



McCleary City Council Agenda

December 14th, 2016- 6:30 PM

Flag Salute

Roll Call: ___ Pos. 1- Orffer, ___ Pos. 2-Richey , ___ Pos. 3- Peterson, ___ Pos. 4- Blankenship, ___ Pos. 5- Ator

Presentation

Mayor Comments

Renee Jensen- Jan. 25th, Audit Exit, 2016 Accomplishments

Public Comment

Executive Session

RCW- 42.30.140 (4)(a) Union Negotiations

Minutes

Tab A

Introduction **X** Action **X**

Approval of Vouchers

Introduction **X** Action **X**

Purchase Orders

Staff Reports

Tab B Dan Glenn

Tab C Todd Baun

Tab D Staff Reports

Old Business

New Business

Tab E Appointment of New Police Chief

Tab F City Engineer Contract

Tab G Greater Grays Harbor Inc. Contract

Tab H Definition add to Zoning Code

Tab I Purchase of used Police Vehicle

Tab J FOP 2017 Contract

Ordinances

Resolutions

Tab K Light and Power Rate Increase

Tab L Resolution 223 update

Tab M Resolution honoring Chief George Crumb

Tab N WSDOT reimbursement request authorized person

Mayor Council Comments

Public Comments

Executive Session

Adjournment or Recess Meeting

Please turn off Cell Phones- Thank you

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

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CITY OF MCCLEARY
Regular City Council Meeting
Wednesday, November 9, 2016

ROLL CALL AND FLAG SALUTE	Councilmembers Orffer, Richey, Peterson, Blankenship, and Ator were in attendance.
ABSENT	None.
STAFF PRESENT	Present at the meeting were Todd Baun, Wendy Collins, Chief Blumer and Dan Glenn.
PUBLIC HEARING	At 6:32 pm the Public Hearing opened for the 2017 Final Budget. The Public Hearing closed at 6:32 pm.
EXECUTIVE SESSION	None.
MINUTES APPROVED	It was moved by Councilmember Richey, seconded by Councilmember Peterson to approve the minutes from the October 26, 2016 meetings. Motion Carried 5-0.
VOUCHERS	Accounts Payable vouchers/checks approved were 41752 - 41809 including EFT's in the amount of \$162,527.00. Payroll checks approved were 41726 - 41895 including EFT's in the amount of \$165,059.06. Bank reconciliation for October 2016. It was moved by Councilmember Richey, seconded by Councilmember Blankenship to approve the vouchers. Motion Carried 5-0.
MAYOR'S COMMENTS	Mayor Schiller introduced Steve Blumer, the City's new interim Police Chief. Chief Blumer has an impressive background ranging from law enforcement to financial investing to hotel management. The Mayor encouraged everyone to say hello and welcome Chief Blumer to the community.
PUBLIC COMMENT	None.
CITY ATTORNEY REPORT	Attorney Sharon English attended in Dan Glenn's absence. She provided Mr. Glenn's report for the Council to review.
DIRECTOR OF PUBLIC WORKS REPORT	Todd Baun provided a report for the Council and is available if they have any questions.
3RD STREET IMPROVEMENTS CONTRACT TIME EXTENTION	It was moved by Councilmember Ator, seconded by Councilmember Peterson to authorize the requested time extension for Skillings Connolly. Motion Carried 5-0.
ORDINANCE 826 GRINDER PUMP ALLOWANCE	It was moved by Councilmember Ator, seconded by Councilmember Richey to adopt Ordinance 826, version C, an ordinance relating to public utilities, authorizing the use of certain methodologies under conditions, adding a new section to Article IV, Chapter 13.12.020, providing an effective date and for severability. Roll call taken in the affirmative. Ordinance Adopted 5-0.
RESOLUTION 691 POLE ATTACHMENT RATES	It was moved by Councilmember Ator, seconded by Councilmember Orffer to adopt Resolution 691, a resolution relating to utilities, establishing a rate for allowed attachments to utility poles, providing for rate adjustment and transition and to make the correction in Section II, A. to read \$15.93 a "Year", not a month. Resolution Adopted 5-0.
ORDINANCE 827 ADOPTION OF THE 2017 BUDGET	It was moved by Councilmember Blankenship seconded by Councilmember Richey to adopt Ordinance 827, an ordinance adopting a budget funding the operations of the City of McCleary for the calendar year 2017. Roll call taken in the affirmative. Ordinance Adopted 5-0.

