



# McCleary City Council

## PROPOSED AGENDA

**February 22, 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)

Old Business:

New Business:        Narrow Band Radios (Tab D)  
                                 Police Vehicle(s) (Discussion)  
                                 Water System Modeling (Tab E)

Ordinances:            Stormwater Rev Ordinance 695 (Tab F)

Resolutions:           Storm Rates (Tab G)

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

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.

**CITY OF MCCLEARY**  
**Regular City Council Meeting**  
**Wednesday, February 8, 2012**

FLAG SALUTE	Mayor Dent Called the Regular Meeting to order at 7:00 PM with the Flag Salute.
ROLL CALL	Councilmembers Catterlin, Reed, Lant, Schiller and Ator.
ABSENT	None.
STAFF PRESENT	Present at the meeting were Dan Glenn, Wendy Collins, Nick Bird, George Crumb, John Graham, Randy Bunch and Jennie Reed.
MINUTES APPROVED	<b>It was moved by Councilmember Ator, seconded by Councilmember Catterlin to approve the minutes. Motion Carried.</b>
PUBLIC COMMENT	<p>Mayor Dent offered Helen Lake an update on the fraud audit. He said the auditor and his staff met with the prosecuting attorney and the Sherriff's staff and that is all he is at liberty to discuss.</p> <p>Helen Lake heard there was a lot of damage throughout the City and wanted to know if it is possible to have City staff or a contractor check buildings around town for stability. Mayor Dent signed a Declaration of Emergency, which will provide funding for certain types of damage but the City can't file on behalf of the citizens. Helen was surprised the float shed roof survived the weight of the snow and ice.</p>
CITY ATTORNEY REPORT	Dan Glenn drafted an Ordinance for staff to review and discuss regarding snow issues. He would like it to be added to the next agenda.
MAYOR'S REPORT	<p>Mayor Dent would like the Finance Committee to meet in the next two weeks to discuss police car purchases. He is hoping to purchase two cars this year.</p> <p>The Mayor stated there is a potential development that may be in the works but he couldn't share any more information than that.</p> <p>Mayor Dent complimented the City Crew, Police, and Fire Department for the wonderful job they did during the winter storm.</p>
DIRECTOR OF PUBLIC WORKS REPORT	<p>Nick Bird informed the Council that the Gray &amp; Osborne contract will be expiring soon and will need to be addressed in the near future.</p> <p>Nick spoke to a couple Councilmembers before the meeting regarding step systems and he understands that they are not finished discussing this topic so he will leave it on the list to address again.</p> <p>Jon Hinton gave a Well progress update. 90% of the plans and specifications were submitted, which require slight revisions to the design set. Pilot testing work is scheduled for the week of February 13th and after that, we will know if we need to provide a permanganate feed system to control the active silica or not.</p> <p>Councilmember Schiller asked about the automated meters. He wanted to know if the radio frequencies could be sending the reading to the wrong frequency. Nick didn't believe that was possible because the ERT numbers are all unique and the radio readers should be able to decipher each meter. Nick will check it out and verify that this is actually how they operate. Councilmember Schiller wants to make sure people are paying from accurate reads when their meter is right next to another meter.</p>
IT SERVICE CONTRACT	Dan Glenn stated the contract can be terminated in October if the contract isn't working out. He considers this an experimental contract. After all the discussion and review, staff is asking to get the basic maintenance contract underway. <b>It was moved by Councilmember Lant, seconded by Councilmember Ator to authorize the Mayor to execute the Contract with Adnets. Motion Carried.</b>
STORMWATER BILLING	Removed from Agenda

ORDINANCE NO. 777 STREET  
WEIGHT LIMITS

The Council discussed the weight limits under section 1, and chose to make the date July 1, 2012 and the gross weight greater than 26,000 pounds. In section 1C, the Council chose to make "the location within the prior 5 calendar days". **It was moved by Councilmember Lant, seconded by Councilmember Catterlin to adopt Ordinance No. 777 establishing weight limits upon certain streets; providing for a permitting process; imposing penalties; and adding a new chapter to Title 10. Roll call taken in the affirmative. Ordinance Adopted.**

APPROVAL OF VOUCHERS

Claim Vouchers/Checks approved were 34311 - 34333, including EFT's in the amounts of \$18,148.99.

