

Councilmembers

Position No.

1. Tod Gunther
2. John Kelly
3. Tony Belot
4. John Williams
5. Gregg Bradshaw
6. Greg Hogan
7. Scott Drennen



Mayor Joshua Penner, Chair

Orting City Council

Regular Business Meeting Minutes
104 Bridge St S, Orting, WA
June 30th, 2021, 7:00pm.

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

Mayor Penner called the meeting to order at 7:00p.m. Councilmember Williams led the pledge of allegiance, and then roll call was taken.

Councilmembers Present: Deputy Mayor Greg Hogan, Councilmembers John Kelly, John Williams, Scott Drennen, Tony Belot, and Gregg Bradshaw.

Staff Present: Mayor Josh Penner, City Administrator Scott Larson, Finance Director Gretchen Russo, Acting City Clerk Kim Agfalvi, City Attorney Charlotte Archer, City Planner Emily Adams, Engineer JC Hungerford.

Councilmember Drennen made a motion to excuse Councilmember Gunther. Second by Councilmember Belot. Motion passed (6-0).

Mayor Penner read the following announcements:

You may attend this meeting virtually via the platform Blue Jeans by clicking the link on the City's website, by telephone, or in person at City Hall. Per the Governor's directives, all in person attendees shall comply with social distancing regulations and non-vaccinated attendees shall wear a face covering.

REQUEST FOR ADDITIONS OR MODIFICATIONS TO THE AGENDA.

Attorney Archer asked that item 7 be moved between items 6A and 6B.

Deputy Mayor Hogan made a motion to move item 7 to between item 6A and 6B. Second by Councilmember Kelly. Motion passed (6-0).

- 2. PUBLIC COMMENTS:** Comments may be sent to the City Clerk at clerk@cityoforting.org by 3pm on June 30th, 2021, and will be read in to the record at the meeting. In person attendees may provide public comment at the meeting. In the case of a question, the chair will refer the matter to the appropriate administrative staff member or committee. Written comments that come in after the 3pm deadline will be read in to the record at the next Council meeting.

3. PUBLIC HEARING

Mayor Penner laid out the rules and procedural steps for the hearing.

A. AB21-49 - Website Noticing- Ordinance No. 2021-1079, An Ordinance of the City of Orting, Washington, relating to public noticing; amending Orting Municipal Code section 15-7.

Emily Adams

Mayor Penner opened the public hearing at 7:06pm and read the purpose of the public hearing. Emily Adams briefed on the proposed ordinance. The ordinance would require public noticing on the City website. Staff is recommending this proposal so that all noticing is done on the website along with all state law required noticing. Mayor Penner asked if there were any public comments on the hearing topic. No comments were made.

Mayor Penner opened the floor for Council comments, which followed. Comments were related to the following:

- Notifying the public via the City website will make it easier for citizens to access the notice.
- The City should have everything noticed on the website utilizing the technology the City has in place.

Mayor Penner closed the hearing at 7:10pm.

Motion: Councilmember Kelly made a motion to adopt Ordinance No. 2021-1079, an Ordinance of the City of Orting, Washington, relating to public noticing; amending Orting Municipal Code Sections 15-7. Second by Councilmember Belot. Motion passed 6-0.

B. CONSENT AGENDA – (Any request for items to be pulled for discussion?)

A. Regular Meeting Minutes of June 9th, 2021

B. Study Session Meeting Minutes of June 16th, 2021

C. Payroll Claims and Warrants.

D. **AB21-47** - Meeting Locations and Virtual Meetings- Ordinance No. 2021-1077, an Ordinance of the City of Orting, Washington, relating to council meetings; amending Orting Municipal Code 1-6-1 pertaining to location of meetings and virtual meetings.

Acting City Clerk Kim Agfalvi read a statement on scrivener's errors on the meeting minutes for June 9, 2021 and June 16, 2021. The scrivener's errors were brought to the attention of the council and corrected in the minutes to be signed and recorded into the record.

Councilmember Belot made a motion to approve consent agenda as prepared. Second by Deputy Mayor Hogan. Motion Passed 6-0.

5. OLD BUSINESS

A. AB 21-48 – Reducing Highway 162 Speed Limit – Ordinance No. 2021-1078, and Ordinance of the City of Orting, Washington, relating to the speed limit on highway 162 corridor south.

City Administrator Larson briefed and stated he reached out to Sarah Ott, WSDOT Transportation Engineer for our region, and asked for information and answers to questions he sent and she had not responded. He recommended that the item be deferred and send back to the Public Works Committee next month.

Action: Move back to Public Works Committee for their July meeting.

6. EXECUTIVE SESSION

Attorney Archer stated that there would be an Executive Session per RCW. 42.30.110 (1) (i), 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 adverse legal or financial consequence to the agency. They anticipated that the session would last twenty minutes and no action would take place after the executive session was over. They anticipated the session would last ten minutes, with action to follow.

Mayor Penner recessed the meeting to Executive Session at 7:15pm.

7:18 Executive Session started for 10 minutes.

7:28 Executive Session ended.

Mayor Penner called the meeting back to open session at 7:30pm.

Mayor Penner recommended that Council modify the agenda to allow for public comment on the Jones Setback Levee as the new item 8. He also recommended an item referencing Schoenbachler Farm be added to the agenda.

Councilmember Bradshaw made a motion to modify the agenda as the Mayor had presented. Second by Councilmember Belot. Motion passed (6-0).