PUBLIC COMMENT

Mayor Schiller and the Council agreed to cancel the next meeting, scheduled for November 23rd due to Thanksgiving.

Mayor Schiller thanked Todd Baun and Wendy Collins for all their hard work on the budget. He also thanked the City Council for their hard work and dedication to getting a solid budget passed and for everyone's effort in attending the budget workshops and working together as a team.

Councilmember Blankenship asked about what the zoning is at the Mark Reed Hospital site. Todd told him it was originally zoned R-1. He said the hospital was grandfathered in as commercial conditional use. They have four years to use it as a commercial site or it goes back to the original R-1 zoning. The City understands the facility is now being considered to be a residential treatment center that provides medical care. Joy Iverson clarified that Summit Pacific Hospital, which owns the property, are landowners only. She said the State will be the operators and will rent the property from the hospital. The hospital is not involved in the project in any way.

MEETING ADJOURNED

It was moved by Councilmember Orffer, seconded by Councilmember Ator to adjourn the meeting at 6:55 pm. The Council canceled the meeting scheduled for November 23, 2016, due to the Thanksgiving holiday. The next meeting will be Wednesday, December 14th, 2016 at 6:30 pm. Motion Carried 5-0.

Approved by Mayor Brent Schiller and Clerk-Treasurer Wendy Collins.

MEMORANDUM

TO: MAYOR AND CITY COUNCIL, City of McCleary
FROM: DANIEL O. GLENN, City Attorney
DATE: December 8, 2016
RE: LEGAL ACTIVITIES as of DECEMBER 14, 2016

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. **ZONING ORDINANCE DRAFT:** Upon request, I have prepared a draft ordinance which would clarify certain definitions in the zoning code in relation to health care facilities. The goal is to insure clarity and to implement consistency with those utilized by the State, whether statutory or though definition issued and utilized by the State Department of Health.

Assuming you deem it appropriate, the draft will have to be referred to the Hearing Examiner for the holding of the necessary public hearing. After that hearing, Mr. Aaland will develop and provide to you his findings of fact, conclusions of law, and recommendation as to action. Upon receipt, you will then have the option of having a separate hearing or, as has been done in the past, adopting the findings and conclusions as the Council's and moving forward without a second open record hearing to make a decision. However, if referred, that decision will not need to be made until your January meeting.

2. **RESOLUTIONS:**

A. **Electrical Rate Modification:** Pursuant to your discussions and the figures provided by Mr. Baun, I have prepared a draft resolution which would implement rate changes commencing as of the readings occurring on and after December 16. Also, you will note that we have added the annual rate adjustment protocol utilized in relation to other utilities. The first adjustment of specified elements of the service which will be implemented

under that provision will occur as of reading carried out December, 2017, and each December thereafter. They affect the first billing sent out thereafter.

B. Updating Charges and Provisions Arising from NSF Payments: The existing resolution was implemented in 1989. At that time, payments were made only by checks, money orders, or cash. Times have changed and the City has authorized the receipt of electronic payments which sometimes bounce back, whether as the result of defective information (providing the wrong account number) or insufficient funds. The provisioner of the electronic payment service for the City assesses a charge of \$35.00, if I understood correctly, for a charge utilizing that system, but which "bounces back". The current resolution did not deal with that matter and also needed to be updated to more directly reflect the pattern now utilized in terms of notices and implications.

As a result, through working with Ms. Collins and Ms. Hanson, we have prepared and provided to you a draft resolution which not only formally recognizes the electronic payment protocol situation, but sets out different protocols to be utilized.

C. WADOT/Federal Authorization Resolution: The City is apparently seeking funding from WADOT and the Federal Highway Administration for a project. Those agencies require a written resolution setting out with specificity what officials of the City may make the request for reimbursement. To provide flexibility, Mr. Baun has requested that the draft include both him, as Public Works Director, and the Mayor. Thus, the draft so provides that authority.

