

CITY OF WINLOCK
SPECIAL CITY COUNCIL

Council Meeting – 6:30 p.m.
January 27, 2020

1. CALL TO ORDER

In Mayor Bradshaw's absence Pro Tem Svenson called the meeting to order at 6:30 p.m.

2. DETERMINATION OF QUORUM

Council Members Present: Brandon Svenson, Eric Contreras, Lonnie Dowell and Anne Randt

Employees Present: Penny Jo Haney, Deputy Clerk, Stormy Bradley, Deputy Clerk and Sam Satterfield, City Attorney

3. FLAG SALUTE

Councilor Contreras led the flag salute.

4. APPROVAL OF AGENDA

Councilor Contreras stated that Viola would not be present to attend this evening and requested that agenda item #4 be removed. Mr. Hogg also requested that his item #3 be removed. **Councilor Dowell made motion to approve the Agenda as amended with removal of items #3 and #4, Councilor Randt seconded, motion passed unanimously.**

5. EXECUTIVE SESSION

The regular meeting was recessed at 6:32 p.m. and Mayor Pro Tem Svenson stated that they were going into executive session for ten (10) minutes. At 6:41 Ms. Haney announced that the council would need an additional ten (10) minutes.

At 6:51 the Council returned, and Mayor Pro Tem Svenson announced that no decisions were made during the executive session.

He called the regular meeting back to order at 6:52 p.m.

6. OLD BUSINESS – There was no old business

7. MAYOR COMMENTS – There were no Mayor comments

8. COUNCIL COMMENTS

Councilor Dowell asked about the status of the park trailer and the Park Board vacancies. Ms. Haney asked if he wanted her to respond to the items he'd previously submitted. He agreed and she proceeded to address the following items:

- a) Park Trailer Update – Ms. Haney said that former residents had moved, the premises had been inspected, and we're just waiting for a loss of title. Councilor Dowell asked if the Council could take pictures and get access. They were told we have keys at the office.
- b) Park Board Update – Ms. Haney stated that although Ms. Vogel and Orbino had resigned from the board, we haven't received formal letters of resignation. We did receive an email from Ms. Schultz resigning, she was the individual responsible for agendas and minutes.

Councilor Svenson stated that he wished to thank them, that they'd done a wonderful job through the years and brought the park a long way for the community.

Councilor Randt as part of the board commented that she wished to recognize two (2) young men who had received their Eagle Scout status From Troop #324 on January 18, 2020 and mentioned their achievements to reach the Eagle Scout level.

*Eagle Scout Jeremy Cook, parents are Scott and Leslie from Toledo. His project was to build a Trail Bench and restoration and maintenance of the walking path on the trail.

*Eagle Scout Dillon Norwood, son of Bill and Laura. His project was to build a fire pit at Winolequa Park for families to enjoy. His completed project is an excellent addition to the park, which has a plaque stating his contribution.

She wished both young men well-wishes for their future. Applause from all.

- c) RFQ for Attorney Services Update - Ms. Haney stated that there's been one (1) inquiry out of the Seattle area, but no letters of interest received. The announcement closes January 31st.
- d) Park Caretaker Update – Ms. Haney stated that there's been three (3) applicants; the Mayor has assigned the Public Works Superintendent as the temporary caretaker. Councilor Contreras asked if he would be mowing and other maintenance. Someone from the baseball association wanted to know. Ms. Haney said this was on his agenda.
- e) City Council Position #4 Update – Ms. Haney stated that there has been one (1) application received, application deadline closes on February 10th, and Council will appoint on the 24th of February.
- f) Community Development Update – Councilor Dowell asked if anything had been done in the two (2) weeks since the last council meeting. Ms. Haney stated that the issue ended up with her and she hasn't done anything further and had been brought to her attention was third party and she wasn't prepared to discuss it, and stated that replacement of the position couldn't be done at this time since the individual was out on medical leave.
- g) Court Quote Update – Ms. Haney stated that there is a contract in place with Judge Buzzard through December 31, 2022. Councilor Dowell stated that he at least thought quotes could be gotten in order to save money. Attorney Satterfield stated that their firm assisted in asking

the District Court for quotes but doesn't believe there's been a response at this time, and also, he believed Napavine and not sure if there's been a response.

9. STAFF REPORTS

- a) Ms. Haney asked if there were interest in the Council having emails to make communications smoother and timelier. The emails are already set up and would be a matter of activating them and providing passwords. Councilor Dowell will look into costs for tablets/laptops to see if there are funds to do so. Mr. Satterfield spoke on the use of their personal computers should they use the city's email; therefore, many cities have computers for their Council.
- b) Ms. Haney stated that codification of ordinances has gone live, there are a few new ones that didn't make it, but they will be added. The website is www.codepublishing.com/wa/winlock. The site is easy to use, and you can search topics that you're looking for.

10. PUBLIC COMMENTS

- a) Michelle Gilreath, Winlock – Ms. Gilreath thanked the Council for their civic duty and responsibility to the community and noted that they represent, in her opinion, the change she voted for in this last election.

