

McCleary Regular City Council Meeting

Wednesday, April 24, 2024 – 6:30 PM McCleary Community Center & Zoom Virtual Meeting

Agenda

Join Zoom Meeting

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Meeting ID: 817 9207 7978

Passcode: 144764

(253) 215-8782

Call to Order/Flag Salute/Roll Call

Agenda Modifications/Acceptance

Public Hearings

Public Comment - Agenda Items Only

Consent Agenda

- 1. Meeting Minutes March 27, 2024
- 2. Accounts Payable April 1-15, 2024 Ck Numbers 53201-53267 Including EFT's Totaling \$222,551.70
- 3. Meeting Minutes April 10, 2024

Updates

4. Policy Committee Updates-Camera Policy Discussion

New Business

- 5. Signs Ordinance
- 6. Public Records Ordinance

Old Business

7. Bid Award — Overhead Electric Distribution Transformers

Ordinances and Resolutions

Public Comment - City Business Only

Executive Session

Council Comments

Mayor Comments

Adjourn

Please turn off Cell Phones- Thank you



McCleary Regular City Council Meeting

Wednesday, March 27, 2024 – 6:30 PM Zoom Virtual Meeting & City Hall Council Chambers

Minutes

Call to Order/Flag Salute/Roll Call

Meeting called to order at 6:30 pm by Mayor Miller

PRESENT Councilmember Jacob Simmons Councilmember Brycen Huff Councilmember Max Ross Councilmember Andrea Dahl Councilmember Keith Klimek

Agenda Modifications/Acceptance

A motion was made by Councilmember Dahl and seconded by Councilmember Huff to approve the agenda.

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

Public Comment – Agenda items: None

Consent Agenda

- 1. Accounts Payable March 1-15, 2024 Ck Numbers 53112-53154 Including EFT's Totaling \$194,049.67
- 2. Accounts Payable March 16-21, 2024 Ck Numbers 53155-53191 Including EFT's Totaling \$66,017.00
- 3. Meeting Minutes November 29, 2023
- 4. Meeting Minutes December 21, 2023
- 5. Meeting Minutes February 28, 2024

A motion was made by Councilmember Ross, seconded by Councilmember Klimek to approve the consent agenda as written.

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

Old Business:

6. Fire Chief Appointment, Andrew Pittman:

A motion was made by Councilmember Huff and seconded by Councilmember Dahl to appoint Andrew Pittman as the Fire Chief for the City.

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

Mr. Pittman expressed his gratitude to the citizens, mayor and council for the support and appointment.

7. Appoint Public Safety Committee:

Jenna Amsbury, Clerk-Treasurer, explained this committee would represent the council at meetings regarding the fire department or police issues. The committee could then report back to the whole so that there are not issues with a quorum in the future. Councilmember Dahl and Huff asked to be on the committee. They stated they went to the Fire District 12 meeting last week and would like to continue to serve in that capacity. Councilmember Ross stated he would like to be an alternate if they are not available. All council agreed, no motion necessary.

8. Professional Services Agreement - Space Needs Assessment Phase 1:

Director of Public Works Chad Bedlington provided an update that the space needs study was listed in two parts in the budget, only the first phase was funded. This contract represents the paired down version of the study that was included for funding in 2024. This would be a preliminary assessment that would put the city in a position to be able to apply for grants in the future.

Councilmember Simmons stated item 36 on the budget sheet states the funding is for phase 2, and he argues that it is not included in the approved budget.

Councilmember Huff stated his opinion has not changed and with the low projection of growth to the town, he does see the need for an expansion or remodel right now. There is no urgency.

Councilmember Ross agreed that it is not a priority right now.

Councilmember Klimek stated he doesn't think the City can afford this right now.

A motion was made by Councilmember Dahl and seconded by Councilmember Klimek to deny the professional services agreement for space needs.

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

9. Professional Services Agreement - Right! Systems Inc. IT Support Services:

Director of Public Works Chad Bedlington provided a staff report. He explained Right Systems is on the OMNIA Partnership Cooperative, which the City is a member of. This allows the city to use their RFQ from the partnership for this contract to save time and still be within the law. There is an imminent need to get the IT infrastructure up to date and complete the project, as well as support staff members when problems arise. The Contract is for 12 months at a cost of approximately \$57,000 which is very close to the budget that was approved for the project.

Councilmember Ross asked about the location and staffing levels of the company. Chad explained that the company is located in Lacey and has 37 employees. They have multiple employees that are certified to work on the police department equipment.

Councilmember Dahl asked if this is the company that was the second lowest bidder from the first RFP. Chad stated they were the second lowest bidder from the prior RFP process over a year ago, but the city is using the OMNIA Partnership for the vetting.

Councilmember Dahl stated she is happy to have a proposal to review but would be more comfortable with a month contract to allow a new RFP process to be completed.

Councilmember Huff stated he likes the six-month idea. He would like to look at other local vendors that were provided to the City through an RFP process.

Councilmember Ross stated he is in favor of either the twelve- or six-month option for the contract.

Councilmember Simmons stated he doesn't understand why the process was not followed through to go to RFP for this contract as the council wanted. He was frustrated with the lack of follow through.

A motion was made by Councilmember Ross and seconded by Councilmember Klimek to approve a modified contract with Right Systems Inc. for a six month term.

Councilmember Dahl stated she wanted it clear that an RFP needs to be done before the contract ends to ensure there is competitive bidding for the continued services.

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

Voting Nay: Councilmember Simmons.

Public Comment on City Business: None

Council Updates:

Councilmember Huff congratulated Andrew Pittman for the appointment.

Councilmember Ross thanked Mr. Pittman for his willingness to serve.