For your information, the impacts that authorization carries with it are set out in Section 2 CFR 200.415(a) of the Code of Federal Regulation which reads as follows:

"By signing this report, I certify to the best of my knowledge and belief that the report is true, complete, and accurate, and the expenditures, disbursements and cash receipts are for the purposes and objectives set forth in the terms and conditions of the Federal award. I am aware that any false, fictitious, or fraudulent information, or the omission of any material fact, may subject me to criminal, civil or administrative penalties for fraud, false statements, false claims or otherwise. (U.S. Code Title 18, Section 1001 and Title 31, Sections 3729-3730 and 3801-3812)."

3. CONTRACTS: It is my understanding that there are three contracts being presented to you for consideration.

A. ITRON Meter Reading Software Contract: I have had the opportunity to review the contract. As usual in such contracts, its fiscal responsibility for any loss or damage resulting from problems with their system is very much limited. However, since it is a company headquartered in Washington, the good news is, if there is a piece of litigation, it is subject to Washington law and would be filed in Washington courts. The bottom line is that these things are not very negotiable, especially in our situation when we are very much already dependent upon their material.

B. Engineering Professional Services Contract: As suggested in a prior Report, the City has issued a request for qualifications and proposals to serve as the City Engineer. Mr. Baun indicated the City received three responses. Representatives of the companies were interviewed by City staff and the recommendation is that Grey and Osborn be confirmed. As of this time, I have not received the written contract Jon will submit to the City. I assume it will be the same as was developed jointly last time. I would recommend approval of the matter subject to my opportunity to actually review the contract and the Mayor's satisfaction with my recommendation.

C. Greater Grays Harbor: This contract has also not yet been provided. The same suggestion as was made in relation to Grey and Osborn's contract. I would suggest that a review be undertaken as to what specific services have been provided to the City under the last term so as to identify the cost/benefit analysis. Of course, this is a policy matter, not a legal matter.

4. APPOINTMENT OF CHIEF OF POLICE: As the Mayor indicated to you at the last meeting, it was and is his intention to appoint Steve Blumer as the Chief of Police. The appointment authority is the Mayor's decision. The reason it is before you this evening is that under Section 2.08.020, that appointment, as well as a number of others, requires your confirmatory vote.

5. SAO EXIT AUDIT CONFERENCE: Assuming that the weather does not intervene, the exit audit is scheduled for Friday, the 9th. Unlike the historical pattern, we have yet to receive any initial draft of the report. Hopefully, there will be no surprises at the meeting.

Assuming the next meeting is cancelled, may you all have a tranquil and enjoyable time until we have our first meeting of 2017 which, we all will hope, will also be tranquil.

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

DG/le

STAFF REPORT

To: Mayor Schiller
From: Todd Baun, Director of Public Works
Date: December 9, 2016
Re: Current Non-Agenda Activity

Wildcat Lift Station

Pease and Sons has completed the Wildcat Lift Station Upgrade. The lift station has been placed on-line is working great at this time.

City Of McCleary Police Chief Report: Chief Steve Blumer
 Reporting Officer: Chief Blumer
 Month Of November

City Mayor: Brent Schiller

City Council Members:
 Position 1: Brenda Orffer
 Position 2: Dustin Richey
 Position 3: Larry Peterson
 Position 4: Ben Blankenship
 Position 5: Pam Ator



Violent & Property Crimes

Murder	0
Rape	0
Aggravated Assault	0
Robbery	0
Harassment / Domestic	7
Theft	2
Trespass	2
Stalking	0
Found Property	0
Warrant Arrest	5
Burglary	2

TOTAL 18

Other Emergent Calls

FIRE	0
Suicide	0
Missing Person	0
Disorderly Conduct	5
Drug Incidents	0
Man Down	1

TOTAL 6

Total Calls For The Month 101

Traffic Stops and Violations

DUI	0
Accident	4
Stolen Vehicle	0
Abandon Vehicle	0
Parking Enforcement	0
Motorist Assist	7
Fatal Accident	0
Subject Stop	19

Other Non Emergent Calls

Noises Complaints	2
Code Enforcement	3
Agency Assist	19
Police Referral	0
Public Work Assist	0
Suspicious	6
Juvenile	5
Welfare Check	5
Other	3
Court Order	4
TOTAL	47

Calls In City Limits 69

Overtime Hours

22.7

McCleary Police Department November 2016

The department is going through its transition phase from Chief Crumb to myself, Chief Blumer. With this transition I have focused my current effort on some specific areas.

