

**CITY OF PACIFIC  
CITY COUNCIL MEETING  
Date: September 10, 2012  
Council Chambers  
City Hall, 6:30PM**

**MEETING SUMMARY**

**1. CALL TO ORDER AND FLAG SALUTE**

Mayor Cy Sun called the City Council Meeting to order at 6:30 p.m. and led the Pledge of Allegiance.

**2. ROLL CALL OF COUNCIL MEMBERS**

Tren Walker  
Leanne Guier  
Josh Putnam  
James McMahan  
John Jones  
Gary Hulse - Absent  
Clint Steiger

Councilmember Steiger made a motion to excuse Councilmember Hulse as he is out of town; Councilmember Putnam second; All ayes.

Mayor Sun reads a declaration he made that he is turning over the chairman of the Council meetings. Mayor Sun left the meeting in order for Councilmember Jones as Mayor Pro-Tem may reside over the meeting.

Staff present: Gerina Dahl, Angelica Solvang, Sheryl Finwall, Lt. Massey and Ken Luce.

**3. APPROVAL OF/ADDITIONS TO AGENDA**

- A. Councilmember Guier added an executive session regarding a personnel issue with Bob Boyd for 10 minutes.
- B. Councilmember Putnam asked to pull the payables off the consent agenda.
- C. Councilmember Steiger added the topic: under old business, city administrator.

Councilmember Putnam moved to approve the agenda as amended; Councilmember Guier second; All ayes.

**4. AUDIENCE COMMENTS-**

Gary Van Hee, 205 Hawthorne Ave – Congratulate the Council for taking a courageous action to save the City's insurance.

Howard Erickson, 324 Butte Ave – States that the citizen comment sign up sheet has a disclaimer that states if any remarks will be addressed to the Council as a whole, and not to individual staff members. It also states that any person making personal, impertinent, or slanderous remarks, or who becomes boisterous, threatening, or personally abusive may be requested to leave the meeting. Howard states the Council meetings have gotten out of control as it is a business meeting. He wants the Council to courageously take this to heart and enforces it. Howard asks for the status of his newspaper complaint.

Audrey Cruickshank, 703 3<sup>rd</sup> Ave SE – States she recalls that the Mayor had stated he would address the newspaper issue.

Steve Vetsch – States he has the same issue as well and considers it littering.

## 5. REPORTS

A. Mayor – No report.

B. Finance – Councilmember Putnam is happy to see the financial statements are on the Council agenda through the month of July. Jeanne Fancher, 37248 55<sup>th</sup> Ave S - has heard that there 10 million dollars was found that had to do with a slush fund and wants clarification that there is no money missing and/or that it was found in the wrong account. Councilmember Putnam states that the 10 million dollar error was that funds were just put in the wrong bars code; the cash is reconciled and there is no money missing and everything is balanced. The state changes the bars numbers frequently so if you put something in one code and they change it and someone doesn't catch the change it puts us out of balance.

C. Court Statistics – In the packet.

D. Public Safety Department – Lt, Massey states that he did receive approval to replace Officer Schliessman's position. They had a staff meeting today and went through the lateral list and has started a background test on one of the applicants. The oral board is scheduled for the Evidence Technician soon. Lt. Massey states the department is trying to adapt to the shortages that we have. Councilmember Guier would like a report to Council listing the average number of overtime hours. Sgt. Pickett states the average was only 57 ½ hours per officer per year. It spiked in the last couple of months; the last pay period was 353 hours of overtime since the 1<sup>st</sup> of July till end of August which averages to 75 hours per month.

E. Public Works/Community Development Departments – The Public Works Committee met last week. It was brought to their attention the Mayor's ideas towards having AHBL fulfill some of the positions on the organizational chart. There was a discussion about the time and cost and Councilmember Jones recommended AHBL bring to Council their approximate time and costs that would incur for consideration.

F. Community/Senior/Youth/Services – Councilmember Guier states they have been meeting regarding working on the job descriptions that are on the agenda tonight.

