

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 Agenda

Orting Multi-Purpose Center

202 Washington Ave. S, Orting, WA

October 10th, 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, Charlotte Archer, City Attorney.

REQUEST FOR ADDITIONS OR CORRECTIONS TO THE AGENDA.

Mayor Penner asked to add a closed session to discuss a collective bargaining issue.

Councilmember McDonald made a motion to add a closed session. Second by Councilmember Hogan. Motion Passed (7-0).

2. PUBLIC COMMENTS

Chris Hopfauf

Mr. Hopfauf made comments about past Mayor's and a Chief of Police who he said illegally did background checks on citizens. He stated that Councilmember Kelly was a disgrace. Mr. Hopfauf was asked by the Council, per Council Rule 7.5, to refrain from his remarks which were seen as a violation of section 7.5- Personal and Slanderous remarks to a Councilmember.

3. PRESENTATION

A. Andrew Barkis- Legislative Topics.

Andrew Barkis gave the Council a brief report on what is going on in the House of Representatives. He serves the 2nd Legislative District. He stated he has gotten to know the City of Orting quite well and stated that officials have been great at bringing local issues in Orting up to the State Level. He addressed issues specific to Orting such as: Education, Transportation issues, the Evacuation Bridge, and subsidizing a new City Hall/Public Safety Building.

B. Smize Foundation.

Lilly Boyd gave a presentation on the Smize Foundation. They are a non-profit organization that promotes High School student volunteers to make a difference in the Community. They are committed high school students who work to strengthen communities. They are united by a vision to make a difference in our community, by volunteering, serving kids during the summer, linking high school students with local food banks, and spreading awareness of community outreach and fundraising. They are recognized by the Secretary of Washington State as a non-profit corporation. Their mission is to bring light on child hunger and making sure no kid is without food. Volunteers that were present were Lilly, Ashley, Abbey, Carson,

Noelle and Amy, who each gave a testimony of their personal experiences on the Smize Team. They are seeking donations from the City and its Council members.

4. PROCLAMATIONS

A. Domestic Violence Awareness

Mayor Penner read the Proclamation declaring October Domestic Violence Awareness month. Marie Saplan from Exodus Housing was present and accepted the proclamation from the Mayor. Ms. Saplan briefed on their program which helps victims of Domestic Violence. Their goal is to assist in securing housing for those in need.

5. PUBLIC HEARING

A. AB18-84-Property Tax Levy- Resolution No. 2018-15, a Resolution of the City of Orting, Washington.

Mayor Penner opened the Hearing at 7:55pm. He announced the title and read the rules. Treasurer Larson gave a staff report. This resolution will raise the City's property tax cap by \$206,412.96 to \$1,288,969.50, which is an increase of 19.07% over the prior years' levy. The rate that would be paid by citizens would remain at \$1.60 per \$1,000 of assessed valuation.

Mayor Penner asked for any public comments. There were no public comments made. Councilmember Drennen stated that compared to 2008, this is what one would want to see, you would want to see the community and the economy doing this well, and that a cost element to the citizens is better than the alternative.

Mayor Penner closed the hearing at 8:07pm.

No action is required at this time. This will be discussed next at the study session on October 17th, 2018.

6. CONSENT AGENDA

- A.** Study Session Minutes of September 19, 2018.
- B.** Regular Meeting Minutes of September 26, 2018.
- C.** Payroll and Claims Warrants.

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

7. COMMISSION REPORTS

- Planning Commission- No report was made.

8. BUSINESS

A. AB18-83-Selection of Deputy Mayor for 2019.

Deputy Mayor Harman stated that the committee met and decided that they would like to pull this off the agenda and move it to the next study session. They are working on rule changes to memorialize the current practice as it relates to Deputy Mayor and Council Committees.

B. AB18-85-Comprehensive Plan Amendment Docket Extension.

City Administrator Bethune briefed The City Council that the City needs to re-open the Planning Commission Comprehensive Plan Amendment Docket for 2019 Comprehensive Plan Amendments. The extended deadline should be November 1, 2018 to allow for private

submittals as well as the City's submittals of the amended Official Zoning Map and the Rezone of City Hall. The City has two other private submittals that should be considered in 2018 for 2019 amendments.