She expressed her concern for a call that she'd made to the police department, that she said took 49 minutes to respond to her call of a gentleman lingering outside of her home. She said she spoke with both Toledo and the County and they said it should not have taken that long to respond. Ms. Gilreath is in support of the City contracting out police services to Toledo.

- b) Diana Lee and Belinda West were on list to address Council; however, both did not speak.
- c) Ivy Chastain, not on the list was allowed to speak. She briefly gave the analogy that she worked for the school district and noted that in their case when someone is hired their process is that it goes to the school board for approval, and not just the superintendent. Why is that different for the City and the Mayor can approve hires?

Mr. Satterfield explained that RCW's state that the Mayor has the hiring and firing authority with the Council giving approval. The school district probably has its own policy.

- d) Amy Smith, not on the list was allowed to speak. Ms. Smith stated that last Friday she turned in her permit plans for Boss Hogg BBQ, and said she asked for the building inspector's phone; however, was told we don't give out personal information, and wondered why he didn't have a City phone. Ms. Bradley reminded her that when she came into the office, she was told at that time that we didn't give out his number because he was contracted and not an employee, and that she would give him the message to contact Ms. Smith.

11. CONSENT AGENDA

- 1) Approval of Vouchers Open Period 2019 - \$31, 632.72 –

Councilor Dowell asked about the \$2,100 Apple Electric expenditure. Ms. Haney explained that it was for the park bathroom showers for electrical work and coin operated machines.

Councilor Randt asked for clarification on 1) Coggeshall Construction for permitting and inspection for \$2,800. Ms. Haney explained that it was a cumulative bill for building inspection for several months he hadn't billed for, 2) the \$450 expenses over and above the retainer fee for Hillier Scheibmeir. Ms. Haney stated that it was for attending the special meeting and for police reports, 3) Beaver Equipment for \$9,089.70. Ms. Haney stated that it was for wastewater treatment, that was approved for Rodney to use out of the \$15,000.

Councilor Dowell had an additional question asking what the normal billing for the water and sewer is for the Community Building. Ms. Haney explained that it's billed the commercial rate which is \$329.32 for two (2) months. Councilor Dowell stated that he wanted the expense for electricity that was \$190 for PUD. He didn't feel that the officer living there should not be paying for this, and basically gifting. Ms. Haney said that she couldn't speak to the electrical bill, but that she has billed for water and sewer, and mentioned that the expense portion for the apartment was based on square footage use.

Councilor Dowell also brought up the fact that the minutes that were included had statements such as "Brandon argued" instead of saying Brandon talked, etc. and feels that the minutes need revising to not include "hostility coming from the typist". Ms. Haney reminded Councilor Dowell that in that past and even during his term as Mayor, the minutes had to be typed verbatim, which Councilor Dowell agreed the minutes are not verbatim, but close. However, they still reflect a personal hostility. Other than that, he pointed out a couple of typos.

Mayor Pro Tem Svenson stated that he felt the issue of minutes went back further than just these minutes and asked if someone else could do the minutes. Councilor Dowell stated that that was the Mayor's decision to make. Ms. Haney did state that she would be doing the minutes for the meeting and her minutes will summarize, since details can be heard by listening to the recorded session, and also stated that the importance of minutes is to capture the context, the motions and seconds, and actions taken.

Councilor Randt moved to approve the Consent Agenda but not the Minutes, Councilor Dowell made a second. At discussion Councilor Dowell asked if they could approve each Consent Agenda item separately vs. as a whole, and Mr. Satterfield verified they could.

VOUCHERS

The motion was revised to approve the Vouchers for the Open Period 2019 in the amount of \$31,632.72, and 2020 in the amount of \$40,036.14, motion carried unanimously.

MINUTES

Councilor Dowell moved to approve the Minutes of December 23, 2019 with the caveat to revise the minutes to remove personal interjections, seconded by Councilor Contreras, motion carried unanimously.

