



McCleary Regular City Council Meeting

Wednesday, December 13, 2023 – 6:30 PM

McCleary Community Center & Zoom Virtual Meeting

Minutes

Call to Order/Flag Salute/Roll Call

PRESENT

Councilmember Jacob Simmons
Councilmember Brycen Huff
Councilmember Max Ross
Councilmember Andrea Dahl
Councilmember Keith Klimek
Mayor Miller

Agenda Modifications/Acceptance

Councilmember Huff added an update to code under New Business and Fire Chief discussion.

Motion made by Councilmember Huff, Seconded by Councilmember Ross to amend the agenda.

Voting Yea: Councilmember Simmons, Councilmember Huff, Councilmember Ross, Councilmember Dahl, Councilmember Klimek

Special Presentations

1. Greater Grays Harbor

Greater Grays Harbor CEO Lynnette Buffington gave a presentation on the Municipal Services Agreement, which consisted of two parts. She provided data on services provided, including:

Biz Boost Program - Consists of \$1.3 Million from WA Dept. of Comm., to provide small business support services across Clallam, Jefferson & GH counties. This includes tuition, books, etc. for nine students to attend bookkeeping courses at GH College.

Small Business Training - Provided to 45 businesses, offered through the Small Business Summit (May 2023) and the WA Dept. of Comm. Global Entrepreneurship Business Summit (November 2023). Also provides Monthly Business Assistance Briefing in the Harbor Insider Newsletter, which shares relevant and timely support resources.

Councilmember Klimek asked about the return on the city's investment of \$20,000. CEO Buffington verified there would be a minimum \$1,200 return.

Public Comment - Agenda Items Only

Jeff Geer voiced an item for the Fire Chief (currently unfilled position). Councilmember Huff will check code regarding this topic and report back to council.

Dan Comer recommended to council that Andrew Pittman would make an excellent new Fire Chief.

Mayor Miller asked Andrew if he would be willing to accept appointment as interim Fire Chief, to which he replied in the affirmative.

Lisa Johnson inquired about the budget proposal that was posted yesterday, and how it might be reviewed and approved within 24 hours. She suggested if council was unable to reach an agreement within the specified time frame, that at least a temporary budget of some sort, be put in place.

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Kyle Comer inquired as to who gave the order for trespass to two individuals recently. It was determined Police Chief Sam Patrick gave the order. It was discussed that steps were missed and Chief Patrick pledged that he is working to correct the issue.

Carrie Comer expressed her concerns to council regarding the budget situation, given short window of time and lack of seriousness she perceives from council. She expressed a need for creativity because people's jobs are on the line.

Paul Nott (former McCleary Fire Chief) also expressed concern regarding the need to fill the role of Fire Chief. He expressed his frustration with what he perceives as a lack of public engagement between city administration and the public, in response to multiple emails he has sent, concerning leadership positions within the city. He feels the council & mayor have turned the topic of city employment into political or personal issues. He feels the employees who have been training for two years are being ignored. He expressed concern for the safety of the community and expressed hope that council & mayor will accept the recommendation of Andrew Pittman for the position of permanent Fire Chief.

Consent Agenda

2. Accounts Payable November 16-30, 2023 Ck Numbers 52752-52781 including EFT's Totaling \$48,937.39

Motion made by Councilmember Huff, Seconded by Councilmember Dahl to approve the consent agenda.

Voting Yea: Councilmember Simmons, Councilmember Huff, Councilmember Ross, Councilmember Dahl, Councilmember Klimek

Updates

3. Staff Reports - Light & Power, Public Works, Water & Wastewater, Fire Department, Police Activity, Finance, Director of Public Works

Councilmember Huff acknowledged the retirement of Paul, Jerry, Brad & Jeff from the Fire Department, and the 20+ years of service each have provided to the city.

Andrew Pittman provided an update to staff report to council. One candidate has applied for the position of Interim Fire Chief; he has an impressive resume.

