McCleary Regular City Council Meeting

Wednesday, April 14, 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

STAFF PRESENT

Wendy Collins, Clerk-Treasurer Todd Baun, Director of Public Works Steve Blumer, Police Chief

Agenda Modifications/Acceptance

Motion made by Councilmember Iversen, Seconded by Councilmember Huff.

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

Councilmember Iversen.

Public Comment

Mayor Orffer stated we are asking public to keep public comments to 3 minutes and just to be mindful of the time that we have that we want to dedicate to hear from others later in the meeting as well.

Angela Rittinger, Main Street

We've been dealing with a lot of this asphalt issue, as we all know, over the last few months. I came across some information, or some information was brought to my attention about a soil sale from the Summit site. It was a soil sale in the amount of \$1,500 dollars to Jeff Foster. The first troubling thing I came across was I get a public information request on the fee and rate schedule for the city and I see all sorts of rates for pet fee and the other things going on, but there's no rate for soil sale and so I am under the impression, I thought that when the rate is determined, isn't it standard practice of law that the council has to pass a resolution in order to put a price on that dirt? I'm also wondering how that rate was even formulated and I'll bring that up here in just a minute.

The second thing that I came across that was a little bit troubling was the fact that out of the \$1,500 that the City made on that sale of that dirt, the rental for the Herc excavator that was rented from August 26 of 2020 to September 2nd of 2020. It had 24-hours of run time on it and cost \$3,148.24. That doesn't include the labor that went into that.

I also did a public information request for that load count and man hours and I'm going to quote, Todd's email back to me that says, quote, "We cannot find the information" end of quote. And quote, "The crew could not

find the load count or man hours", end quote. So, my question to you, Todd would be on record, are you telling me now that since I put in that public information request about 3 weeks or so ago, in that timeframe, let's say about a month, part of your return email to me was that you're going to talk to the crew about that? So my question for you on record is that you're telling me that since that time in the last few weeks that no public works employee that either of you approached or your Forman approached, when trying to fulfill this request, no one provided you any man hours or bucket count to either you or your foreman? I just want to clarify that.

Todd responded, they did not. When I asked Jenna for it, I wasn't sure about what she did with the dirt behind the cemetery, which was part of this dirt sale. When I asked Joe about the load count, he said he thought he had it on his phone, but he said he couldn't find it when I asked him about.

Ms. Rittinger continued, and your Forman never spoke to those folks about the load count or the man hours either? Your foreman what's his name?

Todd responded, Steve Randich, yeah I believe he did.

Ms. Rittinger asked, so he told you also that they didn't give you any hours or bucket counts? Correct? You're on record saying that?

Todd responded he did not provide me any information on it.

Ms. Rittinger confirmed, he did not provide you any information. Okay. Well, great. So we've got that on record now and I appreciate that. Can you explain to me though why the city spent a total of well, and this is the thing since you don't have any man hours for that. But, we know that the excavator didn't run itself. So there was obviously somebody running that and since you can't provide who did that, I suppose we could probably base that 24-hour, run time off of your hourly rate, which based off of your salary comes down to about \$55.28 an hour, if my math is right, which for 24-run hours would put you in about \$1,326 for that, which brings us to a total for \$1,500 soil sale of \$4,474.96. I'm wondering on that invoice, you've provided me from that sale of soil, there was no invoice number on that invoice. I put in another public information request about that and I have not received that proper invoice number for that invoice, as well. So I'm wondering if you might be able to address that in the next week. Thank you so much for your time.

Jeana Scott, McCleary

I asked a question during the last city council meeting regarding the mayor's oath of office and I would like to know what that says. Can you tell me what your oath is, please?

Mayor Orffer responded, I can't quote it to you. Wendy can could look it up. If you want to hear it.