Mayor Updates:

Mayor Miller stated he met with Senator Wilson today to discuss future partnerships and funding options for the City.

Adjourn

Meeting adjourned at 6:56pm

Motion made by Councilmember Huff, Seconded by Councilmember Ross. Voting Yea: Councilmember Huff, Councilmember Ross, Councilmember Dahl, Councilmember Simmons and Councilmember Klimek.



McCleary Regular City Council Meeting

Wednesday, April 10, 2024 – 6:30 PM McCleary City Hall Council Chambers & Zoom Virtual Meeting

Minutes

Call to Order/Flag Salute/Roll Call

Meeting called to order at 6:30pm

Agenda Modifications/Acceptance

Motion made by Councilmember Ross, Seconded by Councilmember Dahl to approve the Agenda. Voting Yea: Councilmember Simmons, Councilmember Huff, Councilmember Ross, Councilmember Dahl, Councilmember Klimek

Public Hearing

- 1. City of McCleary Comprehensive Plan Update
 - Public Hearing opened at 6:35pm

Councilmember Ross asked about the zoning master plan district. Dan Penrose from SCJ Alliance said this is one of the new zones that was proposed in the Comp Plan which comprises mainly forested property that is prone for development. The evaluated designation from an open space to a planned district to allow a variety of uses like residential, commercial, critical area, connectivity and parks.

Dan Baskins, who represents Rognlin Properties stated the property we are talking about is approximately 440 acres. The property to the east of the railroad tracks, around 100 acres, is pretty wet and the ecological concerns as it has wetlands. They would like the development plans and flexibility of phasing. Industrial property development can bring in residential needs for expansion. The master plan allows a close partnership with the City to develop use. Mr. Baskins is open for discussion and wants to find interest in the properties. Buffers will be in place. He noted that one thing this plan doesn't include is looking outside city boundaries. There is growth outside the city limits bring a tax burden to people inside the City because they use their services. Public Hearing closed at 6:40pm

Public Comment - Agenda Items Only

No Public Comment

Consent Agenda

Motion made by Councilmember Huff, Seconded by Councilmember Ross to approve the consent agenda. Voting Yea: Councilmember Simmons, Councilmember Huff, Councilmember Ross, Councilmember Dahl, Councilmember Klimek

2. Meeting Minutes - November 8, 2023

Updates

Councilmember Huff asked if the contract for Right Systems was approved for 6-months. Director of Public Works, Chad Bedlington said that was correct.

Please turn off Cell Phones- Thank you

Americans with Disabilities Act (ADA) Accommodation is Provided Upon Request. The City of McCleary is an equal opportunity provider and employer. La ciudad de McCleary as un proveedor de igualdad de oportunidades y el empleador. Councilmember Ross asked if we can get a presentation from the original consultant on the Aquifer Study. Cha Bedlington said we can have them do a presentation and we will work to schedule one.

Councilmember Huff asked when we will hear if we qualified for the grant for the fire command vehicle. Chad stated we have not heard yet, but thinks it'll be next month.

3. Staff Reports - Finance, Police Activity, Fire Dept, Public Works Director, Public Works

New Business

No New Business

Old Business

No Old Business

Ordinances and Resolutions

No Ordinances or Resolutions

Public Comment - City Business Only

Cindy Nott spoke about her concerns with the potholes on the streets and alley's and also spoke about how the smell has been bad lately coming from the Treatment Plant. They cannot even open the windows, it is disgusting.

Kyle Comer said there is also a bad pothole on the road behind the Post Office.

Carrie Comer asked if there was any information on the solar grant that is being applied for. Chad Bedlington said we are seeing if there is ability to do some energy offsets. If Simpson goes to an alternative options, we would have a loss of revenue.

Executive Session

None

Council Comments

Councilmember Klimek said in regards to the potholes, he heard that the citizens need to make complaints in writing so they can get fixed quicker.

Mayor Comments

None

Adjourn

Motion made by Councilmember Huff, Seconded by Councilmember Ross to adjourn the meeting at 6:51pm Voting Yea: Councilmember Simmons, Councilmember Huff, Councilmember Ross, Councilmember Dahl, Councilmember Klimek

Please turn off Cell Phones- Thank you

Americans with Disabilities Act (ADA) Accommodation is Provided Upon Request. The City of McCleary is an equal opportunity provider and employer. La ciudad de McCleary as un proveedor de igualdad de oportunidades y el empleador. Item 3.



CITY COUNCIL AGENDA ITEM COVER SHEET

FROM: Jenna Amsbury, Clerk-Treasurer

DATE: April 22, 2024

AGENDA ITEM Sign Ordinance **TITLE:**

SUMMARY

This Ordinance has been in front of council numerous times, just a follow up to see if the council is ready for action on the item, or what needs to still be updated.

FISCAL IMPACT

None

RECOMMENDATION/ACTION REQUESTED

This item will be on the May 8, 2024 meeting for public hearing and action.

Item 5.

AN ORDINANCE OF THE CITY OF MCCLEARY REPEALING AND REPLACING MCCLEARY MUNICIPAL CODE SECTION 17.28.090 "SIGNS"; ADOPTING NEW RULES AND REGULATIONS GOVERNING SIGNS IN THE CITY OF MCCLEARY.