Councilmember Ross asked that the recent Aquifor Study be published on the city website.

New Business

4. Planning Commission Discussion

Councilmember Huff referred to a letter sent to council by a member of the community, regarding an incident that occurred during the November Town Hall meeting, with Planning Commissioner Gary Atkins. Huff noted there was no justification for Atkin's behavior, which was an embarrassment to the city, did not reflect city or council standards, and should not be tolerated. Huff presented council with an official letter he has prepared, calling for the removal of Atkins. The letter provides Atkins until January 30 to respond.

Councilmember Dahl expressed agreement with this process.

City Attorney Chris Coker stated that Atkins must have notice with a chance to respond, before council can make a decision on removal.

Councilmember Ross also expressed agreement regarding the incident with Atkins. He noted that

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anyone representing the city should not act in the manner Atkins did, and feels city employees should be held to a higher standard.

Motion to proceed with a removal letter was made by Councilmember Huff, Seconded by Councilmember Dahl.

Voting Yea: Councilmember Simmons, Councilmember Huff, Councilmember Ross, Councilmember Dahl, Councilmember Klimek

Fire Department Discussion

Councilmember Huff asked Attorney Coker to look at city code regarding the Fire Chief position. He suggested the idea of changing code (if necessary) so that a person could be appointed and approved by council to fill the position, rather than by the Mayor. Coker said he was unaware of current code that would enable council to manage the appointment of an individual. Rather, they only have the authority to disapprove the appointment of individuals made by the Mayor. Huff then asked Coker to research old code, and look specifically at the hiring/firing authority available to the council.

Additional discussion went on for many minutes between the councilmembers regarding the need for Coker to review code, and what such an action would accomplish. There was disagreement amongst councilmembers and the mayor, as to whether the current process/traditions of appointing individuals to positions should be reviewed or remain the same.

Councilmember Ross expressed a desire to mend the relationship between council members and the mayor, and asked Mayor Miller to think upon the appointment of referred individuals and allow for confirmation, in an effort to move forward. Miller agreed to review it.

Old Business

5. Greater Grays Harbor Agreement

A motion was made to accept proposed agreement with GGH by Councilmember Dahl, Seconded by Councilmember Klimek.

Voting Yea: Councilmember Simmons, Councilmember Huff, Councilmember Ross, Councilmember Dahl, Councilmember Klimek

6. Memorandum of Understanding – Amendment to the Current IBEW Collective Bargaining Agreement

Councilmember Dahl suggested discussing this topic at present, as it was brought six months ago, but not addressed. This topic is being brought again, as part of the budget. Dahl expressed she was not in favor of the proposal and believes it unnecessary, and presented a motion to squash this topic. This motion was not seconded, as other councilmembers felt further discussion was warranted.

Councilmember Huff asked for an update on the IT project.

PW Director Chad Bedlington reported that the project was only 60-65% complete. He explained that to this point, the work done had been done through efforts of an existing employee. Additional services have not been engaged because of the additional expense associated with Aktivov (the city's current outside private consultants, who charge \$125/hr). Chad expressed a desire to complete the project within the confines of the existing budget. He talked about this project from the perspective of staff, and the perceived disappointment in response to council's refusal to give further consideration to this position, which is part-time. Chad acknowledged the frustration from the community and council members about the urban planning perspective of the position, but reiterated a need that he feels could be beneficial. Chad went on to highlight the cost savings of utilizing IT Support that's internalized rather than externalized, to complete this project.

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Councilmember Dahl inquired as to the specifics that remain to complete the project. Chad summarized that it's primarily security related, and pointed out the 1000+ attempts he's seen each month of cyber attacks, trying to access information. He stressed the urgency to improve security and ask council members make a decision to support the proposed agreement.