Ms. Scott continued, it's okay, I'll give it to you. I'm very concerned about this. During the last city council meeting, you informed the people that serve under you, including your listening audience, which is your community members, that McCleary is a city that's part of a global government system. And you can't quote me what your oath states. Let me say that for you, according to Washington State Legislature RCW, Title, 43, Chapter, 43.01, Section, 43.01.020 oath of office states, "I do solemnly swear or affirm that I will support the constitution of the United States and the Constitution and laws of the State of Washington and I will faithfully discharge the duties of the office to the best of my ability". The global government statement directly contradicts the mayor's sworn oath. The first three words of the United States Constitution state, "We the people", and the purpose of the government of the United States is to serve its citizens. So who are you serving? That's my public comment for right now. Thank you.

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Consent Agenda

- 1. Minutes 03.24.2021
- 2. Accounts Payable March 16-31
- 3. Payroll & Treasurers Report March 2021

Motion made by Councilmember Iversen, Seconded by Councilmember Heller. Voting Yea: Councilmember Amsbury, Councilmember Huff, Councilmember Heller, Councilmember Miller, Councilmember Iversen.

Updates

- 4. Staff Reports Water/Wastewater, Public Works, Finance, Building
- 5. Legal Update None.

New Business

6. WA. ST. Treasury LOCAL Program document

Councilmember Iversen asked, is this the financing for the bucket truck and the other vehicles that we discussed and approved in the past and Mayor Orffer responded, yes, this is the financing piece for the items that were approved in the 2021 budget.

Councilmember Amsbury asked Todd if the two trucks that are going out of service will be sent to surplus and sold or what is happening with those. Todd stated, yes, they will be surplus and sold.

Approve the Washington State Treasury LOCAL Program Document.

Motion made by Councilmember Iversen, Seconded by Councilmember Heller. Voting Yea: Councilmember Amsbury, Councilmember Huff, Councilmember Heller, Councilmember Miller, Councilmember Iversen.

7. Civil Service Commission Appointments

There were six candidates who submitted interest in serving on the Civil Service Commission. Statements were made by Jeana Scott, Bob Dahl, Angela Rittinger, Suzannah Winsteadt, Saundra Sisk, and Dave Sisk.

Councilmember Miller asked the candidates if any of them have any experience that will serve this commission from a similar type of board, whether city or county, or anywhere else?

Bob Dahl stated in my daily duties at work, I'm heavily involved in all different committees, whether it's in judication processes, grievance procedures, panels, and whatnot. I listened to cases quite frequently, so the ability to reason and look for those objective views come from my workplace. In my workplace is where that would apply to me.

Dave Sisk stated he spent eight years with the Thurston County Chamber of Commerce as a sales manager and hired many sales people. It's one of the things that I have, and I believe, a lot of individuals have told me is the expertise and being able to communicate with all different types of personalities, and being able to talk to that level and communicate on that level. I spent several years with the fire and safety with the EMS and was on a lot of committees that did a lot of hiring. So, I've got a little bit.

At 6:58 PM, Mayor Orffer called for an executive session to last five minutes to discuss candidates and no action will be taken. Any decisions will be done on the public record. The executive session is called per RCW 42.30.110 (1)(g), qualifications of an applicant for public employment. We are including Wendy from staff, and Chief from staff, as they work with this commission. The executive session ended at 7:03 PM.

Mayor Orffer stated there are two appointments; one for a six-year term and one for a four-year term. Councilmember Amsbury thanked all of the candidates for applying. There is a two-year appointment that will be expiring in August for those that are interested.

To appoint Bob Dahl to the Civil Service Commission for a six-year term.

Motion made by Councilmember Amsbury, Seconded by Councilmember Huff.

Voting Yea: Councilmember Amsbury, Councilmember Huff, Councilmember Heller, Councilmember Miller, Councilmember Iversen. Bob Dahl accepted the appointment.

To appoint Dave Sisk to the Civil Service Commission for a four-year term.

Motion made by Councilmember Iversen, Seconded by Councilmember Heller.

Voting Yea: Councilmember Amsbury, Councilmember Huff, Councilmember Heller, Councilmember Miller, Councilmember Iversen. Dave Sisk accepted the appointment.

