



# McCleary City Council

## PROPOSED AGENDA

**March 14, 2012**

### **7:00 Council Meeting**

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

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

Old Business:            Stormwater Rates and Regulations (Tab E)  
                                 STEP Systems (Tab F)

New Business:           Transformer Bids (Tab G)  
                                 Snow Policies (Tab H)  
                                 Wildcat Creek Aquifer Joint Management Program (Tab I)  
                                 Fire District 5 Ambulance Contract

Ordinances:              Stormwater Rev Ordinance 695 (Tab J)  
                                 Snow Policy (Tab K)

Resolutions:             Storm Rates (Tab L)  
                                 Ordinance 777 Fees (Tab M)

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

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**CITY OF MCCLEARY**  
**Regular City Council Meeting**  
**Wednesday, February 22, 2012**

FLAG SALUTE	Mayor Dent Called the Regular Meeting to order at 7:00 PM with the Flag Salute.
ROLL CALL	Councilmembers Catterlin, Reed, Schiller and Ator.
ABSENT	Councilmember Lant was absent. <b>It was moved by Councilmember Ator, seconded by Councilmember Schiller to excuse Councilmember Lant's absence. Motion Carried.</b>
STAFF PRESENT	Present at the meeting were Dan Glenn, Wendy Collins, Nick Bird, George Crumb, John Graham, and Jennie Reed.
MINUTES APPROVED	<b>It was moved by Councilmember Catterlin, seconded by Councilmember Ator to approve the minutes. Motion Carried.</b>
PUBLIC COMMENT	None.
MAYOR'S REPORT	The Mayor has received a confidential report from the State Auditor's Office regarding the fraud audit. The City has not yet received the final report.
CITY ATTORNEY REPORT	EMS negotiations are continuing but nothing has been agreed on.  A resolution has been added to the agenda for purchase of police cars. Ford Credit has provided an application for financing and staff will also be checking with Sterling Bank on their options for financing. The quote received included a five-year bumper-to-bumper warranty per Councilmember Schiller's request. Councilman Schiller wanted clarification on why we chose an SUV over a sedan. Chief Crumb responded by stating off-rode driving is too hard on the sedans and the SUV's run better in heavy snow conditions. The SUV's have more mobility in versatile terrain compared to a sedan. Chief Crumb wants to make sure the Police Department stays mobile during emergency weather conditions and the SUV's are better suited to meet that requirement.  Dan Glenn asked for clarification on the pricing that was stated in the quote. He asked if the quote included the cost of the vehicle, equipment to make it police ready and the additional warranty. He was assured it was all included in the quote.  Councilmember Catterlin asked Councilmember Schiller what his opinion was regarding purchasing the vehicles since he's been on the Finance Committee for two years and he responded by stating his concern was that we might be paying more for the vehicles with a lease compared to an outright purchase but he understands the budget can't handle the up-front cost of an outright purchase.
DIRECTOR OF PUBLIC WORKS REPORT	Nick Bird attended an emergency preparedness meeting and was informed that the fastest way to contact someone during an emergency is by texting because it goes through 90% of the time since it doesn't take as much bandwidth as a cell phone call.  Adnets will be starting our system analysis on Friday, which includes inventory, basic assessment, and maintenance will start shortly after.
NARROW BAND RADIOS	The FCC has mandated that all radios for police, fire, and public works be converted to narrow band by January 1, 2013. In addition, the City needs one more handheld radio. Staff appropriated \$10,000 in the budget for this work. The bid is from the State contract. <b>It was moved by Councilmember Ator, seconded by Councilmember Reed to authorize the execution of the Day Wireless proposal, not to exceed \$10,000. Motion Carried.</b>

RESOLUTION NO. 639 POLICE  
VEHICLE PURCHASE

Councilmember Lant asked to be called during the discussion of police vehicle purchase so he could be included on the vote. After Councilmember Lant was contacted and put on speaker phone, the Council reviewed a bid for two 2013 Ford Police Interceptor Utility Vehicles including equipment and an extended 5-year warranty. Financing is available through Ford Credit and would be for a four-year lease/purchase agreement. The Council discussed the vehicles, warranty and credit/payment options. **It was moved by Councilmember Schiller, seconded by Councilmember Lant to adopt Resolution No. 639 confirming authorization of purchase of police vehicles and granting authority to the Mayor as to the financing thereof, not to exceed \$96,590.32. Roll call taken in the affirmative. Resolution Adopted.**

Councilmember Lant excused himself from the remainder of the meeting.

WATER SYSTEM

The Department of Health requires water system purveyors for Group A water systems to complete a Water System Plan. The most recent plan for McCleary was in 2008 so we have until September 2014 to complete it. Since we do not have the electronic components related to the water system, we would recommend that we start the modeling process now to ensure we have the appropriate components in place in the event development occurs. **It was moved by Councilmember Catterlin, seconded by Councilmember Ator to authorize the execution of Amendment #20 with Gray & Osborne, Inc. not to exceed \$6,320.00. Motion Carried.**

STORMWATER REVISED  
ORDINANCE 695

Tabled.

STORMWATER BILLING

Tabled.

APPROVAL OF VOUCHERS

Vouchers/Checks approved were 34358 - 34417, including EFT's in the amount of \$174,243.19.

PUBLIC COMMENT

Joy Iverson asked whether her stormwater rate would go up if she paved her gravel driveway. Nick Bird replied stating it would already be included in her current rate because gravel is considered impervious and paving is considered the same.

EXECUTIVE SESSION

None.

MEETING ADJOURNED

**It was moved by Councilmember Catterlin, seconded by Councilmember Ator to adjourn the meeting at 7:37 PM. The next meeting will be on March 14, 2012 at 7:00 PM. Motion Carried.**

Mayor Gary Dent:

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Clerk-Treasurer Wendy Collins:

\_\_\_\_\_

## MEMORANDUM

TO: MAYOR AND CITY COUNCIL, City of McCleary  
FROM: DANIEL O. GLENN, City Attorney  
DATE: March 8, 2012  
RE: LEGAL ACTIVITIES as of MARCH 14, 2012

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. FD #5 AGREEMENT: The Mayor has provided you with the summary of the offer made at the Saturday meeting. (The meeting was attended by Mayor Dent, Commissioner Bailey, Mayor Osgood, Council Member Blackett, Chief Prater, and myself. Commissioner Banks was not present having indicated that he was not available.) Theoretically, it boils down to the following basic elements:

A. Each of the three participating entities increasing the amount they are currently paying by 30%, retroactive to January 1. (The retroactivity is pursuant to the terms of the extension agreement under which we have been operating since January 1.)

B. A three year term.

C. An annual adjustment for the second and third year of no more than 5% and no less than 2%.

D. The ability of FD #12 to withdraw if it can not obtain the passage of a levy.

E. All other terms of the existing contract left alone.

On last Monday evening, Chief Prater attended the Elma Council meeting. He indicated his Board had authorized acceptance of the offer but did wish to have a clause indicating the chiefs of the respective departments would meet with the goal

of developing greater cooperation, especially in terms of first responder situations.

The Elma Council basically indicated it had no objections to its chief being involved in such discussions, but the outcome, positive or negative, was not to affect the duties under the contract. They authorized the drafting of a contract with the anticipation of final approval at their next meeting.

