



# McCleary Regular City Council Meeting

Wednesday, May 12, 2021 – 6:30 PM

WebEx Virtual Meeting

## Minutes

### Call to Order/Flag Salute/Roll Call

#### PRESENT

Mayor Brenda Orffer

Councilmember Jenna Amsbury

Councilmember Brycen Huff

Councilmember Jaron Heller

Councilmember Chris Miller

Councilmember Joy Iversen was absent and requested to be excused.

**Motion made by Councilmember Huff, Seconded by Councilmember Amsbury.**

**Voting Yea: Councilmember Amsbury, Councilmember Huff, Councilmember Heller, Councilmember Miller**

### Agenda Modifications/Acceptance

There were no requested changes to the agenda.

### Public Comment

Mayor Orffer: We are going to open for public comment. What I would like for you to do is let me know if you want to be heard for public comment so I know how many people we have and then we'll call on you.

Suzannah Winsteadt and Angela Rittinger both stated they would like to provide a public comment.

Suzannah Winsteadt: I just wanted to thank Mayor Orffer for taking the time every Friday to post an update on Facebook and I wanted to ask if you could add a blurb with some bare bone details on the Friday updates to make the information a little bit more accessible to people, so that if they need to review it, they don't have to re-watch all of the video to figure out where you gave us the update for upcoming events.

The second thing that I wanted to comment on was Ordinance 773. I'm not really sure how to read ordinances, but it's regarding animals in the parks and cemeteries. That's a little bit unclear. Could we address this and review our ordinance on animals in the park? I would like to bring that up for future discussion. I read the policy and it's not very clear to me who the director is, who you need to get special permission from in writing to allow your dog to be in the park. I don't really understand why we can't have dogs in the park, so I would like to open that up for discussion, because it makes it more accessible to people if they can take their dogs, and their kids, to the park.

Mayor Orffer: I've made a note of that, and we can take a look at it and see if we can add it to an agenda at an upcoming meeting. Thank you for joining us tonight.

Angela Rittinger: I am just looking to get a little bit of clarification tonight on where we stand with the county and the SAP that's been written for the Summit site and the buried asphalt. There seems to be some misinformation out there and I think it's important for the city to let folks know where we sit with that. Unfortunately, that misinformation is starting to spread toxicity to our community. And unfortunately, family

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members, friends, ex workers of the city, council members, and family have gone on a retaliatory attack, just for questioning city officials on some of these issues. I think an important thing that those folks need to remember is that you guys serve the community and by virtue of that, you're open for public scrutiny. To ignore facts and not realize that you guys are public employees and are subject to public scrutiny, and to go on that kind of an attack in your defense, is just really a bad look for the city. I think more importantly, it may keep others from speaking up for fear of that same type of retaliation and certainly the city doesn't want that to come upon their citizens.

I'd really just like to hear from someone about where we are in order to try to clear things up and get the focus back on where it should be. If not, I can provide those updates. I've been in contact again with Rob King, as a matter of fact, as late as today.

My first question would be where our SAP is. I understand that the draft was submitted, returned, and the final was submitted, and the county is now waiting to hear from you folks on a timeline.

The second thing that I want to clear up is, just so folks understand, that there are three separate issues that the county is dealing with and it's a process for every one of those things. This is all provided to me through Rob King. I can get verification, if anybody wants me to provide that. This was through a phone call, but I'm sure he'd be willing to issue an email stating such. The first issue that they're dealing with is the buried asphalt and that's what you guys are all active on right now with the SAP.

The second issue is the above ground storage of the asphalt and concrete. The reason Rob is breaking this up into three issues and three separate cases is because that allows them to get moving quicker on the first issue of the buried asphalt. If you had to wait for all these to get approved, it would be much later before they could deal with the first issue. With the second issue, the piles have to be moved so they can test underneath the piles.

The third issue, is the Mox Chehalis site, which has been shut down, as far as the dump site. There was a cease and desist put on that.

So, I just want clarification from you guys on all of that and that you are aware of the same facts that I'm aware of from what Rob King saying, just so we can get the clear facts out there for some folks who might be a bit misinformed.

My next question would be for the chief. Last year, I was down at the police station with Monique Buechel on a separate issue, and we were talking and got on the subject of body cameras and you said this town is way too small and we don't have the budget for that. And you are quite adamant too, at that time, about the fact that you don't work for the mayor and you make your own decisions. The last time I was down there was with Melissa Baum and Erin Brown of Justice for Lindsey Baum, and you were adamant about the fact that you do work for the mayor. So I'm wondering if you can clarify, which is the fact, do you or do you not in fact, work and report to the mayor?