RECITALS:

WHEREAS, United States Supreme Court decisions, specifically *Reed v. Gilbert*, has changed the manner in which signs may be regulated; and

WHEREAS, City of McCleary staff is intent on keeping Sign Code within the Municipal Code compliant with all Federal and State statutes and court decisions; and

WHEREAS, City of McCleary staff determined that the manner in which signs are regulated in the City of McCleary may be more easily and effectively accomplished by categorizing signs by their physical appearance rather than message; and

WHEREAS, the City Council held a public hearing on ______ to consider this Ordinance; and

WHEREAS, the City finds that repealing and replacing MMC Section 17.28.090 with the proposed sign verbiage will ensure the City's Municipal Code is aligned with the Supreme Court decision and will make the administration of the Sign Code more simple and equitable for City staff, citizens, and business owners alike;

NOW, THEREFORE, the City Council of the City of McCleary, Washington do ordain as follows:

<u>SECTION I</u>: MMC Section 17.28.090 titled "Signs", last amended by Ordinance 749 sec. I, 2008, is repealed in its entirety.

SECTION II: MMC Section 17.28.090 titled "Temporary and Special Signs" is hereby

17.28.090 Temporary and Special Signs

- A. Scope and Purpose: This chapter establishes regulations governing the installation, alteration, relocation, maintenance, use and removal of all signs in the City. It is recognized that the businessperson's right to identify their business contributes to the economic well-being of the community; however, that right should be exercised in a way as to bring benefit to the businessperson without affecting the welfare of the public. In general, this City takes the view that signs should be scaled to the building and property frontage to which the sign is related. The purpose of these regulations is to accomplish the following:
 - 1. Promote the free flow of traffic and protect pedestrians and motorists from injury and property damage caused by, or which may be fully or partially attributable to, cluttered, distracting, and/or illegible signage;
 - 2. Prevent property damage, personal injury, and litter from signs which are improperly constructed, poorly maintained, or of flimsy materials;
 - 3. Provide consistent sign design standards;
 - <u>4.</u> Prevent visual clutter and provide an improved visual environment for the citizens of and visitors to the City; and
 - 5. Enable the fair and consistent enforcement of these sign regulations.

B. Sign definitions:

- 1. "Abandoned sign" means a sign which no longer identifies or advertises a bona fide business, lessor, service, owner, product or activity, or for which no legal owner can be found.
- 2. "Commercial sign" means a sign erected for a business transaction or advertising the exchange of goods and services.
- 3. "Construction sign" means any sign used to identify the architects, engineers, contractors or other individuals or firms involved with the construction of a building, or to announce the character or type of building.
- 4. *"Flashing sign"* means a sign or a portion thereof which changes light intensity or switches on and off in a constant pattern, or contains motion or the optical illusion of motion by use of electrical energy.
- 5. *"Freestanding sign"* means a permanent pole, ground or monument sign attached to the ground and supported by uprights or braces attached to a foundation in the ground and not attached to any building.
- 6. *"Permanent sign"* means a sign constructed of weather-resistant material and intended for permanent use and that does not otherwise meet the definition of "temporary sign." Wall mounted sign holders designed for insertion of signs and posters shall be considered permanent signage and subject to all standards of Chapter 17.28.090 MMC.
- 7. *"Portable sign"* means any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported. Portable signs include, but are not limited to,

signs designed to be transported by means of wheels, A-frame signs, menu and sandwich *tem 5. tem 5.*

- 8. *"Projecting sign"* means any sign, other than a flat wall sign, which is attached to and projects more than twelve inches from a building wall or other structure not specifically designed to support the sign.
- 9. "*Roof sign*" means any sign erected over or on the roof of a building or attached to the wall of a building and extending above the roofline.
- 10. "Sign" means any device, structure, fixture, placard, painted surface, awning, banner or balloon using graphics, lights, symbols and/or written copy designed, used or displayed for the purpose of advertising, informing, identifying, attracting attention to, or promoting the interest of any person, institution, business, event, product, goods or services; provided, that the same is visible from a street, way, sidewalk, or parking area open to the public.
- 11. "Sign area" means the entire area of a sign on which copy is to be placed. Sign structure, architectural embellishments, framework and decorative features which contain no written or advertising copy shall not be included. Sign area shall be calculated by measuring the perimeter enclosing the extreme limits of the module or background containing the advertising or identifying message; provided, that individual letters using a wall as the background, without added decoration or change in wall color, shall have a sign area calculated by measuring the smallest rectangle enclosing each letter and totaling the square footage thereof. For double-faced signs, total sign area shall be calculated by measuring only one face.
- 12. "Sign height" means the vertical distance from grade to the highest point of a freestanding sign or any vertical projection thereof, including its supporting columns. Grade shall be determined by taking the average elevation at finished grade for the midpoints of the four sides of the smallest rectangle that will enclose all area which is within a five-foot horizontal radius of the sign and its supporting structure.
- 13. "Temporary sign" means any sign that is intended and designed to be displayed for a limited period of time, including, without limitation, a sign that is not permanently mounted, painted or otherwise affixed, excluding portable signs as defined by this chapter, including any poster, banner, placard, stake sign or sign not placed in the ground with concrete or other means to provide permanent support, stability and rot prevention. Temporary signs may only be made of nondurable materials including, but not limited to, paper, corrugated board, flexible, bendable or foldable plastics, foamcore board, vinyl canvas or vinyl mesh products of less than twenty-ounce fabric, vinyl canvas and vinyl mesh products without polymeric plasticizers and signs painted or drawn with water soluble paints or chalks. Signs made of any other materials shall be considered permanent and are subject to the permanent sign regulations of Chapter 17.28.090 MMC.