Councilmember Ross asked for a comparison of the costs using internal vs external IT Support. Chad reiterated the position is a part-time, split position, covered by the IBEW. He believes 20 hr/week labor force would be sufficient to fulfill the city's IT needs, but also noted a backfill need in the planning dept., which is why they're looking for more support. Councilmember Ross asked again for a comparison the costs, and Chad estimated it will cost \$40,000-\$50,000/year less to utilize internal support. Councilmember Ross expressed a desire to simply re-purpose the current position to a Public Works assistant position, with an IT component.

Councilmember Simmons inquired as to the city's experience with a previous IT vendor, as well as what steps would need to be taken and the cost effectiveness of retaining a new vendor short term. Chad reported the last vendor was paid \$26,000, only to provide what Chad perceived as insufficient services for the city's needs. With regards to outside vendors, Chad implied there is significant difficulty finding vendors willing to work for municipalities, that don't demand astronomical fees. Chad referenced the major failure in the city's network that occurred within the last six months because this issue hasn't been resolved, and the large expense that occurred in order to repair the damage to the system. Chad went on to mention that neighboring cities such as Elma and Montesano have an internal IT support person.

Councilmembers inquired as to whether the creation of this new position would result in tax exemption and/or whether the job would need to be a permanent one, due to union funding involvement. Councilmember Ross voiced his willingness to consider the creation of this position for one year only. Councilmember Klimek expressed the need for council to have the option to remove the position at some point, if necessary. He suggested bargaining with the union to have the position structured as a temporary one, as a possible solution to this concern.

Paul Nott identified himself as being a shop steward for IBEW 77, and spoke to Councilmember Ross and Klimek's concerns. He expressed a willingness by the union to agree to contract terms that could create this position for a limited time frame, with an option to renew or renegotiate terms for a subsequent contracted position.

Councilmember Huff expressed he was not in favor of the creation of this position at this time, in light of the current budget deficit. Huff further suggested the proposed position was incredibly similar to the Public Works Assistant position that already exists, as well as his opinion that Chad and Tyson could increase funding if they were engaged in more consistent code enforcement. No motion or decision was made.

7. Grant Award – Transportation Improvement Board (TIB) – W Maple Street, S 6th St to S Main Street
A brief overview of the project was provided, which is part of the city's six year transportation improvement plan. Approximately \$500,000 has been received thus far, with a 5% match from the City of McCleary (amounting to approx. \$26,000), which it is presumed will be funded through the REET fund. The project is expected to start in the fall of 2024 and be completed by the end of the year or sometime early in 2025.

A motion made to approve the grant award by Councilmember Huff, Seconded by Councilmember Ross.

Voting Yea: Councilmember Simmons, Councilmember Huff, Councilmember Ross, Councilmember Dahl, Councilmember Klimek.

8. Salary Commission

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Councilmember Dahl reported that the Salary Commission met in either May or June, to discuss salary increases. This was done without the knowledge of councilmembers and the public, which is in violation of the open public meeting act. Given this information, and the current budget deficit, Councilmember Dahl suggested the Salary Commission be dissolved. No motions were made.

9. Fraternal Order of Police Collective Bargaining Agreement – 2024-2026

Councilmember Dahl discussed the FOP contract and how funding comes directly out of the current expense fund. Therefore, the original contract was renegotiated a few days ago, which included the following changes: Full family medical was removed, as well as a step increase. 15% of expenses is allotted to wages alone. Councilmember Huff explained the procedure of how contract negotiations have typically occurred in the past; the mayor notifies the council, so council can be part of the team/be in the loop during the decision process, when a tentative agreement is offered. In this case, the typical procedure did not occur, and the first executive session regarding this matter didn't occur until the most recent council meeting, last month. Councilmember Huff went on to talk about the emotions that often accompany contract negotiations, and the need be good stewards for the city, and set emotions aside in order to make a business decision regarding this matter. Councilmember Huff believes there's still room to move within the negotiation process, but expressed discomfort about taking action during this meeting, until a definitive budget for 2024 is available.