8. ORCAA Permitting Expansion

Mayor Orffer stated we had an outreach that ORCCA, and they are interested in working with the city of McCleary to create an online burn, permit feature that our citizens could use and so we provided some information from them in the packet.

Councilmember Amsbury said I need some more information on it because I was a little bit confused. What would change from what we currently have in place and I'd like a little bit more background.

Mayor Orffer stated, what they're doing is they're creating an online burn permit procedure and it creates a database of where all the burn permits are located so, emergency services have access to a map of where everyone is that has a burn permit. They also have all that information stored in the database so that if a change in burn conditions occurs, they can notify every permit holder of that change in condition. It enables them to collect a lot of data and information about burning and where it's happening. It gives them the ability to control messaging and communication to all those permit holders and it does help the emergency services personnel to know more about where burns can be happening, or could be happening and how to work with those people. It also lets them know where burn permits are not located, which also gives them information that they need and helps them when they respond to calls of fires, if there's not a burn permit on record for that property.

They do it with different counties, different cities, and they've been doing it for quite some time in Thurston County and they were able to show us their database. I think there was a screenshot in here of the Capital State Forest, for example.

It allows people to then also get a burn permit, even outside of normal business hours, because they can go online and get it so it's a help to the customer and it's a support to the city in that it alleviates some of the staffing time of having to do that, because it becomes an automated process for the customer.

You can see under the burn form application, they have to notify of their street address, phone number, cell number, and how people can get ahold of them. That's where they collect all that information. They get an email as well, and that's the way they can put communications out. So, if a county or city, all of a sudden institutes a burn ban that wasn't existing, they can immediately let people know.

Todd added, Thurston County has had it since 2014. It is a free program for everybody. What we currently do here at the city is we have a form that people can come up to city hall, fill out the form, and we offer our free burn permit in the city limits. This would basically eliminate that form for people that have a computer. If they don't have computer, they can still enter this information and bring it to city hall and then we share it with ORCCA. It's a tracking device, not only for the city, but for the surrounding fire district also, which is Fire District 12.

Councilmember Iversen asked if it is mandatory and will people be cited in any way if they don't have a burn permit and they're burning? Todd responded, it is an educational tool, so it is to let people know what they can burn and with they can't burn. It's for the people that are burning branches in their yard and they don't have a permit, and if we get called for it, we'll go there and tell them there is a permit that you can apply for through ORCCA and it's free and we can educate them that way. Or, if say somebody's burning a chair or a Lazy Boy recliner or something, they can go out there and tell them you can't burn this and we have this information stating this is what you can and can't burn.

Councilmember Iversen asked, so no one would have to pay a fine if they were burning and they didn't know about this and didn't have a permit? Todd replied, no, they would only get a fine if they are a habitual burner that refuses to get a permit, then we would contact ORCAA and they will handle all of that. Councilmember asked if it is mandatory and Todd stated, yes, you can't burn anyway without a permit. Mayor Orffer added, you're supposed to have a burn permit if you're burning anything more than, I think a 3 foot diameter, or something like that. There's an allowance for stuff you can burn like yard waste. I don't want to say that somebody would never get a fine. It wouldn't be about a permit, but, if they caused a fire that caused damage, I don't know what would happen in that situation, but the fire districts and ORCCA are not looking to fine people for not having a permit. They're hoping to educate them on the need for it and the information that's on it will help them to burn successfully and in compliance.

Todd commented, Fire Chief Nott and Commissioner Pittman from Fire District 12 also sat in on it and we all believe it's a good thing to have if we continue with it.

Councilmember Huff stated, I know in Thurston County, the fire engines out there, for the most part, they have computers and they can look that stuff up about where they're going. Is that something we're going to need to get or are we fine how we are? Todd replied, we're fine how we are, because we can actually look it up on our phone, if needed. Everybody carries their own personal phone out there, as well.