**It was moved by Councilmember Catterlin, seconded by Councilmember Schiller to approve the vouchers as received. Motion Carried.**

PUBLIC COMMENT

Councilmember Schiller attended the training offered in Montesano by MRSC that was for elected officials and thought it was a very good class that was two-hours packed with information. He encouraged the other Councilmembers to attend when they get a chance.

Councilmember Lant informed everyone that the McCleary Fire Department responded to a structure fire to assist Fire District 5. They were there for over five hours and did a phenomenal job. If it weren't for our fire department, the structure would have burned to the ground. He believed Fire District 5 could not have handled the fire on their own.

Councilmember Schiller said the Department of Transportation released over 500 million dollars in surface grants through the Tiger Federal Program. Jon Hinton saw the same release and can provide information to the City, if needed.

EXECUTIVE SESSION

None.

MEETING ADJOURNED

**It was moved by Councilmember Ator, seconded by Councilmember Lant to adjourn the meeting at 7:24 PM. The next meeting will be on February 22, 2012 at 7:00 PM. Motion Carried.**

## MEMORANDUM

TO: MAYOR AND CITY COUNCIL, City of McCleary  
FROM: DANIEL O. GLENN, City Attorney  
DATE: February 17, 2012  
RE: LEGAL ACTIVITIES as of FEBRUARY 23, 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. STORMWATER MATERIAL: Last week, Ms. Mercer, Mr. Bird, and I met to go through the drafts. As a result, I have developed and provided updated drafts of both the ordinance and the resolution. They are obviously subject to further review by Staff, who have to operate the systems, and the six of you.

Of the matters which remain to be addressed, one which is of significance is the review of the stormwater connection fee. It was established at an amount years ago and has had annual adjustments. The question being reviewed by Staff is if that adjustment has kept up with the actual costs since, over the years, it has been my observation public works construction costs have tended to increase at a greater rate than the 2.5%.

2. MR. MASON'S PRESENTATION: As Council Member Schiller commented at the last session, the presentation made by Pat Mason on January 30<sup>th</sup> was both extensive and useful. For those of you who did not have the chance to attend that presentation, pursuant to a request I made to him, Mr. Mason has been kind enough to provide me an electronic version of the points covered during the presentation. I will be forwarding a copy to Ms. Collins who will be able to provide access to any Council Member who might wish to review the material.

3. ROAD USE LIMIT ORDINANCE: While this ordinance will not go into operation until July, it does call for the establishment of a fee for the permit. I have prepared a draft

ordinance for review by Staff and yourself so we will have it available and in place when the signs go up.

4. EMS SERVICE NEGOTIATIONS: After the preparation of the last Council Report, we did receive an offer from the District. I have provided Ms. Collins with a copy of it for any Council Member who wishes to review it. Fiscally, it does not appear to be a great deal different than the original proposal which would require a major increase in the monthly household charge. I have also obtained a copy of a rate study prepared for the City of Aberdeen to get some idea on how FCS has done other studies. My initial review suggests that, while the percentage of costs allocated to EMS services was still relatively high, they took into consideration a lot of additional factors other than just the number of runs.

We will be meeting this week for the purpose of negotiations.

I will keep you updated

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: February 16, 2012  
Re: Current Non-Agenda Activity

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### **Winter Storm**

Cost estimates for the damaged components identified last week are still underway. We will be coordinating with the State EMD to establish the paper process to being the financial recovery.

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

The revised 90% plans and specifications will be obtained on Friday. We will then begin the environmental review and site plan review processes as well as submit the railroad permit.

Testing for silica was conducted on Wednesday, February 15. Unfortunately our water will require the addition of potassium permanganate as a bonding agent as a result of the silica discovered in the test. As previously indicated, while we are not thrilled that we are adding to the project, we are glad that this was noted before contractors bid the project, negating the need to change order it into the project.