### G. Boards and Committees

South King County Transportation Board (SKTBD) – No report.

Pierce County Regional Council (PCRC) – No report.

SCA – No report.

VRFA – No report.

H. City Council Members – Councilmember Putnam stated that in light of the Mayor's statement, he would like to ask the City Attorney if Council should take any action. Ken Luce defers his answer because the Mayor is asking for a replacement until his hearing is corrected. Ken Luce asks Council to speak to the Mayor and urge the Mayor to follow through on the direction of the City. Councilmember Jones states that related to the Stewart Road project with Skillings Connolly and Gordon Trucking; TIB and WASHDOT met as a preliminary meeting as a mode of understanding for the properties on Stewart Road that Gordon Trucking owns and to discuss what they do next. There is a meeting this Thursday at 1:30 to attempt to come to an understanding them in relationship to the properties and the project. Councilmember Jones states there is an issue with Roger Smith's medical leave as it seems to be an open ended medical leave and the City needs to determine whether Roger Smith is capable on continuing his employment since we need to have that position filled. He cannot see the medical leave being open ended forever as there are requirements related to medical

leave and the Union contract.

I. Park Board – No report.

J. Planning Commission – No report.

K. Civil Service Commission – No report.

**6. OLD BUSINESS**

**A. Business License Service –**

Gerina Dahl, consultant for the City, states that the State of Washington offers a business license service which handles all of the business license services for the City and takes the burdens off of the City and staff. Gerina states the City is not currently tracking non-profit businesses however the State will do that for us. She states the Pacific Municipal Code needs to be modified to state that if there is more than one business on a lot that there is a requirement to obtain separate licenses. Gerina will come back with the appropriate Ordinance and states that the State can start by December 1<sup>st</sup>.

Gerina also states that during the migration in January, we have an option to swap applications. Currently the City is paying for licensing and permitting which will no longer be needed. The software manufacturer is willing to swap the License and Permit module for the Business and Occupation tax module. If we wait and not go with the state then we won't qualify for the swap.

**MOVED FORWARD.**

**B. Waiver Of Opdahl Penalties –**

Gerina states there is a new owner of a property in the City of a dilapidated home and the owner has cleaned it up. The water is still off. It was purchased from Opdahl and there was an amount owing on the account. When property changes hands, escrow did not contact the City. She requests the penalties to be waived as past precedence in the amount of \$2,400. The City will offer a payment plan on the remainder balance and should any of this become in the arrears all monies will be reassessed to the property.

Council Comment: Councilmember Putnam states that from the Finance Committee point of view, the purpose of the penalties is to encourage the owners to pay and not let the properties go in the arrears and this was accrued from the old owner and not the new owner. Councilmember Steiger asks how anybody gets a bill this high. Gerina states if you're in the arrears and we lock your water, it does not cease your flat rate charges nor your sewer or storm. What assesses every 30 days are your base rates so even without water the base rates still accrue. Even vacant properties accrue those flat rates. Gerina states we will soon start the lien process. Councilmember Guier recommend waiver of the penalties and offer the remaining balance on terms; Councilmember Putnam second;

	Aye	Nay
Councilmember Walker	X	
Councilmember Guier	X	
Councilmember McMahan		X
Councilmember Putnam	X	
Councilmember Jones	X	
Councilmember Hulsey	Absent	
Councilmember Steiger		X

**THE MOTION CARRIED 4 to 2.**

**C. Springbrook Applications Update –**

The two applications before Council are business tax and building permits. The increased cost to the city for the swap is \$1,000 for training. The Utility Billing Clerk will be managing the Business and Occupation Tax module and then training other staff. We are behind in time as Springbrook has given us a timeline since we are migrating in January. She recommends Council approves the swap. Wanda Flarity is out of town and could not attend the meeting to speak.

**MOVE FORWARD.**

Jeanne Fancher would like clarification on the acronyms.