- 1) Working with the Criminal Justice Training Commission and making sure that the department, as well as the officers are compliant with State Regulations concerning training requirements.
- 2) Organizing and streamlining our current case files to meet state retention schedule requirements
- 3) Complete inventory and audit of our evidence room to be in compliance with the State
- 4) Establish and/or rebuild relationships with surrounding agencies in Grays Harbor
- 5) Researching current first responder grants and rural community grants that may benefit the city and the police/fire department. I have attended a grant writing training course and plan on implementing what I have learned into practice over the next federal/state/local grant cycle.
- 6) Working with federal agencies specifically the US Marshals on an MOU that would be mutually beneficial to McCleary and the Marshals Office – we have already conducted one joint operation in McCleary looking for felony warrant subjects
- 7) Have been working with the Grays Harbor County Sheriff's Office as well as the Mason County Sheriff's Office on revising our current policy and procedures. Both of these agencies are accredited, which means that these agencies are operating under industry best practices and standards in Washington State.

Building and Planning Staff Report

To: Mayor and City Council

From: Paul Morrison

Date: December 1st, 2016

Re: November, Building and Planning Department activities.

New Permit Activities for November 2016

1571 North 4 th Street	New SFR	Total Fee \$ 10,872.50
11 McCleary Road	New MFH	Total Fee \$ 8,734.50
422 South 2 nd Street	Enclose Carport	Total Fee \$ 182.50
907 West Simpson Ave.	Repairs & Maintenance	Total Fee \$ 182.50
Wildcat Drive	Lift Station	Total Fee \$ 127.00
SFR Power Related		Total Fees \$ 4,904.89
Building Department Related Revenues	Total fees charged for November \$ 25,003.89	Total fees collected for November \$ 26,843.80

Permit Activity Totals

New Homes Permitted for 2016 24	All Permits Issued for 2016 166	Total Fees Charged for 2016 \$ 248,786.55
New Homes Permitted for 2015 2	All Permits Issued for 2015 52	Total Fees Charged for 2015 \$ 52,499.28
New Homes Permitted for 2014 3	All Permits Issued for 2014 89	Total Fees Charged for 2014 \$ 59,695.93
New Homes Permitted for 2013 3	All Permits Issued for 2013 79	Total Fees Charged for 2013 \$ 69,743.57
New Homes Permitted for 2012 6	All Permits Issued for 2012 97	Total Fees Charged for 2012 \$ 123,164.28
New Homes Permitted for 2011 1	All Permits Issued for 2011 37	Total Fees Charged for 2011 \$ 24,803.65

Building and Planning Staff Report

Nuisances for the Month of November (MMC 8.16 & 8.20)

418 South 3rd Street

- Unused, unlicensed vehicle on City ROW

514 South 3rd Street #B

- Storing unused, unlicensed vehicles on property

127 East Hemlock

- Storing unused, unlicensed vehicles on property

203 East Beck Street

- Storing utility trailer on City ROW

115 West Maple Street

- Not retaining collection service. (Lemay's)

111 East Mommsen Road

- Storing boat on City ROW

628 South 2nd Street

- Storing unused, unlicensed vehicles on property

123 East Hemlock

- Storing unused, unlicensed vehicles on City ROW

209 East Hemlock

- Storing unused, unlicensed vehicles on City ROW

Abatements Issued for the Month of November (Correction Notice)

503 South 3rd Street

- Unsafe structure

Notice of Infractions Issued for the Month of November

330 South 2nd Street

- Public Nuisance.

Resolved Municipal Code Violations for the Month of November

328 West Pine Street (Lemay's)

410 North Summit Road (Lemay's)

602 South 3rd Street (Storing boat on City ROW)

203 East Beck Street (Storing utility trailer on City ROW)

123 East Hemlock (Unused, unlicensed vehicle on City ROW)

209 East Hemlock (Unused, unlicensed vehicle on City ROW)

There are several properties that have contacted me and I am currently working with them to comply.
There are several that have yet to contact me or comply.



