>	<b><u>\$416,255.00</u></b>

If you concur with this supplement and agree to the changes as stated above, please sign in the appropriate spaces below and return to this office for final action.

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

By: **Skills Connolly, Inc.**

Principal

By: **City of McCleary**

Signing Authority

**TAB - F**



**TAB - G**

## **STAFF REPORT**

To: Mayor Schiller and Councilmember's  
From: Wendy Collins, Clerk-Treasurer  
Date: April 25, 2018  
Re: Budget Amendment Introduction

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While working with BIAS on the annual financial report and the WSDOT annual report, I discovered a discrepancy in where the Multimodal Tax is being entered. It currently is entered into current expense. After researching, I discovered the SAO recommends these funds should be recorded within the street fund because of the restrictions imposed by RCW 47.66.070 to use "only for transportation purposes". If they can only be expensed for transportation purposes, they should be entered as revenue in the same fund.

The City needs to correct this by budget amendment and move the Multimodal Tax Budget line 001.336.00.71 in current expense, to a new budget line 102.336.00.71 in the street fund. By doing this, it will transfer the current balances over and correct the issue.

### **Action Requested:**

Please review the Ordinance and consider adopting on May 9, 2018.

**TAB - H**

ORDINANCE NO. 8       

AN ORDINANCE ADOPTING A SUPPLEMENTAL BUDGET  
FOR THE CALENDAR YEAR 2018; AMENDING  
ORDINANCE 837 AS TO A PARTICULAR ELEMENT  
PROVIDING AND EFFECTIVE, SEVERABILITY AND  
AUTHORITY TO CORRECT.

R E C I T A L S:

1. Since the adoption of the budget for 2018, certain fiscal matters in relation to allocation of the funds received from the State through its distribution of funds generated by what is known as the Multimodal Tax.

2. The Clerk-treasurer has provided information to the Mayor and Council as to certain modifications in relation to the allocation within the budget of the referenced funds which are necessary and appropriate in relation the Budget as the result of adopted legislation.

3. The recommended modification in the budget is to move the line item and associated funds identified as "Multimodal Tax", assigned Budget Line #001.336.00.71 in the Current Expense Fund, to a newly created Budget Line #002.336.00.71 in the Street Fund, all as shown upon Exhibit #1, attached hereto and incorporated by this reference.

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

ORDINANCE -A- 1

04/18/2018

DG/le

4. Thus, this ordinance was introduced at the regular council meeting of April 25, 2018, so as to allow the opportunity for public comment.

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

SECTION I: The portions of the budget adopted pursuant to Ordinance 837 are amended as shown upon Exhibit #1.

SECTION II: The Office of the Clerk-treasurer shall be authorized to modify the referenced funds and accounts as may be required and authorized pursuant to the BARS accounting system issued by the Office of the State Auditor to correctly reflect revenues and expenditures.

SECTION III: To the extent not amended by Section I, the budget adopted pursuant to Ordinance 837 is reaffirmed.

SECTION IV: 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,

CITY OF McCLEARY  
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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.

PASSED THIS \_\_\_\_\_ DAY OF APRIL, 2018, by the City Council of the City of McCleary, and signed in approval therewith this \_\_\_\_\_ day of April 2018.

CITY OF McCLEARY:

\_\_\_\_\_  
BRENT SCHILLER, Mayor

ATTEST:

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

APPROVED AS TO FORM:

\_\_\_\_\_  
DANIEL O. GLENN, City Attorney

STATE OF WASHINGTON     )  
                                      : ss.  
GRAYS HARBOR COUNTY    )

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

**ORDINANCE -A- 3**  
**04/18/2018**  
DG/le

I, WENDY COLLINS, being the duly appointed Clerk-Treasurer of the City of McCleary, do under penalty of perjury declare and 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.

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WENDY COLLINS

ORDINANCE -A- 4  
04/18/2018  
DG/le

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