

**CITY OF PACIFIC  
CITY COUNCIL MEETING  
Date: June 11, 2012  
Council Chambers  
City Hall, 6:30PM**

**MEETING SUMMARY**

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

John Jones 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 Hulseley  
Clint Steiger

Staff present: Betty Garrison, Angelica Solvang, Sgt. Pickett, and Ken Luce.

Councilmember Hulseley moved to excuse Councilmember McMahan; Councilmember Walker second; All ayes.

Councilmember Jones clarified that in the absence of the Mayor, he is Mayor Pro-Tempore and therefore he conducts the meeting.

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

1. Councilmember Putnam moved to move the Executive Session after Audience Comment; Councilmember Guier second; Councilmember Jones is concerned due to the time frame and the amount of people in the audience. Councilmember Putnam withdraws the motion; Councilmember Guier withdraws her second.

Councilmember Putnam moved to approve the agenda; Councilmember Walker second; All the votes were ayes.

**4. AUDIENCE COMMENTS-**

Jeanne Fancher – Recites a blessing.

Tina Callahan, Federal Way – Informed the Council on the reason why she resigned as Community Services Assistant. She commented that she had endured threats, intimidation, lying and tripling of her workload. There were no secret meetings with Council members. She has no regrets for working at the Center. She feels the biggest issue is that the town is divided and the wounds are deep. She wishes the town all the best.

Don Thompson, 416 2<sup>nd</sup> Ave SE – States that he is a concerned citizen of Pacific and wants to see a recall of the Mayor. He states he is available if anyone wants to speak with him.

Brenda Hall, 127 Tacoma Blvd S – Brenda commented that the Council and Mayor should come to a resolution and start working for the good of the City and stop bickering. She expects integrity and ethical behavior on everybody's behalf.

Michael Hall, 127 Tacoma Blvd S – Michael commented that he supports the Mayor and urges

Council to give the Mayor a chance to work.

Jamie Hall, 127 Tacoma Blvd S – Comments that he supports the Mayor and has concerns about the performance of the Police Department.

Jaclyn and Tristen Howard, 733 2<sup>nd</sup> Ave NE – There will be a candlelight vigil for the young man who was killed in Pacific on Friday, June 15<sup>th</sup> at the City Park and they are asking for waiver of park fees for this event. There were no concerns from the City Attorney, Ken Luce. Councilmember Hulseley moved to waive the City Park fee; Councilmember Walker second; All ayes.

Reva Bryant, 502 3<sup>rd</sup> Ave SE – Stated that she believes people have been treated poorly and hopes to get the town back together.

Audrey Cruickshank, 703 3<sup>rd</sup> Ave SE – Stated that she has lived in Pacific for 67 years and has never seen a Mayor like this one and hopes something happens soon.

## 5. **REPORTS**

A. Mayor – No report.
B. Finance – Betty Garrison stated there will be a Finance Committee meeting tomorrow and that the annual report was sent in.
C. Court Statistics – In the packet.
D. Public Safety Department – Sgt. Pickett commented that Officer Beilke has left employment to move to another state and that he has been authorized to hire a replacement officer.
E. Public Works/Community Development Departments – Councilmember Jones stated that the meeting was lengthy and full of information. There were four engineering firms there to discuss the issues related to Stewart Road and the Interurban Trail. The designs for these plans were sent to Pierce County Regional Council for review.
F. Community/Senior/Youth/Services – No report.
G. City Council – No report.
H. Personnel – No report.
I. Committees/Boards – Park Board – No report.  Public Works – No report.  Civil Service – No report.  Planning Commission – No report.  South King County Transportation Board (SKTBD) – No report.

Pierce County Regional Council (PCRC) – Councilmember Steiger commented there were two projects were scored low which resulted in a grant not being awarded. Councilmember Steiger and Councilmember Jones will have a meeting with Sumner.

SCA – Councilmember Guier stated they meet this Wednesday.

VRFA – Councilmember Walker states they meet Thursday.

