

COUNCILMEMBERS

- Position No.
- 1. Tod Gunther
- 2. John Kelly
- 3. Michelle Gehring
- 4. Dave Harman
- 5. Nicola McDonald
- 6. Greg Hogan
- 7. Scott Drennen



ORTING CITY COUNCIL

Regular Business Meeting Minutes
 Orting Multi-Purpose Center
 202 Washington Ave. S, Orting, WA
 August 8th, 2018
 7 p.m.

ORIGINAL

Mayor Joshua Penner, Chair

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

Mayor Penner called the meeting to order at 7:00pm. Deputy Mayor Harman led the pledge of allegiance.

Councilmembers Present: Deputy Mayor Dave Harman, Councilmembers Tod Gunther, John Kelly, Scott Drennen, Greg Hogan, Nicola McDonald and Michelle Gehring.

Staff Present: Mark Bethune, City Administrator, Jane Montgomery, City Clerk, Scott Larson, Treasurer, JC Hungerford, Engineer, Greg Reed, Public Works Director, Justin Nale, Public Works Employee, Charlotte Archer, City Attorney.

REQUEST FOR ADDITIONS OR CORRECTIONS TO THE AGENDA.

Councilmember Gunther asked for a variance on the process outlined by the City Ethics policy. City Attorney Archer explained that the policy was passed by a legislative decision of Council.

2. PUBLIC COMMENTS

Chris Hopfauf

Mr. Hopfauf stated that he feels the City is facing possible liability. Mr. Hopfauf said that the Manor uses the City parking lot for events and he would like to know if the City has an agreement for that with the Manor. Mr. Hopfauf also commented that the City is discriminating against him in regard to placement of his video recording equipment. He stated that the rule says "all video recording should be in a site specific and feels that should include PCTV cameras. He stated that at another meeting, a person had their cell phones out at a location other than south of the kitchen door, and no one required that they move. He stated that he was going to stay at his present location which was not at the location specified by the Council rules.

Councilmember McDonald asked that the Council rules regarding placement of video cameras by the public be located per the Council policy. She asked that Mr. Hopfauf move his camera to that location. Mayor Penner stated that the placement of video recording equipment used by the public needs to adhere to Council policy. He explained that his role is to Chair the meeting and his responsibility in that role is to manage the meeting according to Council rules. Mr. Hopfauf complied with the request to move to the location cited in Council rules.

Jennifer Bradley

Ms. Bradley said that we are controlled by the Janovich killers in Pierce County. She also stated that she feels those in Pierce County are controlling us through drugs and taking private property.

3. PUBLIC HEARING

A. Proposed Utility Rates for 2019.

Mayor Penner opened the hearing at 7:12pm, announced the title of the hearing, and read the rules. Scott Larson briefed. Treasurer Larson provided a PowerPoint and went thru each section. Council was provided a 2019 recommended rate sheet which was proposed by the Public Works Committee. The rates will allow the utilities to continue providing service as well as work on the projects that are outlined on the capital improvement plans that have been adopted by Council. JC Hungerford briefed on the larger Capital Improvement Projects in each utility. There will be a second hearing on August 29th.

Public Comments.

Doug Bishop

Mr. Bishop would like to see rate comparable to other Cities and would also like to see the rates from private water companies as well. He would like to know if this includes hookup fees.

Jennifer Bradley

Ms. Bradley began to speak about any brass, iron, copper, that they take out of the pipes that the City needs to be held accountable. She began to talk about Western State Hospital.

Mayor Penner advised Ms. Bradley that comments needed to be restricted to Utility rates. Ms. Bradley then commented on an unknown topic refusing to restrict her comments to the hearing topic. Mayor Penner asked Chief Gard to escort Ms. Bradley from the room.

Council Comments or Questions.

Council comments were on the following topics:

- Utility are based on cost of service;
- The need to be careful when using comparable;
- A decrease in Stormwater rates in 2018;
- The fund balance and what percentage has been spent to day- (50-60%).