Working to Build and Strengthen Business and Industry for a Prosperous Community
Your Regional Chamber of Commerce and Economic Development Council

November 14, 2016

Mayor Brent Schiller
City of McCleary
100 South 3rd Street
McCleary, WA 98557

Dear Mayor Schiller:

With 2016 quickly coming to a close, I want to thank you for your continued support of Greater Grays Harbor, Inc.

Recently, you received a letter requesting you to include us in the 2017 City of McCleary budget in the amount of \$1200.00.

Enclosed are two copies of the 2017 service contract between City of McCleary and Greater Grays Harbor, Inc. I would appreciate it if you could review the enclosed contracts and sign if acceptable, keeping a copy for your records and returning a copy to our office.

Once again, thank you for your support of GGHI. These are exciting times for Grays Harbor and your participation in our efforts is greatly appreciated. I look forward to working with you and your staff. Any time we can be of service, please call.

Sincerely,

Dru Garson CEO
Greater Grays Harbor, Inc.

Enclosures

MUNICIPAL SERVICES AGREEMENT

THIS AGREEMENT made and entered into this day by and between the City of McCleary, Municipal Corporation, hereinafter referred to as the "MUNICIPALITY" and Greater Grays Harbor, Inc., hereinafter referred to as the "AGENCY":

WITNESSETH: It is hereby covenanted and agreed as follows:

WHEREAS, the MUNICIPALITY desires to have certain services performed as hereinafter set forth requiring specialized skills and other supportive capabilities; and

WHEREAS, the AGENCY represents that it is qualified and possesses sufficient skills and the necessary capabilities, including technical and professional expertise where required, to perform the service set forth in this contract;

NOW, THEREFORE, in consideration of the terms, conditions, covenants, and performance contained herein, the parties hereto agree as follows:

I. SERVICES

The AGENCY shall perform such services and accomplish such tasks, including the furnishing of all materials and equipment necessary for full performance, as are identified as AGENCY responsibilities throughout this Agreement.

The AGENCY shall provide a comprehensive, cooperative, and planned approach to economic development involving government, business, education, labor and others. Specific tasks shall include, without limitation:

- A. Encourage a favorable business climate;
- B. Encourage competitive and appropriate sites for business location and/or expansion;
- C. Encourage training and retraining of unemployed workers through cooperative efforts;
- D. Encourage tourism to Grays Harbor County through advertising, publicity and distribution of information;
- E. Find and encourage investment of capital in new and/or expanded business facilities and equipment;
- F. Identify, attract and assist relocation of new business to Grays Harbor County;
- G. Assist to correct problems which may hinder or prevent business existence, expansion or creation;
- H. Identify new inventions, innovations, markets and/or marketing potentials, and bring to fruition;
- I. Assist the City of McCleary in identifying and carrying out its responsibilities and function in a cooperative and planned approach to economic development.
- J. Assist in the creation, development, and support of small businesses.

II. REPORTING REQUIREMENTS

The AGENCY shall submit periodic reports as required by the MUNICIPALITY which shall include, but not be limited to, a fiscal year revenue and expenditure report, and final annual evaluation report.

III. DURATION OF AGREEMENT

The effective day of this Agreement shall be January 1, 2017, and shall terminate on December 31, 2017. The Agreement may be extended or amended upon mutual agreement between the parties hereto and pursuant to the terms and conditions of this Agreement.

IV. COMPENSATION AND METHOD OF PAYMENT

The MUNICIPALITY shall reimburse the AGENCY for the services performed under this Agreement, an amount of \$1200.00, payable within thirty (30) days of contract execution.

V. ESTABLISHMENT AND MAINTENANCE OF RECORDS

The AGENCY agrees to maintain books, records, documents, and accounting procedures and practices, which accurately reflect all direct and indirect costs related to the performance of this Agreement. The AGENCY shall retain all books, records, documents, and other material relevant to this Agreement for three (3) years after its expiration. The AGENCY agrees that the MUNICIPALITY or its designee shall have full access and right to examine any of said materials at all reasonable times during said period.

VI. COMPLIANCE WITH LAWS

The AGENCY, in performance of this Agreement, agrees to comply with all applicable federal, state, and local laws or ordinances, including standards for licensing, certification, and operation of facilities, programs, accreditation and licensing of individuals, and any other standards or criteria as described in this Agreement to assure quality of services.