## **6. OLD BUSINESS**

## **7. NEW BUSINESS**

**A.** Public Works/Community Development Position – Councilmember Steiger informed the Council that the Mayor hired Ms. Finwall with a high salary and benefits. The Council has not received an application for this individual and has not seen any advertising done for this position. Ms. Finwall is presently working and has not been confirmed nor interviewed by the Council. Councilmember Steiger points out that Ms. Finwall was issued a payroll check and states the City cannot pay her. Councilmember Steiger makes a motion that Council instruct the Mayor to have her cease and desist her activities as an employee until all the proper procedures have been done; Councilmember Jones second; Councilmember Putnam asks the City Attorney if it his opinion that this motion would be binding on the Mayor. Ken Luce states that the Mayor is the CEO operation of the City and instructs the City to notify her that there is a due process and the City is in the position that the City does not have to honor her status. He is concerned that she is not an employee and that the insurance company would not provide coverage for her. Councilmember Hulseby moved to amend the motion to include information related to the insurance coverage issues of a non employee working for the City; Councilmember Putnam second; Councilmember Walker asks the City Attorney if the Mayor's intent was to bring this employee for confirmation, he could employee her until he brings her for confirmation; is there a statute that the Mayor has to do so within a certain time period. Ken Luce is not aware of that statute. Councilmember Walker stated that in the PMC, the recruitment should be based on the ability and skill of the employee and that it appears she is not experienced from her resume. Councilmember Steiger has concerns that Ms. Finwall is submitting grant applications thereby obligating the City financially. Councilmember Steiger asks Betty Garrison when the position was advertised. Betty stated that she only knows it closed on May 14<sup>th</sup> and Ms. Finwall was hired after the position closed. The position was advertised before Jane Montgomery went out on leave in the beginning of May, however Jane has not set up an interview process. All ayes on the amendment.

Audience participation: Brenda Hall - She asks if this is a civil service position. Council states it is not a civil service position. She asks if there is a job description. Councilmember Putnam replied there is, however there is none for the position that Ms. Finwall is in now.

Audrey Cruickshank, 703 3<sup>rd</sup> Ave SE – Audrey believes in the due process of hiring a City employees.

Duane Gratz – Commented that the Mayor has had opportunities in the past to present Ms. Finwall to Council.

Gary Nishtke, 113 3<sup>rd</sup> Ave SE – Asks Council to not approve Ms. Finwall.

Carol Aguilar – Believes the Council is doing the right action in not confirming Ms. Finwall.

Don Thompson, 416 2<sup>nd</sup> Ave SE – Wants corruption to stop.

Councilmember Jones states that the Council has a motion that they take a position as Council to notify the Mayor that their recommendation is Ms. Finwall not continue as an employee without being confirmed by the council and that it brings up issues related to insurance liabilities to the City and Mayor with no compensation and that the Mayor may be liable. Councilmember Jones directed the City Attorney to document the said motion to the Mayor and report back to Council if it is not followed.

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

**THE MOTION CARRIED 6 to 0.**

**B. Building Permits** – Councilmember Steiger states there is a situation where Mr. Erickson is out in the field performing work and that the Mayor informed Betty Garrison, Finance Director, that Howard is working at \$30 an hour. Betty Garrison responded that the Mayor gave her a post it note and told her to do a letter of hire. Betty informed the Mayor that she is not the personnel manager and that it is Jane Montgomery’s responsibility as she is the personnel manager. Betty states that the Finance Department is not aware that Howard Erickson is an employee. Councilmember Steiger is very concerned that Mr. Erickson has signed off on a gas permit for PSE. City Attorney, Ken Luce, has contacted PSE and advised them that there may have been an unauthorized inspection and advised the owner that they would not connect the gas line to the property until there was a valid permit. Councilmember Steiger motioned that Council notify the Mayor to communicate to Howard Erickson to cease and desist as acting code enforcer and building inspector; Councilmember Hulse second; Councilmember Steiger amends his motion to include Mayor Cy Sun to cease and desist as acting code enforcer and building inspector; Councilmember Hulse second;

Gary Thiessen, asks if it is illegal to sign off on a permit if you are not qualified.