Mayor Penner closed the hearing at 7:40pm.

REQUEST FOR CONSENT AGENDA ITEMS TO BE PULLED FOR DISCUSSION.

None.

4. CONSENT AGENDA

1. Study Session Meeting Minutes of July 18, 2018.
2. Regular Meeting Minutes of July 25, 2018.
3. Payroll and Claims Warrants.

Councilmember Kelly made a motion to approve Consent Agenda as prepared. Second by Councilmember Gehring. Motion passed (7-0).

5. COMMISSION REPORTS

Planning Commission

Kelly Cochran reported:

- Reviewed Signage for Recovery Café;
- Saw a request for a picnic shelter at the Eagles hall;
- Color scheme change on Munson Chiropractic;

- Procedural rules for Planning Commission;
- Sign Code.

6. NEW BUSINESS

A. ALLEGED VIOLATION OF COUNCIL ETHICS POLICY

City Attorney Charlotte Archer briefed on the alleged violation of the Council Ethics policy. She stated there are nine provisions of conduct that are ethics violations. The Policy laid out a process and procedure to follow in the event of an allegation of a violation of the ethics policy. She provided a detailed report to Council of her legal opinion on the alleged violations. The City received a complaint that alleges a violation of the Code of Ethics. The complaint alleges that 3 violations were made. The City Attorney stated that allegation #1 does not match a violation of the code of ethics, allegation #2 does not match a violation, and allegation #3 meets part of the standard but not all of the provisions so she cannot make a determination on allegation #3. She stated that would have to be left up to the Council to determine. The allegation is in regard to Rule #8. She read the allegation from the complaint. She stated the Council has three options as follows:

1. Take no action
2. Refer to Hearing Examiner
3. Kick to the next meeting

City Attorney Archer stated that there was an error in her report and that Councilmember Kelly may speak but not participate in a vote.

Council discussion followed about the course of action they wished to take and details of the process and procedure.

Councilmember Drennen made a motion to refer violation #3 to a hearing Examiner. Councilmember Gunther second.

A roll call vote was taken:

Gunther- Yes, Gehring- No, Harman- Abstain, McDonald- No, Hogan- Yes, Drennen- Yes.
Motion passed (4-2).

Deputy Mayor Harman did not give a reason as to his recusal. In this case a recusal would be an affirmative vote per Council Rule 5.2.E – A recusal without a valid disqualification counts as ***affirmative***.

According to Roberts Rules if a person abstains they are taken out of the pool of available votes. In that case there would be 5 voting Councilmembers, so the vote would have been calculated as passing **(3-2)**. ***In either case the motion passed.***

The hearing Examiner has 60 days to provide Council a report.

Training

City Attorney Archer provided training on the Open Public Meeting Act which is a requirement for Councilmembers and Commissioners. Present were:
Kelly Cochran, Planning Commissioner, All Councilmembers, Mark Bethune, Jane Montgomery, Scott Larson, Greg Reed, Chris Gard, Mayor Penner, Justin Nale.

7. EXECUTIVE SESSION

The City Clerk stated that there would be an Executive Session per RCW 42.30.110. (i) (2). The risk of potential litigation. They will be out for 10 minutes, with no action after they return to open session.

Mayor Penner recessed the meeting at 8:35pm for a 5 minute break prior to the Executive session.

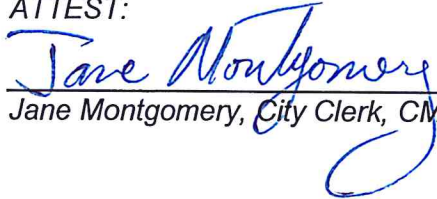
Executive session started at 8:40 pm
Executive session ended at 8:50pm.

8. ADJOURNMENT

Councilmember Drennen made a motion to Adjourn. Second by Councilmember Hogan. Motion passed (7-0).

Mayor Penner adjourned the meeting at 8:50pm.

ATTEST:


Jane Montgomery, City Clerk, CMC


Joshua Penner, Mayor