My second question is about those body cameras. You stopped and said that you didn't have the money for that. Yet we do, because we spent over \$42,000 dollars on surveillance equipment and cameras that wasn't even approved by the council. There was no resolution passed by the council for that and there's no body cams in that. So I did a public information request only to find out that, in fact, the city already has body cams that were purchased by Chief Crumb and that were active and used until Chief Blumer took over and then they were just taken off and not used. I'm just wondering why that is? First of all, why you would say that the city couldn't afford it when in fact the city already had the cameras and secondly, if we can spend that kind of money on

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surveillance equipment, why can't we have body cams on our police officers? Is your line of reasoning going to be that all of those cameras quit working at the time you took over as chief? Those are my questions.

Mayor Orffer: Thank you for your questions. I want to provide a little bit of insight for you with regard to the cameras. First of all, the body cameras that the city had were purchased when Chief Crumb was here, as you mentioned, and they were taken out of operation while Chief Crumb was still here because it's not just a matter of financing, and storage, and retention of the videos, but it's also the memory and the servers that it would take to retain all the information. The city at that time, according to the administration at the time, did not have the resources, nor the funds to accommodate the proper retention and storage of that amount of video footage.

Angela Rittinger: Roy Police Department does it quite well and they were able to do it on their small department budget. And again, if we have \$42,000 dollars to spend on surveillance equipment, and \$35,000 dollars to spend on new computers, and I don't know how much on the new fleet of trucks, you're telling me that we can't afford another couple of grand to get these cameras back and in use? I think you might be mistaken that those cameras were taken out under Chief Crumb. You may want to look into that, because I believe that they were discontinued when Chief Blumer took over. I can get verification on that, as well.

Chief Steve Blumer: I can answer that. You said you want clarification. Not making false accusations. The cameras went out of service in 2015 and I wasn't employed then.

Angela Rittinger: Well, that's funny because I've got a receipt from the public information request that I did that I can run and grab it real quick. I don't have it in front of me right now, where they came in and did service on them in the 2016. Can you explain that to me?

Chief Steve Blumer: Yeah, I sure can if you would be quiet and let me talk. Ms. Rittinger thanked him for his polite answer. Chief Blumer continued, we're taking information and downloading them to another server. Adnets did the service and I'm pretty sure it was September of 2016. They're downloading the information off of the cameras to move them to a server for retention. The cameras that were ordered, it was a Chinese model I think, the city paid \$220 dollars for it and they couldn't get it to work, and they still haven't been able to get it to work, because of the infrastructure.

Angela Rittinger: So, the camera's been out of service in 2015, but you spent \$800 dollars in 2016 September so it took in 9 months to take care of that to get that?

Chief Steve Blumer: I wasn't working there until November 1st of 2016, so I don't know, I wasn't even employed there yet.

Mayor Orffer: Chief, you can follow up with Ms. Rittinger in finalizing answers of clarity. Like I said, most of this happened under Chief Crumb's administration, we're happy to go back and look and get answers for you.

With regard to the SAP soil analysis plan that we submitted to the county, we did submit a draft plan. They provided feedback. We updated the plan and submitted it once more and it was approved and we have begun implementation of following out the plan. Todd, can you give a brief update on that? And Ms. Rittinger, if you would like, additional information, Todd can follow up with you also offline.

Todd Baun: We have scheduled with a material company that takes the samples, and also allowed us to actually get the samples tested, and we have a schedule for that to be completed. I think actually we're going to start doing some of it tomorrow.

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Angela Rittinger: Isn't the county is supposed to be notified before any work begins?

Todd Baun: I'm not sure if that's in the plan or not.

Angela Rittinger: I do have an email that says that you're supposed to contact them. The email that I received from Rob King today stated, when I asked them about any new goings on just be prepared for the meeting tonight, I can read through his email verbatim. It says, unfortunately, I have nothing new to report. We are slowly moving from the typical wet season and into the typical dry season, so I anticipate we will hear something from them soon. If not, then we will need to establish communications with them. So you might want to pick up the phone and give them a call and let them know that you guys are getting going on that because I'm pretty sure they want to stay in the circle of that.