### **Bushing Replacement**

Back in April 2011, we conducted an evaluation of our 12.5 KV substation. During the evaluation it was noted that we have high side bushings that have a high failure rate. The written recommendation provided by KVA at the time was to plan on replacing these components. This work was then included in our Light and Power Capital Improvement Plan, ultimately being budgeted for replacement this year. While no work is yet being conducted, we wanted to plant the seed that we anticipate doing the work this summer. To complete this work we will need to either 1) prepare a small works package for a contractor to supply and replace the bushings or 2) prepare a bid package, procure the materials, and coordinate with GHPUD to replace the bushings. At this stage, we are leaning towards option two, as it appears that it may be the lowest cost option. It is also important to note that this work will require a scheduled outage. As usual, we will try to give plenty of notice so residents have the ability to make other arrangements if necessary.

### **STEP Facilities**

As discussed last meeting, it appears that Council is still deliberating the permitted use or conditioned use of STEP facilities. If additional information is necessary to help the decision process, please let me know.

### **Transformer Schedule**

We will be advertising for our transformer bids on March 1<sup>st</sup>, which we really should have done in December. However, as fortune would have it, Phase 1 of the 4 KV Cutover was budgeted, which also requires replacement of existing transformers. As a result, we will likely achieve some economy of scale by purchasing all of the necessary transformers as part of a single bid. The bid results will likely be presented at the March 14 Council Meeting.

### **Highline Project**

The massive poles have been located on the side of Simpson Avenue for almost two years now with no wire on them. We are hoping to change that. To complete this project, two additional poles need to be placed, wire and equipment needs to be placed, and an outage needs to occur. Since we are planning on conducting the bushing replacement, which necessitates an outage, this is a perfect time to complete this project.

### **Cedar Heights**

I have spoken a couple times with the real estate agent representing the bank that currently owns Cedar Heights. The most recent conversation was about the infamous ADA ramp at Hemlock Street and Evergreen Place. The real estate agent indicated that the bank was aware of the problem and willing to fix it the right way. When more develops on this, I will be sure to let you know.

### **TIGER Grant**

The grant period for the program referenced by Councilmember Schiller last meeting opened on February 13. A pre-application submission is required by February 20. The project that seemed the most appropriate for this program was on our STIP, listed at number one and was the largest project on the STIP, thus the obvious choice. The vision of the project is beginning at City Hall, construct a round-about with some art in the center to establish a center piece of the City, and reconstruct SR 108/Summit to the railroad tracks. Aside from full reconstruction, the project would include bike lane, curb and gutter, planter strips, street trees, sidewalk, and construction of a stormwater collection system to replace the open ditch system. The ball park estimate for this project is approximately \$6 million.

As the road is a state route, obviously concurrence with WSDOT is critical to the success of this project. I had long conversations with two individuals in our region Highways and Local Programs Office. WSDOT was willing to let us take the lead on this project and would provide a letter of support (after jumping through a few hoops), but they felt that it was a real longshot. After discussing this project with Neal Campbell (Olympic Region(OR) Local Programs) and Scott Smith (Gray & Osborne, formally a TIB

Engineer), we felt that the project meets the eligibility requirements, but will not likely score high enough to be considered in the primary selection criteria (no accident history / difficult to argue that SR 108 has regional and/or economic significance). Additionally, as a ball park estimate I have been using is \$6M, the TIGER FAQs show a 10% local match, which would mean we would have to chase down \$600k from the state (not unreasonable, but tough to do with a short timeline).

We do think that this project will ultimately benefit the community, but we will need to figure out a way to get there. The thought process when discussing this with Scott was to prepare a typical cross section and aerial image/ figure to display the basic scope of the project (and identify if there are any right-of-way constraints). With that information we could then begin the NEPA process (as recommended by Kevin Dayton, OR Region Administrator in December when I discussed this project with him), essentially taking a slow and steady pace to establish the environmental requirements (which may affect funding requirements). The ultimate goal is to establish a process by which we can reasonably expect to compete for state and federal funding opportunities within a five year period.

If you would like, we can have a scope and budget prepared for your consideration. As this is a major project for an entity of our size, it is important to have 100% buy in from our civic leaders before beginning this process.