Since Monday's meeting, I have spoken to Commissioner Banks. He indicated his Commission would be meeting on Thursday, March 9<sup>th</sup>. There was a relatively clear indication that it was entirely possible the District would not accept the offer. It was unclear whether such a decision would be based upon concern about the ability to pass the necessary levy or the view that the share the District agreed upon back in 2008 was not properly reflective of their demand element. By the time of this meeting, we should know their position. I would anticipate the two Districts may then enter into separate negotiations.

Assuming you feel it appropriate, I would recommend the Council authorize the Mayor to enter into a contract implementing the indicated steps with it being clear that the 30% increase is based upon the amount the City currently pays. Further, that it be conditioned upon both FD #5 and Elma agreeing to this approach. (Hopefully, FD #12 will continue to be involved, but at this stage, I am having to operate based only upon the content of the referenced brief discussion.)

2. ROAD USE PERMIT FEE RESOLUTION: Following the discussions at the last session, Ms. Collins, Mr. Bird, and I have worked through and provided a modified resolution. Basically, the changes go along the following lines:

A. The annual fee for the permit would be \$60.00 initially. It would be subject to a 2.5% annual adjustment with a rounding to the nearest half dollar.

B. The initial application fee would be subject to a pro ration so that someone who was issued a permit at the end of August would pay 1/3 of the \$60.00.

C. I have inserted a provision that, if a permit holder does not renew in a timely manner, there is a late issuance fee.

D. The time for hearing on an appeal of a sanction issued by the Director would be within 60 days of the date of the filing of the appeal with Ms. Collins' office.

It is recognized the pro ration approach is always subject to discussion since the cost of reviewing and preparing the permit is the same, whether it be for one month or ten months. However, unless one wishes to have two different fees, one for making the application and one for the actual permit, such a pro ration step is a "fair" approach. The same as to the fee for late renewal.

In any event, we await your guidance.

3. M & M PROPERTIES: This relates to an application for a site plan review the company filed and the City processed some years ago. The property is question abuts the Freeway. However, after obtaining that approval, the Company took no action to obtain permits, whether for site improvements or construction. Mr. Bird will set out more historical information in his report.

The issue which was presented to me related to the request by the Company to be allowed to move forward with the same site plan approval as was issued several years ago. Based upon the information I have been provided, my advice was the City could not allow such an approach. Why since the development will purportedly be the same as was considered in 2007 or so? It would be violative of the applicable provisions of the Municipal Code.

As is true with everything from a drivers license to a long plat approval, the approval of a site plan has a term. In our case, under the provisions of our Municipal Code, that term is one year from approval. 15.08.130, the relevant section of the code, provides as follow:

The final approval of a site plan shall expire within one year of the date of approval by the city council if substantial progress has not been made toward implementing the plan: provided that upon request made to the city council prior to the expiration of the one-year period, the final approval may be continued for additional one-year periods if the council deems it appropriate to do so.

As you will note, there are two ways to keep a binding site plan "alive." One is by making substantial progress on the project. This is akin to the requirement of a building permit that, if the holder does not keep the project moving along, the building permit expires and a new one must be obtained. The other alternative which was available to the Company was to simply come to the Council prior to the end of the one year periods and ask for an extension. That was not done. Thus, it

expired. The positive side is much of the material they provided in the course of the initial review will be subject to resubmission if, as they indicate, the project has not changed.

In law school, we are taught the maxim that "hard facts make bad law." That is tied to a judge trying to avoid the plain language of a statute or precedent because of the negative effects upon a party of a situation. Here, for the City to ignore the clear language of the ordinance as a result of what was either a conscious or unconscious decision to not seek the extension within the designated time period would set a bad precedent for future matters. At least you did not have to face the situation in which the application was filed one year and five days after the final approval. Too often courts face that type of issue as to failing to timely file and appeal and are faced with the necessity of rejecting an appeal.

Enough said.

4. BEAR FESTIVAL: Before we know, it will be Festival time again. As you will remember, last year's situation was not too much fun and lacked clarity as to roles, rights, etc., up to a point too close to the start of the Festival. Not being certain where we are in terms of the arrangements between the Festival non-profit and the City as to use of City property and the like and desiring to avoid a repeat of last year's situation, it seemed appropriate to bring this matter to the attention of the Mayor and Council at this time. I would recommend Mr. Bird be authorized to make contact with the Festival's management and commence such discussions as might be necessary.

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 Dent  
From: Nick Bird, Director of Public Works  
Date: March 8, 2012  
Re: Current Non-Agenda Activity

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### **Winter Storm**

We will be meeting with the State Emergency Management Division (EMD) Friday morning. I will be able to provide additional details at the meeting on the 14<sup>th</sup>.

### **Well 2 & 3 Project**

Site Plan Review and Environmental Review are in process. The railroad permit is also under review. Plans and specifications have been submitted to DOH for concurrence. The energy audit, required by the legislature, will likely be complete next week and submitted to the Public Works Board for review and approval.

### **Bushing Replacement**

No additional information at this stage. Item remains as a place holder.

### **Highline Project**

No additional information at this stage. Item remains as a place holder.

### **Cedar Heights**

We have met with the engineering firm completing the redesign of the ADA ramp for the bank that currently owns Cedar Heights. Three alternatives were presented. Based on the existing layout for pedestrian traffic within the subdivision, only one feasible alternative was really considered an option. They are currently completing the design and will be submitting an excavation permit in the near future to complete this process.

### **City Engineer RFP**

A request for proposals (RFP) was issued in the Vidette on March 1. We are only distributing the RFP electronically (in PDF format) in an effort to determine how many firms have requested the RFP. To date, we have had 8 companies request the RFP. Proposals are due on March 22, will be reviewed the following week (possible interviews this week as well) and a recommendation made to the Council.



### **Reservoir Inspection**

The 150,000 gallon reservoir was drained and inspected on March 1. During the inspection, it was impossible to note any deficiencies with the new coating as the coating was covered with manganese that had precipitated out (leaving the walls almost black). We decided to conduct a re-inspection on March 8, spending all day March 6 and 7 pressure washing the inside of the tank. During the re-inspection, a variety of deficiencies were noted that will require surface preparation, zinc priming, and two top coats to repair. This warranty repair, which is scheduled to begin next week, will likely result in the 150,000 gallon reservoir being out of service through the end of March.

### **Summit II**

We have been contacted by the attorney representing the original developer requesting that we release the performance bond, which required certain items to be completed before final plat was fully realized. Apparently the original developer has continued to maintain the bond even though much of this work has not been completed. Mr. Glenn is working feverishly to address this matter.

### **M&M Properties**

The developer for the property adjacent to SR 8 at the interchange, who had the property rezoned in 2008 and completed the environmental and site plan review process in 2009, has indicated that they are considering moving forward with the McCleary project. The project consists of two apartment buildings with 12 units in each building consisting of a mixture of 1/2/3 bedroom units.

In accordance with MMC 15.08.130, the Site Plan Review approval issued on August 5, 2009 has effectively expired. Mr. Glenn and I kicked this around, originally thinking to bring this to your attention for consideration as extensions may be authorized by Council on an annual basis. Unfortunately, we do not have the ability to "bring this back to life" if you will, as the code is very specific in that extension requests must be made prior to the expiration. As such, we did not want to establish the proverbial slippery slope by intentionally authorizing a violation the municipal code.