All council members agreed to hold this issue for a future meeting, after the 2024 budget gets adopted.

10. Cost Allocation Plan for 2024

Clerk Treasurer Jenna Amsbury explained that in two audit sections, the city has been requested to create a cost allocation plan that's updated from the past. This plan takes into consideration how cities of a comparable size, use different methods for how salaries are allocated out to the different funds, because utility funds can only be used for the utilities they serve. She then presented the draft for the 2024 cost allocation plan to other councilmembers, and went on to explain that calculations can be made from either the number of employees in a fund and/or the revenue in a fund, to show the city has a method for how allocations are made to every fund. This plan will satisfy the needs of the audit.

A motion was made by Councilmember Ross, Seconded by Councilmember Dahl to approve the cost allocation plan.

Voting Yea: Councilmember Huff, Councilmember Ross, Councilmember Dahl, Councilmember Klimek

Voting Nay: Councilmember Simmons

Ordinances and Resolutions

11. Budget Amendment Ordinance

2023 budget amendment - a new contract with District 5 was approved after the 2023 budget was done. This amendment adds in the cost of the ambulance, so this expenditure is covered at the end of the year.

A motion was made by Councilmember Ross, Seconded by Councilmember Huff to approve Ordinance 887, adopting the 2023 budget amendment.

Roll Call Vote

Voting Yea: Councilmember Simmons, Councilmember Huff, Councilmember Ross, Councilmember

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Dahl, Councilmember Klimek

12. Resolution to Repeal CPI for 2024

Councilmember Dahl explained that this ordinance would be to repeal the consumer price index (CPI) for 2024, which would make it 0%, rather than the 3.78% that the CPI would normally have followed the finalization.

Paul Nott (speaking as a concerned citizen), mentioned the rate study that was done, and acknowledged the boldness of it. If the council is unwilling to repeal the CPI, Paul asked council to consider reducing it to a nominal fee (such as \$.10). He suggested adjusting to a smaller rate in light of inflation in the current economy, will assist citizens who are struggling to pay bills, while at the same time reducing the overall amount the rate will jump to in 2025. Paul then noted how much the cost of replacement transformers had increased this year (\$4,800) as an example of increased prices across the board, and the importance of having funds for things like that.

Councilmember Ross proposed allowing citizens a break for a year, but no more.

Councilmember Huff voiced the need for city officials to notify citizens of a specific plan for incremental rate increases and why, rather than simply increase rates. However the public couldn't be notified yet, because the SCS hasn't yet completed their part so specific rates could be determined. Therefore, Councilmember Huff expressed being in favor of a 0% increase, since there was already a 10% increase to citizens last year, and then adjust as needed in the 2025 budget cycle.

Councilmember Klimek expressed his opinion that if rates aren't raised now, that it will come to a point in the future where there will have to be such a large rate jump, that it will hurt citizens more in the long run, than increasing the rate by a smaller amount now.

Councilmember Simmons pointed out that a 3% rate increase only gains the city \$15,000.

Chad Bedlington noted that the goal of the CPI is simply to keep up with inflation, derived from set standards, and reminded council that their intent was not to feed the general fund. Rather, the intent is to make up for inflationary costs against each utility, each enterprise fund, and each business.

Councilmember Huff recommended this issue be held for the time being, until the budget gets approved, even if it means having to hold a special meeting.

13. 2024 Budget Ordinance

Jenna Amsbury, Clerk-Treasurer, stated this is predominantly the same material provided in the past meeting, with other options.

Councilmember Huff brought up a portion of the plan; Option B. This option talks about laying off a Light & Power position, which is it's own business (essentially). Huff went on to explain that usually, a layoff gets made because there either isn't sufficient work available to support the staff, or because there isn't the funds to support the staff. Huff pointed out that Light & Power has a \$500,000 surplus (including the \$50,000 building outlay that never got added to the budget), suggesting this department has both work and funds available, and was confused as to why there would be a proposed lay off to this department. Councilmember Simmons pointed out that funds from one department cannot legally be used to fund another department. He expressed frustration with the fact that he and other councilmembers have written up proposals for cost allocations, to prevent shortfall and surpluses from happening, but they are not being reviewed by everyone and included in the budget.

