

## Councilmembers

### **Position No.**

1. Tod Gunther
2. John Kelly
3. Michelle Gehring
4. Joachim Pestinger
5. Nicola McDonald
6. Greg Hogan
7. Scott Drennen



**MAYOR JOSHUA PENNER, CHAIR**

## Orting City Council

Regular Business Meeting Minutes  
Orting Multi-Purpose Center  
202 Washington Ave. S,  
Orting, WA  
May 29, 2019  
7 p.m.

**ORIGINAL**

### **1. CALL MEETING TO ORDER, PLEDGE OF ALLEGIANCE, AND ROLL CALL.**

Mayor Penner called the meeting to order at 7:00pm. A scout from Boy Scout Troup 692 led the pledge of allegiance.

**Councilmembers Present:** Deputy Mayor Greg Hogan, Councilmembers Tod Gunther, John Kelly, Michelle Gehring, Joachim Pestinger, and Scott Drennen.

**Absent:** Councilmember Nicola McDonald.

**Staff Present:** Mark Bethune, City Administrator, Jane Montgomery, City Clerk, Scott Larson, Treasurer, Charlotte Archer, City Attorney, JC Hungerford, Engineer.

*Councilmember Gehring made a motion to excuse Councilmember McDonald. Second by Councilmember Pestinger. Motion passed (6-0).*

### **REQUEST FOR ADDITIONS OR CORRECTIONS TO THE AGENDA.**

Deputy Mayor Hogan requested a Fireworks Advisory Vote Discussion be added under New Business agenda item #5B.

*Deputy Mayor Hogan made a motion to add Agenda item #5B. Fireworks Advisory Vote. Second by Councilmember Kelly. Motion passed (6-0).*

### **2. PUBLIC COMMENTS:**

Susan Rigley briefed on upcoming and current events at the Library.

### **3. HEARINGS**

#### **A. AB19-16- Sign Code Update, Ordinance No. 2019-1041, Repealing and Replacing Orting Municipal Code Title 13, Chapter 7, Relating Development Regulation Of Signs.**

Mayor Penner read the rules for the hearing. The Mayor opened the hearing at 7:06pm and announced the title. Charlotte Archer, City Attorney, briefed on the proposed ordinance and on the US Supreme Court case Reed v. Town of Gilbert Arizona. The Planning Commission has been working on the sign code for approximately 5 years, and have recommended that the City Council adopt the proposed ordinance. Discussion followed regarding commercial versus non-commercial signage. The attached ordinance complies with both intermediate and strict scrutiny and provides for visually appealing signage while allowing an adequate number, size, location and duration of signs for commercial uses and with free speech provisions.

#### **Public Comments**

None.

#### **Council Comments or Questions**

The Council was provided the opportunity to pose questions to staff and further discussion ensued.

Mayor Penner closed the hearing at 7:13pm.

***Councilmember Gehring made a motion to Adopt Ordinance No. 2019-1041, Repealing and Replacing Orting Municipal Code Title 13, Chapter 7, Relating to Development Regulation of Signs; Providing for Severability; and Establishing an Effective Date. Second by Deputy Mayor Hogan. Motion passed (6-0).***

#### **B. AB19-31-Shoreline Master Program Update.**

Mayor Penner opened the hearing at 7:14pm, and announced the title of the hearing. Emily Terrell briefed. The City received a \$15,000 grant from the Department of Ecology to conduct a state-mandated periodic review of the Orting Shoreline Master Program. BHC Consultants have been working on the amendments since January 2018, and adoption of the amendments is required by the State by June 30, 2019. The Planning Commission held a hearing on the proposed ordinance and is recommending that the proposed ordinance be adopted.

#### **Public Comments**

None.

#### **Council Comments or Questions**

Discussion followed relating to Aquatic Zones, Buffers, and Variations.

Mayor Penner closed the hearing at 7:21pm.