### **Truck Route**

As we were reviewing the new Ordinance (777), preparing for the enforcement, signing, and permitting components, we noted an additional component that must be addressed prior to implementation in July. Section 2.1 states, "The fee to be charged for the issuance of such permit shall be established by resolution." As such, we will need to either create a new resolution or amend an existing resolution. After a review of the existing resolutions, it does not appear that there is an appropriate resolution to place the fee and we would recommend creating a new resolution for ancillary fees.



## STAFF REPORT

To: Mayor Dent  
From: Nick Bird, P.E., Director of Public Works  
Date: February 16, 2012  
Re: Narrow Band Radio's

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The F.C.C. has mandated that all of our radios (police, fire, public works) be converted to narrow band by Jan. 1, 2013. In many cases, the conversion to narrow band requires the replacement of equipment. The Fire Department, Police Department, and L&P had previously completed this in 2008, or thereabout. Replacement and programming of the remaining radios throughout the City has been budgeted for the last three years, but the final step of actually authorizing the work has yet to be completed. It is important to note that in a verbal conversation with Day Wireless we have been told the penalty for using wide band will be \$116,000 per use.

After a review of the Budget, a total of \$10,000 was appropriated. The quote received from Day Wireless (state contract supplier) in September 2010 was for approximately \$7,500 and is attached. The supplier is currently updating the proposal, which will be presented to you at the meeting. One additional handheld radio will be necessary.

### **Staff Recommendation:**

As this is a federal mandate, we need to complete this change in 2012. Additionally, some of the other cities that have procrastinated will also likely be doing their work towards the end of the year, which means we may not have the service technician available during that time to program the equipment. We would like to complete this process sooner rather than later, check the item off, and move on.

### **Action Requested:**

Please consider authorizing execution Day Wireless proposal, when received, for a not to exceed cost of \$10,000.

**DAY Wireless Systems**1506 W Wishkah Way  
Aberdeen WA 98520**Proposal****Prepared For:** MCCCLEARY PUBLIC WORKS**Contact:** Todd Baun**Address:** 100 South 3rd St.**City/State/Zip:** McCleary, WA 98557**Phone:** 360-495-3667 Ext 123 toddb@cityofmccleary.com**Date:** 9/3/2010**Acct #** 5322**PO#** Pending

Item	Qty	Description	Unit Cost	Total
1	6	PM400 VHF Mobile Radio	408.45	\$2,450.70
2	1	Mobile Radio Installation Supplies	251.70	\$251.70
3	1	Mobile Radio Installation / Programming Labor	1,352.00	\$1,352.00
4	1	CDM 1250 VHF Radio (Todd's Base)	563.76	\$563.76
5	1	Todd's Base Installation Supplies	1,442.55	\$1,442.55
6	1	Todd's Base Installation Labor	832.00	\$832.00
				\$0.00
				\$0.00
				\$0.00
				\$0.00
				\$0.00
				\$0.00
				\$0.00
				\$0.00
				\$0.00

Equipment / Labor \$6,892.71

**Note:** The proposed labor rate is based on work performed during regular business hours  
Monday - Friday 8:00 AM to 5:00PM Overtime labor rates are higher

Shipping \$ 70.63

Subtotal \$6,963.34

8.4 % Sales Tax \$ 584.92

**Total** \$7,548.26**Scope of Work:**

**Day Wireless Systems:** Replace six existing radios and programming 12 existing radios to upgrade Public Works radio system to narrowband operation. DWS will also test radio operation. Any faulty antennas, coaxial cables, etc. are not covered by this agreement, and will be replaced at T&M with customers prior approval.

