

ORTING CITY COUNCIL MEETING MINUTES

August 12, 2009

Mayor Cheryl Temple called the meeting to order with the flag salute at 7:00 pm in the Orting Public Safety Building. Roll call found in attendance Councilmembers Scott Drennen, George Wilson, Dick Ford, David Inge, Guy S. Colorossi, and Joachim Pestinger. Councilmember Nicola McDonald arrived late.

ATTENDANCE:

City Employees	City Administrator Mark Bethune, Administrative Assistant Roxanne Pollard, Accounting Clerk I Jane Helgelien, Police Chief Bill Drake, Building Official Ken Wolfe.
Professional Representatives	Parametrix Engineer Dave Roberts, Kenyon Disend Attorney Chris Bacha.
Visitors	Patricia Delaney, Chris Fowler, Tom Felkins, Shirley Sigafos, Bob Griebenow, Barbara Bauml, Kaylene Petrovich, Bob Smith, Marianne Smith, Mark Savoca, Carol Ernst, Barbara Hansen, Doug Schwarz, Margaret O’Harra, Heidi Sutphens, Kim Farnes, Heather Hogan.

CONSENT AGENDA:

- A. Minutes of July 29, 2009.
- B. Approval of Claims Warrants No. 14561 through No. 14603 in the amount of \$309,569.31 and Payroll Warrants No. 18476 through No. 18527 in the amount of \$115,420.88.
- C. July 2009 Treasurer’s Report

Councilmember Inge moved to approve the Consent Agenda as prepared. Councilmember Wilson seconded the motion and it carried.

COMMENTS FROM CITIZENS:

Barbara Hansen: Orting Senior Center
Barbara Hansen, Executive Director of the Orting Senior Center, invited the Council and community to a community-wide celebration of volunteers on September 19 at 4:30 pm at the Eagles’ Hall. She announced that the center is holding the event instead of the annual auction fundraising event. Advance tickets are available at the Senior Center.

Patti DeLaney: Orting Chamber of Commerce
Patti DeLaney, Executive Director of the Orting Chamber of Commerce, reported on upcoming events and activities.

Over 400 people attend the first movies in the park. The next movie, *High School Musical 3* is scheduled for August 21.

There is now a tourism center at the Orting Chamber Office, located at

202 Washington Avenue South. There are brochures and information about regional attractions on display as part of the tourism center.

The Chamber has Orting walking tour maps, Washington bike tour maps, and Washington State Scenic Byways maps available.

The Chamber is kicking off a “30 Great Things to do in Orting” campaign.

PRESENTATIONS:

Bridge for Kids

Barbara Bauml, Treasurer of Bridge for Kids, thanked the Council for their support and opportunity to provide an update on the progress of the project. She also introduced Chris Fowler, Bridge for Kids President and Steering Committee Co-chair and Bob Griebenow of BergerABAM, Principal Engineer, and Karl Inling, Project Manager and Steering Committee Co-Chair.

Mr. Fowler provided background information on the design process. Previously the Council adopted a resolution in support of a tunnel crossing of State Route 162 (SR 162) between Orting Middle School and Ptarmigan Ridge School at Chief Emmons Lane Northwest. Feasibility studies indicated that a bridge crossing at Rocky Road would be more cost effective and easier to construct. The study also indicated that the slope on the east side of the Carbon River is stable enough to support the river crossing bridge. At a future meeting the Council will be asked to support a bridge crossing with a resolution of SR 162.

Mr. Griebenow presented the Council with visual depictions of the proposed SR 162 bridge crossing at Rocky Road and the Carbon River bridge crossing.

Mayor Temple asked why a bridge crossing of SR 162 is being proposed in the place of a tunnel crossing. Geotechnical studies revealed that the high water table will make a tunnel very expensive to construct. There are also many underground utilities in place at the crossing location that is proposed.

Councilmember Pestinger asked if the structures will be designed to withstand a seismic event. The representatives from Bridge for Kids stated that it would. Pestinger also commented that the bridge should be an alternative to the current crosswalk at the intersection and asked if the neighboring subdivisions will have access to the SR 162 crossing. The representatives from Bridge for Kids stated that they would.