12. AGENDA

1. WINLOCK COMMUNITY CLUB – Easter Egg Hunt at Winolequa Park – Leroy Zwiefelhofer addressed the Council, representing the Winlock Community Club. He requested that the Council consider waiving the park fees as had been done in years past for the upcoming Egg Hunt on April 11th (their 54th year). Councilor Contreras thanked him and the club for their wonderful job of putting the event on for the kids, they provide great prizes. ***Councilor Contreras motioned to approve the waiver of fees for the Easter Egg Hunt, seconded by Councilor Dowell, motion passed unanimously.***
2. FIRE COMMISSIONER RANDY PENNINGTON, LEWIS COUNTY FIRE DISTRICT #15, 2019 UPDATE – Mr. Pennington stated the importance of keeping the community apprised of what the Fire District does and how busy (even in a small city) they are and the impact they have in the community and the expanse of area they cover. He shared amazing statistics regarding their activities in 2019 and provided information that was eye-opening. He also noted that the district boasts that it is one of the few who have paid full-time staff and not only volunteers on a 24/7 daily basis, which means to the community a quicker response time as well. He spoke about the camaraderie that they have with the police force, without that things can go wrong quickly. It's the camaraderie that gets you through. Councilor Randt commented that the EMT's and paramedics are awesome. The Council thanked Mr. Pennington for his excellent update.
3. Item number 3. was removed from the Agenda; however, Mr. Hogg did ask the attorney, Mr. Satterfield the following question – He said that at the last meeting they changed the Agenda by a couple of items and you (Mr. Satterfield) stated that if they change the agenda items they couldn't be voted on...is that correct? Mr. Satterfield stated that the RCW stated that all agenda items are to be given a twenty-four (24) hour notice in order to take action, which is standard. Mr. Hogg said that he agreed with Mr. Satterfield and thought him to be correct.
4. Item number 4 was removed from the Agenda
5. DANGEROUS TREE ESTIMATES – Councilor Dowell stated that we have three (3) quotes, and that he contacted all of them. Petrich Tree Service bid the full project areas and did not itemize. Paul's Tree Service and H&M bid locations separately. Paul's quoted \$323.40 for 302 NW Clark and H&M at \$540.00, and Paul's quote for 300 NE Second for \$2,695 and H&M's quote at \$1,509.20. These are the two (2) most crucial areas, and the other areas will need to wait until it dries out before removing. ***Councilor Dowell moved to award the 302 NW Clark job to Paul's Tree Service in the amount of \$323.40, and 300 NE Second to H&M in the amount of \$1,509.20, seconded by Councilor Randt, motion carried unanimously.***

6. 2020 BUDGET – Mayor Pro Tem Svenson said that we’ve addressed this in executive session and asked if there were any further comments. Councilor Dowell stated that they’re “tip toeing” around this due to potential litigation with the union, and stated that he’s comfortable with contracting the Community Development with the County, and said that Matt Matayoshi from the EDC contacted him on Friday to let him know that there are two (2) one-million square foot buildings being looked at and being built, and Councilor Dowell does not feel the City’s department has the qualifications or knowledge to deal with large development; whereas, County does. Mayor Pro Tem Svenson stated that we would be saving upwards of \$50,000 to contract services out.

He asked Mr. Satterfield how they should proceed given that the Community Development employee was out on medical leave. Mr. Satterfield stated that you’d have to remain conscious of the Family Medical Leave Act and the union, and the impact that decisions on reducing staffing, etc. would pose, and the proper steps to be taken. You would need to make sure that no steps to eliminate a position until the time an individual would return to work.

Councilor Dowell asked if the City could go out for contracting bids. Mr. Satterfield stated that you could do so in the capacity of temporary service to fill that position while the individual is out. ***Councilor Dowell made a motion to request bids for contracting services, Councilor Randt seconded, motion carried unanimously.***

7. ATTORNEY CONTRACT – Mayor Pro Tem Svenson thanked Mr. Satterfield for his service these past months; however, he also stated that he didn’t feel that the Firm had given them the best representation or had their interests at heart and have gotten one-sided answers. He stated that he knows of one (1) person who has put their qualifications in. He also feels that there’s been feet dragging for this process and has been on purpose. He stated that he put this on the agenda to get this done and recommended paying the current Firm out of the contract now. Ms. Haney stated that there have not been any responses from other attorneys or firms, there was one (1) that showed interest but has not followed through as of today.

Mayor Pro Tem Svenson stated that if the Mayor does not have time to seek other attorneys, he would be willing, maybe along with another councilmember to do so over the next two (2) weeks. Councilor Dowell stated that he felt we could still expedite the search but thought it more prudent to keep legal counsel until we get legal counsel instead of paying them out.

Mr. Satterfield told the Council that every county has a Bar Association and you could contact them to place the ad. You could request those Bar Presidents to send the notice out. Also, by ordinance you need to have an active attorney until another would take over and hope that you keep that in mind. We are willing to keep active with you until such time somebody else is ready to jump in. We just want to caution you to heed City ordinances and State laws that dictate this. The consensus was for Brandon and Anne to seek out the interest of other attorneys.

8. ORDINANCE NO. 1083, NEWSPAPER OF RECORD – The Council discussed moving the newspaper of record from The Chronicle to the Lewis County News. ***Councilor Contreras***

made a motion to make the City's Newspaper of Record the Lewis County News, Councilor Dowell seconded, motion passed unanimously.

13. CORRESPONDENCE – December 2019 Police Report, Municipal Court Agreement with Jim Buzzard, Interlocal Agreement with Lewis County, Ad for City Council Position #4, Request for Qualifications for City Attorney. These items were all provided to the Council in their packets.

14. ADJOURNMENT – ***Councilor Dowell motioned to adjourn the meeting at 8:32 p.m., Councilor Randt seconded, motion passed unanimously.***

Brandon Svenson, Mayor

Attest:

Penny Jo Haney/Deputy Clerk

Note: For audio details of the meetings please visit www.avcaptureall.com