

CITY OF HOQUIAM
Council Meeting Minutes

April 14, 2014

CALL TO ORDER

Mayor Durney called the meeting to order at 7:00 p.m. Councilmember Pellegrini led the flag salute.

ROLL CALL

Those in attendance at the meeting were Mayor Durney and Councilmembers Anderson, Dickhoff, Diehm, Grun, McMillan, Moir, Nelson, Pellegrini, Pennant, Simera, Swope, and Winkelman.

Staff in attendance were Police Chief Jeff Myers, Fire Chief Paul Dean, City Librarian Mary Thornton, City Attorney Steve Johnson, City Administrator Brian Shay, Finance Director Mike Folkers and Council Secretary Tracy Wood.

COMMUNICATIONS

Police Services Officers

Chief Myers introduced the two new Police Services Officers, Tyler Wright and Michael Roberts, to the Council and Mayor Durney issued their oath of office.

Behavioral Health

Ms. Aleah Phipps, representing Behavioral Health Services, spoke to the council about resources available in our community. She also provided an update on what has happened over the past year.

Problem at Local Park

Mr. David Hansen, 208 5th Street, spoke to the Council and staff regarding problems with older teenagers and young adults at Central Playfield. There have been issues between the older teenagers and younger children. He asked that the area be patrolled so these problems can be stopped.

CONSENT AGENDA

Councilmember McMillan moved for items a and b on the consent agenda be approved as presented and the motion was seconded. Those items appearing on the consent agenda were as follows:

- The City Council Minutes of April 14, 2014;
- The Regulatory Committee report recommending approval and payment of claim check numbers 79552 through 79720 in the amount of \$750,472.40.

The motion for approval of the consent agenda passed by voice vote.

OFFICERS REPORTS

Water Main Transmission Bids

Mr. Shay provided a written report to the Council regarding the recent bid opening for the Water Transmission Main Replacement Project. Four bids were received as follows which includes the alternate and taxes: Quigg Bros. \$8,942,702.37;

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Rognlins, Inc. \$9,116,916.48; Ceccanti \$9,790,501.84; and Scarcella \$10,683,057.72. Staff recommends that Council accept the bid from Quigg Bros. as the apparent low bidder. Councilmember McMillan moved for approval and the motion was seconded. Following a brief discussion, Mr. Shay stated that there has been a challenge on the bid.

Attorney Tiger Haggen, representing Rognlins Inc., stated that following the bid opening, his clients requested and obtained copies of all bid documents. A signature page was missing from the signature section for the Quigg Bros. bid package. His client then submitted a bid protest letter stating that Quigg Bros. did not comply with the bid documents. Furthermore the missing page was provided to the city after the bids but was signed by the project manager but they failed to submit accompanying evidence of authority to sign. This creates an unfair competitive advantage for their company. Mr. Haggen stated that he feels there are two options, agree that the process was not followed and reject their bid or waive rules even though the process was not followed and accept their bid.

Attorney John Dippold, representing Quigg Bros. stated that Charlie Quigg of Quigg Bros. is authorized to sign on behalf of Quigg Brothers Inc. Their company provided the city with a Resolution that shows his authority to sign. The bid package states that the City can request further information from a bidder. When asked, the company provided the necessary paperwork showing that Mr. Quigg had authority to sign on behalf of the company.

Councilmember McMillan moved to go into executive session for litigation for approximately 15 to 20 minutes. The motion was seconded and passed and council adjourned to executive session at 7:32 p.m. Council came back to order in regular session at 8:00 p.m. Councilmember Winkelman stated he would abstain from voting on the issue due to a possible conflict. Following a brief discussion Councilmember Moir moved to reject all bids, and to rebid the project. Mayor Durney stated that there was already a motion on the floor to accept the bids and award the project to Quigg Bros. The motion to accept the bids failed by voice vote. Councilmember Moir restated his motion to reject all bids and rebid the project. His motion was seconded and passed by voice vote.

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Eastside Firestation Bids

Mr. Shay provided a written report to the Council regarding the recent bid opening for the Eastside Fire Station Project. Five bids were received each including a base bid and 5 alternates. They were as follows: Berchauer \$679,330.00; Construct, Inc. \$689,850.00; Five Rivers \$654,740.00; Rod McConkey \$739,900.00; and Rognlins, Inc. \$755,865.00. Staff recommends that Council award the bid to Five Rivers Construction from Longview for the amount of \$671,000 which excludes alternate 3. Councilmember McMillan moved to award the bid to Five Rivers as the apparent low bidder. The motion was seconded and following a brief discussion, passed by voice vote.

MAYORS REPORTS

Fire/Ambulance Update

Mayor Durney reported that the City has met with the City of Aberdeen and that discussions will continue to move forward.

Newspaper Articles

Mayor Durney read two articles from past papers. 100 years ago a story was written regarding a visit from railroad executives and 25 years ago a story was written on Fire Chief Paul Dean when he was selected as Firefighter of the Year.

COUNCIL REPORTS

Council of Governments

Councilmember Pellegrini stated that the new funding newsletter has been received from Council of Governments.

Best Small Cities in the State

Councilmember McMillan stated that Hoquiam has ranked second in the best small cities in the State.