C. General Requirements:

- 1. The construction and placement of all signs shall conform to the International Building Code and be pre-approved by the city council and/or staff.
- 2. <u>Prohibited Signs.</u> The following signs are prohibited:
 - a. Signs or sign structures which by coloring, shape, design or location resemble or conflict with traffic control signs or devices;

- c. Signs attached to public property without permission of the government agency owning the same, including, without limitation, trees, utility poles, street lights;
- <u>d.</u> <u>Privately installed signs that restrict use or activity of any public right-of-way without permission from the City.</u>
- 3. <u>Maintenance</u>. All signs and components thereof must be maintained in good repair and in a safe, neat, clean and attractive condition. The owner of the lot upon which the sign is located shall be responsible for sign maintenance.
- 4. <u>Abandoned Signs—Hazardous Signs</u>. Abandoned signs shall be removed by the owner or lessee of the premises upon which the sign is located within six months of abandonment. Signs which constitute a safety hazard to the public shall be removed or made safe immediately.
- 5. <u>Sign Enforcement—Violations—Penalties.</u>
 - a. <u>Enforcement</u>. The public works director, or the public works director's designee, shall have authority to administer, implement, and enforce this chapter. The public works director or public works director's designee may promulgate regulations consistent with this chapter. The authority of the public works director is not exclusive and is concurrent to another's lawful authority to enforce the provisions of this chapter, including, without limitation, the jurisdiction of the McCleary police department to enforce provisions of this code.
 - b. *Violations*. It is a violation of this chapter to fail to comply with or to be in conflict with any provision of this chapter. It shall be a separate offense for each and every day during which any violation of any of the provisions of this chapter is committed, continued, or permitted.
 - c. <u>Penalties.</u>
 - A. Any person, firm, corporation, or association or any agent thereof who violates any of the provisions of this chapter shall be subject to the provisions of Chapter 1.20 <u>MMC</u>.
 - B. Any violation of any provision of this chapter constitutes a public nuisance which the City can abate by an action in county superior court. The costs of such action shall be taxed against the violator.
 - C. Penalty and enforcement provisions provided in this chapter are not exclusive, and the City may pursue any remedy or relief it deems appropriate.
 - d. <u>Removal.</u> Signs not meeting the requirements of this chapter are subject to removal by the City. This includes the following:
 - <u>A.</u> Signs located on public or private property that create an immediate threat to the safety of the public.
 - B. Signs that create an imminent danger to persons or property.

- C. Signs placed in the public right-of-way that do not meet the requirements of this chapter.
- D. Unauthorized signs placed on any utility pole, public property, public building or public structure, or on any traffic sign.
- E. Signs placed within the right-of-way without the permission of the abutting property owner may be removed by the abutting property owner or the City.
- F. Temporary signs placed within the public right-of-way that may otherwise be allowed by this chapter, but which are in a degraded or dilapidated state due to age, exposure to the elements, or damage may be removed by the City. This includes signs that are illegible.
- <u>G.</u> The property owner is responsible for removing any sign advertising a commercial use that has been discontinued for longer than thirty days.
- H. The public works director or his/her designee will attempt to contact the owner after removal of signs. The owner may contact the public works director or his/her designee to retrieve any signs removed. Failure to retrieve within fourteen days from date of removal will result in disposal by the City. The City shall not be responsible for damages or loss incurred during the removal or storage of any sign.
- 6. Sign Owner Responsibility. By installing any sign in the City of McCleary, the owner of the sign acknowledges responsibility for compliance with this chapter, for the safety of the sign, and for any and all damage to property or injury to person resulting from the sign.
- D. Development standards for specific sign types: The following standards shall apply in addition to the standards listed elsewhere in this chapter. For signs that meet the definition of more than one sign type, the public works director shall determine which standards apply based on the sign's function, location and orientation.
 - 1. No sign, except for traffic signs, portable signs, or other signs approved by the City council, shall be located within the right-of-way of any street or highway, nor project beyond authorized property lines, except as provided below:
 - a. <u>Projecting signs in the C-1 and C-2 districts and authorized by the City shall extend no</u> <u>closer than two feet to the edge of the roadway and provide a minimum clearance of ten</u> <u>feet from the highest existing grade.</u>
 - 2. Freestanding Signs. The following regulations shall apply to all portable signs:
 - a. Freestanding signs must have a substantial base that is at least half as wide and thick (measured horizontally) as the sign itself. Sign bases must have an architectural treatment that incorporates materials similar to the sign and/or building.
 - b. Protective Islands Around Sign Base. At the time of installation, all freestanding signs shall include protective islands and curbing to prevent vehicles from hitting the sign structure and to improve the overall visual appearance of the structure. Protective islands shall be designed and constructed so as to provide protection at least three feet in all directions from the sign structure.
 - c. Location. Freestanding signs shall not be located within the public right-of-way.
 - d. <u>Identification Signs for Residential Development</u>. Each entrance to a subdivision development or manufactured home park may have a freestanding or fence-mounted