## STAFF REPORT

To: Mayor Dent  
From: George M. Crumb, Chief of Police  
Date: March 9, 2012  
RE: Report for March 14, 2012 Council Meeting

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### SUMMARY OF POLICE INCIDENTS / ACTIVITIES:

The below listed information are calls or contacts received by McCleary Police Officers either generated by Grays Harbor County dispatch 911 service, citizen reports, call in's, or other officer generated incidents:

98 Criminal and Notice of Infractions issued with : 40 Speed Infractions=\$4960 est.0, 20 No Insurance Infractions=\$11,000, 3 DWLS Court Date, 8 Fail to Stop, 4 Expired Registration, , 2 Theft 3<sup>rd</sup>=Court Date, DUI-court date, Obstructing-court date, 2Wheels off roadway, Total Bail Amounts: \$23,082.00 and 6 mandatory court dates.

\*0562 incident histories reported.

... Speeding.	... Domestic Violence
... Speeding in School Zone	... Burglary
... Fire Response's	... Disorderly Conduct
... Traffic Stop's	... Assault/Firearm used /Threats
... Agency Assist's	... Drug Incidents
... Animal Complaints	... Curfew Violations
... Traffic Hazard Reports	... Welfare Checks
... Report of Harassment	... Suspicious Person/Vehicle
... Police Information or Referrals	... 9-1-1 Open Line/Hang up
... Traffic Offense/Reckless	... Found Property Reports
... Motorist Assist/Citizen Assist	... Theft Reports
... Attempt to Locate	... Juvenile Problems
... Malicious Mischief	... Warrant Arrests
... 9-1-1 Open Line	... Civil matters
... Custody dispute/Civil	... D.U.I.
... Audible Alarm	... Subject Stop
... Hit & Run	

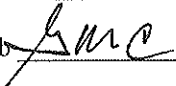
### Discussion: Open

Both 1999 surplused police vehicles have been parked at the treatment plant for further disposition.

Current vehicle status: 2008 Ford Crown Vic Police Interceptor in service.  
2006 Ford Crown Vic. Police Interceptor in service  
2005 Chevy Impala Police Vehicle in service  
1998 Ford Crown Vic Sedan Out of Service. transmission repair.

Council Members Present: ALL.... Mr. Ator, Mr. Reed, Mr. Caterlin, Mr. Lant,  
Mr.Shiller.

Mayor Dent: Present / Not Present \_\_\_\_\_

Officer Reporting: Chief Crumb  \_\_\_\_\_

## STAFF REPORT

To: Mayor Dent  
CC: Ron Pittman, Chief  
From: Paul Nott, Assistant Chief  
Date: February 3, 2012  
Re: January Fire Department Report



	Monthly Statistics;	YTD Totals;
<b>Actual Structure Fires:</b>	<b>1</b>	<b>1</b>
<b>Fire Calls:</b>	<b>3</b>	<b>3</b>
<b>Rescue/EMS assists:</b>	<b>0</b>	<b>2</b>
<b>Motor Vehicle Collisions:</b>	<b>2</b>	<b>4</b>
<b>Hazardous Material Response:</b>	<b>0</b>	<b>0</b>
<b>Service Calls:</b>	<b>0</b>	<b>1</b>
<b>False Alarms:</b>	<b>0</b>	<b>3</b>


This last month consisted of one mutual aid structure fire with F.D 5, two secondary fire mutual aid calls with FD5, and two motor vehicle collisions.

The fire department was dispatched to a mutual aid structure fire on bush Creek Rd. Station 89 provided manpower, water and pump support. Due to the construction of the house there were two additional secondary fires at the same residence the following day. We were dispatched and provided water support to the secondary fires as well.

We also had two motor vehicle collisions this last month due to weather.

There were no injuries or safety concerns reported by the Safety Officer.

## STAFF REPORT

To: Mayor Dent  
From: Colin Mercer Webmaster   
Date: March 1, 2012  
Re: February Website & Help Desk

### Re-Occurring Website Activities

- Council Agenda/Packet posted online.
- Council Minutes posted online.

### New Website Activity

Posted new Photo of Councilman Catterlin on the council page.

### Additional Tasks

Conduct daily building department activities in the absence of the Building Official.

Small Works and Professional Services Roster updates.

Work with Adnets to document the City's computer system, hardware, workstations etc.

Start SEPA and Site Plan Review for the Well Field Improvement project.

### Help Desk Activity

Month	Number of Incidents Reported	Staff Reported / Closed / Open	Citizen Reported / Closed / Open
December	5	2 / 4 / 0	3 / 6 / 1
January	17	5 / 4 / 1	11 / 4 / 8
February	15	9 / 7 / 3	6 / 5 / 9

### Conservation Program

Month	Applications Received	Conservation Permits Issued	Rebates Paid This Month	Total Rebates Paid To Date
December	1	1	\$85.00	\$10856.08
January	3	3	\$50.00	\$50.00
February	1	1	\$1620.00	\$1670.00

### Website Comments:

None this month.

**Website Traffic      February 1, 2012 through February 29, 2012**

Section	Page Views	Percent of Total
<a href="#">Default Home Page</a>	1947	39.7%
<a href="#">Agendas and Minutes</a>	295	6.02%
<a href="#">Events Calendar</a>	278	5.67%
<a href="#">City Departments</a>	202	4.12%
<a href="#">City Jobs</a>	172	3.51%
<a href="#">Code, Ordinances &amp; Standards</a>	170	3.47%
<a href="#">Police</a>	141	2.88%
<a href="#">Public Facilities</a>	131	2.67%
<a href="#">Mayor and Council</a>	116	2.37%
<a href="#">Utilities</a>	98	2%
<a href="#">Search Results</a>	91	1.86%
<a href="#">Bear Festival</a>	87	1.77%
<a href="#">Conservation Program</a>	85	1.73%
<a href="#">Fire</a>	82	1.67%
<a href="#">City Photos</a>	82	1.67%
<a href="#">Administration</a>	80	1.63%
<a href="#">Light &amp; Power</a>	74	1.51%
<a href="#">Planning Department</a>	68	1.39%
<a href="#">Water / Wastewater</a>	60	1.22%
<a href="#">Development Services / Building</a>	55	1.12%
<a href="#">FAQ's Page</a>	52	1.06%
<a href="#">Municipal Court</a>	52	1.06%
<a href="#">Helpful Links</a>	50	1.02%
<a href="#">Chamber of Commerce</a>	43	0.88%
<a href="#">Previous Years Council Minutes</a>	41	0.84%
<a href="#">2008-12 Budget</a>	39	0.8%
<a href="#">Home Page</a>	36	0.73%
<a href="#">Flood Photos 2009</a>	35	0.71%
<a href="#">Bear Festival Photos</a>	35	0.71%
<a href="#">Previous Years Council Agendas</a>	34	0.69%
<a href="#">Park Project Photos</a>	30	0.61%
<a href="#">65th Anniversary Photos</a>	29	0.59%
<a href="#">Interlocal Agreements</a>	27	0.55%
<a href="#">Tell Us What You Think!</a>	25	0.51%
<a href="#">Christmas Photos 2007</a>	24	0.49%
<a href="#">City Staff</a>	17	0.35%
<a href="#">Community Center</a>	13	0.27%
<a href="#">Conservation Data Page</a>	4	0.08%
<a href="#">Surveys &amp; Questionnaires</a>	3	0.06%
<a href="#">Stormwater Plan Questionnaire</a>	1	0.02%
TOTAL	4904	100%

## STAFF REPORT

To: Mayor Dent  
From: Paul Nott, Light & Power  
Date: March 7, 2012  
Re: February Report

### Monthly Statistics;

### YTD Totals;

<b>New Services;</b>	<b>0</b>	<b>0</b>
<b>System Outages;</b>	<b>1</b>	<b>10</b>
<b>Pole Replacements;</b>	<b>1</b>	<b>1</b>
<b>Maintenance Work Orders;</b>	<b>1</b>	<b>11</b>
<b>Billable Work Orders;</b>	<b>2</b>	<b>2</b>

The month of February consisted of one power outage, some maintenance work, brushing, and vehicle maintenance.