VII. NON-DISCRIMINATION IN EMPLOYMENT

During the performance of this Agreement, AGENCY agrees to comply with federal and state laws prohibiting discrimination in employment and delivery of services, including the Americans with Disabilities Act of 1990, as amended.

VIII. INDEMNIFICATION/HOLD HARMLESS

All services to be rendered or performed under this Agreement will be performed or rendered entirely at the AGENCY's own risk and the AGENCY expressly agrees to indemnify, defend, and hold harmless the MUNICIPALITY and all of its officers, agents, employees, or otherwise, from any and all liability, loss, or damage that they may suffer as a result of claims, demands, actions, or damages to any and all persons or property, costs, or judgments against the MUNICIPALITY which result from, arise out of, or are in any way connected with the services to be performed by the AGENCY under this Agreement.

IX. TERMINATION

If the AGENCY fails to comply with the terms and conditions of the Agreement, the MUNICIPALITY may pursue such remedies as is legally available including, but not limited to, the suspension or termination of this Agreement. Either party may terminate this Agreement upon giving 60 days notice in writing of intent to terminate.

X. ENTIRE AGREEMENT

The parties agree that this Agreement is the complete expression of the terms hereto and any oral representations or understandings not incorporated herein are excluded. Further, any modification of this Agreement shall be in writing and signed by both parties.

IN WITNESS WHEREOF the parties hereto have caused this Agreement to be executed this 14 day of November, 2016.

Greater Grays Harbor, Inc
"Agency"

City of McCleary
"Municipality"



Signature

CEO

Title

Signature

Title

Signature

Title

Signature

Title

STAFF REPORT

To: Mayor Schiller
From: Todd Baun, Director of Public Works
Date: December 9, 2016
Re: Definition Addition to Zoning Code

A request by Councilmember Blankenship has been received by staff. This request is to modify the existing zoning ordinance, by adding add the definition of “**Residential treatment facility**” to the zoning ordinance and update the “**Hospital**” definition. We have also included MMC Section 17.40.130, regarding amendments to the zoning ordinance for your reference.

Language in MMC 17.40.130 directs the Planning Commission to set a public hearing and submit a written recommendation to the Council. Ordinance 790, specifically Section I.F, states that “*In the event that an application involves review and possible amendments to the comprehensive plan and the zoning code of the City, it shall be the responsibility of the planning commission or planning agency (Hearing Examiner), to whichever the matter has been referred by the Mayor and Council, to hold such public hearings as may be required and make recommendations to the Council...*”.

At this time, this topic is not for consideration, but for referral.

Staff Recommendation:

As the planning commission is not active, and the Hearing Examiner is on call, it will likely be much more efficient to utilize the services of the Hearing Examiner.

Action Requested:

Please consider directing staff to coordinate with the Hearing Examiner to set the public hearing date for January 5th at 1:30 PM, facilitate the public hearing, and prepare a written recommendation to Council.

17.40.130 Amendments.

A. The city council may amend the text of the zoning ordinance, including the city of McCleary zoning map, whenever public necessity, convenience, or general welfare require such action and the proposed amendment is consistent with the city of McCleary comprehensive land use plan in accordance with RCW 35A.63.105.

B. Amendments to the text of the zoning ordinance may be initiated by:

1. One or more owners of property within the corporate boundaries of the city of McCleary;
2. A motion of the city council requesting the planning commission to set the matter for hearing; or,
3. A motion of the planning commission.

C. At the first meeting at which action may be taken occurring after the receipt of the request for amendment by the office of the clerk-treasurer, the commission shall set a date for a public hearing on the request. The hearing shall be set to occur no sooner than twenty days following the date of that meeting: provided that if any applicable law, ordinance, rule, or regulation requires the utilization of different time parameters for the particular hearing, those parameters shall be utilized; provided still further that, the hearing date may continued from the date set if the commission determines that good cause supports such action.