Councilmember Huff suggested the option to lay off a Light & Power employee in the 2024 allocation plan be removed.

Councilmember Simmons suggested the CPI was utilized in the previous year's budget as a weapon, in that either the CPI increase gets passed, or there was a threat to cut jobs.

Mayor Miller suggested that's why two options had been given, but Councilmember Simmons countered that both options were unacceptable/unreasonable. Councilmember Dahl agreed with Councilmember Simmons' point. Councilmember Hoff inquired as to how a middle ground or

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compromise could be reached.

Councilmember Klimek related an experience whereby he recently met a citizen during a community event, whereby the citizen identified himself as a Public Works employee, and begged Councilmember Klimek to "save his job." Councilmember Klimek pointed out that budget decisions weren't just numbers, but outcomes that impact people's lives.

Councilmember Huff acknowledged the concern for employees, but reminded council members that a decision must be made that's best for the city financially, and that no options were "off the table" at the moment, until an agreement can be reached. Huff then mentioned an option to freeze step increases, COLA increases, and new hirings for a six month minimum. He suggested the current budget proposal was not financially responsible for the city.

Councilmember Simmons brought up the issue of purchasing bunker gear for the fire department, and a desire to see a budget that addresses the transfer of \$50,000 from this year to next year of current expense. Simmons noted this gear has been promised to the department previously, and expressed his belief that the FD is deserving of this equipment.

At this point, there was much debate about a number of budget issues, and a need to create a spreadsheet for different scenarios, so that different outcomes could be evaluated.

Councilmember Huff talked about keeping the FOP budget "status quo" for this year's budget, but renegotiating the contract so an amendment can be made at a later date, to help reduce overall budget costs.

Councilmembers Dahl and Huff expressed not liking to use ARPA funds for ongoing expenses, but there's currently \$86,000 that needs to be spent by 2026, or it must be returned to the federal government. Several ideas were discussed as to where those funds could be used.

It was reiterated that council would remove the IT proposal from the next draft, and also that there will be no layoff of staff for the Light & Power department. It was also suggested the next draft include plans NOT to give administrative COLA's this year, in order to maintain staffing levels.

Councilmember Huff inquired about scheduling a specialty meeting to approve a final budget with all the changes discussed from tonight's meeting. Meeting scheduled for December 21, 2023 at 6:30pm.

Public Comment - City Business Only

Jeff Geer thanked current council for recognizing the recommendations of the fire department earlier in the meeting. Jeff mentioned his own experience as both a past council member and city fireman, and expressed his frustration with the current mayor's handling of the budget, especially so late in the year. Jeff suggested this process should have been done in August, and recommended council start thinking about 2025 budget concerns by March, or they would find themselves in the same situation at the end of 2024.

Dan Comer expressed his displeasure with the council's decision to kick people out of the meeting, before they've had a chance to say what they want to. He recommended providing the public with at least one warning before dismissing them from future meetings.

Lisa Johnson brought up the topic of receiving a trespass citation on November 28th, and how it was a violation of her First Amendment Rights. She stated the description was vague, with no written explanation given for the reason for the citation. Lisa further explained that the officer had issued the citation the day before the special meeting, knowing full well she would be unable to attend. Furthermore, she was told that she had 48 hours to appeal, and alleged that no one was going to look at her appeal within that time period. Despite her statement, Lisa went on to say that she did have an appeal at some point, and was verbally told at the appeal that she was trespassed for "high-fiving" another citizen after she was kicked out of a council meeting for her comments, which caused the public to clap and stall the meeting. Lisa continued by explaining that she picked up her public disclosure request regarding the incident, but did not receive it the video and statements needed, that would demonstrate criteria were met to issue a trespass. Lisa expressed her belief that the trespass was specifically issued to target, harass, and intimidate her.

