

OPENING OF EXECUTIVE SESSION

The Mayor opened remote executive session with seven council members and attorneys at 6:05pm to discuss well litigation with attorneys representing the city as per RCW 42.30.110 Section 1.i(iii). The Mayor closed the session at 6:55pm.

OPENING OF COUNCIL MEETING

The Mayor opened the Remote Council meeting at 7:07pm with seven council members present remotely: Michelle Plumb, Mike Schrag, Scott Yaeger, Dennis Chamberlain, Dede Boyer, Mark Weigand and Debbie Chapman. Staff members in attendance remotely were Clerk-Treasurer Julie Flyckt, Deputy Clerk Treasurer II Michelle Asmussen, Public Works Director Dave Breazeale, City Attorney John Kragt and City Police Chief David McCormick. Also present was Katie Teachout from the Adams County Journal, Attorney Greg Harper, Karen Cady, and Attorney Milt Rowland. City Fire Chief Joel Bell was excused.

ACCEPTANCE OF THE CONSENT AGENDA

Mayor Gary Cook asked if there were any changes to the consent agenda. Council Member Mark Weigand made a motion to accept the consent agenda. Council Member Mike Schrag seconded the motion. Motion passed 7-0.

ACTION AGENDA

- A. **Well 9 Litigation-** Milt Rowland stated the city has been in litigation for several years related to the installation of the Well #9 pump system. Pursuant to its 2014 contract, Kirby Hunt contractors were awarded the contract and promised to deliver a working well 9 pump station and almost succeeded. The pump worked on operation and start up, but it did not work on shut down. It took nearly a year to figure out what went wrong on shut down. On August 4th, 2015 Kirby Hunt and Layne Pump both had representatives to address the council and told the council they thought it was just one of those things that just sometimes happen, and they recommended turning on the pump and turning it down to just break it in. Luckily, the city didn't accept that advice instead accepted the view of their engineer that further study was required. That study included removal of the pump and taking it to the installer's offices in Pasco where the old pump is still at to this day. We found that since the wrong bowl system had been ordered, which no one has ever accepted responsibility, it was clearly the responsibility of the installer and the contractor. In late 2016, the city put out for bid privately to contract another company to install the Well 9 pump system according to the same specifications that had applied to Kirby Hunt. Pump Tech did that, it wasn't a perfectly smooth process, and the pump station didn't come online until 2019. The City of Ritzville sued the contractor, the contractor's insurers, and the contractor's asurity invited the city to a mediation several months ago. At that mediation they disclosed to us for the first time that the insurance owned by the contractor and the installer will not pay for some or all of the cities claim. Eventually with the aid of the mediator we got the insurance companies to put together an offer for \$750,000 paid to the City of Ritzville.

In return the city would do two things, 1) permit Kirby Hunt to obtain the old non-working pumps and 2) the city had to promise not to sue anybody else that was already a part of their lawsuit, nobody else would have any claims made against them, and that promise would be mutual, nobody would seek any compensation from the City of Ritzville regarding this matter. Council Member Dennis Chamberlain made a motion the City of Ritzville adopt a resolution to accept an offer to settle the Kirby Hunt/Well 9 Pump Station lawsuit now pending before Washington State courts in return for \$750,000 cash payable to the City of Ritzville Water Fund and for Kirby Hunt to retain the nonworking pump installed in 2015, which has been held at the offices of Layne Pump since January of 2016, and that the Mayor of Ritzville be authorized to enter into settlement agreements with the various parties to the litigation to that effect, provided that the settlement agreements make clear that there are to be no further claims against the City of Ritzville and that this settlement resolve all claims which were made, or which could have been made, in that pending lawsuit. Council Member Dede Boyer seconded the motion. Motion passed 7-0.

- B. 2021 City Council Elected Officials-** Clerk-Treasurer Julie Flyckt stated it is that time of the year where we get notification from the county auditor's office of elected positions that will end at the end of this year. Julie asked council members to review the elected officials sheet and let her know by tomorrow February 3rd if there are any changes that need to be made. For this year Scott Yaeger (4-year term), Mark Weigand (2 Year term), Mike Schrag (4-year term), and Michelle Plumb (4-year term) are all up at the end of this year. Filing has to take place between May 17th-21st.
- C. Mayor Resignation-** Mayor Cook stated unfortunately he had to make the decision and turned in his letter of resignation on February 27, 2021 for resignation effective March 31, 2021. He stated he would like the council to think about moving forward. Clerk-Treasurer Julie Flyckt stated we did go over this process briefly before when the Mayor first resigned but was kind to rescind his resignation to help us through the time when COVID hit last year. The council will approve a temporary mayor starting from April through November until the election is certified. Then the certified elected Mayor will serve the remaining 2-year term. Last time council decided to put out letters of interest with an ad in the paper and agreed to do so again. There will be an ad that will run in the newspaper twice with letters of interest to be submitted by February 25, 2021. Council agreed to accept the current letters of interest and Julie will contact those who have submitted a letter to see if they are still interested and if they wanted to update the letter.