Can you confirm with me also that they have broken up into those three separate issues; the buried asphalt, the above ground storage, which would be the next issue that we'd be dealing with, and then the third issue that would be dealing with was the Mox Chehalis site? Can you confirm that? If not, I can certainly get that in an email from Rob King for our next council meeting and provide that to you.

Mayor Orffer: That's already been confirmed and explained when Mr. Nelson joined us a few months ago. He also explained that. So, yes, that's true.

Angela Rittinger: Well, it seems to be unclear and there seems to be a lot of community members out there, friends and family and don't quite understand that. And I think it's important to get on the record that we do have issues that we are dealing with, and that we are moving forward on that and that this isn't something that has just been slipped up under the rug and it's not going to be addressed. So just wanted to get that clarified and I thank you for doing that. Thank you for your time.

Mayor Orffer: I appreciate your comments tonight and I appreciate people taking time to be with us.

## **Consent Agenda**

1. Accounts Payable April 1-15 Check numbers 49088-49152 totaling \$261,667.41
2. Accounts Payable April 16-30 Check numbers 49153-49186 totaling \$66,405.16
3. Minutes 04.14.2021

Accept the Consent Agenda.

**Motion made by Councilmember Amsbury, Seconded by Councilmember Huff.**

**Voting Yea: Councilmember Amsbury, Councilmember Huff, Councilmember Heller, Councilmember Miller**

## **Updates**

4. Staff Reports - Water/Wastewater, Public Works, Building, Finance, Police, Light & Power
5. Legal Update  
Chris Coker said two weeks ago, he had a summary judgement motion in Grays Harbor Superior Court and we did get a warrant of abatement against Libby's property. The city can move forward with the

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authority to abate the nuisance and we can back-charge the property owner, if it doesn't get taken care of.

## **New Business**

### **6. Municode Change Order - Cemetery**

Approve the Municode Change Order in the amount of \$1,000.

**Motion made by Councilmember Amsbury, Seconded by Councilmember Heller.**

**Voting Yea: Councilmember Amsbury, Councilmember Huff, Councilmember Heller, Councilmember Miller**

### **7. Large Document Scanner Lease Discussion**

Todd Baun reported we currently have a large document scanner that we purchased from Ricoh in 2018. We are leasing it from Ricoh and at the end of lease, we end up owning it. It hasn't worked in several months. I have been working with Chris and we've reached out to Ricoh to try to get some type of resolution to this, but we still have not. I would like to be able to scan large documents. The other day, I had to go up to Olympia to the FedEx Kinkos to scan documents and it cost \$10.50 a page for the maps that we were doing, and a lot of these maps are anywhere from 20 to 75 pages long.

I would like to be able to get to some type of guidance on what we need to do with Ricoh. Do we need to have Chris go after them and get a resolution for this or do we pay off the remaining lease, which I don't have the number of from me right now, but I want to say right around \$2,500 dollars or a little bit less. I would like to be able to move on and get a bigger document scanner from a different company that would work and have a warranty and have service with it too.

Councilmember Amsbury asked what was our original agreement with them and the terms for that lease and how did it work? Todd said he is not sure if Chris remembers or not, but basically the current lease that we have states they are providing the service that we have in the lease. We signed a lease, so that's where we're at now. We haven't heard from them.

Mayor Orffer responded, Todd correct me if I'm wrong, but the lease that we signed with them, or the, the program that we were in with them did not include certain levels of service for their service entity is out of state, and they provide the service, but we have to fly them in or something and Todd answered, yes, from Texas.

Chris Coker added, that's correct. The maintenance agreements wasn't included with the machine itself. It's a little bit goofy. It's of these ones where we can either buy out the contract or, alternatively, stop paying on it. And that's the decision. I'm always a little worried about stopping to pay it because there are provisions for attorney's fees and things like that in the contract. Basically, we just need some guidance some direction as to what to do. The city does have some exposure if it decides to stop paying on that lease.

Councilmember Amsbury asked is there no one else that can fix the device that's more local, or someone that can come out and do some troubleshooting that would be at a cheaper cost. It doesn't seem like it's very old.

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Todd added, no, it's not very old and that's the issue that we're having. We have to deal with Ricoh, so every time I deal with Ricoh, they say they do not have technicians that work on that and they have to contact somebody that is actually with the manufacturer of this document scanner and when I do that, the two places I've been in contact with they're out of Minnesota and Texas. We've been trying and it's a very frustrating process.

