

COUNCILMEMBERS

Position No.

1. Tod Gunther
2. Chris Moore
3. Don Tracy
4. John Williams
5. Gregg Bradshaw
6. Greg Hogan
7. Melodi Koenig



ORTING CITY COUNCIL
Regular Business Meeting Minutes
104 Bridge Street S, Orting, WA
Zoom – Virtual
July 27th, 2022
7:00 p.m.

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 Hogan led the Pledge of Allegiance.

Councilmembers present: Councilmembers Tod Gunther, Don Tracy, John Williams, Gregg Bradshaw, Melodi Koenig,

Virtual: Deputy Mayor Hogan and Councilmember Moore.

Staff present: City Clerk Kim Agfalvi, City Administrator Scott Larson, City Attorney Charlotte Archer, Engineer JC Hungerford, Executive Assistant Danielle Charchenko, Capital Projects Manager John Bielka, Finance Director Gretchen Russo.

REQUEST FOR ADDITIONS OR MODIFICATIONS TO THE AGENDA.

No requests were made.

2. PUBLIC COMMENTS.

Mr. Jason Haney read a prepared statement stating that he has been a member of the Orting community for 7 years, and purchased his first home in Carbon River Landing and that he loves the small town feel and the family-oriented vibe. He briefed that he is single father of a 7-year-old, and works as a conductor for a local railroad. He stated when moving in in 2015, he did notice a slight variation of the sidewalk in the joints when moving in. He reached out to Public Works to raise awareness about the issue. He stated he was told someone would come take a look, and he was not aware if someone came out to look. He tried contacting Public Works again in 2017 and that he was assured that someone would come out and take a look at the sidewalk. He then noticed orange spray paint on the sidewalk in front of his home, as well as in front of several other homes on the same street. He stated it seemed to be a common problem of tree roots pushing up sections of the sidewalk. Mr. Haney stated that in 2018 a neighbor several houses down had a problem and the tree was removed and the sidewalk was replaced. He reached out again to Public Works, and was told there was no money allotted for this type of work, and expressed his frustration that he had tried for 6 years to get the sidewalk replaced, and now he is being told that it will need to be replaced at his expense within 120 days. He stated he wanted to address the Council and the City to get the situation rectified at not his expense.

City Attorney Charlotte Archer read a statement from Christopher Kaech who resides at 211 Mazza Street NE. Orting, WA 98360. Mr. Kaech stated that he was writing the letter in response to the improper trees planted along neighborhood sidewalks during the development of Carbon River Landing in the early 2000's. He stated that since he bought his home in 2009, it had been made known that homeowners/tenants are responsible for maintain the adjacent strip of grass and trees outside of the sidewalk "as if they were their own." He briefed that many homeowners in the Carbon River neighborhood inquired about removing the trees and were told that since the trees did not actually belong to the home owner, they were not to be removed, only pruned. Mr. Kaech stated that the City did replace many of the sidewalks in 2015 and by witnessing this action further indicated to homeowners that the City recognized their responsibility and would continue to rectify current issues. He briefed that it was his understanding that in late 2021, the City Council worked to transfer the responsibility to each homeowner, and he did receive a notice of sidewalk repair for a section of sidewalk in front of his home in 2022, and that it was a shock to him as the City had been maintaining and replacing sections of sidewalk in previous years. He expressed his concern over non-sidewalk friendly trees continuing to reside in the plantar strips, and that he expects the problem will continue for many years to come. He expressed his belief that there needs to be a unified effort agreed upon by all parties to correct the mistake once and for all. Mr. Kaech mentioned that if the responsibility does indeed fall on the homeowner, that giving only 120 days is absurd and unfair. He stated that he looks forward to a response and hopefully a compromise to facilitate the best solution for this issue.

3. PUBLIC HEARING

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

A. AB22-63 – NPDES Emergency Ordinance No. 2022-1098 amending OMC 9-5A and 9-5B regarding stormwater regulation.

Mayor Penner opened the public hearing at 7:14pm.

Engineer JC Hungerford briefed on the proposal to amend OMC Chapters 9-5A and 9-5B, regarding stormwater regulation to stay in compliance for the National Pollutant Discharge Elimination System (NPDES) permit, which authorizes the City of Orting to discharge stormwater from its municipally owned system. Engineer Hungerford stated that there will be some homeowner impacts and referred that they are listed in the ordinance.

Mayor Penner closed the hearing at 7:15pm.

Deputy Mayor Hogan made a motion adopt Ordinance No. 2022-1098, an emergency ordinance amending OMC Chapters 9-5A and 9-5B, regarding stormwater regulation. Seconded by Councilmember Bradshaw.

Motion passed (7-0).

4. PRESENTATION.

A. Pierce County Emergency Management – Jody Ferguson.

Jody Ferguson, Director of Pierce County Emergency Management briefed on the five divisions of the Pierce County Emergency Management Department, what functions the department performs, and the programmatic services they provide.

She stated Pierce County Emergency Management specializes in mitigation, prevention, preparedness, recovery, and response. She reiterated flooding and lahar flow from the volcano are two of the biggest challenges that Orting will face. Ms. Ferguson briefed on the characteristics and hazards of Mt. Rainier

*Americans with Disabilities Act – reasonable accommodations provided upon request (360) 893-2219
Next Regular Meeting: August 10th, 2022 7:00pm*

and also on who and what is at risk from a lahar event. She discussed the history of the lahar warning systems, the Mt. Rainier Lahar Detection Instrumentation Package, how lahar detection works, and the lahar warnings that are put in place to warn citizens of a lahar event. Council discussion followed.