A. AB21-54 - COVID 19 Vaccine Segregation- Resolution No. 2021-07, A resolution of the City of Orting, Pierce County, Washington, declaring the City of Orting to be an inclusive community where businesses are empowered with choice and citizens are treated equally.

Councilmember Belot briefed on a resolution being a statement of opinion, and that Council will not make customers provide proof of vaccination status.

Motion: Councilmember Bradshaw made a motion to Approve Resolution No. 2021-07, a Resolution of the City of Orting, Pierce County, Washington, declaring the City of Orting to be an inclusive community where businesses are empowered with choice and citizens are treated equally. Second by Deputy Mayor Hogan.

Council discussion followed.

A roll call vote was taken on the motion:

Motion to approve Resolution No. 2021-07, a Resolution of the City of Orting, Pierce County, Washington, declaring the City of Orting to be an inclusive community where businesses are empowered with choice and citizens are treated equally.

Kelly – Yes, Belot – Yes, Williams – No, Bradshaw – Yes, Hogan – No, Drennan – Yes.

Motion passed (4-2).

A.Schoenbachler Legal Settlement - City Attorney Charlotte Archer briefed on the City commencing a legal action against Patricia Schoenbachler and the other occupants on land locally known as the farm in the City of Orting. The City had reached a settlement agreement with Patricia Schoenbachler and the occupants that sets quick timelines for compliance with regards to the removal of structures and occupants of the property to remediate the ongoing nuisance. The action would authorize the mayor to execute the settlement agreement with Patricia Schoenbacher.

Councilmember Kelly made a motion to authorize the mayor to execute the legal settlement agreement with Patricia Schoenbachler. Second by Councilmember Bradshaw. Motion passed (6-0).

8. Jones Setback Levee

Engineer Hungerford briefed on the Jones Setback Levee project. He briefed the public and presented a power point presentation provided by Pierce County. Topics covered were:

- History of the project.
- Corps of Engineers Continuing Authorization Program (CAPS).
- Feasibility Study.
- Work that has been done so far.
- Proposal.
- Next Steps.
- Schedule.
- Frequently asked questions.

Public Comment:

Bonnie Walkup

Ms. Walker had questions about whether or not the levee will help the town. She had concerns over the impacts to homeowners. She also stated the potential new levee ends in her backyard, near her barn, and worried about her property value being dramatically affected.

Robert Kepler

Mr. Kepler questioned whether the levee will be pedestrian friendly.

Darlene Meade

Ms. Meade had questions about the language of the project, and whether the project was in the feasibility or the design stage. She was concerned about the impact to homeowners, and if the County was studying what those impacts may be. She asked whether accreditation will help with flood insurance costs for those that are landowners near the proposed site of the project. She questioned whether there would be a greenbelt or public access points to the new levee.

Leanne Monroe

Ms. Monroe stated she was worried about the visual impact. She lives near the Calistoga dog park, and was concerned construction will affect the livability of her property. She was also concerned about potential crime, and whether there will be any protection like fences or barriers built to secure homeowners property. She stated she had concerns about surface water as well. Ms. Monroe stated she felt she will need to move out of the area because of the change in quality of life with the construction of the new levee.

Larry Schoenbachler

Mr. Schoenbachler stated he was displeased with the Wolfe Levy, and that it had caused him to have to deal with ground water and has complained to the County about plugged culverts.

Len Meade

Mr. Meade was concerned about the effects on his neighbors, their animals, and agriculture. He asked questions in regards to flooding and potential impacts to homeowners. He stated he would like to see more transparency from the County on the project, and questioned what his rights are.

Paula Kepler

Ms. Kepler asked why the project is moving forward if there had not been a history of flooding in the area.

Jim Nunnally

Mr. Nunnally stated he thought the Ken Wolfe Levee was a waste of money and was worried this new levee will be the same.

Mayor Penner opened the discussion to the Council.

Councilmember Drennan

Councilmember Drennan commented on the concerns and questions the citizens had on the impacts to their home. He stated they went forward with the Wolfe levy because they thought it would save the citizens of Orting money on their flood insurance, which ended up not being the case. He questioned what the value of upgrading the levy system would be if there is no benefit to doing so. He asked if we should look at other options like reinforcing the existing levee.

Deputy Mayor Hogan

Deputy Mayor Hogan stated that the citizens of Orting should start communicating with the Pierce County Council about their concerns, and that the City had been working to get as much information out of the County as they can.

Councilmember Kelly

Councilmember Kelly stated he wanted to get accreditation of the Wolfe Setback Levy, but there were some low spots where the river could overtop it. He also stated he would like to see the existing levy be upgraded instead of a new levy being built. He stated he doesn't see the value if it gains nothing and endangers property. He stated the City has a lot of questions also on the potential levee.

Engineer JC Hungerford

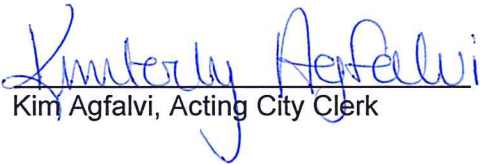
Engineer Hungerford answered some questions the citizens shared in regards to greenbelts, protection, impact to homeowners, and that the City had sent a letter to the County asking these questions with no reply.

9. ADJOURNMENT

Deputy Mayor Hogan made a motion to adjourn. Second by Councilmember Belot. Motion Passed (6-0).

Mayor Penner recessed the meeting at 8:46pm.

ATTEST:


Kim Agfalvi, Acting City Clerk


Joshua Penner, Mayor