Culvert Project

A brief discussion was held regarding the culvert replacement project. Staff stated that our permits have been submitted to Fish and Wildlife.

First Thursday

Councilmember Winkelman reminded council and the citizens that Thursday will be the first Thursday kickoff for the summer. Several businesses will stay open late and be running specials.

Hoquiam Business Association

Councilmember Winkelman stated that the Hoquiam Business Association public forum will be held at the Wishkah River Distillery next week.

Cemetery

Councilmember McMillan complimented staff on how nice the Cemetery is looking.

**LEGAL BUSINESS
ORDINANCES**

Business Licenses

Councilmember McMillan asked that Council move to Ordinance 2, Zoning, on the agenda before considering this Ordinance on Business Licenses. There was no second. Councilmember

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Dickhoff moved to approve the Ordinance on Licenses and the motion was seconded. An Ordinance relating to business licenses; and amending Section 4.05.010 of the Hoquiam Municipal Code. Following a brief discussion, Mr. Folkers read the Ordinance by title a second time after which the motion to approve failed by a vote of 6 to 6 with Councilmembers Pennant, Simera, Swope, Winkelman, Anderson and Dickhoff voting yes.

Zoning Ordinance

An Ordinance relating to zoning; amending 10.03.112 of the Hoquiam Municipal Code; amending Section 10.03.116 of the Hoquiam Municipal Code; adding a new section 10.05.076 to Chapter 10.05 of the Hoquiam Municipal Code; addition a new Section 10.05.077 to Chapter 10.05 of the Hoquiam Municipal Code; and amending Section 10.09.140 of the Hoquiam Municipal Code. Marijuana Business Zoning. Councilmember Winkelman moved for approval of the ordinance and the motion was seconded. Mr. Folkers read the Ordinance by title a second time after which the motion passed by a vote of 7 to 5, with Councilmembers Pellegrini, McMillan, Moir, Nelson and Grun voting no.

**Marijuana Businesses
Moratorium**

An Ordinance of the City Council of the City of Hoquiam repealing a moratorium on the location, licensing, permitting and operation of marijuana processing, marijuana producing, and marijuana retailing businesses; and providing an effective date. Councilmember Dickhoff moved for the approval of the ordinance and the motion was seconded. Mr. Johnson explained that by the ordinance on business licensing failing, this would be a conflict. No one would be able to obtain a license. Councilmember Dickhoff rescinded her motion for approval.

Zoning Ordinance

Councilmember Diehm moved to bring the Ordinance on Zoning back to the floor for reconsideration. Her motion was seconded. Following a lengthy discussion, Councilmember Dickhoff moved to adopt the ordinance. The motion was seconded but failed by a vote of 6 to 6 with Councilmembers Pennant, Simera, Swope, Winkelman, Anderson and Dickhoff voting yes.

Collective Gardens

The Ordinance Repealing the Moratorium on Collective Gardens was not considered due to the zoning ordinance and business license ordinance not passing.

RESOLUTIONS

Hoquiam Historic Register

A Resolution listing the Quigg Riverside Building on Riverside Avenue on the Hoquiam Register of Historic Places.

Councilmember McMillan moved for approval of the resolution and the motion was seconded. Following a brief discussion regarding the improbability of the building being brought to code per the International Building Code, Councilmember McMillan amended his motion to directed staff to redraft the resolution and remove that part of the language, his amendment was seconded and the motion passed by voice vote.

OLD BUSINESS

Zoning Ordinance

Councilmember Winkelman made a motion that staff be directed to redraft the original marijuana zoning ordinance and remove the portion on collective gardens being a public nuisance. His motion was seconded and following a discussion the motion ended in a vote of 6 to 6, Mayor Durney broke the tie with a yes vote. The Ordinance will be redrafted and brought back to the Council at their next meeting.

NEW BUSINESS

Public Safety Meeting

Councilmember McMillan announced that the Public Safety Committee will meet at 5:00 p.m. on May 5th at the Police Station.

Scoping Public Meetings

Citizens were reminded that another Public Meeting on the Scoping for the EIS will be held in Centrailia on Tuesday from 5:00 to 9:00.

SEPA and EIS Review

Mr. Shay stated that these meetings are to allow the public to add their comments on what they would like to see in the EIS. If more safety equipment is something they feel is required, this could be added to the requirements.

COMMUNICATIONS

**Public Meetings – EIS
Scoping**

Arnie Martin, Chenault Ave., Hoquiam, stated that he believes a third public meeting should be held in East County. He also asked if the other tenants at the Port support this. He encouraged the Councilmembers to attend these meetings. He believes they need to attend and be more informed.

EXECUTIVE SESSION

**Personnel and Labor
Negotiations**

Councilmember McMillan made a motion that council take a 5 minutes break and then adjourn to executive session to discuss personnel and labor negotiations. The executive session will last approximately 20 minutes. The motion was seconded and passed by voice vote at 9:03 p.m.

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ADJOURNMENT

Councilmember Pellegrini moved to reconvene in regular session at 9:35 p.m. The motion was seconded and passed. Councilmember McMillan moved to adjourn the meeting, the motion was seconded and passed by voice vote.

JACK DURNEY – Mayor

TRACY WOOD – Council Secretary

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