***Councilmember Drennen made a motion to Adopt Ordinance No. 2019-1045 An Ordinance Of The City Of Orting, Washington, Relating To Shoreline Management; Amending Section 11-6-1 Of The Orting Municipal Code; Adopting Periodic Review Amendments To The Shoreline Master Program; Providing For Severability; And Establishing An Effective Date. Second by Councilmember Pestinger. Motion passed (6-0).***

#### **C. AB19-33- Closed Record Hearing- Copper Ridge/Meadows 4 Preliminary Plat and Variance (PP-2018-1)**

Mayor Penner opened the closed record hearing at 7:23pm, announced the title, and briefed that the pertinent exhibits were provided in the Council packet. Sound built Homes proposed the development of 20 residential building lots now called Meadows 4. Emily Terrell, City Planner gave a staff report. The Applicant was not present but indicated that he stood by the staff report and the report made by the hearing examiner. Council reviewed the hearing examiners report and were briefed by staff at their study session on May 15th, 2019. By consensus Council moved the request forward for this closed record hearing and vote. Staff and the Hearing Examiner both recommended approval of the preliminary plat. Councilmember Gunther stated that in the future he would like to see the actual comments that had been submitted to the hearing examiner.

#### **Anyone with standing to testify.**

None present.

#### **Council Comments or Questions**

The issue of public access to Levy's was brought up so the Mayor swore in JC Hungerford, City Engineer to clarify the issues. Traffic calming issues were also discussed as well as the possibility of changing the rules about making parks mandatory. The City Planner stated she would work on that policy change with Council for future development.

Mayor Penner closed the hearing at 8:08pm.

***Deputy Mayor Hogan made a motion to approve the recommendation made by the Hearing Examiner dated April 30<sup>th</sup>, 2019, to approve the preliminary plat and variance for Copper Ridge/Meadows 4. Second by Councilmember Gehring. Roll call vote (4-2). No votes by Councilmember Gunther and Kelly.***



## **Any Requests For Consent Agenda Items To Be Pulled For Discussion?**

None were made.

### **4. CONSENT AGENDA**

- A. Regular Meeting Minutes of May 8th, 2019.
- B. Study Session Meeting Minutes of May 15<sup>th</sup>, 2019.
- C. Payroll and Claims Warrants.
- D. AB19-32- To Approve Resolution No. 2019-12, Sponsorship Application for Summerfest.
- E. AB19-37- To award Insta-Pipe, Inc. as the low bidder and winner for the Sanitary Sewer CIPP Rehabilitation Project in the amount of \$169,372.20.
- F. AB19-38- To Approve Resolution No. 2019-13, Adopting amendments to the Purchasing Policy as presented.

Deputy Mayor Hogan requested to amend of Study Session Meeting Minutes of May 15<sup>th</sup>, 2019, to add Councilmember Kelly to the AD HOC Committee that is researching the DM Disposal request.

*Councilmember Pestinger made a motion to approve Consent Agenda with the amended minutes. Second by Councilmember Kelly. Motion passed (6-0).*

### **5. NEW BUSINESS**

#### **A. AB19-34- RFP- Utility Rate Study**

Mark Bethune briefed that one of the City's 2019 goals is to complete a utility rate study. This study will include rate structure and rate equity. The study will also determine if the City's rates are sufficient to meet the capital goals laid out in our CIP's for the respective utility funds. The final goal is to adopt five years' worth of rates. Staff recommended that Council approve Bakertilly. They are qualified and have extensive experience producing the type of study that the City wants to have. Bakertilly is also cheaper than the other submissions – more than \$42,955 less than the next most qualified firm. This study will include rate structure and rate equity. Councilmember Drennen wished that the City had done an RFQ not a RFP. It was pointed out that at the last Council meeting this was moved forward by consensus by the Council.

*Councilmember Pestinger made a motion to authorize the Mayor to negotiate a contract with Bakertilly for a utility rate study for an amount not to exceed \$25,000. Second by Councilmember Kelly. Roll call vote (4-2). The No votes were cast by Councilmember's Gunther and Drennen.*

#### **B. Fireworks Discussion with Advisory Vote to follow.**

Deputy Mayor Hogan stated that he would like to reconsider putting a Fireworks Advisory Vote on the next ballot. Discussion ensued. Action: Staff was directed to layout the necessary steps for the advisory vote at the next study session. Administrator Bethune said that the cost will be between \$1,000 to \$1,500.