B. AB22-70 - DA Davidson – Dave Trageser.

City Administrator Scott Larson briefed on the planned sewer plant upgrade that will be going to bid this fall, and that the project exceeds cash the City of Orting has on hand. He stated it is not uncommon for Cities to go out and pay for bonds in order to pay for large projects. Dave Trageser, Managing Director and Public Finance Banker from D.A. Davidson briefed on the types of bonds that the city is authorized to issue which include limited tax general obligation bonds, unlimited tax general obligation bonds, revenue bonds, local improvement district (LID) bonds, and short-term notes. He stated that bonds and notes are sold in two different ways, public bond sale to investors or private placement to a bank. Mr. Trageser briefed on planning information for bonds and the differences between bank qualified status, IRS spenddown requirements, and reimbursement resolutions. He stated that bond ratings are important, as a rating helps to achieve a lower interest cost, and a higher bond rating results in lower interest rates. The City of Orting will need future financings in the amount of \$8,000,000.00 for the treatment plan improvement project and that the timeline for design is 2022 and construction is 2023. Mr. Trageser provided a typical schedule of events, and how long the process will take. Council discussion followed.

5. CONSENT AGENDA.

- A. Payroll Claims and Warrants
- B. Meeting Minutes of June 8th, June 20th, June 15th, June 29th, July 13th, and July 20th.
- C. AB22-69 – Street Condition Assessment and Maintenance Plan.
- D. AB22-66 – Water Consumption Goals.
- E. AB22-54 – Port of Tacoma Interlocal Agreement.
- F. AB22-65 – School Resource Officer Interlocal Agreement.
- G. AB22-64 – Sidewalk Removal and Replacement Bids.

Councilmember Bradshaw made a motion to approve consent agenda as prepared. Seconded by Councilmember Gunther.

Motion passed (7-0).

6. EXECUTIVE SESSION

City Attorney Charlotte Archer stated the meeting would be recessing to executive session pursuant to RCW 42.30.110(1)(i) to discuss with legal counsel legal risks of a proposed action when public discussion of legal risks is likely to result in an adverse legal or financial consequence to the agency for ten minutes with action to follow.

Mayor Penner recessed the meeting to executive session to begin at 8:30pm.

- 8:30pm recessed to executive session.
- 8:40pm executive session extended for ten minutes.
- 8:50pm executive session extended for ten minutes.
- 9:00pm executive session extended for five minutes.
- 9:05pm executive session ended.
- Mayor Penner reconvened the meeting at 9:06pm.

7. NEW BUSINESS.

A. AB22-60 – Main Parks Master Plan.

City Administrator Scott Larson briefed on the request that maintenance or parks be looked into as a part of the Main Park master planning process. He briefed on the addition of three new maintenance workers that have been hired for the City of Orting Public Works Department and that he anticipated that they will be able to address the maintenance needs of the ballfields and other parks. He briefed on the Main Parks Master Plan, and that one of the policy goals in the Parks, Trails, and Open Space Plan that was adopted earlier this year was to do some main park master planning. He stated staff produced a request for qualifications for park architects, solicited bids in May, the staff and the Parks Advisory Board interviewed qualified firms and then a recommendation to Council was made to hire MacLeod Reckord to complete the Main Parks Master Planning, as they have experience for producing parks with trails and street frontage. He stated the cost for the process was \$45,000.00. City Administrator Larson briefed that the proposal lays out a tentative schedule, and that he spoke to the vendor that one of the items raised by Council at prior meetings was the amount of feedback Council would have in the process to make sure that items that are of direct concern to the Council are addressed initially in the park planning process. Council discussion followed.

Councilmember Bradshaw made a motion to authorize the Mayor to sign a contract with MacLeod Reckord for Main Parks Master Planning services in an amount to not exceed \$45,000.00. Seconded by Deputy Mayor Hogan.

Motion passed (6-1).

Councilmember Williams – Nay.

Councilmembers Gunther and Moore – abstentions per council rule 5.2(E).

B. AB22-61 – Summerfest Sponsorship.

City Administrator Larson requested Summerfest Sponsorship be removed from the agenda for staff to work on the item and to bring it back to Council at the August 10, 2022 meeting.

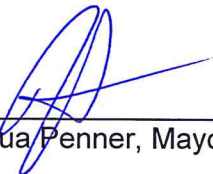
8. ADJOURNMENT.

Deputy Mayor Hogan made a motion to adjourn. Seconded by Councilmember Bradshaw.

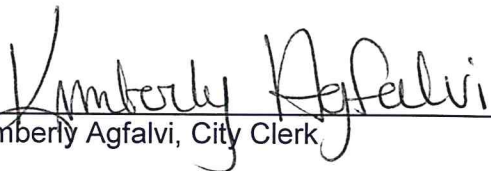
Motion passed (7-0).

Mayor Penner adjourned the meeting at 8:35pm.

ATTEST:



Joshua Penner, Mayor



Kimberly Agfalvi, City Clerk