Councilmember Amsbury stated, I guess for me, it's hard to think of doing another process like this because if people aren't currently doing a permit through us now, I doubt they would go and do this, too. That's just what worries me is that if we put something like this in place, I feel like it's adding another layer of things.

Councilmember Huff said, I see it the other way. I think, if it's a step you got to take to burn. If it's a nice evening and you want to have a fire and it's after city hall hours, they can't go down and get a

Please turn off Cell Phones- Thank you

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permit. I can go online and do it. I don't have to go anywhere. I think more people might be willing to do it that way.

Councilmember Iversen responded, I know when we moved here, I learned a lot about what you can and can't burn from the city. So any time there's more education available, I like that, because when we first moved here, we had people who lived here who told us to just burn something. Then we learned from the city later on that, no, those things were illegal like treated wood and things like that. I think it's always good if we can educate people more on what is and is not legal.

Todd stated, right, and also I just want to point out, this wouldn't be run by the city, or the fire district. This is actually ran by ORCCA and basically what we do on our website is provide a link to it, or, if we do go out to a fire, we can provide the information to them out there and people can fill it out on site.

Councilmember Amsbury asked if we have an option of having a yard waste bin. I don't know if that's ever been discussed. Todd said not at this time. Councilmember Amsbury asked, so Lemay doesn't even offer that as a service we can opt in to? Todd responded, no, but I can ask Roger again just to verify, but last time I talked to him, it was not on the radar. We used to have free recycling and now we pay for recycling because it costs them so much money to recycle.

Councilmember Amsbury added, that was one of the options that they had there and I think a lot of people, if you did have a yard waste bin, would probably use it. But I know that that's just something we haven't had before.

Mayor Orffer said we told ORCCA that we would bring this to the Council's attention and see if there is any appetite for it. I appreciate what Councilmember Amsbury is saying about whether it would create another layer. I just see that this would be a way that people have better access, or more access, or flexible access, to getting a burn permit and maybe more people would if they could just go online and do it. And, like we noted that wouldn't eliminate the possible paper permit for people that don't have Internet access, or don't want to work through the computer, but it does allow the flexibility that, as council member Huff pointed out, that you can get a permit any time, because once you do the online permit, it is emailed to you right away. It includes the permit itself and then it also includes all the instructions around what you can and can't burn, and so on. They would be tailored to our city. ORCCA would work with us to make sure that the instructions on there are tailored for the City of McCleary.

There is no cost to the city at all. They develop all of it and they maintain the database. They do all the communications. We would put a portal on our Website that takes people over into their website to get the permit. They manage all of that as well.

They wanted us to see what council thought and to see if they should move forward or have an additional conversation around collaborating with us on this project. We're not asking you to approve it tonight, but whether or not we want to keep having a conversation about this.

Councilmember Iversen asked if a burn permit has to be renewed annually? Mayor Orffer said yes, there is an expiration time on it. You have to get a new one every year. Todd said they last until December 31st and on January 1st, you get a new one. The way they've been keeping their databases is by years.

Councilmember Huff stated, I think, from listening to you, Mayor and Todd, this seems to be a positive asset that the fire department is wanting so I think we should move forward in discussion on it.

Councilmember Heller said I would also be in favor of continuing to work with ORCCA on this.

Councilmember Iversen said, I agree. I think this is positive and if it's something that we were getting through the city before anyway, this just makes it easier and more accessible for everybody.

Mayor Orffer asked if Councilmember Miller or Amsbury has any other thoughts and Councilmember Amsbury said, I'm okay with you guys continuing looking at it. I just I still have some reservations, but that's fine.

Councilmember Miller said, the only thing I was thinking is that I know around here when people complain, it's because they are complaining about people burning garbage. I know you're not supposed to, but my concern is the people will use this as their excuse to allow them to continue doing that. I know that that's not what it's intended, but I think it's going to cause more issues that we're going to have to try to figure out how to work through. So, just something to think about.