- e. Freestanding signs shall not extend more than five feet above the highest exterior wall of the building it serves or, if mounted on the roof ridge line more than two feet above that ridge line.
- 3. *Portable Signs*. The following regulations shall apply to all portable signs:
 - a. Portable signs shall not exceed nine square feet per side.
 - b. No more than one portable sign may be displayed per entity.
 - c. Signs shall be located directly in front of the sponsoring entity during business hours <u>only.</u>
 - d. Signs shall be located so as not to create a traffic safety hazard by obstructing the vision of motorists on private property or public right-of-way.
 - e. Owners of such signs shall assume liability for damage or injury resulting from their use and shall provide the City with an appropriate legal document satisfactory to the City attorney holding the City harmless and indemnifying the City for such resulting loss and/or injury.
 - f. Portable signs shall be nonilluminated.
 - g. Portable signs shall be displayed only during business hours.
- 4. Projecting Signs. The following regulations shall apply to all projecting signs:
 - a. Projecting signs shall not extend more than five feet above the highest exterior wall of the building it serves or, if mounted on the roof ridge line more than two feet above that ridge line.
 - b. Projecting signs shall not be located directly over windows or in conflict with other signs or architectural features of the building as determined by the City.
- 5. Assisted Care Facility Signs. Subject to prior approval by the City administrator, offpremises directional signs providing guidance to the location of an assisted care facility licensed by the State of Washington subject to the following conditions:
 - a. <u>The use is located upon property at least one block from Simpson Avenue, South 3rd</u> <u>Street, or North Summit Road.</u>
 - b. The sign shall be directional in nature indicating only the name of the facility and the direction of travel required to reach the facility.
 - c. No more than two signs for each facility.
 - d. The sign or signs requested to be placed shall be obtained and installed by the City. Prior to ordering of the sign/s, the applicant shall pay to the City the estimated cost of such acquisition and the placement by City staff. In the event the estimate is less than the actual cost incurred, the applicant shall pay such cost upon the billing therefore: Provided that, in the event of the failure to pay within thirty days of such billing, the City may remove the sign/s. If the estimate is higher than the actual costs incurred, the applicant shall be reimbursed the excess.
- E. Temporary signs. These standards apply to all signs meeting the definition of temporary signs in this title.

- 1. General Requirements for Temporary Signs.
 - a. No sign shall obstruct or impair access to a public sidewalk, public or private street or driveway, traffic control sign, bus stop, fire hydrant, bench or any type of street furniture, or otherwise create a hazard.
 - b. *Duration*. All temporary signs shall be removed within ten days following the event or activity being promoted.
- 2. <u>Temporary Signs in Public Right-of-Way.</u>
 - a. Location. Temporary signs are prohibited from being placed within roundabouts, medians, shoulders, travel lanes and areas of the public right-of-way that are not accessible by a sidewalk or pedestrian walking path. Temporary signs shall not be located in right-of-way adjacent to public property owned or under the control of a unit of federal, state or local government, or special purpose district such as a school, park, public utility, port or library district, unless otherwise approved by the unit of government or special purpose district.
 - b. Safety. All temporary signs shall be placed in a manner that is safe for all users of public right-of-way. Temporary signs shall not block access to structures or parked cars, and shall not block vehicular sight distance at corners or intersections.
 - c. <u>Residential Zones</u>. Temporary signs in residential zones are limited in size to four square feet total, and shall not exceed three feet in height from the ground when <u>displayed</u>.
 - <u>d.</u> <u>Nonresidential Zones</u>. Temporary signs in nonresidential zones are limited in size to six square feet total, and shall not exceed three feet in height from the ground when <u>displayed</u>.
 - e. Temporary signs shall only be placed in the right-of-way if the sign owner has permission from the owner of the abutting property.
- 3. <u>Temporary Signs on Private Property.</u>
 - a. All signs placed on private property shall have the consent of the property owner or person in control of the property, such as a tenant. The property owner or person in control of the property may remove the sign(s) without notice. For residential uses in any zone, no more than four signs visible from the public right-of-way per lot are allowed. The total size of all signs combined shall be limited to six square feet total.
 - b. Residential Zones. Maximum height of all temporary signs shall be six feet.
 - c. *Nonresidential Zones*. Maximum height of all temporary signs shall be six feet, except for temporary banners placed on a building.
 - <u>A.</u> No more than one sign visible from the public right-of-way per tenant space is allowed. The sign shall be limited to six square feet in size.
 - B. <u>Temporary Banners on Buildings</u>. Not more than one temporary banner per tenant space may be permitted. The maximum size for temporary banners shall be thirty-two square feet for a duration not to exceed sixty days during any consecutive three-hundred-sixty-five-day period.
 - C. Removal of nonconforming signs:

- <u>d.</u> <u>Temporary signs placed for purposes of advertising any special event are to be</u> removed within five (5) days after the date of the event, by the owner or sponsor of <u>said event.</u>
- 1. All existing signs within the City which are not in compliance with the requirements of this chapter upon the effective date of the ordinance codified in this title are considered to be nonconforming signs. Nonconforming signs shall be made to conform with the requirements of this section under the following circumstances:
 - a. Signs which do not conform with the requirements of this section shall be removed within sixty days of the effective date of this title or, if located within an area being annexed to the City, within sixty days of the effective date of annexation, whichever is later.
 - b. Whenever any modification is to be made to the structure, frame or support of any nonconforming sign, such nonconforming sign shall be removed or brought into conformance with this title. Adding a new sign face to a nonconforming sign which does not modify the shape, size or any structural element of a nonconforming sign shall be permitted.
 - c. Whenever the facade of a building upon which is located a nonconforming wall sign or nonconforming projecting sign is remodeled or renovated, all nonconforming wall signs located on the portion of the facade being renovated shall be brought into conformance with this chapter.

SECTION III: 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 phrase had been

declared invalid or unconstitutional.

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

PASSED THIS ____ DAY OF _____, 2023, by the City Council of the

City of McCleary, and signed in approval therewith this _____, day of ______, 2023.

CITY OF McCLEARY:

CHRIS MILLER, Mayor

ATTEST:

JENNA AMSBURY, Clerk-Treasurer

APPROVED AS TO FORM:

CHRISTOPHER JOHN COKER, City Attorney



CITY COUNCIL AGENDA ITEM COVER SHEET

FROM:	Jenna Amsbury, Clerk-Treasurer
DATE:	April 22, 2024
AGENDA ITEM TITLE:	Updated Public Records Ordinance

SUMMARY

This Ordinance would rescind the prior Ordinance (#646 adopted in 1997). There have been many changes to the Public Records Act since 1997 and the City needs to be in line with current legislation. This draft has been reviewed by Chris Coker and City Administration. It was also sent to the policy committee and no comments and/or revisions were received. This item is for review and introduction as well as making any updates that may be needed prior to approval.