Upon completion of its hearing, the planning commission shall submit a written recommendation to the city council as to the matters heard by its at its public hearing by filing it with the clerk-treasurer. This recommendation shall be tendered to the city council within sixty days after the close of the record provided that if any applicable law, ordinance, rule, or regulation requires the utilization of different time parameters for the particular submission, those parameters shall be utilized; provided still further that, the timing for submission may occur outside the time frames set forth above or continued from the date otherwise required if the commission determines that good cause supports such action.

Upon receipt of the commission's recommendation, the clerk-treasurer shall place the recommendation upon the agenda for the next regular meeting of the city council for commencement of consideration as set forth in subsection D of this section.

D. Upon receipt of the commission's recommendation on the matter heard by the commission, the city council shall at the next regular meeting of the council either set a time and place of public hearing thereon and order public notice as herein provided, or, if determines that no additional public hearing is necessary, set the matter on for consideration at its next regular council session. It at the time set for consideration without public hearing, the majority of the council determines it appropriate to schedule a public hearing, such hearing may be scheduled and held as provided for herein. So long as the council determines it has adequate information from the applicant and/or planning commission to make a decision, the council shall take final action within sixty days after the later of (1) any public hearing held by it or (2) the date of the consideration without public hearing. The council may its issue decision by passing an amendatory ordinance, by declining to amend, or by referring the matter back to the planning commission for further consideration. To the extent required by law, the council shall issue written

findings of fact and conclusions of law in relation to the decision it makes. Written notice of the action take by the city council shall be transmitted by the clerk-treasurer to the planning commission and/or to the applicant, if the matter was initiated by the filing of an application: provided that, for purposes of an appeal, the date of issuance of the council's decision shall be determined as provided in RCW 36.70C.040(4), as now existing or hereafter amended or succeeded.

E. The city council's decision shall be final unless an appeal is timely filed and perfected within ten days of the issuance of the notice of the decision provided for under subsection D or, if applicable, within the time period set forth under the provisions of RCW 36.70C, as now existing or hereafter amended or succeeded.
(Ord. 709 § 1 (part), 2004)



Date _____

ACCOUNTS PAYABLE

City Of McCleary
MCAG #: 0344

Time: 14:42:08 Date: 12/01/2016
Page: 1

As Of: 12/01/2016

Accts Pay #	Received	Date Due	Vendor	Amount	Memo
12099	12/01/2016	12/01/2016 4838	City of Lakewood	9,171.50	For Project Code 40840
521 20 64 00	Law Enforcement - Police V		001 000 521 Current Expens	9,171.50	

Report Total: 9,171.50

Fund

001 Current Expense 9,171.50

RESOLUTION NO. _____

A RESOLUTION RELATING TO PUBLIC UTILITIES,
SETTING FEES TO BE CHARGED IN THE EVENT OF
THE REJECTION OF A PAYMENT RECEIVED BY THE
CITY, SETTING FORTH CONDITIONS IN RELATION
TO THE TERMINATION OF SERVICES THEREOF, AND
REPEALING RESOLUTION 223.

R E C I T A L S:

1. The City maintains a public utility system providing electrical, sewer and water service to its citizens.

2. It is in the public interest to maintain that system in a fiscally responsible manner.

3. The Mayor and Council have been informed by the Clerk-Treasurer that, since the adoption of Resolution 223, additional means of customers tendering payments for an obligation for utility services provided by the City have been implemented and their acceptance by the City authorized. Thus the current method of payments includes not only cash and checks, but also electronic transfers at Xpress Bill Pay, online banking bill pay, online check pay, etc., and charges.

4. The Mayor and Council have been further informed that unfortunately there are occurrence in which payments are tendered and, whether for lack of funds, inaccurate information provided to the electronic system, or otherwise, the payments are found to be not valid.

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

SECTION I: On and after the date of adoption of this Resolution, the Clerk-Treasurer and her staff shall, in the event of the return of a payment tendered to the City, whether in the form of a check, draft, or other negotiable instrument, utilization of an electronic transfer, or any other means when that action has been tendered for payment of utility service and is not accepted by transfer of funds to the City, be authorized to implement the following procedures:

A. Take steps to notify the issuing party of the dishonor and/or place a door tag on the residence notifying the issuing party or owner of the fact of non-payment. The unpaid amount, plus the fee, will be due on the regular due date for that billing cycle.