Mayor Orffer stated we can share that feedback with ORCCA. They've offered at a future council meeting if you're interested, we can have them come in and talk more about the program with you and answer your questions more directly. Because they might be able to speak to some of these things that we have concerns about and explain how they've encountered it and, or, resolved any of them. So, we will follow up with them and let them know that we are interested in learning more. Like I said, we're not asking for approval or a decision tonight, but we just didn't want to keep having conversations if there was an absolute no on this.

9. Police Software Module – 2020 Carryover

This is a 2020 carry over. This is an invoice that we received in March of 2021. It was for software that the police department utilizes and it was budgeted in 2020. The vendor apologized for the fact that they didn't get their invoicing done in 2020, but they sent it now and so we wanted to bring this to council and ask for approval to pay it.

It does not require a budget amendment. We're not going to be over our budget in the police department, but we wanted to bring this to you and explain what happened and while it was approved in the 2020 budget, and it didn't get paid out, we wanted to make sure that it was okay to pay it in 2021.

Authorize the approval of the Police Software in the amount of \$1,632.61.

Motion made by Councilmember Amsbury, Seconded by Councilmember Iversen.

Voting Yea: Councilmember Amsbury, Councilmember Huff, Councilmember Heller, Councilmember Miller, Councilmember Iversen.

Old Business

10. Latecomers Agreement- Gray and Osborne Contract

This is a scope of work that we need Gray and Osborne to do with regard to the agreement that we talked about at our previous meeting.

Todd stated, what they're doing is above our capabilities with what we can do here with staff at the city. This is part of the process that we have written in our master contract with Gray and Osborne. Anything that is above a certain amount, I can't authorize and when it comes to a contract, it's for the City Council to do.

Authorize the Mayor to sign the Latecomers Agreement.

Motion made by Councilmember Iversen, Seconded by Councilmember Heller.

Voting Yea: Councilmember Amsbury, Councilmember Huff, Councilmember Heller, Councilmember Miller, Councilmember Iversen.

11. ILINX Project Plan

Councilmember Amsbury noted a couple of concerns with this. I know we've already purchased it so we're already in it for the bulk purchase. I'm glad to see that they put a couple different changes into the contract. I appreciate that just to say that if there were some changes during this process, there won't be additional costs for that. I'd asked for some information from Jessie about additional costs, and I've been told that it would just be the \$800 dollars for a SQL License and that we don't need other hardware unless it's a scanner. I wanted the councilmembers to know that this was kind of some of the other discussions that I had through email. The only thing that still worries me down the line is maintenance and upkeep costs and when any changes or things are needed in the contract that's done on an hourly basis, and it's still just a little bit of a concern for me with not having an IT staff on our staff that, if there are problems, if there are things that are needed, that it is all going to add costs to the system as well. Just from my experience with our software, we do have downtimes when we have things that need fixed, or that once we got a year into it we found out this isn't working quite how we want it and want to switch it up. Those are all going to be additional costs that we're going to have to pay as a city if we want it to work how we want it to work. I wanted to share that information that I did some of the homework on.

Mayor Orffer asked Councilmember Amsbury, so would you have that same concern with any software package, though. I mean, these are concerns that no matter what software we bring in, there's always that concern that it's not going to be exactly where we want it, or we have to make changes, or we don't have a full time IT person so are these concerns that you're associating with this particular package or just with the project as a whole?

Councilmember Ambury replied, I think I've said this as a project as a whole. That's why I wanted to see it as a whole and not kind of piecemeal, so that we would see all these costs. I tried to ask what those costs could be if there was a package deal or what those costs could be. Some companies do provide that to where it's this level of service for this cost or this level for that cost. I just think it's hard sometimes with brand new software with the unknowns that may come up. It may be with any software that we have, but I guess that is a concern that I have with those unknown costs, that could be in the future and for other things that are wanted, like, the web access, and getting certain documents out there. That may be another cost down the line. And then there was a stage 2 scope put in there for a different workflow for retention, if they want that in the future. Those are just some of my concerns with cost that could be coming down the line.