FISCAL IMPACT

None, this is housekeeping

RECOMMENDATION/ACTION REQUESTED

This item will be on the May 8, 2024 meeting for public hearing and action.

EXHIBIT A

Chapter 2.72

PUBLIC RECORDS REQUESTS

Sections:

- 2.76.010 Authority and purpose.
- 2.76.020 City clerk-treasurer as public records officer –Requesting records.
- 2.76.030 Processing of public records requests.
- 2.76.040 Providing records to requestor.
- 2.76.050 Exemptions.
- 2.76.060 Copying fees.
- 2.76.070 Index of public records Findings and order.
- 2.76.080 Modifications to fees and charges.
- 2.76.090 Denials of Requests for Public Records Internal Administrative Review Judicial Review.

2.76.010 Authority and purpose.

- A. RCW 42.56.070(1) requires each agency to make available for inspection and copying nonexempt "public records" in accordance with published rules. The Act, RCW 42.56.010(3), defines "public record" to include a "writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained" by the agency regardless of physical form or characteristics and specifically excludes records that are not otherwise required to be retained by the agency. RCW 42.56.070(2) requires each agency to set forth " for informational purposes" every law, in addition to the Public Records Act, that exempts or prohibits the disclosure of public records held by that agency.
- B. The purpose of this chapter is to establish the procedures the city of McCleary will follow in order to provide full access to public records. These rules provide information to persons wishing to request access to public records of the city of McCleary and establish processes for both requestors and the city of McCleary staff that are designed to best assist members of the public in obtaining such access.
- C. The purpose of the Act is to provide the public full access to information concerning the conduct of government, mindful of individuals' privacy rights and the desirability of the efficient administration of government. The Act and these rules will be interpreted in favor of disclosure. In carrying out its responsibilities under the Act, the city of McCleary will be guided by the provisions of the Act describing its purposes and interpretation.
- D. The provisions of this chapter shall not apply to court case records and administrative records maintained by the McCleary municipal court in connection to judicial proceedings and records related to the management, supervision, or administration of the court. Access to these records is governed by Washington State Court Rules General Rule 31.1 and case law.

E. The provisions of this chapter shall not be construed to create any additional legal obligations upon the city or an independent cause of action against the city.

2.76.020 City clerk-treasurer as public records officer – Requesting records.

- A. The city clerk-treasurer is hereby designated as the public records officer (PRO) of the city.
- B. All persons designing to inspect or receive a copy of public record of the city may make their request by submitting the form furnished by the clerk-treasurer, in person, by mail, email, or fax; or over the telephone.

2.76.030 Processing of public records requests.

- A. *Prompt Responses*. Responses to requests for public records shall be made promptly and pursuant to guidelines established in Chapter 42.56 RCW.
- B. *Acknowledging Receipt of Requests*. Within 5 business days of receiving a written public record request, not including the date on which the city clerk-treasurer receives the request, the city must acknowledge the request in one of the ways provided in this subsection:
 - 1. Provide the record;
 - 2. Provide an internet address or link on the city's website to the specific records requested, except that if the requester notifies the city that he or she cannot access the records through the internet, then the city will provide access to copies. If copies are requested, provide the copies to the requestor after payment for the copies has been made by the requestor, or, if copies are being released in installments, after payment of a deposit is made pursuant to MMC 2.76.060;
 - 3. Acknowledge that the city has received the request and provide a reasonable estimate of the time the city will require to respond to the request. This estimate will take into consideration the large number or volume of records requested, the complexity of the request, the time it will take to coordinate departments to locate and assemble the requested records, third-party notice, review of records for exemption, and review of exemptions and records by legal staff;
 - 4. If the request is unclear or does not sufficiently identify the requested records, the city will request clarification from the requestor. Such clarification may be requested and provided by telephone. The city clerk-treasurer or designee may revise the estimate of when records will be available based on the clarification from the requestor. If the requestor fails to respond to the request to clarify and the entire request is unclear, the city of McCleary need not respond to the request. Otherwise, the city will respond to the portions of the request that are clear;

- 5. Deny the public record request. Denial must be accompanied by a written statement of specific reasons therefor.
- C. *Identifiable Record*. A public records request must be for identifiable records. A request for all, or substantially all, records prepared, owned, used or retained by the city is not a valid request for identifiable records; provided, that a request for all records regarding a particular topic or containing a particular keyword or name shall not be considered a request for all of the city's records.
- D. *Automated Requests*. The city may deny an automated or "bot" request that is one of multiple requests from the requestor within a 24-hour period. "Bot request" means a request for public records that the city reasonably believes was automatically generated by a computer program or script.
- E. *Protecting Rights of Others*. In the event that the requested records contain information that may affect the rights of others and may be exempt from disclosure, the city clerk-treasurer may, prior to providing the records, give notice to such others whose rights may be affected by the disclosure pursuant to RCW 42.56.580. Such notice should be given so as to make it possible for those other persons to seek an order from a court to prevent or limit the disclosure. The notice to the affected persons will include a copy of the request and shall allow the affected person no more than 10 business days to prevent or limit the disclosure of the record.
- F. *Records Exempt from Disclosure*. Some records are exempt from disclosure, in whole or in part. If the city believes that a record is exempt from disclosure and should be withheld, the city clerk-treasurer will state the specific exemption and provide a brief explanation of why the record or a portion of the record is being withheld. If only a portion of a record is exempt from disclosure, but the remainder is not exempt, the city clerk-treasurer will redact the exempt portions, provide the nonexempt portions, and indicate to the requestor why portions of the record are being redacted.
- G. *Privilege Log.* If the city determines that a record is exempt and should be withheld, in whole or in part, the city will prepare and maintain a privilege log of those records. The privilege log will identify the type of record withheld; the date of record; the number of pages withheld; the author and/or recipient; the exemption invoked; and a brief explanation of how the exemption applies to the withheld record. A copy of the privilege log will be provided to the records requestor.
- H. *No Duty to Create Records*. The city is not obligated to create a new record in order to satisfy a request for records.
- Multiple Requests by the Same Party. Where a requester makes multiple, separate requests or makes one or more additional requests while a prior request is open, the PRO may queue the requests in the order in which they were received. The PRO is not required to work on additional requests until the initial request is completed and closed. Requesters are solely responsible for requesting to re-prioritize the order of their requests.