The outage was due to a car vs. pole accident at the intersection of Larson Rd. and Summit Rd. We had the lights out for approximately 6 hours to make our repairs.

We installed and replaced some faulty fault indicators on Bonnieview to help us in sectionalizing and locating faulted cable sections in that area.

The transformer bids have been sent to our transformer vendors.

We replaced the rear brakes on the little bucket truck.

All of the appropriate personnel have updated their Flagger and CPR training this past month.

As always if you have a questions or concerns feel free to contact us...

## STAFF REPORT

To: Mayor Dent  
From: Nick Bird, P.E., Director of Public Works  
Date: March 8, 2012  
Re: Stormwater Rates and Regulations

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Once again, we have the Stormwater Rate Resolution and Stormwater Ordinance revision on the agenda. This report is intended to remind you of the high points of both the Ordinance and Resolution.

### Ordinance

Last meeting the ordinance was tabled as the provision for a private storm system to infiltrate design storm events for a reduction in the utility cost was not complete. Based on a review of the Washington State Department of Ecology's 2005 Western Washington Stormwater Management Manual, which is our reference standard in conjunction with our Development Standards, does not specifically require infiltration. The intent of adding this component to the Ordinance is to provide an incentive for onsite infiltration. Based on that line of thinking, we have recommended discount percentages for the design storms identified in Section IV C to be 100%, 75%, and 25% reductions for the 100-year, 50-year, and 10-year design storms, respectively.

Additional revisions as previously discussed are cleanup items such as removing bi-monthly billing, single family residential parcel revisions, etc, which have been struck out and new provisions underlined.

### Resolution

The primary reason the resolution was presented is based on the service rates. The existing equivalent service unit (ESU) rate is \$4.20 with the base overage rate of \$1.60 per 3,000 SF block applied to Multi-Family and Non-Residential parcels. The proposed rates are \$7.00 and \$3.00, respectively. As we have previously discussed this increase is to compensate for the deferred maintenance activities on the existing system, and is not intended for capital improvements.

### **Staff Recommendation:**

Staff recommends the adoption of both the Ordinance and Resolution.

### **Action Requested:**

Please consider authorizing execution of the draft Ordinance and Resolution.

## STAFF REPORT

To: Mayor Dent  
From: Nick Bird, P.E., Director of Public Works  
Date: March 8, 2012  
Re: STEP Systems

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It is my understanding that the potential developer that prompted the STEP system consideration is not negotiating for the property at this time. The property in question is being negotiated for at this time, and will be discussed later. At this stage in the game, we would like to move forward and address this issue in some fashion or another.

Our suggestion would be to move forward revising the development standards to allow STEP systems on a case by case approach for single lot development, similar to the approach used for grinder pumps, as determined appropriate by the City Engineer.

We may want to make this more ridged and remove grinder pumps and only allow STEP system in areas where gravity collection is not possible. Grinder pumps are currently allowed by the Development Standards as approved by the City Engineer for single family infill lots where gravity systems are not feasible (note that this does not mean economical). As grinder pumps effectively mulch the waste, which impacts the screens and treatment process at the Wastewater Treatment Plant, we would prefer to not allow grinder pumps.

### **Staff Recommendation:**

The staff recommendation is to revise the development standards, replacing the allowance of grinder pumps for infill trouble spots with STEP systems.

### **Action Requested:**

Please consider letting staff know how you envision STEP system usage within the City of McCleary so the appropriate provisions can be made.



## STAFF REPORT

To: Mayor Dent  
From: Nick Bird, P.E., Director of Public Works  
Date: March 8, 2012  
Re: Transformer Bids

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Call for bids for purchasing transformers was issued on March 1. This package includes the original request identified last fall and transformers for Phase 1 of the cutover, as economy of scale typically results in lower bid prices. We estimate that the total purchase cost will be approximately \$100,000. Bids are due at 3:00 PM on March 14.

Results of the bids and staff's recommendation will be provided to Council that evening.

A copy of the Bid Package less the specifications has been attached, which shows the quantity and size of transformers being bid on. The goal is to supply Phase 1 of the cutover and have a minimum of 12 transformers in inventory at the end of the project.

The 2012 budget includes \$50,000 for transformer purchases and \$130,000 for Phase 1 of the cutover. Approximately \$72,000 of the \$130,000 cutover amount budgeted is for purchasing transformers. Therefore the total amount budgeted for purchasing transformers in 2012 is approximately \$122,000.

### **Staff Recommendation:**

Recommendations will be provided at the meeting on March 14.

### **Action Requested:**

Requested action will be noted on March 14.



**City of McCleary**

*Home of the McCleary Bear Festival*

## **Bid Proposal For Electric Distribution Transformers**

The City of McCleary is soliciting bids from suppliers to purchase electrical distribution transformers. Sealed bids shall be received until 3:00 p.m. on March 14, 2012 for the purchase and delivery of the distribution transformers. Transformer specifications are referenced herein and have been included in the Bid Package.

### **BID ITEMS**

No separate payment will be made for supplying the material specified herein. All costs associated with supplying and delivering to the City the components set forth herein shall be merged into the respective unit price amount bid.

#### **Pole Mount Transformers**

Pole mounted transformers shall be constructed and provided in accordance with City of McCleary Light and Power Specification MS8020, adopted April 23, 2008. Transformers identified under this section shall be single phase dual voltage 2400/4160y/7200/12470y, with a low voltage rating of 120/240. All costs for labor, materials, equipment, testing, and delivery to provide the product in accordance with the specifications shall be included in the unit price bid.

#### **Pad Mount Transformers**

Pad mounted transformers shall be constructed and provided in accordance with City of McCleary Light and Power Specification MS8040, adopted April 23, 2008. Additionally, hinges and hinge pins shall be Type 304 stainless steel, rated for outdoor service. Transformers identified under this section shall be single phase dual voltage 2400/4160y/7200/12470y, with a low voltage rating of 120/240. All costs for labor, materials, equipment, testing, and delivery to provide the product in accordance with the specifications shall be included in the unit price bid.

### **DELIVERY**

Transformers shall be shipped by flat bed trailer and shall be shipped in quantities of no less than five transformers per load. Each unit shall be banded, blocked, or bolted to a suitable skid with 2 ½ inches of clearance for shipment. Transformers shall be delivered clean. Supplier shall be responsible for washing if anything other than a simple wipe down is required. Delivery shall be to the address shown at the bottom of this page. All transformers shall be delivered within 12 weeks of bid award unless otherwise noted in the proposal.

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.