**Day Wireless Systems** will provide Base Radio, antenna, mounts, cable and labor for Todd Baun's Office

**Customer:** Provide site escort and vehicle/equipment access as required at the McCleary Public Works shop.

*Proposal Valid for 60 Days - Please See Exceptions Below***Technical Rep:****Roy Belden / Aberdeen Shop****Office:** 360-533-5857**Fax:** 360-533-5856**Email:** rbelden@daywireless.com

**Exceptions:**

**Day Wireless will not be responsible for the following:** 1. The cost of diagnosing or eliminating interference caused by, or received by customers equipment. 2. Delays and or extra costs incurred because of snow or other inclement unexpected weather conditions. 3. Any unforeseen delays or extra costs brought on by the FCC licensing process or its frequency coordinating agencies. 4. (Force Majeure) Non-performance or delayed performance caused by a third party such as an act of god, labor disturbance, government entity, wind, lightning, or any other similar cause. 5. Additional labor time and or trip costs caused by customer or any customer sponsored contractor or utility personnel not being prepared, late to job, providing no cancellation notice, or performing their job poorly. **Customers may be billed for "no shows" or "late appointments". Kindly allow us 24 hrs change notice otherwise charges may be made for time reserved.** 6. Any unforeseen customer equipment problems, not included in the Scope of Work, that may potentially need repairs, maintenance, or programming. 7. Poor performance that may arise from non DWS designed or engineered systems. 8. Electrical AC power availability at all installation sites.

**Notes:**

This proposal is based on the performance of labor during regular business hours of 8:00 am through 5:00 pm Monday through Friday. Customer requests for work to be performed outside of these parameters may be accommodated but will be billed at the current over time shop rates unless otherwise noted in this or other valid quotation and or statement of work.

All prices quoted herein are firm for 60 days and are based on customer needs and information supplied as of proposal date. If customers specifications or other circumstances change, please contact us for a revised quotation. This quotation supersedes all previous quotations for the same scope of work.

In order for a customer to be billed on their own personal or business account after completion of work, customers must have a pre-arranged and established line of credit approved with Day Wireless Systems, Inc. If a customer does not have such a line of credit, a down payment of the full quoted price may be required prior to ordering product or performing any work or services.

**Taxes:** All pricing herein is exclusive of Washington State Sales Tax. Any tax or other governmental charges now, or hereafter levied upon, or measured by the transaction between Day Wireless Systems Inc, and the agency accepting this quotation shall be paid by such person, corporation, or agency accepting this quotation, in addition to any prices quoted or invoiced by Day Wireless Systems, Inc.

**Payment Terms:** Net 10 days from the date Day Wireless Systems receives and invoices equipment. Customers are welcome to inspect equipment to ensure Day Wireless Systems has received equipment and it is in good working condition. All labor charges are net 10 days after completion of specified work. There will be a 20% re-stocking charge on all returned or canceled orders.

**Confidential And Proprietary:** This document, details, and pricing offered herein are confidential and proprietary to Day Wireless Systems. Use or dissemination of the details of this document, including its use in the development of any RFP or solicitation for service, are strictly prohibited without the express written approval of Day Wireless Systems.

Accepted By:

Date:

*Thank you for the opportunity to offer quality leading edge products from Day Wireless Systems*

## STAFF REPORT

To: Mayor Dent  
From: Nick Bird, P.E., Director of Public Works  
Date: February 17, 2012  
Re: Updated Quote on Narrow Band Radios

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After writing the initial staff report, an updated quote from Day Wireless Systems was received.

Attached is the new quote.