Mayor Orffer asked if there is a possibility of doing an early trade in on that. On leased equipment you can trade in or trade up before a lease is up. Have we talked to them about that option?

Todd said we haven't talked to Ricoh with that option. Ricoh has stopped communication with us. But the company that provides our copier right now, which is Kelly, they have a large document scanner that provides a service with a maintenance contract and they would take over and add in our payment for the documents scanner and pay off the scanner for us, but it would go into the lease fee for it. That's about the only thing that I found anybody will do.

Mayor Orffer asked Todd how many payments are left on the lease and Todd said he'd have to look to verify again, but he believes it's almost 18 months that we have remaining.

Mayor Orffer said, Council my inclination would be to first try at least one more time and maybe with a written communication from our city attorney to Ricoh on how to resolve the situation. We have a piece of equipment that for all intents and purposes for the age of it, it should work or it should be able to be repaired. That would be my recommendation that we try that first. Let's pull up the contract so that we all have a better knowledge of what exactly says and then if we get a no response, so we can't resolve it with Ricoh here in the next couple of weeks then let's have the conversation again based on that knowledge. Does that sound an appropriate pathway forward? Councilmember Huff said, it sounds good to me. Councilmember Heller said, I would approve of that and we'd look forward to seeing the contract. Councilmember Amsbury agrees. Mayor Orffer said, okay Todd and Chris let's do this. Chris Coker will reach out to them via a letter. Chris Coker said, I'll do that. These things are always tough situations, because a big part of me says, walk away from it, but that's not going to resolve the issue, so I'll reach out to them via letter.

Councilmember Amsbury said thank you and could you email us a copy of it too? Just so that we have some time to look at it. Chris said, yes, either I can or Todd can.

## **8. Council and Mayor Policies**

Mayor Orffer said I want to again thank Councilmember Amsbury and Councilmember Iversen, even though she's not here, as the committee that worked on helping to draft a document that would serve as a council and mayor policy, or guide. We can work together to name it. It's a best practice that a lot of cities are utilizing so that when people attend meetings as council members, engage in their work as council members, and as mayors engage in their work as mayors, everyone knows how to put one foot in front of the other and to make meetings successful.

I don't know if you've had time to review the entire document, but we would be happy to entertain some initial discussion or questions and we certainly did not look for any action tonight. Councilmember Heller said, I think this is a great working draft and really appreciate the work that you put into this. I did see that you were questioning the 10-day limit for responses from city staff. The only suggestion I have with that is maybe revising that to 10 business days, or working days. Mayor Orffer responded, there are times the way our council meetings fall that we may not even have 10 business days between meetings. We'll take a look at that. That's good feedback and maybe we can

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look at the business days, or to maybe get a little bit more clarification on what would work. What we can do is plan to bring it back on the agenda at our first June meeting, which would give you all the next month or so to provide more feedback or questions and then maybe by that meeting, we could have a tighter draft that we could then consider adopting at the next meeting after that.

Councilmember Huff said this is a good first draft and gives good guidance not only to us, but for future mayors and council so we are on the right track.

Mayor Orffer said Councilmember Amsbury worked a lot with us on this. Councilmember Amsbury added, we did have a long working Saturday to go through this one because it was pretty large. At the end of the workshop, I had just kind of made comments to take out some of the training things, and we talked about maybe having more of a new council, and new mayor guide book, kind of like AWC already gives for us, but just something that has that info separate from this and is a procedure type document. I'm just trying to keep those two ideas separate, because I did go through and strike out some of that stuff in the original draft. Just the appendix and just thinking that that can be a separate document, because we were already getting so large on it and I know that personally, when I see a big document that's too big, I don't want to go through and read the whole thing. My goal was to try to shorten it down as much as possible so it wasn't too lengthy of a document that no one's going to ever go back and look at. There was a couple of comments in there that Joy and I had made to say that they did need full council review of what you guys think, because we were only two of us putting down our ideas. I want feedback from everyone, because this is this is for all of us and so I hope that you guys can dig into it and see what you like, or if you have some other ideas. I don't think that any of us were set in stone with this.

Mayor Orffer said we were trying to draft something that will ultimately create something that we can follow and utilize. We don't want it to be complicated, long, and too complex for anyone to be able to follow it and utilize it. We'll bring this back at the first meeting in June.