Mayor Orffer said I just wanted to clarify it was particular to this program. Just to remind Counsil that the idea behind this software was to enable the city to digitize all of its records and make it faster and easier for staff to find documentation and to find records and to also make them safer because of the backups in the way that they'll be stored.

Approve the Scope of Work for the ILINX Project

Motion made by Councilmember Iversen, Seconded by Councilmember Huff.

Voting Yea: Councilmember Amsbury, Councilmember Huff, Councilmember Heller, Councilmember Miller, Councilmember Iversen.

Ordinances and Resolutions

Adopt Ordinance 864

AN ORDINANCE AUTHORIZING THE ACQUISTION OF PERSONAL PROPERTY AND EXECUTION OF A FINANCING CONTRACT AND RELATED DOCUMENTATION RELATING TO THE ACQUISITION OF SAID PERSONAL PROPERTY. Not to exceed \$550,000.

Motion made by Councilmember Amsbury, Seconded by Councilmember Heller.

Voting Yea: Councilmember Amsbury, Councilmember Huff, Councilmember Heller, Councilmember Miller, Councilmember Iversen. Roll call taken in the affirmative. Ordinance Adopted 5-0.

Adopt Resolution 736

A RESOLUTION FOR REIMBURSMENT OF CERTAIN EXPENDITURES UTILIZING PROCEEDS OF FINANCING CONTRACT.

Motion made by Councilmember Iversen, Seconded by Councilmember Amsbury.

Voting Yea: Councilmember Amsbury, Councilmember Huff, Councilmember Heller, Councilmember Miller, Councilmember Iversen. Resolution Adopted 5-0.

Updates

12. Councilmembers

Councilmember Iversen announced the museum is opening. I worked on the posters today, so the grand opening for the museum will be May 7th and 8th from 10 am to 4 pm and we're hoping everybody in town will come one at a time. We're looking forward to having people coming. There's going to be tours through the museum and there's going to be donut sales, fundraisers, and plants. We're going to have master gardeners there to answer questions, so it's going to be quite the big grand affair.

Councilmember Huff said I just want to add that this coming, Saturday, April 17th, we'll be meeting again for the Adopt-A-Street clean up. We'll meet at Eddie Biers Kitchen at 9 am.

13. Mayor - COVID-19 Update

We continue to be in a state of emergency here in the City of McCleary as well as in the state and United States. We continue to work on the guidance that's been given to us. I know that our county has been very busy. They're working to get the vaccines rolled out. They've been working to make sure that everyone has access to testing and I know that they have been diligent in all of the work that they're doing and we appreciate everything that they've done to give people access to these things and to these resources. So. If you need something, give us a call or reach out to the county health department, and they are happy to help you.

The community clean-up day is on Saturday, April the 24th. We'll have dumpsters around city hall and I think we usually put a couple in different areas around town. We are happy to help anyone that needs

some help, especially if you are elderly or disabled and need some help getting your items to a dumpster. We are taking a list of names and numbers so that we can coordinate with you, so give us a call at city hall, and we can help you with that. Because of Covid guidance, we won't be able to go inside of people's homes. So just be mindful of that.

We had notification that there was going to be some new leadership coming into the food bank in McCleary and we're looking forward to their continued work there. They're very excited about doing this work and volunteering and we are just so grateful to Larry Peterson and the team that's been working all these years on that resource for our community. They are very eager to serve the community and the new person that's coming in and, you know, we just want to make sure the community knows that we're here. We're here to help anyone and everyone and we don't turn anyone away. They're going to work with us on ways that they can help communicate, and maybe even provide more services. So we are grateful to them for that as well.

Public Comment

None.

Adjourn

Motion made by Councilmember Huff, Seconded by Councilmember Heller to adjourn the meeting at 7:41 PM. The next City Council Meeting will be April 28, 2021 at 6:30 PM.