**D. City Administrator -**

Councilmember Steiger states that in the Mayor’s organizational chart there is a new position listed for a City Administrator and he is against this new position. Councilmember McMahan motioned that Council recommends to the Mayor that he move forward in proceeds in filling the existing vacant potions and not pursue the creation of the City Administrator position or any new position; Councilmember Steiger second;

Councilmember Walker states the organizational chart has only been presented once and to disregard the Mayor’s chart now is unfair to the Mayor. Councilmember Guier is concerned that staff is already under a deadline for establishing the budget for next year and the Mayor is presenting a new position when there are vacant positions that still need to be filled in order to comply with the insurance company’s request. Councilmember Guier states the Mayor should be presenting a budget to the Council. Councilmember McMahan believes this motion makes a statement from Council to the Mayor and hopes that the Mayor will recognize that filling the positions now does not stop the Mayor from doing a reorganization at a later time. Councilmember Walker asks the Council if they believe this motion will be effective and also believes the motion humiliates the Mayor. Councilmember Walker states Council needs to work with the Mayor. Councilmember Guier agrees with Councilmember Walker.

Duwayne Gratz, 122 3<sup>rd</sup> Ave NW – He is in agreement with Councilmember Steiger.

City Attorney, Ken Luce, states in review of the petition of the Writ of Mandamus, he believes the motion is unnecessary and recommends the motion not be passed.

	Aye	Nay
Councilmember Walker		X
Councilmember Guier		X
Councilmember McMahan	X	
Councilmember Putnam		X
Councilmember Jones	X	
Councilmember Hulsey	Absent	
Councilmember Steiger	X	

**THE MOTION DID NOT PASS.**

**7. NEW BUSINESS**

**8. ORDINANCES/RESOLUTIONS**

**A. Resolution No. 12-1193 – Adopting Job Description For The Position Of Community Services Assistant.**

Sheryl Finwall reads the resolution.

Councilmember Putnam moved to approve Resolution No. 12-1193;  
Councilmember Guier second;

Council Comment: Councilmember Walker asks if Council needs to modify the budget prior to posting. Sheryl replied not for this year but Council will need to for 2013. Councilmember Guier states this has been budgeted for this year. Councilmember Jones states this is a pervious exiting job description that has been modified.

Public Comment: Jeanne Fancher – Asked if this is an open position that will be advertised. Councilmember Guier states it is a position that has been posted inside and outside the City.

Shirley Thompson – Would like a copy of the job description.

	Aye	Nay
Councilmember Walker	X	
Councilmember Guier	X	
Councilmember McMahan	X	
Councilmember Putnam	X	
Councilmember Jones	X	
Councilmember Hulsey	Absent	
Councilmember Steiger	X	

**THE MOTION CARRIED 6 to 0.**

**B. Resolution No. 12-1190 – Adopting Job Description For The Position Of Activities Coordinator/Van Driver.**

Councilmember Guier moved to approve Resolution No. 12-1194;  
Councilmember Walker second;

Council Comment: Councilmember Guier states she is aware they need to do a budget amendment.

Public Comment: Shirley Thompson – Would like a copy of the job description.

	Aye	Nay
Councilmember Walker	X	
Councilmember Guier	X	
Councilmember McMahan	X	
Councilmember Putnam	X	
Councilmember Jones	X	
Councilmember Hulsey	Absent	
Councilmember Steiger	X	

**THE MOTION CARRIED 6 to 0.**



**9. CONSENT AGENDA**

*(The Mayor shall place matters on the Consent Calendar which are so routine or technical in nature that passage is likely.)*

Councilmember Putnam moved to approve the consent agenda minus item B;  
Councilmember Walker second; All ayes.

**A.** City Council Meeting Minutes from July 23, 21012; City Council Special Meeting Minutes from July 30, 2012.

Councilmember McMahan notes a Scribner’s error on the July 23, 2012 minutes. There were several roll call votes where the votes were not unanimous. The motion should show that it was carried 6 to 1.

