

## COUNCILMEMBERS

Position No.

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



**ORTING CITY COUNCIL**  
Regular Business Meeting Minutes  
Virtual, Orting, WA  
May 13<sup>th</sup>, 2020  
7 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 7:01pm. Deputy Mayor Hogan led the pledge of allegiance. **Councilmembers Present:** Deputy Mayor Greg Hogan, Councilmembers Tod Gunther, John Kelly, Tony Belot, John Williams, Gregg Bradshaw, and Scott Drennen.

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

#### **Any Requests for Additions or Corrections to the Agenda.**

None.

### **2. PUBLIC COMMENTS- (Verbatim comments are available on the City's website)**

#### **Rich Harberg**

Mr. Harberg commented on Reopening activities and businesses. He requested that Orting reopen in a safe and responsible manner.

#### **Chris Rule**

Chris Rule, Assistant Pastor of the Orting Community Baptist Church, sent a letter expressing his support of the Mayors resolution, as he sees the rights of citizens eroding. The concern of the church is that churches have been defined to be non-essential, and that religious liberties are being handled carelessly on the state level.

#### **Any Request for Consent Agenda Item to Be Pulled For Discussion?**

None.

### **3. CONSENT AGENDA**

- A. Regular Meeting Minutes of April 29<sup>th</sup>, 2020
- B. Payroll and Claims Warrants

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

### **4. COVID19 DISCUSSION**

Mayor Penner stated that according to the Governors briefings, we are somewhere in phase I. It is unclear when the Governor will issue a reopen order at this time. Staff remains healthy and in good spirits. There have been challenges which he believes staff has handled in an exemplary manner. Some employees are working virtually and some have to come in due to the nature of their tasks. There will be more discussion related to COVID19 to follow; relating to the Mayor's proposed resolution.

### **5. OLD BUSINESS**

#### **A. AB20-30-Orting Valley Farmers Market Sponsorship Application- Resolution No. 2020-08, Declaring a Public Purpose and Authorizing City Sponsorship of the Orting Valley Farmer's Market.**

Councilmember Gunther briefed on the application from the Orting Valley Farmers Market which was reviewed by the CGA Committee and was found to be complete. The Market will take all necessary precautions to keep citizens safe. Council comments followed. It was disclosed by Administrator Bethune

that the Market will be following guidelines that were set by the Health Department and the Washington State Farmers Market association. Only vendors that are considered to be offering essential services will be able to participate. Most vendors are Farmer's with farm goods. Council received the guidelines from both agencies.

*Councilmember Gunther made a motion to approve Resolution No. 2020-08 Declaring a Public Purpose and Authorizing City Sponsorship of the Orting Valley Farmer's Market. Second by Councilmember Kelly. Motion passed ( 7-0 )*

## 6. NEW BUSINESS

### **A. AB20-42- Resolution No. 2020-13, A Resolution Of The City Of Orting, Washington, Setting Policy Pertaining To Covid-19 Pandemic and Requesting Mayor to Take Action Consistent Therewith.**

Mayor Penner briefed on the intent of the proposed resolution. He clarified that the resolution is a statement of policy not law regarding the direction he will provide staff in the coming days. The proposed resolution is not opening things up, or opening up the "flood gates", but is a continuation of a discussion from a letter that the Mayor sent the Council 9 days ago. That letter asked for input from the Council that they might join with the Mayor and present a united front. The Mayor stated he agreed that the outbreak is an emergency and that it has been the majority of the focus of the City, yet it cannot and must not be the only focus. The City also needs to focus on the practicality of governing especially public safety and the community. He stated the City is obligated and entrusted to direct the City's limited resources in a way that benefits the Community. The Mayor's position is that this resolution is a policy statement about the level of infraction at which the City will engage with any one regarding their business, club or church in regard to opening. He felt this was due to ambiguous edicts from the Governor. The City will not take adverse actions against businesses, clubs or churches, as long as the thresholds in the resolution are met. The State may take another extreme stance which would be their prerogative, but the Mayor feels the State should not expect the City to be their agents until or unless the criteria's laid out in the proposed resolution are not met.

Chief Gard gave the law enforcement perspective on this issue. The Chief indicated that the community is under stress at this time. Over the last 30 days 70 calls were taken which is up 50% from the previous month. The Community is eager to get back to work safely and the Chief indicated he supports the proposed resolution. They will continue to be an education agent to the Community.

Council discussion followed with each Councilmember speaking about the proposed resolution.

Main points of discussion involved the following:

- Ambiguous messages from the Governor;
- What business is essential and what is not;
- Who decides what is essential;
- The history of the Governor's orders;
- The confusion and anger being expressed by citizens;
- Civil liberty versus the effects of the virus;
- Actual number of COVID cases in Washington State;
- Re-opening the economy;
- COVID19 cases versus Flu cases;
- Should the emergency status of the City be lifted;
- Managed emergency versus managed crisis;
- Messaging to the Community about potential state action;
- Mental health and emotional toll on citizens;
- Safety of workers and the Community;
- When to open City Hall;
- The Constitution and civil liberties;

- The choosing of winners and losers;
- Unsupported scientific data;
- Economic security of the citizens in the community;
- Freedom and the ability to mitigate hazards;
- Appearance of opposing the Governor.

City Attorney Archer briefed that the primary reason for declaring a state of emergency entitles the Mayor to circumvent the normal purchasing process, to allow for the purchase of items that are needed quickly due to the emergency, and to provide access to possible funds for the emergency.

Councilmember's Drennen and Gunther spoke about their proposed amendments to the resolution.

## 7. EXECUTIVE SESSION

Attorney Archer briefed that there would be an executive session per RCW 42.30.110.(1) (i) to discuss with legal counsel potential legal risks of a proposed action, Action may follow when they return to open session, and the session will be for 30 minutes.

Mayor Penner recessed the meeting at 8:12pm for a 3 minute break.

Mayor Penner recessed the meeting at 8:15pm to go in to executive session.

8:15pm-recessed to executive session for 30 minutes.

8:45pm.Extended for 10 minutes.

8:55pm Extended for 15 minutes.

9:10pm-Extended for 5 minutes.

9:15pm Extended for 5 minutes.

Mayor Penner called the meeting back to order at 9:20pm.

***Councilmember Williams made a motion to move this forward to the next study session on May 20<sup>th</sup>, 2020 for further discussion. Second by Councilmember Bradshaw.***

The vote was delayed as Deputy Mayor Hogan was bumped out of the virtual session and was attempting to re-enter the session. After the return of the Deputy Mayor the vote on the motion was taken.


***The Motion passed (7-0)***

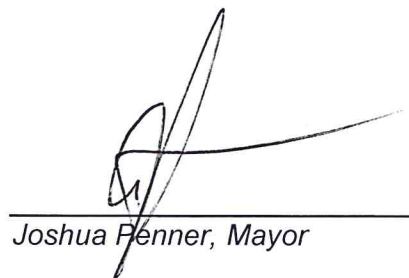
## 8. ADJOURNMENT

***Councilmember Gunther made a motion to adjourn. Second by Deputy Mayor Hogan. Motion passed (7-0)***

Mayor Penner recessed the meeting at 9:42pm.

ATTEST:

  
Jane Montgomery, City Clerk, CMC

  
Joshua Penner, Mayor