100 South 3rd Street, McCleary, WA 98557 • 360.495.3667 (phone) 360.495.3097 (fax) • CityofMcCleary.com

**PROPOSAL  
CITY OF MCCLEARY  
ELECTRIC DISTRIBUTION TRANSFORMERS**

Item No.	Size (KVA)	Type	Quantity	Unit Price (US \$)	Total (US \$)	Lead Time (Weeks)
1.	15	Pole Mount	20 EA	\$ _____	\$ _____	_____
2.	25	Pole Mount	19 EA	\$ _____	\$ _____	_____
3.	50	Pole Mount	1 EA	\$ _____	\$ _____	_____
4.	75	Pole Mount	6 EA	\$ _____	\$ _____	_____
5.	25	Pad Mount	10 EA	\$ _____	\$ _____	_____

Subtotal ..... \$ \_\_\_\_\_

Washington State Sales Tax (8.4%) ..... \$ \_\_\_\_\_

**TOTAL COST** ..... \$ \_\_\_\_\_

By signing the proposal, the undersigned declares, under penalty of perjury under the laws of the United States and the State of Washington, that the following statements are true and correct:

1. That the undersigned person(s) or entity(ies) has(have) not, either directly or indirectly entered into any agreement, participated in any collusion, or otherwise taken any action in restraint of free competitive bidding in connection with the project for which this bid is submitted.
2. That by signing this bid, I am deemed to have signed and have agreed to the provisions of this declaration.

\_\_\_\_\_  
Print Company Name

By: \_\_\_\_\_  
Print Name

\_\_\_\_\_  
Sign Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

\_\_\_\_\_  
Phone Number

\_\_\_\_\_  
Email Address

The City of McCleary reserves the right to award the bid to the bidder whose Proposal is in the best interest of the City of McCleary and also reserves the right to reject any or all Proposals and to waive any minor irregularities and informalities in any Proposal.

## STAFF REPORT

To: Mayor Dent  
From: Nick Bird, P.E., Director of Public Works  
Date: March 8, 2012  
Re: Snow Policy

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Last meeting an ordinance was discussed verbally that was being presented by the City Attorney for Elma and Montesano regarding snow removal. Additionally, citizen complaints provided at the Council meeting on January 25, prompted us to do some investigatory work in the snow policy arena. After reviewing some different policies, Todd and I believe that we can mold the City of Spokane's and City of Kennewick's policies together to create a policy here.

We have not started the policy yet, but are trying to incorporate language into the proposed snow removal ordinance to begin moving forward.

**Staff Recommendation:**

None at this time.

**Action Requested:**

None at this time.

## STAFF REPORT

To: Mayor Dent  
From: Nick Bird, P.E., Director of Public Works  
Date: March 8, 2012  
Re: Wildcat Creek Aquifer Joint Management Program

---

### Background

As a result of concerns about potential detrimental effects of land use development on the Wildcat Creek Aquifer, declared a six month emergency moratorium on development on land above the Aquifer in February 2007. The County extended this moratorium three times. During this moratorium, the County, the City, the Washington State Department of Health, and The Department of Community, Trade, and Economic Development financed studies of the Wildcat Creek Aquifer area's hydrology and regulatory alternatives. Based on the hydrogeologic studies, the County established aquifer recharge areas around the public water systems fed by the aquifer and incorporated these components into the County Critical Area Ordinance. As a result of these and other actions the County lifted the moratorium in October 2008. A year's worth of work went into establishing the Interlocal Agreement that the City and County entered into for coordinating land use development and joint management of the aquifer in October 2009.

### Utility Provisions

The reason this agreement surfaced was a potential developer is considering purchasing the property where STEP systems were considered. The developer's original plans as told to the City was to construct a single family residential house on 9 acres until the housing market is better; then develop a manufactured home park on the 9 acres (which is consistent with the zoning).

Because the intent is to construct one single family residence, the first question asked was can a septic tank be installed. In accordance with MMC 13.12.060, a private wastewater disposal system can be constructed in this instance, as it is more than 300 feet of right-of-way to the nearest sewer line (note adopted in 1980). The developer was thrilled with that answer and asked if a well could be installed. After checking the MMC, Development Standards, and Water System Plan, no regulations were in place that prohibits or authorizes the installation of wells or requires City service.

That is when we came across the Interlocal Agreement with Grays Harbor County (GHC) establishing the Wildcat Creek Aquifer Joint Management Program (JMP), which was adopted in October 2009 by both the City Council and the County Commissioners. This document requires any "property within the City that overlies the Aquifer may also be developed in accordance with existing zoning; provided that such development is served by City water and sewer."

Lee Napier, Director of the Planning and Building Division at GHC and I both read that statement to require water and sewer for any construction activity, as any work to develop a property, whether it be a single house or 50, will be developed in accordance with the existing zoning. While the agreement does not require Council or

Commissioners concurrence in this instance, we thought it prudent to bring this to your attention. **Our recommendation at this time is to continue the path and intent of the Agreement executed in 2009 to limit impacts to our aquifer and require development be served by City services.**

#### JMP Moving Forward

The JMP requires a couple of items that have not been addressed. The first is to update our Critical Area Ordinance (CAO), which was last codified in 2003. As the Agreement was signed in 2009, it is in our best interest to incorporate components of the Agreement into the CAO. The JMP also required the City define an urban service area (also commonly called urban growth area). This is a planning tool that defines land that the City recognizes may, at some stage, be subject to consideration for annexation and/or provisions of City utility services, whether within the City or while in the County. These are items, at this point in time, are only for information.

I will be meeting with Lee Napier in April to begin the work plan process identified in the Agreement that is to be presented annually to the Council and Commissioners for approval. Many of these items will be addressed in that meeting.

#### **Staff Recommendation:**

As the provisions of the Agreement were heavily pushed by the City with the primary focus of minimizing contaminant sources, such as septic systems, for the only practical water supply for several hundred individual domestic wells and six public water systems, including the City's; staff's recommendation is to uphold the language in the agreement and require water and sewer service.

Additionally, as the septic tank provision noted in the Staff Report is over 30 years old and the City entered this Agreement in 2009, it appears that we really should spend some time evaluating our critical area ordinance and the remainder of the Municipal Code for conformance to the Agreement.

#### **Action Requested:**

Please discuss. If you do not agree with the recommendation, please let us know.

## ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE RELATING TO UTILITIES, AMENDING  
CERTAIN SECTIONS OF CHAPTER 13.32 MMC &  
ADDING A NEW SECTION THERETO; PROVIDING  
SEVERABILITY & AN EFFECTIVE DATE

## R E C I T A L S:

1. In 2002, the City established a storm water utility.
2. Since that time, the appropriateness of certain modifications and clarifications has been brought to the Council's attention by City staff.
3. It is found appropriate to clarify the basis and rationale of the system development charge required to be paid by applicants required to connect to the existing stormwater collection system. The Council does so by reaffirming and adopting as if set out in full herein the findings made in the course of the adoption of Ordinance 722 as also being applicable to the stormwater collection system.

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

SECTION 1: Section 13.32.010 and Section 1, Ordinance  
695, are each amended to read as follows:

As used in this chapter, the following words or terms  
shall have the following described meanings:

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"City" means the city of McCleary, Washington, a municipality organized under Title 35A of the Revised Code of Washington, and its officers, officials and employees.

"Closed system" means a portion or type of the stormwater system that contains or includes piping, manholes, catch basins and/or other enclosed facilities as part of the collection or transmission facilities.

"Council" means the City Council of the City of McCleary, Washington.

"Customer" means a person in whose name service is rendered as evidenced by the signature on the application or contract for that service or, in the absence of a signed instrument, by the receipt and payment of bills regularly issued in his/her/its name regardless of the identity of the actual user of the service.

"Director" means the city administrator of the city or, in the absence of a person appointed to that position, the Director of Public Works or his or her designee.