**B.** Claim Voucher & Payroll Approval -

**C.** Financial Statements -

**Item B:** Councilmember Putnam called attention to the CIAW renewal voucher number 0040470 which is the renewal of the City’s insurance policy. The renewal policy is only through December 31, 2012.

Councilmember Putnam states the Treasurer indicates there has been advice from the City Attorney that Council may approve payment for the Sound Inspection invoice. Ken Luce informs Council that Sound Inspections has done a valuable service to the City and saved the City from difficulties with the Alpac Elementary School permit issues and the Washington Rating Bureau. Ken Luce will meet with Frank Mellas of Sound Inspections to discuss a 30 day contract terms.

Councilmember McMahan inquired whether the invoice submitted by Sound Inspections covers the period which they operated in the City on a contract without Council’s approval. Frank Mellas from Sound Inspections states the invoice if for work provided before the approved contract. Ken Luce has checked with the other cities and states Frank’s reputation is excellent and more importantly he had no prior dealings with contracts with the Mayor. Frank Mellas states that the Washington State Rating Bureau was going to change the City’s rating to 99. After Frank had a discussion with the Rating Bureau, the State changed the rating to a 3. If the rating was changed to a 99, no homeowner would be able to obtain insurance. Councilmember Jones thanks Frank for his action on this item. Councilmember Jones asks Ken Luce what Council can do about the timeline when that contract was not approved by the Council and the potential or possible litigation issue of Sound Inspections working on behalf of the City. Ken Luce replied that Council can retroactively approve Sound Inspections because the services to the City were rendered and the money is entered into the City. Councilmember Jones asks Ken Luce if a motion needs to be made to retroactively approve the contract. Ken Luce replied no and recommends the City pay Sound Inspections. Ken further stated that should Sound Inspections bring suit against the City and individuals, Sound Inspections would prevail since the City did benefit from his services.

Don Thompson, 416 2<sup>nd</sup> Ave SE – He agrees with the City Attorney.

Duwayne Gratz, 122 3<sup>rd</sup> Ave NW – Stated that it seems like Council would be paying an invoice on an illegal contract.

David Messinger, 654 Milwaukee Blvd S – Agrees with Councilmember McMahan and further states contracts need to be approved by Council.

Councilmember Walker vote to separately consider Voucher No. 0040507 for the amount of \$25,386.80 to Sound Inspections; Councilmember Putnam second;

	Aye	Nay
Councilmember Walker	X	
Councilmember Guier	X	
Councilmember McMahan		X
Councilmember Putnam	X	
Councilmember Jones		X
Councilmember Hulsey	Absent	
Councilmember Steiger	X	

**THE MOTION CARRIED 4 to 2.**

**10. EXECUTIVE SESSION-**

Council adjourned to executive session to discuss a personnel matter involving a person out on administrative leave for 10 minutes at 8:20.

Council asked for five more minutes at 8:30 p.m. Council reconvened at 8:34 p.m.

Ken Luce states the personnel matter regarding an employee on administrative leave has been turned over to the State Auditor. Ken recommends the City approve the voucher at this time. Councilmember McMahan asks Ken Luce if Council approved the payables including the administrative leave does that set a precedent for other employees. Ken Luce replied that it does not set a precedence. Ken Luce is going to respond to the Union representative that made the inquiry and inform them that Council did turn it over to the State Auditor and that the Council had no ability to rescind that decision. He has informed the Mayor that the employee may be personally liable to pay the City.

Councilmember Walker moved to approve item B minus the check to Sound Inspections; Councilmember Putnam second;

	Aye	Nay
Councilmember Walker	X	
Councilmember Guier	X	
Councilmember McMahan	X	
Councilmember Putnam	X	
Councilmember Jones	X	
Councilmember Hulsey	Absent	
Councilmember Steiger		X

**THE MOTION CARRIED 5 to 1.**

**11. ADJOURN- The meeting adjourned at 8:38 p.m.**

  
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Angelica Solvang, Interim City Clerk