Councilmember Drennen made a motion to extend the Comprehensive Plan Docket to November 1st, 2018. Second by Councilmember McDonald. Motion passed (7-0)

C. AB18-86-Council Review of Ethics Investigation Report.

City Attorney Archer briefed on the Hearing Examiner's Report Regarding a complaint received by Chris Hopfauf On Aug. 1, 2018, alleging violation of the City Council's Code of Ethics. The summary from the Hearing Examiner was as follows:

The evidence supports the conclusion that Councilmember John Kelly did not employ or use a person under his official control or direction, in violation of the City Council Code of Ethics, for personal benefit, gain, or profit. Accordingly, Councilmember Kelly has not violated Rule B.8 of the City Council Code of Ethics.

City Attorney Archer briefed that the Council may take action, as provided in the Council's Ethics Policy No. 2017-04, including but not limited to:

(1) a motion to dismiss of the complaint on the basis that no violation of the Code of Ethics has occurred; or (2) a motion to remand to the Hearing Examiner to obtain additional information; or (3) a motion to render a determination that a violation of the Code of Ethics has occurred, by a preponderance of the evidence, and to adopt sanctions.

Councilmember McDonald made a motion to dismiss the complaint. Second by Councilmember Gehring. Motion passed (7-0)

D. AB18-87- Public Works Shop Maximum Price.

Administrator Bethune briefed that the City Council approved purchase of the pole barn building on September 12th and put a lid price of \$2,200,000 on the project. The current item being proposed was the "Guaranteed Maximum Price" (GMP) which the contractor cannot exceed. That amount is \$2,258,984.42 which is \$58,984.42 over the previous price limit. The price increase is due to the City making additional requests to the project including a wash station, connection to the water plant generator, security equipment installation, and other smaller items which were included in the Council's packet. The project can still end up below \$2.2 million but cannot go above the \$2,258,984.42 mark; unless the City makes change orders or there are unforeseen conditions during construction. Administrator Bethune urged the Council to approve the increased budget because the contractor is moving to establish maximum price lids on all of its subcontractors.

Councilmember Drennen made a motion to approve a greatest maximum price of \$2,258,984.42. Second by Deputy Mayor Harman. Motion passed (7-0)

****Agenda Item 8E was scheduled to continue after the Executive session***

9. EXECUTIVE SESSION

The City Clerk announced that there would be an Executive session per RCW 42.30.110 (i) (3), relating to Litigation or legal risks of a proposed action or current practice that the agency has identified when public discussion of the litigation or legal risks is likely to result in an adverse legal or financial consequence to the agency. The Council would recess for 10 minutes, and action would be anticipated upon return to open session.

The City Clerk also announced that after the Executive Session that the Council would recess to a closed session per RCW 42.30.140 (4), For Collective Bargaining, no action is anticipated after the closed session, and the closed session is expected to last 10 minutes.

Mayor Penner recessed to Executive session at 8:25pm
8:25pm- Recessed for 10 minutes
8:35pm- Mayor Penner called the meeting back to order.

8. BUSINESS (CON'T)

E. AB18-88-City Property Geo-Technical Site Characterization.

City Administrator Bethune had briefed the Council that the McMahon property phase 2 geo-tech review revealed site contamination. The next step is to complete a "site characterization" which will show the boundaries of contamination and begin to look at solutions. The city requested bids from three geo-tech vendors. The low bid was from PBS in the amount of \$9,960.00.

Councilmember McDonald made a motion to approve PBS Engineering as the low bidder for the site characterization geo technical review for the amount of \$9,660.00. Second by Councilmember Gehring. Motion passed (7-0)

Mayor Penner recessed to a closed session at 8:36pm, per RCW 42.30.140 (4), For Collective Bargaining. No action after, anticipated to be out for (10) minutes.

Recessed to closed session at 8:36pm for 10 minutes.
8:46pm Extended for 5 minutes.
8:51pm Extended for 5 minutes.

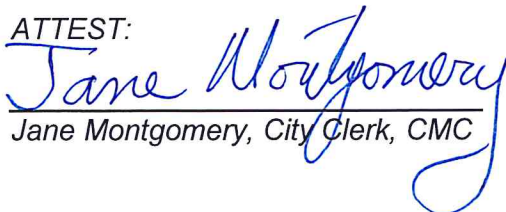
Mayor Penner resumed to open session at 8:56pm.

10. ADJOURNMENT

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

Mayor Penner adjourned the meeting at 8:58pm.

ATTEST:


Jane Montgomery, City Clerk, CMC


Joshua Penner, Mayor