City Administrator Bethune commented that any crossing of SR 162 will need to go through architectural design review with the Planning Commission. The crossing should adhere to the Turn of the Century: Western or Victorian design requirements.

Councilmember Inge asked if the river crossing shown is the final design or if it is just a concept. The representatives from Bridge for Kids reported that the aesthetics of the bridge can change and the size used is approximate.

Councilmember Wilson asked if the Carbon River crossing will comply with the Americans with Disabilities Act (ADA) regulations. The representatives from Bridge for Kids stated that the SR 162 Crossing will comply with the ADA. They are seeking an exemption for the Carbon River crossing because it is primarily an emergency structure.

Councilmember Wilson asked if the piers placed in the river will contribute to log jams on the river. The representatives from Bridge for Kids stated that a hydrologist will be involved in the design to mitigate this issue.

City Engineer Dave Roberts commented that any design needs to the eventual extension of Daffodil Avenue into account.

Councilmember Drennen reported that at a future meeting he will ask the Council to consider a resolution supporting a bridge crossing of SR 162.

Mayor Temple thanked Bridge for Kid for their many years of hard work on this project.

Rivers & Flood
Prevention

Building Official Ken Wolfe gave the Council an update on the Comprehensive Flood Hazard Mitigation Plan that was recently adopted by the Council.

- Replacement of the 42 inch outfall at the Puyallup River is one of the plan's mitigation strategies. The City is pursuing a grant to cover costs.
- The City has applied for a grant with the Salmon Recovery Funding Board for the Calistoga Street setback levee project.
- The City has applied to the Army Corp of Engineers for help with the Calistoga setback levee.
- The City has secured a grant for additional workers to help clean sediment from the storm drains as a result of the January flooding.
- The Community Rating System should result in a 25 percent reduction of flood insurance rates in the City.

USGS

Joseph Jones, a hydrologist with the United States Geological Survey gave the Council a brief overview of rivers, gravel bars, and flooding.

RECESS:

Councilmember Pestinger moved to recess for 10 minutes at 8:32 pm. Councilmember Ford seconded the motion and it carried.

Mayor Temple called the meeting back to order at 8:43 pm.

OLD BUSINESS:

Fire District 18
Commissioners

Mayor Temple announced that the Fire District 18 Commissioner had declined the invitation to attend this meeting. They have instead invited the Council to attend their August 18 meeting. They have also asked the Council to submit any questions that they have regarding the decision to terminate Fire Chief Randy Shelton prior to the meeting. The Council agreed to attend the meeting.

Councilmember Wilson read the following statement directed to the Fire Commissioners:

“Our reason for City Council meetings is to conduct City business such as approval for financial transactions, policy changes, and creating and updating existing ordinances. All of these actions include public input.

“All seven councilmembers have different committees that we are a chairman for, and our individual responsibilities are to report to our fellow councilmembers any issues pertaining to our respective committees. This form of communication allows us, as council members, to be able to address issues that get asked of us by citizens even though the question could be for a committee that we might not be directly involved with. This teamwork and communication allows for the best type of open government our citizens could ask for.

“My particular committee that I chair is Public Safety, which requires me to communicate with both the police chief and the fire chief. Recent actions of the District 18 Fire Commissioners put me in the awkward position of not having a clue as to what was going on with the fire department.

“There is a public record of all of your District 18 Fire Commissioner meetings and they will prove my attendance at your meetings. You can imagine my surprise and shock to come back from a trip to Idaho on Memorial weekend to find that the fire chief for the City of Orting had been placed on administrative leave.

“This meeting took place with no involvement from the staff or council members from the City of Orting. It would be rather difficult for us to attend a "special" meeting that we knew nothing about.

“As a rule, all of the District Commissioner's meetings have always been held at 7:00 pm with public notice a month in advance. Why was a special meeting called at 4:30 p.m., when members of the Orting City Council wouldn't even be home from work yet?

“If, as a group, you were even remotely interested in communicating with the city, the meeting you had could have been done at a regular commissioner's meeting. The results would have been the same, but you wouldn't be guilty of improper notification.