DISCUSSION AGENDA

- A. City Hall COVID-19 Plan-** Clerk-Treasurer Julie Flyckt stated we took a look at the new Healthy Washington-Roadmap to Recovery plan which has a new phased approach. The new Healthy Washington placed all regions back to Phase 1. The plan does not specify government entities and according to MRSC they recommend government entities to remain closed to the public but the roadmap for recovery allows professional services guidance, where we could do an in office appointment with a 25% capacity limit. The city hall lobby is really close to being ready which can be used for professional service appointments.

- B. Infrastructure Progress Report-** Council Member Scott Yaeger stated they received a document from Varela last Thursday on Well 8 for the mayor, Julie, Dave Breazeale and Scott to review. They had some good points as to where we can go with well #8. Mayor Cook stated he would have some questions about the validity of keeping it in its current location. The water system improvement program on the report is the water main replacements that didn't get done in 2013 and a couple additional ones that came up while looking at Weber. Pete's Lift Station is being reviewed by DOE who submitted comments which Varela has addressed and sent them back to ecology. We are now waiting for the final review from DOE to put the project out to bid in February 2021. Public Works Director Dave Breazeale stated Varela sent him some maps on the snaking sewer lines to address manholes and some problem sewer lines. Dave went through all the maps and notes and resubmitted them back to Varela last week, and he is waiting to hear back from them on their interpretation of my map.

CORRESPONDENCE

- A. Mayor Gary Cook Letter of Resignation provided in council packets.

MAYOR UPDATES

DEPARTMENT UPDATES

- A. **City Attorney-** John Kragt stated he has been working pretty hard on the nuisance ordinance and had a meeting with the mayor, police chief and Julie to go over the ordinance. Also discussed the parking ordinance at that meeting. The nuisance ordinance is close to be ready for the next council meeting.
- B. **Public Works-** Public Works Director Dave Breazeale stated they are just trying to get the lobby finished up so city hall can open up. The jetter was fixed which cost around \$700. In the meantime, while the jetter was being fixed there were a couple sewer plugs and the crew used the vactor truck which caused a couple flooded basements, so we ended up with a couple sewer claims. A dive inspection on the standpipe tank is estimated to occur in April which will give us 11 months since the coating was applied to the inside of the tank.
- C. **Police-** Police Chief Dave McCormick stated they have started to contact people who have junk vehicles and code violations. There are approximately 12 locations in the community where there are people living in motorhomes and trailers which is a violation of the city ordinance. The Chief has asked the city clerk staff to start sending nuisance letters to those people. It is a very slow process with people not used to the city ordinance and are somewhat resistant. On Friday, February 3rd there is a task force zoom meeting. The Chief met with the Mayor on a big case which he cannot disclose any details at this time.
- D. **Clerk-Treasurer-** Clerk-Treasurer Julie Flyckt stated she has been working with SCJ Alliance to update our city map over the past last year and she is currently fine tuning some details and working on reviewing the city's zoning map. The goal is to get in front of planning commission at their next meeting and then onto council to hold the public hearings. Once it is approved, the map will be recorded with the auditor's office. The annexation process continues to move forward and SEPA comments are due by

Wednesday, February 3rd. One comment has been received so far. The first public hearing will be at the next council meeting on February 16th. The utility billing system has now been updated and Michelle and Kim have been trained. Invoice Cloud will be implemented at the end of February. The public should be able to view and pay their bills online starting in March. The Finance Committee continued to review the city's insurance and an insurance representative will join the next finance committee meeting for the committee to ask more questions.

- E. **Fire Department-** Dave McCormick stated at the meeting last fire meeting, Fire Chief Joel reported they had 1 lift assist and a mutual aid call in Warden for the Potato shed fire.

COMMITTEE UPDATES

PUBLIC REQUESTS AND COMMENTS

ADJOURNMENT-With no further comments or business to come before the council, Mayor Gary Cook adjourned the remote meeting at 8:05pm.



Michelle Asmussen, Deputy Clerk Treasurer II