# DAY Wireless Systems

1506 W Wishkah Way  
Aberdeen WA 98520



## Proposal

**Prepared For:** McCleary Public Works

**Contact:** Todd Baun

**Address:** 100 South 3rd St.

**City/State/Zip:** McCleary WA 98557

**Phone:** 360-495-3667 Ext. 123 toddb@cityofmccleary.com

**Date:** 2/17/2012

**Acct #** 5322

**PO#** Pending

**Public Works Narrowband Project**

Item	Qty	Description	Unit Cost	Total
1	7	PM 400 VHF Mobile Radios	388.66	\$2,720.62
2	1	CDM 1250 VHF Mobile Radio	559.45	\$559.45
3	8	Programming - 8 New Radios	15.00	\$120.00
4	1	4 Ch. Remote control, includes remote adapter, (for Nick's office)	1,228.54	\$1,228.54
5	1	Mobile Installation supplies	422.42	\$422.42
6	1	Base installation supplies	1,434.73	\$1,434.73
7	1	Installation Labor - As per SOW Below	1,910.00	\$1,910.00
8				\$0.00
9				\$0.00
10				\$0.00
11				\$0.00
			<b>Equipment / Labor</b>	\$8,395.76
<b>Note:</b> The proposed labor rate is based on work performed during regular business hours Monday - Friday 8:00 AM to 5:00PM Overtime labor rates are higher			<b>Shipping</b>	\$ 95.48
			<b>Subtotal</b>	\$8,491.24
			<b>Sales Tax</b>	\$ 713.26
			<b>Total</b>	\$ 9,204.50

### Scope of Work:

**DAY WIRELESS SYSTEMS:** Provide equipment, materials, and labor for 6 radio swaps, 1 mobile installation, 1 base installation, and 1 remote control installation. *Any faulty antennas, coaxial cables, etc. found on existing equipment will be replaced on T & M with customers prior approval. (See exception 6 below.)*

**CUSTOMER:** Provide schedule and access to equipment per agreed upon time with DWS. Provide tested 2 wire audio circuit from PW directors office to existing base in City Hall prior to scheduling radio installation.

Please see exceptions section below

**Proposal Valid for 60 Days**

### Technical Rep:

Roy Belden / Aberdeen Shop

**Office:** 360-533-5857

**Fax:** 360-533-5865

**Email:** [rbelden@daywireless.com](mailto:rbelden@daywireless.com)



**Exceptions:**

**Day Wireless will not be responsible for the following:** 1. The cost of diagnosing or eliminating interference caused by, or received by customers equipment. 2. Delays and or extra costs incurred because of snow or other inclement unexpected weather conditions. 3. Any unforeseen delays or extra costs brought on by the FCC licensing process or its frequency coordinating agencies. 4. (Force Majeure) Non-performance or delayed performance caused by a third party such as an act of god, labor disturbance, government entity, wind, lightning, or any other similar cause. 5. Additional labor time and or trip costs caused by customer or any customer sponsored contractor or utility personnel not being prepared, late to job, providing no cancellation notice, or performing their job poorly. **Customers may be billed for "no shows" or "late appointments". Kindly allow us 24 hrs. change notice otherwise charges may be made for time reserved.** 6. Any unforeseen customer equipment problems, not included in the Scope of Work, that may potentially need repairs, maintenance, or programming. 7. Poor performance that may arise from non DWS designed or engineered systems. 8. Electrical AC power availability at all installation sites. 9. Prevailing wages 10. Permits 11. Fees 12. Inspections 13. Equipment grounding to be completed only to existing site grounding standards. Site Grounding to R56 compliance is beyond this scope, and not to be completed under this project. 14. Tower upgrades 15. Structural upgrades 16. General finish repairs 17. Any electrical work 18. Documentation 19. Training 20. Anything not listed in above SOW

**Notes:**

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Accepted By:

Date:

*Thank you for the opportunity to offer quality leading edge products from Day Wireless Systems*

## STAFF REPORT

To: Mayor Dent  
From: Nick Bird, P.E., Director of Public Works  
Date: February 16, 2012  
Re: Water System Model

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Every 6 years, the Department of Health requires water system purveyors for Group A water systems to compile a Water System Plan (WSP). The most recent WSP was completed in 2008; therefore, we will have until September 2014 to complete the WSP. Unfortunately, we do not have any electronic documentation, mapping, or models from our previous engineering firm. As a result, sometime in the near future, we will need to begin the process to recreate many of the components required in the planning document.

As part of the WSP, a hydraulic model is prepared to evaluate the water systems ability to meet system demands during peak hour demand conditions and under fire flow conditions. The model is also used for evaluating source, storage, and distribution system improvements that may be required to meet the peak hour demand or fire flow conditions resulting from current or future needs resulting from growth or development.

### **Staff Recommendation:**

As we do not have any electronic components related to the water system, and we know this will be required in two years as part of a larger project, we would recommend that we start the modeling process now to ensure we have the appropriate components in place in the event development occurs.