“Your communication with Barbara Hansen with Orting News dated August 5 and I quote: "While District 18 District 18 Commissioners said they have wanted to increase communication with the City of Orting, the city's representative has failed to participate on the board.

George Wilson, appointed as an Ex-Officio member of the commission since the City contracted with Fire District 18 for its fire and emergency services, has not attended the Fire Commission meetings since May."

“Well this may come as a surprise to you as a group, because if you check your own public records from your June 16, 2009 Fire Commissioner's meeting, that was me sitting right next to your administrative assistant, Kris Helland and, oh by the way, right next to Troy West, and yes, that was me handing you paperwork all night Troy.

“I would also like to point out that up to this point, and including this meeting, nobody from the commission even so much as said hello to me. This even includes your newly appointed fire chief.

“Can you imagine the embarrassment of attending a public meeting where I represent the City of Orting and nobody can even acknowledge my being there.

“I would again like to quote from Orting News. I quote: "The allegations against Shelton were read into the record at a special meeting at 4:30 pm June 25." A public announcement for that meeting was not published in the News Tribune or local entities, but was posted on the window at the Orting Public Safety Building hours before the meeting. Again with the "special" 4:30 pm meeting and no notification.

“I would, at this time, like to quote from Pierce County Fire Protection District #18 Employment Agreement - Fire Chief Section 3 Discipline and Discharge. “The district may discipline, suspend for up to (30) days, or discharge the employee for just cause only (by a unanimous vote of the board). Such a just cause determination may only be made after a hearing wherein the employee is given the opportunity to respond to any formal charges, and only upon a unanimous vote of the board. Prior to any such hearing, the employee shall have been given written notice setting forth any such charges at least fourteen days prior to such hearing."

“Well let's see now, if the charges against Randy Shelton were read

into public record June 25" at a "special" meeting that Randy Shelton was not even present at. Then, what this is telling me is that the public that was in attendance at that "special" public meeting on June 25" knew the charges against Randy Shelton before Randy Shelton even knew what the charges were, and being as Randy was terminated on July 9, 2009, what happened to the 14 days of notification?

“I do not claim to be an attorney and I have no idea if Randy Shelton's rights were violated, but I'm sure that this and many more questions will be addressed before this issue sees closure. I'm pretty sure that what we have just witnessed here is nothing more than just a good old-fashioned witch hunt.

“This leads me to the question that I wanted to pose to the Fire Commissioners had they chosen to attend this public, televised Orting City Council meeting.

“Your choice of direction is apparent based on your actions involving East Pierce. The City of Orting has had no involvement whatsoever in the selection (temporary or otherwise) of Fire Chief Dave Wakefield of East Pierce.

“If you were to read and abide by the agreement that we are currently supposed to both be complying with under the heading of District Board of Commissioners Liaison, the ex-officio member may participate in the interview and selection process of a fire chief. The Board of Commissioners shall consider the recommendations of the ex-officio member prior to appointment of a fire chief.

“This fire chief was already in place in June with no involvement from the City. Obviously the District Fire Commissioners have no desire or need to comply with our agreement.

“It's my opinion that not all options have been looked at. When you look at this geographically, Graham's new fire station will be located approximately four miles from the center of Orting.

“East Pierce isn't anywhere near that close. My responsibility is to make sure that the citizens of Orting (the ones that elected me) are given an opportunity to receive the best response time and I'm sure that the Graham Fire Department has the best opportunity to provide that service.

“Your unanimous decision to not attend our televised, open to the public City Council meeting speaks loudly just like your previous actions. It's a sad day when people that are elected by people expecting open government have to watch a group of commissioners hide from the general public because their legal council was afraid they might say something to incriminate themselves.

“Just exactly what is it that you, as a group, have to hide from citizens

that might be concerned about what is going on with the fire department?

“If I could quote Shawn Mahoney's comment in the Orting News and I quote: "I'm not really sure exactly why (legal council advised against attending the Orting City Council meeting) said Commissioner Shawn Mahoney, but I think it has to do with pending litigation. Things could be misunderstood or misconstrued. That would affect ongoing mediation.”