B. If the account was in the arrears and the payment for the back bill was declined for any reason, the customer,

1. If a resident at the property, will be notified by a door tag placed on the entrance door of the residence or building notifying them of the fact and reason, if known, for non-payment and inform them they have until 10:00 a.m. the following business day to pay the unpaid amount, along with the fee, by a method reasonably acceptable to the City or the utilities will be shut off.

2. If not a resident at the service location, notice will be given by other means, including personal delivery, email or otherwise, and notice shall also be given as required by RCW 35.21.217[5][a].

SECTION II: In the event a patron of the utility system tenders a payment in any form other than cash in the satisfaction of an obligation to the City, payment shall not be deemed to be completed until that transfer of funds has been paid.

SECTION III: As to any account upon which a payment has been made by a negotiable instrument, whether that instrument be a check, or share draft, by authorization for electronic transfer or otherwise, in the event any such payment is returned to the

City as not paid as a result of insufficient funds or any other reason, including the provision of inaccurate or inadequate information,, there shall be assessed and collected a charge which shall be the greater of Thirty-two Dollars (\$32.00) or the amount actually imposed by the financial institution or entity to which the returned payment was tendered. This imposition shall be in addition to the original obligation and any penalty or interest which may accrue as a result of a delinquency or late payment.

SECTION IV: The provisions of this Resolution shall be in effect immediately upon adoption.

SECTION V. Resolution 223 shall be repealed as of the date of adoption of this resolution: PROVIDED THAT, such repeal shall not affect the validity of any charges assessed for dishonored payments which occurred prior to this adoption

PASSED THIS _____ day of DECEMBER, 2016, by the City Council of the City of McCleary, and signed in approval therewith this _____ day of December, 2016.

CITY OF McCLEARY:

BRENT SCHILLER, Mayor

ATTEST:

WENDY COLLINS, Clerk-Treasurer

APPROVED AS TO FORM:

DANIEL O. GLENN, City Attorney

RESOLUTION - 5
12-8-16
DG/le

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

RESOLUTION NO. _____

IN THE MATTER OF DELEGATING TO THE MAYOR AND
DIRECTOR OF PUBLIC WORKS AUTHORITY TO
LEGALLY BIND THE CITY OF McCLEARY FOR THE
SOLE PURPOSE OF REQUESTING FEDERAL
REIMBURSEMENT OF CERTAIN EXPENDITURES.

R E C I T A L S

1. The Mayor, Brent Schiller, has been elected by the
citizens of the City and the Director of Public Works, Todd Baun,
have been duly confirmed by action of the McCleary City Council
in accordance with RCW 35A.12.190 which includes, as to the
Mayor, management authority for the entire City, and, as to the
Director, the same authority as to Public Works.

2. The Federal Highway Administration, through the State,
authorizes federal transportation funding to the City for
transportation projects.

3. The Code of Federal Regulations, 2 CFR 200.415(a) has
been revised to ensure that final fiscal reports or vouchers
requesting payment under Federal agreements must include a
certification, signed by an official who is authorized to legally
bind the non-Federal Agency.

4. The Mayor of the City executes all Federal grant funding agreements and supplemental agreements.

5. In order to seek timely reimbursement for proper expenditures related to the Federally funded grant projects, the City Council of the City of McCleary delegates to the person elected as Mayor, as well as the person appointed as the Director of Public Work, the authority to legally bind the City of McCleary solely for the purpose of requesting Federal Grant reimbursement.

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

SECTION I: For the purposes of requesting reimbursement for Federally funded transportation projects, either the Mayor or Director of Public Works shall be delegated authority pursuant to CFR 200.415(a) to legally bind the City in furtherance of the intent of this resolution.

SECTION II: The persons duly elected as Mayor or appointed as the Director of Public Works shall be authorized to sign all grant reimbursement vouchers for grant funded transportation projects on behalf of McCleary.

PASSED THIS _____ DAY OF _____, 2016,
by the City Council of the City of McCleary, and signed in

authentication thereof this _____ day of _____,
2016.

CITY OF McCLEARY:

BRENT SCHILLER, Mayor

ATTEST:

WENDY COLLINS, Clerk-Treasurer

APPROVED AS TO FORM:

DANIEL O. GLENN, City Attorney