- J. *Request for Information*. The city may deny a request for information as the request is not a request for a public "record" as required under Chapter 42.56 RCW.
- K. *No Duty to Supplement Responses; No "Standing" Requests.* The City is only required to provide records that exist at the time a request is made. The City cannot fulfill "standing" requests or requests for records that may be created at a future date.

2.76.040 Providing records to requestor.

- A. *Receiving Records*. The requestor may indicate to the city clerk-treasurer whether he or she wishes to inspect records, have the records copied, pick them up in person, or have the records sent via mail or email.
- B. *Inspection of Records*. If a requestor seeks an opportunity to inspect public records, the city clerk-treasurer shall make the records available for inspection at City Hall during regular business hours. The city clerk-treasurer, or designee, shall be present or otherwise monitor when records are being inspected. The requestor shall indicate which documents he or she wishes the agency to copy and the city clerk-treasurer will notify the requestor when the requested documents will be available to claim.
- C. *Providing Records in Installments*. Public records may be made available on a partial or installment basis as records that are part of a larger set of requested records are assembled or made ready for public inspection or disclosure.
- D. *Revised Estimate of Time*. At any time while processing a request, the city clerk-treasurer may provide the requestor with a revised reasonable estimate of time within which the city will respond to the request. A revised estimate of time will be based on the factors detailed in MMC 2.76.030(B)(3). In addition, a revised estimate may be based upon any unexpected or unforeseen delays encountered during the request processing, additional requests submitted by the same requestor while the initial request is pending, and change circumstances or other considerations ascertained during processing.
- E. *Providing Electronic Records*. When a requestor requests records in an electronic format, if technologically feasible, the city clerk-treasurer will provide the nonexempt records or portions of such records that are reasonably locatable in an electronic format that is used by the city of McCleary and is generally commercially available; or will provide the records in a format that is reasonably translatable from the format in which the agency keeps the record. The requestor may also opt to have the records provided to them on digital storage media or device.
- F. Withdrawn or Abandoned Requests. The city may consider a request abandoned and close a request when the requestor either withdraws their request or fails to fulfill their obligations in

the processing of the request. The city may consider a request abandoned in the following circumstances:

- 1. If an entire request is unclear, and the requestor fails to clarify the request within 30 days of the city's request for clarification;
- 2. If the requestor fails to inspect records within 30 days of being notified that records are available for inspection;
- 3. If the requestor misses an appointment to inspect records and fails to contact the city within 30 days of the missed appointment;
- 4. If the requestor fails to view records within 30 days of being notified that records are available for electronic inspection;
- 5. If the requestor fails to pick up records at City Hall within 30 days of being notified that the records are available for in-person pick-up; or
- 6. If the requestor fails to pay a deposit or the final payment for the requested copies of records within 30 days of receiving an invoice from the city for payment thereof.
- G. *Closing a Request*. After the city clerk-treasurer has completed a request for disclosure by providing the requestor with responsive documents and a redaction log, if applicable, the city clerk-treasurer will close the request and inform the requestor of this status. The closure of a request shall signify that the request has been completed and is considered determinative.

2.76.050 Exemptions.

The city adopts by reference the exemptions from public disclosure contained in Chapter 42.56 RCW, including any future amendments thereto or recodification thereof. In addition to exemptions found in Chapter 42.56 RCW, other statutes outside of the Act may prohibit disclosure of specific information or records.

2.76.060 Copying fees.

A requestor may obtain paper copies or electronic scans of public records under RCW 42.56.120; the city will charge for these according to the public records fee schedule established by resolution of the city council.

2.76.070 Index of public records – Findings and order.

A. Findings.

1. The Public Records Act requires all cities and public agencies to maintain and make available a current index of all public records.

- 2. RCW 42.56.070(4) provides that an agency need not maintain such an index if to do so would be unduly burdensome, but it must issue and publish a formal order specifying the reasons why the extent to which compliance would be unduly burdensome or would interfere with agency operations.
- 3. The city is comprised of numerous departments, their divisions, and subdivisions, many if not all of which maintain separate databases and/or systems for the indexing of records and information.
- 4. Because the city has records which are diverse, complex and stored in multiple locations and in multiple computer systems, formats and/or databases, it is unduly burdensome, if not physically impossible, to maintain a current index of all records.
- B. *Order*. Based upon the findings set forth in subsection (A) of this section, and pursuant to RCW 42.56.070(4), the city council orders the following:
 - 1. The city is not required to maintain an all-inclusive index of public records due to the undue burden and near-impossibility of maintaining such an index.
 - 2. The city will make available for inspection and/or copying all public records, including any indexes that are maintained by the city, except to the extent that such records are exempt from public disclosure.