“Come on you guys. Randy Shelton was terminated July 9, 2009. It's August. The City of Orting has a right to know what's going on with the fire department.

“My observations of the actions of the District Fire Department shows no concern for open government, no intent to abide by our agreement and puts the Orting City Council in the position of having to look at our options to ensure that the citizens of Orting are guaranteed to receive the best service available.”

Councilmember Inge noted that the Council supports and appreciates the firefighters. Any disputes are between the elected officials.

Councilmember Pestinger commented that he is in favor of the regionalization of fire services.

NEW BUSINESS:

Hiring a Police Officer

Chief Drake and City Administrator Bethune presented information about hiring an additional police officer. The City of Orting Civil Service Roster will expire soon. The individual at the top of the list is a current City of Orting reserve officer. If an offer of employment is extended to the individual, the officer already possess much of the required field training. In addition, the state will pay for the officer's Police Academy training and reimburse the City for any overtime needed to cover shifts while the officer attends the academy. Chief Drake has also pledged to save \$40,000 during 2009 to help cover the salary expenses in 2010.

Councilmember Wilson moved to authorize a conditional offer of an employment for one additional police officer. Councilmember Ford seconded the motion and it carried.

Architectural Design Review Guidebooks

Planning Commission Chair Margaret O'Harra presented the Council with Architectural Design Review Guide Books. The books are available at City Hall for all ADR applicants. The Planning Commission compiled the books with the help of Planning Consultant Roger Wagoner. A grant funded the project. Several councilmembers and the mayor thanked Commissioner O'Harra for the Planning Commission's hard work in completing this project.

Councilmember Inge moved to confirm the Architectural Design Review Guidebooks. Councilmember Pestinger seconded the motion and it carried.

COMMITTEE AND STANDING REPORTS

River Bar Removal Councilmember Colorossi provided the Council with a copy of the August 12 Pierce County River Revitalization Task Force agenda. He reported that in the coming months he would have a resolution supporting the work of the task force for the Council to consider.

Parks Councilmember Ford reported that Dan Bunker is organizing Orting Summer Fest to replace Festival in the Park. Summer Fest will take place on August 22 from 11 am to 7 pm in the downtown parks. A concert will follow the event and last till 9:00 pm

Utility & Technology Councilmember Drennen gave the following updates from the Utility and Technology Committee:

- The Wingate Generator Project is on schedule.
- Well No. 3 continues to improve since the installation of the filter.
- The Committee discussed placing a sani-can near the trail for fishing season.

Finance Councilmember Colorossi reported that the Finance Committee will have minutes for distribution similar to the Utility Committee. He also recommended that the Council eliminate copies of payroll from Council packets to save paper. The Council agreed to eliminate the copies of payroll from packets.

Community Development Councilmember Inge reported on the following events:

- The Taste of Orting – August 29
- Orting Pumpkin Fest – October 10 and 11
- Meet the Superintendent - August 31

Public Safety Councilmember Wilson reminded the Council of the August 18 meeting with the Fire District 18 Commissioners.

Chief Drake reported that the Police Department has received a \$25,000 grant to operate “Party Patrols.” The department has also won a \$1,200 grant for overtime related to drunken driving enforcement.

EXECUTIVE SESSION

Councilmember Inge moved to recess to executive session to discuss potential litigation for 30 minutes at 9:58 pm. Councilmember Wilson seconded the motion and it carried.

Mayor Temple extended the session for 15 minutes at 10:28 pm.

Mayor Temple extended the session for 10 minutes at 10:44 pm.

Mayor Temple extended the session for 5 minutes at 10:55 pm.

Mayor Temple called the regular meeting back to order at 11:02 pm.

OLD BUSINESS (CONT):

Fire District 18
Commissioners

Regarding the Contract for Fire Services with Pierce County Fire District 18, Councilmember Drennen moved to exercise the City's contractual rights under Article X.B dispute resolution and X.A reformation. Councilmember Wilson seconded the motion and it carried.

ADJOURN

Councilmember Pestinger moved to adjourn the meeting at 11:04 pm. Councilmember Inge seconded the motion and it carried.

ATTEST:

City Administrator Mark Bethune

Mayor Cheryl M. Temple