Carrie Comer expressed her hope that council would rescind the idea of putting an application process in place

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for the selection and appointment of the future Fire Chief, and voiced her approval of Andrew Pittman for the position. Carrie talked about the importance of following traditions with regards to city processes, which she believes have been effective for over 80 years. She accused the mayor of convening the salary commission illegally, with the intention of giving himself a pay raise, and expressed her hope that the council would hold Mayor Miller accountable for his actions. She expressed her dissatisfaction with the budget, specifically the issue of creating an in house IT department and what she perceives to be mismanagement of the process. Carrie ended her comments by accusing Mayor Miller of being a bully, with an ego, who likes to intimidate and retaliate against others, and called for his resignation.

Missi Olson talked about the two most recent town hall meetings, which she reported were both great experiences, full of community togetherness, and what McCleary is all about. Missy then suggested Mayor Miller is to blame for causing division within the fire department, city council and community, and also called for his resignation.

John Goodwin identified himself as a retired fire fighter from the city, and suggested Andrew Pittman should be the new, full-time Fire Chief, because it's what the people want and what other firemen within the department want. He stated this has been the process in the past for appointing people to the position and that there's never been a problem before; it's a good system.

Paul Nott also identified himself as a retired city fire fighter, and echoed John's comments about appointing Andrew Pittman as full-time Fire Chief, to be done before December 31st.

Oath of Office - Council Positions 1 and 2

The oath of office for Council Positions 1 & 2 was read aloud. Jacob Simmons and Brycen Huff were both sworn in as the two newest council members for the year 2024.

Council Comments

Councilmember Huff reminded everyone of the fire truck food drive coming up on Dec. 16th, and encouraged everyone to donate. He then recognized the Civic Renewal Council for their park decorations. Huff mentioned that the Santa breakfast at the Bear Festival was successful. Huff then talked about the email exchange that had gone on regarding the appointment of a new Fire Chief. He expressed his appreciation for the good comments submitted by several individuals, in concern for the fire association. Huff talked about Andrew Pittman's history with the town, and his many qualifications for the position of Fire Chief. Huff expressed his belief that the mayor's actions in this matter were a slap in the face to the entire fire department, the community, and to Andrew personally. Huff went on to talk about recent events, including investigations, litigation issues, poor management of finances, and general mistrust that has developed between council members and the mayor, because of his "erratic decisions," manipulation, deception, and poor leadership. Huff stated that he has tried to give the mayor a chance, but no longer has confidence that the mayor is doing the right thing for the city. Huff expressed his frustration with the constant arguing and putting out fires and second guessing everything, rather than working on goals, and believes McCleary is the laughing stock of Grays Harbor County.

Councilmember Dahl seconded Huff's comments and stated that she too has zero trust and confidence in anything that goes on. Dahl is second guessing the intent and decisions that are being made by the mayor.

Councilmember Klimek stated there are politics being played in our fire department, which both sadden and offend him, and was of the opinion that the traditions of a city should be maintained.

Councilmember Simmons voiced his support of what other council members had stated, and expressed his own lack of trust and confidence with the mayor and said he was also tired of the second guessing the mayor's intent. Simmons then thanked Chad Bedlington for his quick response to an email that was sent. He noted that the holiday decorations in the park looked great. Simmons concluded by thanking Officer Morton for responding to a complaint Sunday morning, regarding an incident with his street where everyone's mailboxes had been opened.

Councilmember Ross expressed his appreciation to whomever organized the Christmas light car parade, and

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thought it was great!

Mayor Comments

Mayor Miller expressed his feeling that the distrust for him from certain council members went "both ways."

Executive Session

None

Adjourn

Motion to adjourn the meeting was made by Councilmember Ross, Seconded by Councilmember Dahl.

Meeting adjourned.

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