Ora Meyer, 326 3<sup>rd</sup> Ave SE – Ora states that as a former Councilmember, she wants to thank the Council. She is concerned that the City insurance rating will go up and that fines can be imposed and liability might be levied against the City.

O’Hara, 600 Ellingson Rd – Asks if she went to sign a permit would that not be impersonation and fraud and asks if the Mayor is liable.

Voice vote on the amendment on the modification of the motion; All ayes. Roll call vote on the original motion to notify Mayor Cy Sun and Howard Erickson to cease and desist on signing off on inspections and acting as the code enforcer and building inspector;

	Aye	Nay
Councilmember Walker	X	
Councilmember Guier	X	
Councilmember McMahan	Absent	
Councilmember Putnam	X	
Councilmember Jones	X	
Councilmember Hulse	X	

**THE MOTION CARRIED 6 to 0.**

Councilmember Walker made a motion to suspend the rules to add two items to the agenda; Councilmember Putnam second; Councilmember Walker added the position of Community Services Director and City Clerk, Jane Montgomery's letter of allegations to Council; Councilmember Hulsey second; All ayes.

1. Community Services Director – Councilmember Walker stated that the motion in the vote to confirm Leanna Mason was made on May 28<sup>th</sup>. He understands she continued to work and she was going to be paid through the 30<sup>th</sup> per Leanna's understanding, however she is only going to be paid through the 29<sup>th</sup>. Betty Garrison stated that at the May 29<sup>th</sup> Council meeting, Leanna was not confirmed by Council and any further payroll ceased at that point. Councilmember Walker stated Leanna continued to come to work. City Attorney, Ken Luce states he is not aware if she is continuing to work and only has been told she is. Ken Luce has advised the Mayor of the legal ramifications of her doing so and has advised the Mayor that she may not be covered by the insurance company and the insurance company will not cover her acts. Councilmember Steiger stated he was made aware that Mayor Sun has removed Leanna from the premises.
2. City Clerk, Jane Montgomery's letter of allegations to Council – Councilmember Putnam asks the City Attorney if there were any items in the letter that should not be discussed in open session. Ken Luce states there is not. Councilmember Jones stated there are quite a few incidences made by Jane Montgomery in relation to the Mayor and Howard Erickson and violations of RCW and PMC codes. Councilmember Jones has asked the City Attorney to communicate with the King County Prosecutor for an investigation into these allegations. He further states that it is Council's responsibility as representatives of the City to investigate the validity of the statements. It is also considered that these actions by Jane Montgomery are as a local government whistle blowing act and as such Councilmember Jones wanted to make sure her actions were not retaliated against, however, her office door was locked. Ken Luce, City Attorney, has forwarded this to the King County Prosecutor for review and assistance in verifying the facts with recommendation to the Council on how they shall proceed. Councilmember Jones has also forwarded these statements to the State Auditor's office. Ken Luce stated that he is concerned there is a lot of misinformation and lack of understanding and he does not personally believe the Mayor has ill will towards Jane. Ken Luce believes it can be made to be blown out of proportion. Ken would like a meeting o with Mayor, Council President and the City Clerk to make sure process is followed and there is not merit to what they believe the Mayor may do.

Don Thompson – Was involved with Jane today and thought she held up real well but later she was having anxiety and she went to fire station.

Carol Aguilar – Feels the Mayor does not want to do Jane harm but it's about the perception of Jane Montgomery and how she feels.

Gary Van Hee – He was on the Council for 18 years and wants to remind citizens that it is the responsibly of the Mayor to administer the personnel, not the Council.

Reva Bryant – Supports Jane Montgomery.

Gary Nishtke – States he has seen the Mayor angry.

Councilmember Jones stated Sgt. Pickett informed Jane that she can call 911 for assistance. Ken Luce states he has advised the Mayor the concerns and the consequences of any

retaliatory actions. He further states that Jane Montgomery has her own independent legal counsel.