## **Updates**

### **9. Councilmembers**

Councilmember Huff announced on Saturday there will be a trash cleanup group meeting to pick up trash around town.

#### Mayor

I want to congratulate our McCleary Museum and Heritage Center on opening last weekend. I think they had a very successful event and we're very glad for them. I am happy to see that project continuing and happy to know that our history here in the city will be preserved for many years to come.

We want to also thank the group that's been doing the Saturday cleanups on the 3rd, Saturday of the month. We really appreciate the help from the community and for the work that goes into it. It's just really amazing to see people engaged and we thank all of you that are doing that.

We will certainly be glad to add a commentary, or a written statement, or a posting to the Facebook live that we do on Fridays to provide a little bit more insight or written insight, so you don't have to watch an entire video again. Thank you for that idea. We're happy to incorporate that.

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And I also want to share that we are excited for summer that's coming. We want just to remind everyone about dry weather and to be mindful of safety when it comes to burning. I noticed on our police report that we had a lot of calls for agency assists for fire so just to be cautious and be careful as the weather gets drier and to be mindful of that.

We did meet with ORCCA, as we talked about it at our last meeting, and let them know that council was interested in the potential of making our burn permits as an online application and an online process through their organization, and that we were happy to continue with the conversation. We, of course, have not committed to anything. They are going to be sending someone to one of our next meetings to provide more information directly from their organization about how it works and to answer your questions. We did meet with them and they have a board meeting tonight, otherwise, they would have tried to be at this council meeting. It's very likely that they will be with us at our council meeting on May the 26. So that continues that conversation and we are grateful for the potential with that and council will have the opportunity to learn more about it.

#### **10. Mayor - Covid-19 Update**

Governor Inslee has put a pause on the phases for the entire state, so all counties are paused in the phase that they're in. I believe that that pause is through next Monday, May the 17<sup>th</sup>, and so we should be hearing more about what will happen. In the meantime, we appreciate that everyone has been working together to ensure safety in our community.

I also want to make sure that council is aware that we continue as a staff to make sure our employees at the city have the PPE that they need. They have a coded response plan that we remind everyone to follow and we continually update that as needed and we have made sure that employees have access to resources and information, and we're helping them connect to whatever it is that they need during this time and trying to stay very much in touch with them to make sure that they not only are safe, but that they feel safe. We continue to work from that angle.

From a financial aspect, the city did receive our first payment from FEMA. We had submitted a reimbursement request for around \$10,000. We were 100% approved on that. I want to thank Chief Blumer for submitting that and for making sure that that process was followed and getting our reimbursement, and the city has received that funding. We're very appreciative of that. Then, we will be talking with council more about the money that will be coming to the city through the America Rescue Plan. There'll be more information coming. We've received some information, even as late as today, on how that process will look over the next 2 or 3 years.

We continue to account for financials, with regard to covid response and maintain documentation, so that we can continue to submit for reimbursement through FEMA for any eligible expenses.

#### **Public Comment**

Angela Rittinger

One of my questions wasn't answered by the chief. It's just a quick question as to whether he works for you or not because last year he said, no, this year he said, yes, or vice versa, and I'm just wondering who does he report to?

Mayor Orffer

Within the city, the Clerk-treasurer, the Chief of Police and the Public Works Director report to the Mayor. Ms. Rittinger stated, great, that's all I needed to know. Thank you very much.

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Suzannah Winsteadt

I just had a quick related comment. The last time I checked on the website, the organizational chart was very out of date and has the previous council members, mayor, and chief. I just wanted to bring that to your attention since it was just addressed now.

Mayor Orffer

We are working on the web redesign, it's going to have a complete overhaul and I think our community is going to be very pleased with the final product. We will take a look at that to see if we can update it on our current site, but we're hoping to have our new site live by August of this year, and I want to compliment the staff. There's been a team of people that are working on that together with Municode and we're looking forward to unveiling that later this year. Thank you for the insight. Suzannah responded, wonderful, hopefully, it's just a PDF update to upload to the site, but I appreciate that and look forward to the new website.

**Adjourn**

Adjourn the City Council Meeting at 7:12 PM. The next City Council meeting will be Wednesday, May 26, 2021 at 6:30 pm.

**Motion made by Councilmember Heller, Seconded by Councilmember Huff.**

**Voting Yea: Councilmember Amsbury, Councilmember Huff, Councilmember Heller, Councilmember Miller**

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