*Deputy Mayor Hogan made a motion to have staff prepare an advisory vote for Fireworks to be on the November 5<sup>th</sup>, 2019 General Election ballot. Second by Councilmember Pestinger. Motion passed (6-0).*

### **6. EXECUTIVE SESSION**

The Mayor Clerk announced that there would be an Executive session per RCW 42.30.110(i)(2): (ii) Litigation that the agency reasonably believes may be commenced by or against the agency, the governing body, or a member acting in an official capacity; They will be out for 10 minutes with No action after.

Mayor Penner recessed the meeting at 8:27pm for a 5 minute break to be followed by the executive session.

The Executive Session started at 8:33pm.



## Any Requests For Consent Agenda Items To Be Pulled For Discussion?

None were made.

### 4. CONSENT AGENDA

- A. Regular Meeting Minutes of May 8th, 2019.
- B. Study Session Meeting Minutes of May 15<sup>th</sup>, 2019.
- C. Payroll and Claims Warrants.
- D. AB19-32- To Approve Resolution No. 2019-12, Sponsorship Application for Summerfest.
- E. AB19-37- To award Insta-Pipe, Inc. as the low bidder and winner for the Sanitary Sewer CIPP Rehabilitation Project in the amount of \$169,372.20.
- F. AB19-38- To Approve Resolution No. 2019-13, Adopting amendments to the Purchasing Policy as presented.

Deputy Mayor Hogan requested to amend of Study Session Meeting Minutes of May 15<sup>th</sup>, 2019, to add Councilmember Kelly to the AD HOC Committee that is researching the DM Disposal request.

*Councilmember Pestinger made a motion to approve Consent Agenda with the amended minutes. Second by Councilmember Kelly. Motion passed (6-0).*

### 5. NEW BUSINESS

#### A. AB19-34- RFP- Utility Rate Study

Mark Bethune briefed that one of the City's 2019 goals is to complete a utility rate study. This study will include rate structure and rate equity. The study will also determine if the City's rates are sufficient to meet the capital goals laid out in our CIP's for the respective utility funds. The final goal is to adopt five years' worth of rates. Staff recommended that Council approve Bakertilly. They are qualified and have extensive experience producing the type of study that the City wants to have. Bakertilly is also cheaper than the other submissions – more than \$42,955 less than the next most qualified firm. This study will include rate structure and rate equity. Councilmember Drennen wished that the City had done an RFQ not a RFP. It was pointed out that at the last Council meeting this was moved forward by consensus by the Council.

*Councilmember Pestinger made a motion to authorize the Mayor to negotiate a contract with Bakertilly for a utility rate study for an amount not to exceed \$25,000. Second by Councilmember Kelly. Roll call vote (4-2). The No votes were cast by Councilmember's Gunther and Drennen.*

#### B. Fireworks Discussion with Advisory Vote to follow.

Deputy Mayor Hogan stated that he would like to reconsider putting a Fireworks Advisory Vote on the next ballot. Discussion ensued. Action: Staff was directed to layout the necessary steps for the advisory vote at the next study session. Administrator Bethune said that the cost will be between \$1,000 to \$1,500.

*Deputy Mayor Hogan made a motion to have staff prepare an advisory vote for Fireworks to be on the November 5<sup>th</sup>, 2019 General Election ballot. Second by Councilmember Pestinger. Motion passed (6-0).*

### 6. EXECUTIVE SESSION

The Mayor announced that there would be an Executive session per RCW 42.30.110(i)(2): (ii) Litigation that the agency reasonably believes may be commenced by or against the agency, the governing body, or a member acting in an official capacity; They will be out for 10 minutes with No action after.

Mayor Penner recessed the meeting at 8:27pm for a 5 minute break to be followed by the executive session.

The Executive Session started at 8:33pm.

8:43pm- Extended for an additional 5 minutes.

8:43pm- Extended for an additional 5 minutes.

8:48pm- extended for an additional 5 minutes

8:53pm – Session over.

Mayor Penner called the meeting back to order at 8:53pm.

## 7. ADJOURNMENT

*Deputy Mayor Hogan made a motion to adjourn. Second by Councilmember Gunther. Motion passed (6-0).*

Mayor Penner adjourned the meeting at 8:54 pm.

ATTEST:

  
Jane Montgomery, City Clerk, CMC

  
Joshua Penner, Mayor

**Upcoming Meeting:** Next Regular Meeting: June 12<sup>th</sup>, 2019, 7:00pm, (MPC)