**8. CONSENT AGENDA**

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

**A. Approval of Payroll for period of May 30, 2012, through June 11, 2012, and Claim Vouchers for May 30, 2012 through June 11, 2012.**

Payroll Expenses	6/5/12	Gross Amount:	\$93,358.57
	6/5/12	Payroll Deductions:	\$29,089.13
		Total Payroll:	\$122,447.70

**Paid Expenditures:**

Payroll Auto Deposit	\$ 57,480.58
Payroll Checks #4507-4515	\$ 11,492.49
Payroll Check #4514 voided & reissued as #4516	\$ -1,504.76
Payroll Check #4516	\$ 1,361.09
Payroll Checks #4499-4506 voided (misprint)	\$ .00
Claim Checks: 40048-40095	\$266,007.33
Claim Check #40071 voided	\$ - 99.90
ACH Payments 371-372	\$ <u>23,059.85</u>
Total Claims	\$357,796.68

**Budget Impact:** Payroll and Claims for the above period total \$357,796.68

**B. City Council Meeting Minutes May 29, 2012; City Council Workshop Minutes June 4, 2012. (THERE WERE NO MEETING MINUTES IN THE PACKET OR SUBMITTED TO THE COUNCIL BY JANE MONTGOMERY)**

Councilmember Putnam moved to approve the consent agenda; Councilmember Walker second;

Councilmember Hulseley made a motion to remove the two payroll checks for Leanna Mason and Cheryl Finwall and vote on it individually and to vote on the consent agenda as amended; Councilmember Walker second; All ayes.

Councilmember Putnam moved to approve payment to Leanna Mason in the amount of \$1,361.09; Councilmember Walker second; Betty Garrison states that the payroll checks have went out since payroll is released on pay day and pay day does not coincide with Council meetings. Ken Luce states that if the City determines to void Leanna Masons check as being inappropriate, he will have to contact the Auditor to see what the City can do to recover the money but it may be too late. Ken Luce's advice to Council it to indicate that it was an inappropriate payment and to see if they can recover the money without incurring a great an expense. Ken will contact the State Auditor's office and see what is the best course of action for the City. Councilmember Putnam asks the City Attorney if this can result in any professional damage to the City Treasurer. Ken Luce states that it will not.

	Aye	Nay
Councilmember Walker	X	
Councilmember Guier	X	
Councilmember McMahan	Absent	

Councilmember Putnam	X	
Councilmember Jones		X
Councilmember Hulsey	X	
Councilmember Steiger		X

**THE MOTION CARRIED 4 to 0.**

Councilmember Guier made a motion to not approve and support the payment of Cheryl Finwall's check in the amount of \$1,556.19; Councilmember Steiger second; Councilmember Walker asks Ken Luce by voting is he putting himself and the City at risk. Ken Luce states the payment has already been made, Council is stating that they are disapproving the check being made and will attempt to recover the payment. Ken Luce stated it was appropriate to pay Leanna Mason because it was an emergency and this payment is for an unauthorized employee. Councilmember Guier withdraws the motion; Councilmember Steiger second; Councilmember Walker made a motion based upon the City Attorney's recommendation that Council disapprove the payment to Cheryl Finwall and that an attempt to be made to recover said payment; Councilmember Hulsey second;

Ora Meyer, 326 3<sup>rd</sup> Ave SE – Believes the Mayor should cover the payment.

Brenda Hall , Commented that a procedure needs to be set up.

Councilmember Guier adds that with this motion, the Council does not put the Treasurer at any risk since she was only following direction from her supervisor.

Audrey Cruickshank – Commented that Council could come in and approve payroll checks before they are sent out.

Gary Nishtke , recommends non-payment for Ms. Finwall and Leanna Mason.

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

**THE MOTION CARRIED 6 to 0.**

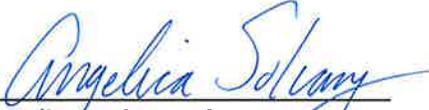
**9. EXECUTIVE SESSION-**

Council excused to executive session to discuss the Uniformed Officers Contract local 117 to discuss the terms of the agreement with no action for 40 minutes with a five minute recess before executive session at 8:25 p.m.

The meeting was back to order at 8:57 p.m.

**10. ADJOURN-**

The meeting adjourned at 8:57 p.m.

  
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 Angelica Solvang for  
 Jane Montgomery, City Clerk