### **Action Requested:**

Please consider authorizing execution of Amendment #20 with Gray & Osborne, Inc. for a not to exceed cost of \$6,320.00.

**AMENDMENT NO. 20  
TO  
CONTRACT FOR ENGINEERING SERVICES**

THIS AMENDMENT, made this day, by and between the City of McCleary, Grays Harbor County, Washington, hereinafter referred to as the Agency, and Gray & Osborne, Inc., hereinafter referred to as the Engineer, hereby modifies the contract for engineering services dated (by Agency) June 10, 2009, for additional services related to the Water System Hydraulic Model.

**SCOPE OF SERVICES**

The City of McCleary would like to develop a hydraulic model of the water distribution system to assist with evaluating the capacity of the existing water system and provide a tool for evaluating the capability of the existing system to support potential future development proposals. The model would also assist the City with meeting the hydraulic modeling requirements associated with the Department of Health's water system planning process. Gray & Osborne, Inc. proposes to provide the following services to complete this work:

- Create a hydraulic model of the City of McCleary water distribution system based on the City's existing water system base map using H2O Net software.
- Flow several existing fire hydrants while monitoring static and residual pressures. Use this data to calibrate the hydraulic model.
- Run model scenarios to evaluate the capability of the existing water system to supply desired fire flows.
- Prepare a summary report describing the findings and recommendations.
- Complete Quality Assurance/Quality Control review of the work product.

**AGREEMENT**

The total compensation for services provided under this Contract Amendment shall not exceed \$6,320 as shown in the attached Exhibit "B" without prior written authorization from the Agency.



IN WITNESS WHEREOF, the parties hereto have executed, or cause to be executed by their duly authorized officials, this AMENDMENT to the Contract for Engineering Services in duplicate on the respective dates indicated below.

GRAY & OSBORNE, INC.

CITY OF MCCLEARY

By: Thomas M. Zerkel  
(Signature)

By: \_\_\_\_\_  
(Signature)

Name: Thomas M. Zerkel, P.E., President  
GRAY & OSBORNE, INC.

Name: \_\_\_\_\_  
(Print)

Date: 2/16/12

Date: \_\_\_\_\_

"Equal Opportunity/Affirmative Action Employer"

## EXHIBIT "B"

### ENGINEERING SERVICES SCOPE AND ESTIMATED COST

#### *City of McCleary - Water System Hydraulic Model*

Tasks	Principal Hours	Project Mgr. Hours	Civil Eng. Hours	CADD Tech. Hours
1. Create Hydraulic Model		1	16	4
2. Calibrate Model		4	8	
3. Run Model Scenarios	1	2	8	
4. Prepare Summary Report		2	4	
5. QA/QC	1	1	1	
Hour Estimate:	2	10	37	4
Estimated Hourly Rates:	\$56	\$46	\$36	\$28
Direct Labor Cost	\$112	\$460	\$1,332	\$112

Subtotal Direct Labor:	\$ 2,016
Indirect Costs (171%):	\$ 3,447
Total Labor Cost:	\$ 5,463
Fee (15%):	\$ 820
Subtotal Labor & Fees:	\$ 6,283
Direct Non-Salary Cost:	
Mileage & Expenses (Mileage @ \$0.55/mile)	\$ 37
<b>TOTAL ESTIMATED COST:</b>	<b>\$ 6,320</b>

## 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:

"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 ((all)) 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 (~~ta bi~~ 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,

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;

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

ORDINANCE -C- 11  
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

## 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

RESOLUTION -B- 1  
02/11/2012  
DG/le

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

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 \_\_\_\_\_ ((~~\$578.96~~)) for all applications received on and after the effective date of this resolution. This charge shall be



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.

2. The resulting product of the calculation carried out pursuant to §A 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

RESOLUTION -B- 5  
02/11/2012  
DG/le

CITY OF McCLEARY  
100 SOUTH 3RD STREET  
McCLEARY, WASHINGTON 98567

APPROVED AS TO FORM:

DANIEL O. GLENN, City Attorney

RESOLUTION -B- 6  
02/11/2012  
DG/le

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