"Equivalent service unit (ESU)" means a configuration of development or impervious surfaces on a parcel, estimated to contribute an amount of runoff to the city's storm and surface water drainage system which is approximately equal to that created by the average single family residential parcel. One ESU is equal to three thousand square feet of impervious surface area or any portion thereof.



"Impervious surface" means that hard surface area which either prevents or retards the entry of water in the soil mantle and/or causes water to run off the surface in greater quantities or at an increased rate of flow from that present under natural conditions. Impervious surfaces shall include, but are not limited, to the following:

1. Rooftops;
2. Any of the following when made from concrete or asphalt paving: walkways, patios, driveways, parking lots or storage areas; and
3. Oiled, macadam or other surfaces which similarly impede the natural infiltration or runoff of surface water.
4. Gravel roads, driveway, parking lot, or storage areas.

At such time as the City completes the measurement, through aerial photography ((and)) or other accepted land surface evaluation processes ((7)) the number of square feet of impervious surface on ((att)) a non-single family residential parcel ((parcels)), such calculations shall control for purposes of establishment of fees.

"Open system" means a portion or type of the stormwater system that does not contain or include piping, manholes, catch basin, and/or other enclosed facilities, are part of the collection or transmission facilities; and consists entirely of roadside or regional ditches, drainage canals or open channels,

other than sections of culverts under driveways, roadways or other facilities that cross the storm drainage systems.

"Parcel" means the smallest separated segregated unit or plot of land having an identified owner, boundaries and surface area which is documented for tax purposes and given a tax account (lot) number by the Grays Harbor county assessor.

"Parcel--Developed" means any parcel which has been altered by grading or filling of the ground surface or by construction of any improvement or other impervious surface area, which affects the hydraulic properties of the parcel.

"Parcel--Single family residential" means: Any parcel of land which is improved with a dwelling unit for occupancy by a single family or a similar group of people. A single family residential parcel also may be an individual dwelling, manufactured home, flat or unit in a multifamily building or portion thereof for occupancy as the home, residence or sleeping place for one or more persons, provided each such dwelling, manufactured home, flat, or unit is owned separately.

2. "Parcel- Multi-family residential: If more than two of any type of units, manufactured homes, flats or units occupy the same parcel of land, regardless of the form of ownership, that parcel shall be considered a multi-family parcel (~~((and be subject to charges as set forth in Section 13.32.030 of this chapter))~~).

"Parcel--Undeveloped" means any parcel which has not been altered by grading or filling of the ground surface, or by construction of any improvements or impervious surface area, which affect the hydraulic properties of the parcel.

"Runoff" means the portion of precipitation, either from rain or melted snow, that ultimately reaches natural water courses by flowing over the surface of land.

"System Development Charge" means such amount as may be established by written resolution representing the charge to be paid by an applicant required to connect to or utilize the storm water collection system as the estimated pro rata reimbursement for the capital investment previously made in the creation of the system.

"Utility" means the storm and surface water utility.

SECTION II: Section 13.32.040 MMC and Section 4, Ordinance 695, are each amended to read as follows:

Utility rates and charges for each parcel of developed real property within the city shall be computed on such (~~tabi~~ ~~monthly~~) basis and schedule as may be established by resolution. The amount to be billed shall be included on the existing ((water/sewer/refuse)) utility bill as a separate line item. A 'Stormwater Only' statement will be sent to those property owners who are not city water, refuse, or sanitary sewer customers. The city shall bill the owner of the served property for the payment of utility rates and charges specified in this chapter; however,

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in the event that such alternate billing protocol is allowed as to billings for the water, sewer, and electrical utilities, the owner may have the bills mailed to a tenant, or agent, but this shall not relieve the owner from liability for the utility rates and charges.

SECTION III: Section 13.32.050 MMC and Section 5, Ordinance 695, are each amended to read as follows:

A. Collection of and penalties for nonpayment of bills ~~((shall be as provided in))~~ tendered under the authority of this chapter are hereby authorized and shall be in such amount and collected in such manner as may be provided by written resolution ~~((or any other provision of the municipal code to which reference is made))~~.

B. The city shall have the right to discontinue ~~((water))~~ utility service to any premises for nonpayment of the service charge for use of the storm and surface water utility of the city in the same manner and subject to the same terms as now or hereafter prescribed by law for discontinuance of water service for nonpayment of water bills. Further, the city shall have the right to pursue the filing and foreclosing of a lien(s) in accordance with the provision of this chapter, the McCleary Municipal Code, and the laws of the state of Washington, for any unpaid and delinquent utility bill.

SECTION III: Section 13.32.060 MMC and Section 6, Ordinance 695, are each amended to read as follows:

A. The billing date is defined as the day of the month in which the bill is sent or mailed to the property owner or his or her designee or, if a different day is established by the billing provisions relating to water and sewer utilities, that different day.

B. The billing due date, the date that any bill becomes delinquent, the date upon which a delinquency penalty is assessed, and the date upon which water service may be terminated for non-payment of this utility shall be the same dates as are established as the due date, date of delinquency, and date for termination of service for sewer and water billings.

C. Any utility bill not paid by the delinquency date shall be assessed a penalty in such amount as may be established by written resolution adopted by the City Council ((of ten dollars)).

D. As to any unpaid utility bill, a lien may be placed upon the property being served by filing and service of such notice as may be required by law. Foreclosure may be carried forth thereafter in the manner allowed by applicable law.

SECTION IV: There shall be added to Chapter 13.32 MMC a new section to read as follows:

A. Any person or entity billed for service charges may file a "Request for Rate Adjustment" with the Public Works Department within six (6) months of the date from which the bill

was sent. However, filing of such a request does not extend the period for payment of the charge.

B. Requests for rate adjustment may be granted or approved by the Director only when one of the following conditions exists:

1. The acreage or calculations related to the establishment of the charges assessed against the parcel charged is in error.

2. The utility charge bill was otherwise not calculated in accordance with the terms of this chapter.

3. Parcels that meet the following criteria are exempt from the storm water service charge:

a. Residential parcels that are permanently undevelopable due to Federal Emergency Management Agency regulatory floodway designation and associated development restrictions.

b. Residential parcels that are undevelopable due to critical area designations, such as streams and wetlands and their buffers.

c. Small undeveloped parcels with total assessed value less than or equal to \$20,000.00 and impervious surface area less than 0.5 ESU.

d. All City and State highway rights-of-way.

C. Developed parcels that infiltrate runoff in a private site stormwater infiltration facility may receive the following service charge discount:

Design Storm	Discount
100-year	_____ %
50-year	_____ %
10-year	_____ %

1. A Technical Information Report prepared by a licensed professional engineer shall be provided to document the engineering design of the facility based on Stormwater Management Manual For Western Washington or such other document as may be applicable under the Design Standards in effect at the time. Surface water discharges to streams for base flow augmentation benefit shall be considered part of the infiltration quantity.

2. The City may require field tests or monitoring data to verify that the as-built facility achieves the design storm performance. Infiltration facilities that serve portions of a site, such as rooftops only, may receive a pro rata discount based on the drainage area being infiltrated. Parcels that apply for this exemption must pass inspection pursuant to provisions to be established by resolution.

3. This exemption shall be revoked and fee reinstated for up to 3 years of past utility billings if property owner fails to conduct required maintenance or it is determined that

the facility does not fully perform to the original infiltration standard.

SECTION V: Penalty.