2.76.080 Modifications to fees and charges.

All fees and charges identified in this chapter may be modified by the clerk-treasurer or designee, as approved by resolution of the city council from time to time as deemed necessary to reflect increases in the costs of providing the services identified in this chapter. All fees and charges established pursuant to this chapter shall reflect the actual costs of the services provided.

2.76.090 Denials of Requests for Public Records – Internal Administrative Review – Judicial Review.

When a requester disagrees with the City's decision to withhold or redact a record or portion thereof, the requester may petition in writing (including by email) to the PRO for a review of the decision. The petition must include a copy of the denial or reasonably identify the written denial or claim of exemption made by the PRO.

The PRO will promptly provide the requester's petition and any other relevant information to the City Attorney to conduct an internal administrative review of the denial/exemption decision. Within two days of the City's receipt of the petition, or within such other time period mutually agreed upon by City Attorney's Office and requester, the City Attorney will affirm or reverse the

denial/exemption. If the denial/exemption is affirmed, the requester may seek judicial review pursuant to RCW 42.56.550. If the denial is reversed, the PRO will promptly produce the record for requester.

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF MCCLEARY REPEALING AND REPLACING **MCCLEARY** MUNICIPAL CODE CHAPTER **"PUBLIC** 2.72 **RECORDS**": **ADOPTING** NEW RULES AND **REGULATIONS GOVERNING PUBLIC RECORDS IN** THE CITY OF MCCLEARY.

RECITALS:

WHEREAS, RCW 42.56, Washington's Public Records Act ("Act") allows the public to request public records from the City; and

WHEREAS, pursuant to the Act, the Washington Legislature requires that each local agency shall provide rules of procedure for the guidance of the public in making requests for inspection or copying of public records; and

WHEREAS, pursuant to the Act, a local agency shall appoint and publicly identify a public records officer whose responsibility is to serve as a point of contact for members of the public in requesting disclosure of public records and to oversee the agency's compliance with the public records disclosure requirements of the Act; and

WHEREAS, the State Legislators made revisions to the Public Records Act and the City Council desires to adopt them and modify the City's practices and policies to be consistent with the State law; and

WHEREAS, the City Council held a public hearing on ______ to consider this Ordinance; and

WHEREAS, the City finds that repealing and replacing MMC Chapter 2.72 with the proposed sign verbiage will ensure the City's Municipal Code is aligned with the Supreme Court decision and will make the administration of the Sign Code more simple and equitable for City staff, citizens, and business owners alike;

NOW, THEREFORE, the City Council of the City of McCleary, Washington do ordain as follows:

<u>SECTION I</u>: MMC Chapter 2.72 titled "PUBLIC RECORDS", last amended by Ordinance 646 sec. I, 1997, is repealed and reenacted as shown in Exhibit A.

SECTION II: 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 phrase had been declared invalid or unconstitutional.

<u>SECTION III</u>: This Ordinance shall be published by an approved summary consisting of the title.

<u>SECTION IV</u>: This Ordinance shall take effect upon the fifth day following the date of publication.

PASSED THIS ____ DAY OF _____, 2024, by the City Council of the

City of McCleary, and signed in approval therewith this _____, day of ______, 2024.

CITY OF McCLEARY:

CHRIS MILLER, Mayor

ATTEST:

JENNA AMSBURY, Clerk-Treasurer

APPROVED AS TO FORM:

CHRISTOPHER JOHN COKER, City Attorney



CITY COUNCIL AGENDA ITEM COVER SHEET

Item 7.

FROM:	Chad Bedlington, Director of Public Works
DATE:	April 24, 2024

AGENDA ITEMBid Award – Overhead Electric Distribution TransformersTITLE:

SUMMARY

City staff conducted a competitive bid process in March/April to acquire new overhead transformers. Bids were opened on April 8, 2024 with the lowest responsive responsible bidder being General Pacific out of Dyersberg, Tennessee. Bid results are attached as reference.

FISCAL IMPACT

Low bid for the material acquisition was \$66,140.42 inclusive of sales tax. An adequate budget in the Light and Power fund 401 is available to cover this anticipated expense.

RECOMMENDATION/ACTION REQUESTED

We request City Council approval to accept the bid results and allow for acquisition of materials.

Bid Summary

City of McCleary Electric Distribution Transformers (Overhead) Bid Opening: 04.08.24, 4:15 PM



BID	SU	BM	ITTA	LS
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			Vendors							
			GenPac	(Ermco)	Genpac (Howard)		Irby		Wesco Distribution	
ltem #	Size (KVA)	Qty	Unit Price	Total	Unit Price	Total	Unit Price	Total	Unit Price	Total
1	15	10	\$ 2,274.00	\$ 22,740.00	\$ 5,185.00	\$ 51,850.00	\$ 4,811.30	\$ 48,113.00	\$ 2,505.88	\$ 25,058.80
2	37.5	5	\$ 3,563.00	\$ 17,815.00	\$ 8,457.00	\$ 42,285.00	\$ 7,847.40	\$ 39,237.00	\$ 3,596.47	\$ 17,982.35
3	50	5	\$ 4,036.00	\$ 20,180.00	\$ 9,622.00	\$ 48,110.00	\$ 8,927.80	\$ 44,639.00	\$ 4,214.11	\$ 21,070.55
Subtotal: \$				\$ 60,735.00		\$ 142,245.00		\$ 131,989.00		\$ 64,111.70
sales tax (8.9%) \$ 5,405				\$ 5,405.42		\$ 12,659.81		\$ 11,747.02		\$ 5,705.94
	Tota	Cost (b	base bid only):	\$ 66,140.42	-	\$ 154,904.81		\$ 143,736.02		\$ 69,817.64

Denotes apparent low Bidder

\$ 66,140.42

Recorders Signature:

Readers Signature:

Notes: