



ABERDEEN CITY COUNCIL

November 9, 2015

COUNCIL MEETING AGENDA

7:15 p.m. Third Floor, City Hall

COMMITTEE OF THE WHOLE

- A. Guest Speakers
 - 1. Presentation by Greater Grays Harbor
- B. Additions to Agenda
- C. Department Heads
 - 1. Mayor Simpson will present the 2015 Outstanding Performance Award to Kyle Scott for the City of Aberdeen Wastewater Treatment Plant.
 - 2. Presentation of awards to the Halloween Spooktacular costume contest winners.
- D. Mayor's Report
- E. Non-Standing Committee Reports

COUNCIL MEETING

- I. ROLL CALL
- II. FLAG SALUTE
- III. APPROVAL OF MINUTES
- IV. PUBLIC COMMENT Re: Agenda Items (Please limit your comments to 3 minutes)
- V. FINANCE COMMITTEE
 - A. Committee Chair Report
 - B. Approval of expenditures
 - 1. Recommend approval of expenditures and payroll.
 - C. Public Hearings
 - 1. This is the date set for the continuation of the public hearing on the 2016 budgeted revenue sources, including consideration of possible increases in property tax revenues.
 - D. Reports & Communications
 - 1. Report from Finance Committee and Corporation Counsel requesting the city accept Code Publishing Company's proposal to host the Aberdeen Municipal Code at the standard level.
 - E. Resolutions
 - 1. Resolution authorizing the Mayor and Finance Director to execute a purchase and sale agreement for real property commonly known as 416 E Wishkah Street.
 - F. Ordinances
 - 1. Second reading and date of public hearing of Bill No. 15-11 suspending the levy of the admissions tax for a period of three years, adding a new section 3.72.035 to the AMC, and amending Ordinance No. 5862.

2. Second reading and date of public hearing of Bill No. 15-12 providing for the levy in 2015 upon all taxable property within the City of Aberdeen for 2016 for all municipal purposes authorized by law and fixing the amount thereof.
3. First reading of Bill No. 15-14 adopting the 2016 Budget.
4. First reading of Bill No. 15-17 adopting the 2015 Supplemental Budget

VI. PUBLIC WORKS

- A. Committee Chair Report
- B. Ordinances
 1. First reading of Bill No. 15-15 relating to collection fees of solid waste and recyclable materials.
 2. First reading of Bill No. 15-16 relating to rates and charges for sanitary sewer services.

VII. PUBLIC SAFETY

- A. Committee Chair Report
- B. Reports & Communications
 1. Report from Public Safety and Chief of Police recommending that the Mayor and City Staff be authorized to accept the 2016 STOP Grant and sign the appropriate paper work.
- C. Ordinances

VIII. SPECIAL AGENDA ITEMS

- A. Reports & Communications
- B. Ordinances
 1. First reading of Bill No. 15-13 adopting uniform rules for administrative and quasi-judicial hearings and adding a new Chapter 2.18 to the AMC.

IX. CITY COUNCIL COMMENT PERIOD

X. PUBLIC COMMENT PERIOD (Please limit your comments to 3 minutes)

XI. EXECUTIVE SESSION

The City of Aberdeen does not discriminate against or exclude anyone from participation in public meetings. Requests for assistance should be made by contacting the Finance Department at 360-537-3236, 48 hours in advance of the meeting. Thank you.

**LEGISLATIVE DEPARTMENT
CITY OF ABERDEEN**

Mayor: Bill Simpson

**The Members of Your
Committee on:** Finance and the Corporation Counsel

To whom was Referred: **Proposal to update and maintain the city code on
the internet (linked to the city's website)**

Reports and Recommends as Follows: the Aberdeen Municipal Code is maintained in-house using a 1998 software program that is no longer supported by a publisher. The program is out-of-date and error prone. Training on the program is unavailable and the loss of staff trained to operate the program has delayed updates to the city code.

Code Publishing Company, of Seattle, Washington, is the leading municipal code service in the state and provides code services to over 450 cities (including Hoquiam, Cosmopolis, Montesano, & Elma). They have made a proposal to convert and create on-line access to Aberdeen's code for a fee of \$350 a year and to provide on-line updates (editorial services) for \$19.95 per page. Standard features included in the annual fee allow users to print/save code selections (RTF, PDF, Kindle, iPad, HTML, or text); bookmark and share (via email, Facebook, Twitter, etc.); locate code sections by ordinance; and links to cross-references (other city code sections, state code citations, and uncodified ordinances). Optional features include upgrades to browsing, ordinance tracking, and customized formatting.

It is recommended that the city accept Code Publishing Company's proposal to host the Aberdeen Municipal Code at the standard level.



Eric S. Nelson
Corporation Counsel

Council member

Council member

Reported _____, 2015

Council member

Adopted _____, 2015

Council member

FINANCE COMMITTEE REPORT
Re: Code Publishing Company proposal

RESOLUTION No. 2015 - _____

A RESOLUTION AUTHORIZING THE MAYOR AND FINANCE DIRECTOR TO EXECUTE A PURCHASE AND SALE AGREEMENT FOR REAL PROPERTY COMMONLY KNOWN AS 416 EAST WISHKAH STREET.

WHEREAS, Lakeshore Investment Corporation and Porterfield Development LLC, the owners of the property commonly known as 416 East Wishkah Street (site of a former Chevron station), have agreed to sell the property to the city for \$225,000;

WHEREAS, the purchase of the property is solely and specifically for the Gateway Center project and is reimbursable to the city under Department of Commerce Contract No. 16-93205-036 with funds appropriated under the department's Local Community Projects 2016 Program; **NOW, THEREFORE**,

BE IT RESOLVED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF ABERDEEN: the Mayor and Finance Director are authorized to execute a standard form commercial purchase and sale agreement for the property at 416 E. Wishkah Street with a purchase price of \$225,000.00 and requiring the city to pay one-half of the escrow fees and the seller to pay for title insurance and real estate excise tax.

PASSED and APPROVED on _____ 2015.

Bill Simpson, Mayor

ATTESTED:

Kathryn Skolrood, Finance Director

ORDINANCE NO. _____

AN ORDINANCE SUSPENDING THE LEVY OF THE ADMISSIONS TAX FOR A PERIOD OF THREE YEARS, ADDING A NEW SECTION 3.72.035 TO THE ABERDEEN MUNICIPAL CODE, AND AMENDING ORDINANCE 5862.

WHEREAS, the city council has determined that the admissions tax should be temporarily suspended for a period of three years and then automatically reinstated without further action by the city council; **NOW, THEREFORE**,

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF ABERDEEN:

SECTION 1. NEW CODE SECTION ADOPTED. The following Section 3.72.035 is hereby added to the Aberdeen Municipal Code:

AMC 3.72.035 Admissions tax suspended. The admissions tax levied in AMC 3.72.035 shall be suspended for the time period beginning January 1, 2016, and ending on December 31, 2018. No admissions tax imposed under AMC 3.72.035 shall be levied during the period of suspension. The levy of the admissions tax shall resume on January 1, 2019.

SECTION 2. PUBLICATION BY SUMMARY. The Finance Director is authorized and directed to publish the attached summary in lieu of this ordinance.

SECTION 3. EFFECTIVE DATE. This ordinance shall take effect immediately upon its passage, signing, and publication.

PASSED and APPROVED this ____ day of _____, 2015.

ATTESTED:

Bill Simpson, Mayor

Kathryn Skolrood, Finance Director

ORDINANCE NO. _____

AN ORDINANCE PROVIDING FOR THE LEVY IN 2015 UPON ALL TAXABLE PROPERTY WITHIN THE CITY OF ABERDEEN FOR 2016 FOR ALL MUNICIPAL PURPOSES AUTHORIZED BY LAW AND FIXING THE AMOUNT THEREOF PURSUANT TO RCW 84.55.120.

WHEREAS, on October 28, 2015, after notice as required by law, the city council held a public hearing on revenue sources for the city's following year's current expense budget, including consideration of possible increases in property tax revenues;

WHEREAS, the city's annual levy amount from 2015 was \$2,840,388;

WHEREAS, the population of the city is more than 10,000;

WHEREAS, the city's assessed valuation for 2016 taxes of all taxable real and personal property for regular levy purposes within the city of Aberdeen is estimated to be \$ 898,738,864 and for special levy purposes \$ 888,592,550; **NOW, THEREFORE**,

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF ABERDEEN:

1. An increase in the regular property tax levy is hereby authorized for the levy to be collected in the 2016 tax year. The dollar amount of the increase over the actual levy amount from the previous year shall be \$28,404 which is a percentage increase of one (1%) from the previous year. This increase is exclusive of the special levy for collection in 2016 in the amount of \$ 59,000 for the 2002 Fire/Refunding Bonds previously approved by the citizens of Aberdeen; and additional revenue resulting from new construction, improvements to property, newly constructed wind turbines, any increase in the value of state assessed property, any annexations that have occurred and refunds made.

2. This Ordinance and the levies herein provided for shall be certified by the Finance Director of the City of Aberdeen to the proper officers of Grays Harbor County as provided by law.

PASSED and APPROVED this 23rd day of November, 2015.

ATTESTED:

Bill Simpson, Mayor

Kathryn Skolrood, Finance Director

ORDINANCE NO. _____

AN ORDINANCE ADOPTING THE 2016 ANNUAL BUDGET FOR THE CITY OF ABERDEEN, GRAYS HARBOR COUNTY, STATE OF WASHINGTON.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF ABERDEEN:

SECTION 1. BUDGET ADOPTED. The preliminary budget, incorporated herein by reference, is hereby adopted as the budget of the City of Aberdeen for the year 2016 with the following appropriations:

Fund / Dept. #	General Fund	Budget Amount
01	Legislative	\$ 74,750
02	Executive	16,047
03	Judicial	541,377
05	General Government	8,300,593
06	Finance	415,505
16	Legal	281,878
18	Human Resources	106,110
19	Facilities	86,970
21	Engineering	324,525
23	Community Development (& Building)	383,854
45	Police	5,012,355
46	Care/Custody of Prisoners	428,963
48	Fire	1,801,839
49	911 Call Center	166,700
	Total General Fund	\$ 17,941,466

Bill No. 15-14

Fund / Dept. #	Special Revenue Funds	Budget Amount
101	Library	\$ 68,500
102	Parks	964,050
103	Street	1,900,500
105	Arterial Street	336,500
106	Paths & Trails	9,400
107	Morrison Riverfront Park	55,550
112	Insurance Reserve	1,251,000
120	Emergency Medical Services	3,417,816
121	Animal control	125,556
122	Parking Enforcement	74,058
123	Canine Fund	17,000
125	Museum	28,000
128	Community Center	153,750
132	Recreational Sports Programs	249,100
145	Drug Task Force	376,555
	Total Special Revenue Funds	\$ 9,027,335
Debt Service Funds		
206	2000 Fire Truck Bond Redemption	103,000
	Total Debt Service Funds	\$ 103,000
Capital Project Funds		
301	Community Devel. Block Grant	\$ 3,700,000
302	Urban Devel. Action Grant	285,950
303	Hotel/Motel	120,200
305	Dept. of Justice Grants	112,546
318	Abatement	323,830
320	Public Buildings	150,000
350	Utility Construction	100,000
399	Capital Improvements	75,000
	Total Capital Project Funds	\$ 4,867,526

Fund / Dept. #	<u>Enterprise Funds</u>	<u>Budget Amount</u>
401	Garbage Utility	\$ 247,850
403	Sewer Utility	4,681,700
404	Water Utility	3,989,500
405	Storm Water Utility	535,200
407	Industrial Water System	1,283,000
413	Sewer Cumulative Reserve	268,000
414	Water Cumulative Reserve	1,445,000
417	Industrial Water Reserve	956,000
	Total Enterprise Funds	\$ 13,406,250
 <u>Internal Service Funds</u> 		
501	Equipment Rental	\$ 358,500
502	Equipment Rental Reserve	1,621,000
	Total Internal Service Funds	\$ 1,979,500
 <u>Fiduciary Funds</u> 		
611	Fire Pension	\$ 942,334
612	Police Pension	708,000
629	Brownfield Development Fund	60,000
630	Transportation Benefit Imprv. District	880,000
	Total Fiduciary Funds	\$ 2,590,334
	Grand Total All Funds	\$ 49,915,411

SECTION 2. PUBLICATION BY SUMMARY. The Finance Director is authorized and directed to publish the attached summary in lieu of this ordinance.

SECTION 3. EFFECTIVE DATE. This ordinance shall take effect immediately upon its passage, signing, and publication.

PASSED and APPROVED this 9th day of December, 2015.

Hon. Bill Simpson, Mayor

ATTESTED:

Kathryn Skolrood, Finance Director

ORDINANCE NO.

AN ORDINANCE ADOPTING THE 2016 ANNUAL BUDGET FOR THE CITY OF ABERDEEN, GRAYS HARBOR COUNTY, STATE OF WASHINGTON.

The following is a summary of the above ordinance for the purposes of publication. The full text of the ordinance will be mailed upon request.

- Section 1.** Adopts the 2016 preliminary budget by reference as the final budget for 2016 and sets appropriation levels by fund and department.
- Section 2.** Publication by summary authorized.
- Section 3.** Effective date (immediately upon its passage, signing, and publication).

PASSED and APPROVED this 9th day of December , 2015.

/s/Bill Simpson, Mayor

/s/Kathryn Skolrood, Finance Director (Attest)

ORDINANCE NO. _____

AN ORDINANCE RELATING TO COLLECTION FEES OF SOLID WASTE AND RECYCLABLE MATERIALS, AMENDING SECTIONS 13.08.110(C), 13.08.110(D), AND 13.08.110(E) OF THE ABERDEEN MUNICIPAL CODE, BEING ORDINANCE 6554, IN PART, AS AMENDED BY ORDINANCE 6566.

WHEREAS, the rates for solid waste collection and recycling must be adjusted to comply with the contract between the City of Aberdeen and Harold Lemay Enterprises, Inc. and said contracts provides that the rates may be increased at a rate not to exceed sixty (60) percent of consumer price index and any increases in the Grays Harbor County disposal costs; **NOW, THEREFORE**,

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF ABERDEEN:

SECTION 1. CODE SECTION AMENDED. Section 13.08.110(C) of the Aberdeen Municipal Code are amended to read as follows:

13.08.110(C). Rates for curb side service. Rates include one (1) 95 gallon recycle cart serviced every other week. Containers must be placed at the curb (next to road or alley where a truck can drive while proceeding in normal route) on the scheduled service day. The monthly standard curb rates for cart(s) serviced weekly, every other week or monthly for approved properly used and maintained solid waste and recycle containers, shall be as follows:

1. Residential Cart Service

65 gallon with a 30 gallon insert monthly:	\$ 9.13	<u>\$ 9.18</u>
65 gallon monthly:	13.30	<u>13.38</u>
65 gallon every other week:	20.54	<u>20.66</u>
65 gallon weekly:	33.24	<u>33.44</u>
Additional 65 gallon (each):	8.51	<u>8.56</u>
95 gallon monthly:	15.02	<u>15.11</u>
95 gallon every other week:	29.23	<u>29.41</u>
95 gallon weekly:	45.89	<u>46.17</u>
Additional 95 gallon (each):	12.66	<u>12.74</u>
Return Trip:	14.10	<u>14.18</u>
Extra unit (can, bag, box) 30 gallon:	4.37	<u>4.40</u>

2. Commercial Cart Service

65 gallon every other week:	\$ 20.54	<u>\$ 20.66</u>
65 gallon weekly:	33.24	<u>33.44</u>
90 gallon every other week:	29.23	<u>29.41</u>
90 gallon weekly:	45.89	<u>46.17</u>
Return trip:	14.10	<u>14.18</u>
Extra unit (can, bag, box) 30 gallon:	4.37	<u>4.40</u>

SECTION 2. CODE SECTION AMENDED. Section 13.08.110(D), of the Aberdeen Municipal Code and Ordinance 6539, in part, as amended by Section 2 of Ordinance 6554, are amended to read as follows:

13.08.110(D). Special service charges. The following special service charges are in addition to the monthly curb service rates. Charges for special services may be billed by and paid directly to the contractor and, if unpaid, shall be added to the utility bill under 13.08.110(A).

1. Physical hardship-roll out. The Director may authorize special collection services and rates, in addition to those set forth in this chapter, when special circumstances relating to the size, shape, topography, location or surroundings of the property being served or physical disabilities of the utility customer create an unnecessary hardship: PROVIDED that the additional costs charged do not exceed the actual cost of providing the special collection services. If the special collection services require the collector to roll the cart out to the curb, for each increment of fifty (50) feet the monthly curbside service rate shall be increased by ~~\$1.23~~ \$1.24 for carts serviced monthly, ~~\$2.47~~ \$2.48 for carts serviced every other week, and ~~\$4.94~~ \$4.97 for carts serviced weekly.

2. Special Item Removal. For each of the following types of items picked up on a one time basis the charge will be:

- a. Small appliances, furniture, bulky items, etc.: ~~\$26.50~~ \$26.66 each
- b. Large appliances, refrigerators, freezers, etc.: ~~\$61.60~~ \$61.97 each

3. Pre-paid plastic thirty (30) gallon bags furnished by the city: ~~\$4.37~~ \$4.40 each

4. Special collection calls. Collection calls requested by a customer for a regular packer truck requiring loading of loose material, including travel time, will be charged at an hourly rate of \$64.34 plus disposal fees.

5. Loose material collection. Collection of container overflows or solid waste or recyclable materials not properly placed in approved containers, and collections ordered pursuant to 13.08.130(B), will be charged at an hourly rate, including travel time, of ~~\$64.34~~ \$64.73, plus disposal fee.

SECTION 3. CODE SECTION AMENDED. Section 13.08.110(E) of the Aberdeen Municipal Code is amended to read as follows:

13.08.110(E). Container Services. Rates for quantity garbage, commercial collection, customer owned compactors, or permanent and temporary drop box services shall be as follows, not including refuse collection tax:

1. Permanent Commercial Container Service

1 cubic yard box (tipping fee included):		
One pickup per week (basic)	\$ 87.38	<u>\$ 87.90</u>
Each additional pickup per week	85.25	<u>85.76</u>
Special single call	29.95	<u>30.13</u>
1.5 cubic yard box (tipping fee included):		
One pickup per week (basic)	134.03	<u>134.83</u>
Each additional pickup per week	126.16	<u>126.92</u>
Special single call	43.86	<u>44.12</u>
2 cubic yard box (tipping fee included):		
One pickup per week (basic)	168.42	<u>169.43</u>
Each additional pickup per week	157.25	<u>158.19</u>
Special single call	52.21	<u>52.52</u>
3 cubic yard box (tipping fee included):		
One pickup per week (basic)	248.62	<u>250.11</u>
Each additional pickup per week	228.63	<u>230.00</u>
Special single call	77.66	<u>78.13</u>
4 cubic yard box (tipping fee included):		
One pickup per week (basic)	336.54	<u>338.56</u>
Each additional pickup per week	306.00	<u>307.84</u>
Special single call	104.40	<u>105.03</u>
6 cubic yard box (tipping fee included):		
One pickup per week (basic)	478.04	<u>480.91</u>
Each additional pickup per week	434.46	<u>437.07</u>
Special single call	145.75	<u>146.62</u>

8 cubic yard box (tipping fee included):		
One pickup per week (basic)	627.58	<u>631.35</u>
Each additional pickup per week	596.94	<u>600.52</u>
Special single call	188.77	<u>189.90</u>

2. Temporary Commercial Container Service

1 yard temporary service:

Delivery	\$ 35.38	\$ <u>35.59</u>
Rent per day	0.50	<u>0.50</u>
Each pickup	29.95	<u>30.13</u>

1.5 yard temporary service:

Delivery	35.38	<u>35.59</u>
Rent per day	0.50	<u>0.50</u>
Each pickup	43.86	<u>44.12</u>

2 yard temporary service:

Delivery	45.49	<u>45.76</u>
Rent per day	0.62	<u>0.62</u>
Each pickup	52.21	<u>52.52</u>

3 yard temporary service:

Delivery	45.49	<u>45.76</u>
Rent per day	0.95	<u>0.96</u>
Each pickup	77.66	<u>78.13</u>

4 yard temporary service:

Delivery	45.49	<u>45.76</u>
Rent per day	1.11	<u>1.12</u>
Each pickup	104.39	<u>105.02</u>

6 yard temporary service:

Delivery	45.49	<u>45.76</u>
Rent per day	1.68	<u>1.69</u>
Each pickup	145.75	<u>146.62</u>

8 yard temporary service:

Delivery	45.49	<u>45.76</u>
Rent per day	1.95	<u>1.96</u>
Each pickup	188.76	<u>189.89</u>

3. Customer-Owned Compactor Service

4 cubic yard customer-owned compactor (including tipping fee):

One pickup per month	\$ 162.54	<u>\$ 163.52</u>
Each additional pickup	171.90	<u>172.93</u>

6 cubic yard customer-owned compactor (including tipping fee):

Each additional pickup per week	250.29	<u>251.79</u>
Each additional pickup	260.49	<u>262.05</u>

Access fee weekly (monthly charge):	8.75	<u>8.80</u>
Access fee every other week (monthly charge):	4.38	<u>4.41</u>
Access fee 2x weekly (monthly charge):	17.51	<u>17.62</u>
Lock fee (each)	5.05	<u>5.08</u>
Cable fee (each)	10.11	<u>10.17</u>
Return trips, containers	27.59	<u>27.76</u>
Additional yard	29.95	<u>30.13</u>

4. Drop Box Services

a. Permanent Drop Boxes

10/20 cubic yard drop box (not including tipping fee):

First haul each month	\$ 194.93	<u>\$ 196.10</u>
Each additional haul	130.88	<u>131.67</u>

30 cubic yard drop box (not including tipping fee):

First haul each month	268.48	<u>270.09</u>
Each additional haul	166.60	<u>167.60</u>

40 cubic yard drop box (not including tipping fee):

First haul each month	343.63	<u>345.69</u>
Each additional haul	234.13	<u>235.53</u>

b. Temporary Drop Boxes

10/20 cubic yard drop box:

Delivery	\$ 50.54	<u>\$ 50.84</u>
Rent per day	5.30	<u>5.33</u>
Each pickup	133.90	<u>134.70</u>

30 cubic yard drop box:

Delivery	50.54	<u>50.84</u>
Rent per day	6.42	<u>6.46</u>
Each pickup	176.71	<u>177.77</u>

40 cubic yard drop box:

Delivery	50.54	<u>50.84</u>
Rent per day	7.26	<u>7.30</u>
Each pickup	246.25	<u>247.73</u>

c. Customer-Owned Compactor Drop Boxes

20 cubic yard compactor drop boxes (not including tipping fee) :

Each scheduled pickup	\$ 177.41	<u>\$ 177.47</u>
Special pickup	183.25	<u>184.35</u>

30 cubic yard compactor drop boxes (not including tipping fee):

Each scheduled pickup	215.35	<u>216.64</u>
Special pickup	225.53	<u>226.88</u>

40 cubic yard compactor drop boxes (not including tipping fee):

Each scheduled pickup	241.06	<u>242.51</u>
Special pickup	251.53	<u>252.75</u>

Drop lids per month	13.39	<u>13.47</u>
Disposal rate per ton	95.20	<u>95.20</u>

The tipping fee to be added to the charges for drop boxes is at the rates established by contract with Grays Harbor County or other regulatory agencies for disposal sites meeting minimum functional standards set by the Washington State Department of Ecology.

No load is to exceed nine tons.

Tipping fee is based on sixty-four (64) pound 65 gallon cart, ninety-six (96) pound 95 gallon cart, one hundred eighty (180) pound one-yard container, and actual weight of drop boxes.

SECTION 4. PUBLICATION BY SUMMARY. The Finance Director is authorized and directed to publish the attached summary in lieu of this ordinance.

SECTION 5. EFFECTIVE DATE. This ordinance shall take effect on January 1, 2016.

PASSED and APPROVED this 9th day of December, 2015.

Bill Simpson, Mayor

ATTESTED:

Kathryn Skolrood, Finance Director

SUMMARY for PUBLICATION

15 - 15S

ORDINANCE NO. _____

AN ORDINANCE RELATING TO COLLECTION FEES OF SOLID WASTE AND RECYCLABLE MATERIALS, AMENDING SECTIONS 13.08.110(C), 13.08.110(D), AND 13.08.110(E) OF THE ABERDEEN MUNICIPAL CODE, BEING ORDINANCE 6554, IN PART, AS AMENDED BY ORDINANCE 6566.

The following is a summary of the above ordinance for the purposes of publication. The full text of the ordinance will be mailed upon request.

Section 1. Amends Section 13.08.110C (Rates for curbside service) of the Aberdeen Municipal Code (AMC) by increasing rates to comply with the contract with Lemay Enterprises.

Section 2. Amends AMC 13.08.110D (Special service charges) by increasing rates to comply with the contract with Lemay Enterprises.

Section 3. Amends AMC 13.08.110E (Container services) by increasing rates to comply with the contract with Lemay Enterprises.

Section 4. Publication by summary authorized.

Section 5. Effective date January 1, 2016.

PASSED and APPROVED: December 9, 2015.

/s/ Bill Simpson, Mayor

/s/ Kathryn Skolrood, Finance Director (Attest)

ORDINANCE NO. _____

AN ORDINANCE RELATING TO RATES AND CHARGES FOR SANITARY SEWER UTILITY SERVICES, AMENDING SECTION 13.48.020A OF THE ABERDEEN MUNICIPAL CODE.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF ABERDEEN:

SECTION 1. CODE SECTION AMENDED. Section 1 of Ordinance- ~~6537~~ 6565, codified as Section 13.48.020A of the Aberdeen Municipal Code is hereby amended to read as follows:

Section 13.48.020A Sewer rates.

A. The sewer user charges are as follows:

1. Residential Class: ~~thirty five dollars and thirty seven cents (\$35.37)~~
thirty-six dollars and seventy-eight cents (\$36.78) per month per dwelling unit.

2. Commercial Class: a base rate for one thousand (1000) cubic feet of water consumption, ~~five dollars and thirty seven cents (\$35.37)~~ thirty-six dollars and seventy-eight cents (\$36.78) per month, ~~plus four dollars and fifty three (\$4.53)~~ four dollars and seventy-one cents (\$4.71) for each one hundred (100) cubic feet thereafter.

3. Other Services: For outside vendors/agencies who directly haul waste to the plant site, the rate is \$.13 per gallon; if the waste is deemed hazardous the rate is \$.39 per gallon.

SECTION 2. PUBLICATION BY SUMMARY. The Finance Director is authorized and directed to publish the attached summary in lieu of this ordinance.

SECTION 3. EFFECTIVE DATE. This ordinance shall take effect January 1, 2016.

PASSED and APPROVED this _____ day of December, 2015.

ATTESTED:

Bill Simpson, Mayor

Kathryn Skolrood

MR. MAYOR:

Hon. William Simpson

**THE MEMBERS OF
YOUR COMMITTEE ON:**

Public Safety and Chief of Police

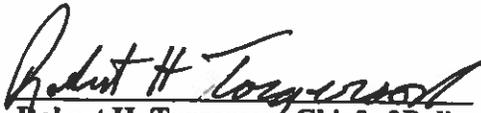
IN REFERENCE TO:

FFY 2016 STOP GRANT

Report and recommend as follows:

The Aberdeen Police Department applied for a renewal of the STOP Formula Grant for FFY 2016 with the Office of Crime Victims Advocacy. The renewal application is in the amount of \$33,136. The grant will be used by both the Aberdeen Police Department and The City of Aberdeen Legal Department. Up to \$16,568 of the grant will be used to provide overtime for specialized Domestic Violence Investigators (DART) for the police department. Up to \$16,568 of the grant will be used to provide a Witness Victim Coordinator for the legal department. We have been awarded this grant for the 11th year. The in-kind match is approximately \$11,046.

It is our recommendation that the Mayor and City Staff be authorized to accept the grant, and sign the appropriate paperwork.


Robert H. Torgerson, Chief of Police

Reported: November 9, 2015

Adopted: November 9, 2015

Tawni Andrews, Chair

Jim Cook

Jerry Mills

Alice Phelps

FACE SHEET

Grant Number: **F15-31103-010**

**Washington State Department of Commerce
Community Services and Housing Division
Office of Crime Victims Advocacy
FFY 2015 Violence Against Women STOP Grant Program**

1. Grantee Aberdeen Police Department 210 East Market Street Aberdeen, WA 98520-5210		2. Federal Funding Award Information Federal Award Date: 09/23/2015 Federal Award Identification Number (FAIN): 2015-WF-AX-0033 Total Amount of Federal Award: \$2,898,100 Awarding Official: Bea Hanson, Principal Deputy Director		
3. Grantee Representative C.J. Chastain Lieutenant Phone: (360) 538-4457 Fax: (360) 533-4786 cichastain@aberdeenwa.gov		4. COMMERCE Representative Anita Granbois Program Coordinator Phone: (360) 725-2892 Fax: (360) 586-7176 anita.granbois@commerce.wa.gov PO Box 42525 (98504-2525) 1011 Plum Street SE Olympia, WA 98501		
5. Grant Amount \$33,136.00	6. Funding Source Federal: <input checked="" type="checkbox"/> State: <input type="checkbox"/> Other: <input type="checkbox"/> N/A: <input type="checkbox"/>		7. Start Date 1/1/2016	8. End Date 12/31/2016
9. Federal Funds (as applicable) 2015-WF-AX-0033		Federal Agency Department of Justice, Office on Violence Against Women		CFDA Number 16.588
10. Tax ID # 91-6001226	11. SWV # SWV0007703-01	12. DUNS# 071841498		13. Indirect Rate n/a
14. Grant Purpose FFY 2015 STOP Violence Against Women Grant Program supports activities that improve the community response to violence against women. COMMERCE, defined as the Department of Commerce, and the Grantee, as defined above, acknowledge and accept the terms of this Grant and attachments and have executed this Grant on the date below to start as of the date and year referenced above. The rights and obligations of both parties to this Grant are governed by this Grant and the following other documents incorporated by reference: Grantee Terms and Conditions including Attachment A – Copyright Provisions; Attachment B – Standard Assurances; Attachment C – Equal Employment Opportunity Plan Certification; Attachment D - Civil Rights Requirements and Non-Supplanting Certification; Attachment E – Restrictions and Certifications Regarding Non-Disclosure Agreements; Attachment F - Scope of Work; Attachment G – Budget; and Grantee's Application for Funding as submitted and approved by COMMERCE.				
FOR GRANTEE _____ Signature _____ Name _____ Title _____ Date		FOR COMMERCE _____ Diane Klontz, Assistant Director _____ Date APPROVED AS TO FORM ONLY BY ASSISTANT ATTORNEY GENERAL APPROVAL ON FILE		

ORDINANCE NO. _____

AN ORDINANCE ADOPTING UNIFORM RULES FOR ADMINISTRATIVE AND QUASI-JUDICIAL HEARINGS AND ADDING A NEW CHAPTER 2.18 TO THE ABERDEEN MUNICIPAL CODE.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF ABERDEEN:

SECTION 1. NEW CODE CHAPTER ADOPTED. The following Chapter 2.18 "Rules for Administrative and Quasi-Judicial Hearings" is hereby added to the Aberdeen Municipal Code:

CHAPTER 2.18 AMC - Rules for Administrative and Quasi-Judicial Hearings

- AMC 2.18.010 Purpose and applicability.
- AMC 2.18.020 Definitions.
- AMC 2.18.030 Nature of hearings.
- AMC 2.18.040 Commencement of proceedings.
- AMC 2.18.050 Referral to administrative body.
- AMC 2.18.060 Notice - Postponement or continuance.
- AMC 2.18.070 Quasi-judicial hearings.
- AMC 2.18.080 Ex Parte Communication - Appearance of Fairness - Conflict of Interest
- AMC 2.18.090 Preserving order - limitations.
- AMC 2.18.100 Presiding officers - powers.
- AMC 2.18.110 Enforcement of subpoenas.
- AMC 2.18.120 Witness fees.
- AMC 2.18.130 Administrative notice.
- AMC 2.18.140 Legal officer; appointment; functions.
- AMC 2.18.150 Final decision; reconsideration; judicial review.
- AMC 2.18.160 Reconsideration

AMC 2.18.010 Purpose and applicability.

The purpose of the rules of procedure contained in this Chapter is to provide uniform rules for the conduct of all hearings held before the City Council, or any board,

a judicial or quasi-judicial nature which, for purposes of this Chapter, shall be deemed to consist only of the following:

1. Hearings before City Council:
 - a. Upon ordinances which zone or rezone site-specific parcels of real property, as opposed to zoning of general application (legislative hearings);
 - b. Upon subdivision ordinances;
 - c. Appeals relating to issuance, suspension or revocation of licenses or permits;
and
 - d. Upon all appeals from the decisions of any City official, board or commission, where such an appeal is otherwise authorized, and which requires an evidentiary hearing to determine such appeal.
2. Hearings before the Board of Adjustment, Building Code Commission and Board of Appeals:
 - a. Upon appeals from any decision of the Department, building official, or code enforcement officer; and
 - b. Upon requests for a variance or exception from the terms of any ordinance.
3. Hearings before the Civil Service Commission upon grievances and upon appeals from disciplinary action imposed upon employees.
4. Hearings before any administrative body respecting the issuance, suspension or revocation of any permit or license issued by the City.

B. Legislative Hearings. All other hearings before an administrative body shall be deemed to be administrative hearings, the purpose of which is to obtain information to enable the City Council to determine legislative policy, to enable any board or commission to make recommendations to the City Council upon proposed or pending legislation, or to promulgate authorized rules and regulations. Such hearings shall be conducted in compliance with the state Open Public Meetings Act, provisions of AMC 2.18.040, 2.18.050 and 2.18.060, and in such a manner so as to enable all persons desiring to be heard a reasonable opportunity for the presentation of their views, but there shall be no requirement for compliance with the provisions for quasi-judicial hearings under AMC 2.18.070.

AMC 2.18.040 Commencement of proceedings.

All proceedings conducted pursuant to this Chapter shall be commenced in the manner provided by the Charter, statute or ordinance governing the matter. An appeal must be in writing and shall contain the following:

3. The audio or other verbatim reproduction of all testimony presented in said hearing.

4. A written decision by the hearing body which shall set forth the factual basis and reasons for the decision rendered.

B. Order of Procedure. In quasi-judicial hearings, the following order of procedure shall be observed:

1. First, the official city file concerning the action, including the written appeal and any written response by the city official whose action is appealed, shall be entered in the record of the hearing.

2. Next, the presiding officer shall call for the disclosure of any ex parte communications, conflicts of interest, or violations of the appearance of fairness under AMC 2.18.080.

3. Next, the administrative body shall call for the presentation of testimony and evidence from the moving party.

3. Upon completion of the presentation of the moving party's evidence, the administrative body may call upon any other persons present to offer additional evidence and information as may be relevant and material in support of the moving party's position.

4. Thereafter, the administrative body shall call for the presentation of testimony and evidence from any person present at the hearing who desires to oppose the evidence of the moving party.

5. The moving party shall then be given an opportunity to present any further matter in opposition or rebuttal to the matters presented by the opponents.

6. All documents, or other items of physical evidence, shall be marked as exhibits with such identifying symbols as may be necessary to determine the exhibit referred to by any witness or other person.

C. Rules of Evidence. The administrative body shall not be required to observe formal rules of evidence, but may consider any matter which a majority concludes is reasonably reliable and calculated to aid the hearing body in reaching a fair and accurate determination of the issues involved.

D. Cross-Examination. Cross-examination of witnesses shall be limited to interested parties.

E. Deliberations and Notice of Decision. Each administrative body is authorized to deliberate upon the issues presented at the hearing in private, nonpublic sessions; provided that no decision shall be effective except upon a vote of the members of the administrative body conducted in an open session, which vote shall be duly recorded in

3. In the event of a rebuttal, the member or official shall be given an opportunity to respond making special reference to the facts alleged in rebuttal, or shall disqualify him or herself and state the reasons therefore.

AMC 2.18.090 Preserving order - limitations.

A. Each administrative body shall have the right to preserve order during any hearing. If any person appearing before the body or attending any meeting or hearing, in the immediate presence of the administrative body or within its sight or hearing, while the administrative body is in session, disobeys a lawful order of the body or engages in any speech, gesture or conduct, which is so disrespectful to the body that it tends to bring the body into public ridicule, disrupt the proceedings, or otherwise impair good order, the administrative body may take appropriate action against the responsible person, as may be necessary, including but not limited to: public censure; ejection from the hearing room and its environs; a prohibition on the presentation of further testimony or evidence; entry of an order striking testimony or evidence; or entry of a default.

B. The administrative body may, prior to any presentations and as a condition to the taking of testimony or information from any person, require the registration of all persons desiring to be heard during the hearing.

C. The administrative body may restrict the testimony of any person to the material issues pending before it and, to prevent duplicative or cumulative presentations, it may limit the presentation of evidence and cross-examination and may impose reasonable time limitations upon all parties.

D. The administrative body may issue reasonable orders to preserve order, ensure safety, protect the record and promote the truth-finding process, including but not limited to orders related to:

1. The screening of persons entering the building or hearing room for weapons, concealed or carried openly, including but not limited to firearms, knives, pepper spray, bear spray, batons, and objects or substances that may be used to disrupt the proceedings.

2. A prohibition on the presence of weapons, objects and substances that may be used to assault anyone or disrupt the proceedings in the hearing room. The prohibition shall not apply to any firearm that is possessed and carried lawfully. Nothing contained in this provision shall prohibit the screening of a person carrying a concealed firearm or requiring such person to produce the permit to carry a concealed weapon and the firearm for inspection by screeners.

3. The number of people who may be present in the hearing room.

4. Where the parties and other persons may stand or be seated.

AMC 2.18.110 - Enforcement of subpoenas.

A. Action for the enforcement of or to quash a subpoena shall be commenced by filing a petition with the Municipal Court, which shall forthwith issue an order commanding the appropriate individual to appear in response and show cause why the requested relief should not be granted. The Municipal Court shall sustain such subpoena to the extent that it is found to be in accordance with law and shall issue an order requiring the appearance of witnesses or the production of data within a reasonable time, under penalty of punishment for contempt of court.

B. It shall be unlawful for any person without good cause to fail or refuse to comply with a subpoena issued by any administrative body of the City. Conviction of such failure shall not relieve the person under subpoena from the obligation to comply with the subpoena or relieve the person from contempt proceedings for failure to comply.

AMC 2.18.120 - Witness fees.

Witnesses under subpoena shall receive the same fees for appearance before an administrative body as before the Municipal Court.

AMC 2.18.130 - Administrative notice.

An administrative body may take notice of general technical or scientific facts within its knowledge, and its own records of matters pending or previously determined by the administrative body concerning the same property, the same persons or the same issues, without further proof thereof, but only if such fact or record so noticed is specified in the record or is brought to the attention of the parties before final decision, and every party is afforded an opportunity to controvert the fact or record so noticed. In like manner, and without specifying the same in the record, an administrative body may take notice of the constitution, state law, and the Charter and ordinances of the City.

AMC 2.18.140 - Legal officer; appointment; functions.

In any quasi-judicial hearing, the administrative body may retain an attorney to act as Legal Officer during the hearing. The Legal Officer shall exercise all the functions and powers of the Presiding Officer of the administrative body, as set forth in AMC 2.18.090. At the close of testimony the Legal Officer shall advise the administrative body of the law applicable to the matter which is the subject of the hearing, but the Legal Officer shall not otherwise participate in the deliberations of the administrative body. At the close of deliberations of the administrative body, the Legal Officer shall prepare the necessary

SECTION 2. SEVERABILITY. Should any section, subsection, paragraph, sentence, clause or phrase of this ordinance or its application to any person or situation be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this ordinance or its application to any other person or situation.

SECTION 3. PUBLICATION BY SUMMARY. The Finance Director is authorized and directed to publish the attached summary in lieu of this ordinance.

SECTION 4. EFFECTIVE DATE. This ordinance shall take effect immediately upon its passage, signing, and publication.

PASSED and APPROVED this ____ day of _____, 2015.

Bill Simpson, Mayor

ATTESTED:

Kathryn Skolrood, Finance Director