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who unlawfully resists the enforcement of any of the provisions of this ordinance shall be subject to the following penalties or punishments:

A. Upon a finding of a first violation of any provision of this ordinance in any one twelve-month period, an infraction penalty of up to two hundred fifty dollars, but in no event less than one hundred dollars;

B. Upon a finding of a second violation in any one twelve-month period of any provision of this ordinance, an infraction penalty of up to five hundred dollars, but in no event less than two hundred fifty dollars;

C. In the event that a person is charged with a third violation of this ordinance within any twelve-month period and either a prior alleged violation is still pending or the person has been found to have committed that prior infraction, then this second charge shall be deemed a misdemeanor and shall be subject to punishment as provided in Section 1.20.010 of the City Code; provided that in the event of a conviction, the fine imposed shall be no less than one hundred fifty dollars. None of such one hundred fifty dollars is subject to suspension or deferral;

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D. In addition to such fines or penalties as may be imposed pursuant to this section, upon the finding of a violation of this chapter or a conviction of a violation of this chapter, the court may impose such restitution for losses that have arisen out of the violation and further order such corrective action as it finds appropriate and necessary to remedy the violation. Each day that a violation is permitted to exist shall constitute a separate offense

SECTION VI: Severability.

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, 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.

SECTION VII: Effective Date.

This Ordinance shall take effect upon the fifth day following date of publication.

PASSED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_,  
2012, by the City Council of the City of McCleary, and signed in

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02/17/2012  
DC/le

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

approval therewith this \_\_\_\_\_ day of \_\_\_\_\_,  
2012.

CITY OF McCLEARY:

\_\_\_\_\_  
D. GARY DENT, Mayor

ATTEST:

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

APPROVED AS TO FORM:

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

STATE OF WASHINGTON     )  
                                      : ss.  
GRAYS HARBOR COUNTY    )

I, WENDY COLLINS, being the duly appointed Clerk-Treasurer of the City of McCleary, do 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.

\_\_\_\_\_  
WENDY COLLINS

SIGNED AND SWORN to before me this \_\_\_\_\_ day of \_\_\_\_\_, 2012, by WENDY COLLINS.

\_\_\_\_\_  
NOTARY PUBLIC IN AND FOR THE STATE OF  
WASHINGTON, Residing at:  
My appointment expires: \_\_\_\_\_

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02/17/2012  
DG/le

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

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE RELATING TO STREETS & SIDEWALKS, ADDING A NEW CHAPTER TO TITLE 12 OF THE MUNICIPAL CODE, ESTABLISHING REGULATIONS & PENALTIES, & PROVIDING AN EFFECTIVE DATE.

R E C I T A L S:

1. The snow and ice storm of January, 2012, was a challenge for all in terms of what was required to remain safe and operational.

2. One of the matters identified as a result of that storm was the problem resulting from a lack of formal regulation as to snow removal from private property, including parking lots, and its placement upon City streets and sidewalks.

3. The Council and Mayor have received the recommendation of City staff as to implementation of regulations in relation to such removal so as to not interfere with the ability of the City to maintain the public rights of way or the ability of its Citizens to walk upon the sidewalks or travel upon the City's streets.

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

SECTION I. Depositing snow or other debris from private property on streets, sidewalks prohibited.

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Subject to the exceptions set forth in Section II, no person, firm, or corporation shall shovel, push, doze or by other means remove any snow nor any other debris, including tree trunks or limbs and brush, from any commercial property or driveway, any parking lot, any private driveway or other private property and deposit the same upon any curbing, parking strip, sidewalk, or upon any alley or city street.

SECTION II: Exceptions.

The provisions of Section I of this ordinance shall not apply to the situations:

2.1: The removal of snow from any public sidewalk.

2.2 Shoveling or otherwise removing any snow from any building or other structure situated on private property and depositing the same in any street or alley within the corporate limits of the city so long as such snow is immediately loaded upon a truck or other vehicle and removed from such street or alley. (~~(Snow sliding from roofs of any building or other structure upon any street or alley shall be construed to have been removed by the owner or tenant thereof and the same shall be immediately removed by truck or other vehicle from such street or alley at the expense of the owner or tenant.))~~)

SECTION III: The Director of Public Works shall develop such policies as may be necessary to implement the provisions of this ordinance: PROVIDED THAT, any such policies shall be submitted to the Council for their review and approval.

They shall be reviewed upon such schedule as may be deemed appropriate, including after any weather event which required the activation of the policies: PROVIDED THAT, the review shall be undertaken no less often than every three years.

SECTION IV: Penalty for violations.

Any person found to have violated the terms and provisions of this ordinance shall be subject to the penalties set forth below, said penalties and provisions being specifically made applicable to such violation.

A. Upon a finding of committed as to a first violation of this ordinance in any one calendar year, an infraction penalty of up to two hundred fifty dollars, but in no event less than one hundred dollars.

B. In the event that a person is charged with a second violation of this ordinance within any twelve-month period and either a prior alleged violation is still pending or the person has been found to have committed that prior infraction, then in the event of a finding of committed as to this second charge, the penalty imposed may be up to five hundred dollars: PROVIDED THAT, the monetary penalty shall be no less than one hundred fifty dollars. None of said one hundred fifty dollars is subject to suspension or deferral.

C. In addition to such fines or penalties as may be imposed pursuant to this section upon the finding of a violation of this chapter or a conviction of a violation of this chapter,

the court may impose such restitution for losses as it finds appropriate that have arisen out of the incident. Each day's violation, including allowance of removed snow deposited upon any sidewalk, street or alley to remain upon such sidewalk, street, or alley, shall constitute a separate offense and upon a finding of committed thereon, a separate penalty shall be subject to imposition for each day's offense.

SECTION V: Codification.

Sections I through III inclusive shall constitute a new chapter in Title 12 of the Municipal Code.

SECTION VI: Severability.

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, 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.

SECTION VII: Effective Date.

This Ordinance shall take effect upon the fifth day following date of publication of the ordinance or a synopsis thereof.

PASSED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2012, by the City Council of the City of McCleary, and signed in approval therewith this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

CITY OF McCLEARY:

\_\_\_\_\_  
D. GARY DENT, Mayor

ATTEST:

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

APPROVED AS TO FORM:

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

STATE OF WASHINGTON     )  
                                      : ss.  
GRAYS HARBOR COUNTY    )

I, WENDY COLLINS, being the duly appointed Clerk-Treasurer of the City of McCleary, do 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.

\_\_\_\_\_  
WENDY COLLINS

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03/09/2012

DG/le

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

SIGNED AND SWORN to before me this \_\_\_\_\_ day of  
\_\_\_\_\_, 2012, by WENDY COLLINS.

\_\_\_\_\_  
NOTARY PUBLIC IN AND FOR THE STATE OF  
WASHINGTON, Residing at:  
My appointment expires:



## RESOLUTION NO. \_\_\_\_\_

A RESOLUTION ESTABLISHING RATES AND CHARGES  
IN RELATION TO THE STORM WATER UTILITY OF  
THE CITY; REPEALING RESOLUTION 545; &  
PROVIDING AN EFFECTIVE DATE.

## R E C I T A L S:

1. Pursuant to existing Ordinances, the City established a storm water utility.
2. Those Ordinances authorized the establishment by resolution of rates and charges to be paid by those benefitted by and within the area subject to the storm water. This was done most recently through the adoption of Resolution 545.
3. In setting those rates and charges, the Council and Mayor considered the factors set forth within the Ordinance, as well as such other information and factors as have been developed since the adoption of the Ordinance, including the information referenced in Recital 4.
4. Since the adoption of Resolution 545, the Council has received the recommendations contained within a Storm Water Utility Plan prepared by the City's engineering consultant. While that Plan recommended significant increases in rates, the Council and Mayor do not find such increases appropriate at this

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100 SOUTH 3RD STREET  
McCLEARY, WASHINGTON 98657

time to the extent they relate to the capital improvement component of that study. Rather they have chosen to modify the rates in a more limited manner so as to reflect both the impacts of increased costs and the impact of fee increases upon the utility's customers.

5. In light of those factors, the rates set forth herein are found to be reasonable, necessary, and appropriate to operate the utility.

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

SECTION I: AUTHORIZATION:

Pursuant to the authority granted by the Ordinance establishing the utility, there is hereby created and imposed in Section II a system of rates and charges on each parcel of real property within the City served by or which is capable of receiving benefit and service by and from the Storm Water Utility established by Ordinance.

SECTION II: RATES AND CHARGES:

The following Utility rates and charges are hereby established for all parcels of real property in the City:

2.1. System Development Charge: The charge assessed to all parcels upon application for development. The System Development Charge shall be a one-time charge of \_\_\_\_\_ (~~(\$578.90)~~) for all applications received on and after the effective date of this resolution. This charge shall be

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adjusted annually as of December 16, 2012, and each December 16 thereafter as provided in Section III of this resolution.

2.2. Monthly Charges:

2.2.1: The following shall be billed upon the same billing schedule as is provided for the other utility services of the City.

A. Single-Family Parcels: The base single-family residential charge shall be \$7.00 per month for each Equivalent Service Unit (ESU) for a parcel having one residential unit. This uniform rate is based upon each residential unit being equal to or less than 3,000 square feet, or fraction thereof, of impervious surface.

B. Multiple Family Parcels (two or more units): Base shall be \$7.00 for the first 3,000 square feet of impervious surface, or fraction thereof, and \$3.00 for each additional 3,000 square feet, or fraction thereof, of impervious surface area.

C. Non-residential Parcels: Base shall be \$7.00 for the first 3,000 square feet of impervious surface, or fraction thereof, and \$3.00 for each additional 3,000 square feet, or fraction thereof, of impervious surface area.

2.2.2: In the event that more than one utility account is based upon services provided to improvements located upon one parcel, the monthly charges set out in subsection 2.2.1 [B] or 2.2.1[C] shall be billed to and be the responsibility of the owner of the parcel.

2.2.3: The charges established in §2.2.1 shall be adjusted annually as of December 16, 2012, and each December 16 thereafter as provided in Section III of this resolution

SECTION III: ANNUAL ADJUSTMENT:

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 II of this resolution shall be subject to adjustment as of December of each calendar year.

The adjustment shall be the greater of either three percent (3%) or the monetary amount which is the result of the following calculation:

A. Methodology of Calculation: The then existing utility rate 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 the existing rate is \$4.00, the result would be an increase of \$00.12 for an adjusted rate of \$4.12.]

B. 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.

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2. The resulting product of the calculation carried out pursuant to SA shall be rounded to the next highest 1/10th of a dollar, if the initial calculation does not so result.

SECTION IV: REPEAL & EFFECTIVE DATE:

4.1. This resolution shall take effect at 12:01 a.m. on the day following adoption with the rates established by the provisions of Section II to be applied as to any utility billing issued by the City on and after the \_\_\_\_ day of \_\_\_\_\_, 201\_\_.

4.2. Resolution 545 shall be repealed as of the effective date of this resolution: PROVIDED THAT, such repeal shall not affect any obligations which have arisen under the provisions of that resolution, whether fiscal or otherwise.

PASSED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2012, by the City Council of the City of McCLEARY, and signed in authentication therewith this \_\_\_\_ day of \_\_\_\_\_, 2012.

CITY OF McCLEARY:

D. GARY DENT, Mayor

ATTEST:

WENDY COLLINS, Clerk-Treasurer

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CITY OF McCLEARY  
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APPROVED AS TO FORM:

DANIEL O. GLENN, City Attorney

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DQ/16

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McCLEARY, WASHINGTON 98557

## RESOLUTION NO. \_\_\_\_\_

A RESOLUTION SETTING FEES & CONDITIONS IN  
THE IMPLEMENTATION OF ORDINANCE 777.

## R E C I T A L S:

1. The Council has adopted and the Mayor approved Ordinance 777.

2. Under the provisions of that Ordinance, restrictions are placed upon certain motor vehicles in relation to travel upon a defined group of public roads and provision is made for the issuance of permits.

3. The ordinance provided for the establishment of fees for the issuance of the permit. The Council wishes to set those fees and the procedure to be utilized in relation to those permits.

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

SECTION 1: Prior to the operation of a motor vehicle which is subject to the restrictions set forth in Ordinance 777 upon any public street identified in the attachment to that

ordinance, the owner or operator of a motor vehicle shall apply and receive a road use permit from the City. The road use permit shall be applied for through the Office of the Director of Public Works of the City. The fee to be charged for the issuance of such permit shall be sixty dollars(\$60.00): PROVIDED THAT, the fee shall be prorated based months remaining in the first calendar year in which it is issued. Upon approval by the Director or his or her designee, the permit shall be subject to issuance by the Clerk-Treasurer and shall be valid for the remainder of the calendar year in which it is issued unless revoked or suspended by the Director as a result of violations of the terms of the permit or of the ordinance.

If the permittee continues to operate a motor vehicle in such a manner as to require the permit after the end of the first calendar year in which the permit is issued, the permit shall be renewed by the permittee no later than February 15 of the succeeding calendar year: PROVIDED THAT, in the event of the failure to timely renew, a late renewal charge of fifteen dollars (\$15.00) shall be assessed at the time of renewal.

SECTION II: In the event an individual who either [1] has sought or received a permit and is aggrieved by the terms and conditions of the permit issued as set forth by the Director or by the Director's revocation or suspension of an issued permit, or [2] is aggrieved by the issuance of a permit to an applicant,



may appeal the Director's decision to the City Council. The appeal shall be in writing, filed with the Office of the Clerk-Treasurer, and shall state with reasonable specificity the portions of the permit which are being appealed. The Council shall, within sixty (60) days of the filing, hold a hearing upon the permit. The Council may affirm, reverse, or modify the decision of the Director. The decision of the City Council shall be final.

SECTION III: Adjustment:

A. To reflect the effect of inflation, commencing with the year 2013, the monetary figures established pursuant to the provisions of this resolution shall be increased, as of the date of the commencement of each calendar year, including 2013, by an amount equaling two and one-half percent (2.5%) of the monetary figures utilized in the prior year. These new figures shall be utilized in the establishment of fees to be paid on and after the date upon which the adjustment is made. By way of example, the fee for the year 2012 would be the fee established as provided in the Section I with the addition of an amount equal to two and one-half percent of that figure. Thus as of 2013, the additional amount would be one hundred two and one-half percent (102.5%) of the originally established fee.

B. Any adjustment made pursuant to sub-paragraph A of this section shall be rounded up or down to the nearest half-dollar.

PASSED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_,  
2012, by the City Council of the City of McCleary, and signed  
in authentication thereof this \_\_\_\_\_ day of  
\_\_\_\_\_, 2012.

CITY OF McCLEARY:

\_\_\_\_\_  
D. GARY DENT, Mayor

ATTEST:

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

APPROVED AS TO FORM:

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