



**NORTH BONNEVILLE CITY COUNCIL**  
**Tuesday, July 12, 2011**  
**Minutes**

**Meeting Call to Order:** 6:30 PM

**Roll Call**

**Present:** Mayor Don Stevens, Councilors Tom Herzig, BreAnna Porter, Jim Runkles, Tim Dudley and Jennifer Stratton-Pies

**Absent:**

**Staff Present:** Clerk / Treasurer John Spencer, Attorney Ken Woodrich

**Guests Present**

Approximately 8 guests were present.

**Agenda Changes and Additions**

None.

**Public Hearings**

None.

**Consent Agenda**

The consent agenda included 6/24/11 Council Minutes, June payroll, and 7/12/11 Vouchers.

- **Councilor Dudley moved to approve the consent agenda items; 2<sup>nd</sup> by Councilor Stratton-Pies.**

Councilor Dudley asked about the amount of overtime on the payroll reports. Discussion ensued.

**Yes: Councilors Runkles, Dudley, Porter, Stratton-Pies and Herzig**

**No:**

**Passed: 5 – 0**

**Guest Presentations**

None.

**Public Comment**

JB Tennison – gave a recap of the car show at gorge days: 261 cars were registered, 240 were from out of town, 73 were repeats from previous years, at least 19 vehicles stayed the night at the Lewis & Clark RV Park, and at least 1 vehicle stayed at the Hot Springs Resort. The show was a complete success. Council gave kudos and suggested a desire for a repeat performance.

Cheryl Jermann – Discussed the success of the Gorge Days event.

Mary Armantrout – Asked on behalf of another citizen why the city is facing financial shortfalls and asked for an explanation of the consequences of being barred from city hall.

Amy Lyddon – discussed an issue with traffic flow and safety.

Cheryl Jermann – noted that about 90 people attended the Heritage Trails event.

**Council recessed to executive session to discuss litigation at approximately 6:45 PM, returning at 7:53 PM.**

**Council recessed for an 11 minute break until 8:04 PM.**

### **Council Member Comments**

Councilor Runkles – noted that the Johnny Limbo concert was entertaining.

### **Clerk/Treasurer's Report**

John submitted a written report. Question and answer ensued regarding mowing, regarding the use of street fund money, and regarding the priority of mowing versus speed bumps. Councilor Runkles suggested that the city look into borrowing speed bumps to install as a test. Councilor Dudley suggested one bump in the active lane on each end of the corner on East Cascade.

Cheryl Jermann suggested that the city should keep Jim Baxter informed of efforts surrounding speed bumps.

### **Attorney Report**

Councilor Herzig asked for a response to Mary Armantrout's questions. Ken Woodrich was unable to respond to the issues since he had not previously been notified. He will confer with the Mayor and respond during the next council meeting. He noted that issues such as this tend to revolve around balancing the right of the individual to use public facilities and the right of public to use facilities free of disruption.

### **Unfinished Business**

#### Utility Billing Contract

Mayor Stevens provided background, noting that the union stated they have no objections with this contract so long as it doesn't result in a loss of hours.

Discussion ensued regarding whether this is the best deal possible and whether council needs to approve the contract.

**Consensus – To approve the Utility Billing Contract.**

#### Grass Mowing

No discussion necessary since this was covered in clerk/treasurer report.

### **New Business**

#### Resolution 426 – Shoreline Master Plan Grant

- **Councilor Herzig moved to approve the Shoreline Master Plan Grant; 2<sup>nd</sup> by Councilor Stratton-Pies.**

**Yes: Councilors Runkles, Dudley, Porter, Stratton-Pies and Herzig**

**No:**

**Passed: 5 – 0**

### Resolution 425 – Disc Golf Course Charges

- **Councilor Runkles moved to approve Resolution 425; 2<sup>nd</sup> by Councilor Stratton-Pies.**

Mayor Stevens provided a quick explanation of the resolution, noting the disc golf association requested the city to begin taking reservations for disc golf tournaments, and that improvements made by the disc golf association have made the city's course one of the best in the pacific northwest, resulting in increasing interest by disc golf groups in holding tournaments here. Revenue from disc golf reservations will go to parks maintenance.

**Yes: Councilors Runkles, Dudley, Porter, and Stratton-Pies**

**No: Councilor Herzig**

**Passed: 4 – 1**

### Union Grievances

Ken Woodrich provided an overview of the procedures required in the processing of grievances, and the present status of three grievances submitted by ATU:

#8060 "On Call Violated"

The union requested the on-call pay grievance to be elevated to step 2.

#8061 "Unjust Furloughs"

The union requested the furlough grievance to be elevated to step 2.

#8062 "Unjust Pay Reduction"

The union did not request the reduction in pay grievance to be elevated to step 2. Ken suggested that the council may not wish to consider this grievance.

Ken explained that an appeal process may not be appropriate for either amended grievance given that at the same time the union requested to elevate the grievances, they also provided the amended grievances, which make consideration of the amended grievances premature since the City had no opportunity to respond and we were within the City's permitted response period. Discussion ensued regarding the process.

Ken noted that the collective bargaining agreement does not provide adequate guidance on the process the council must follow for grievances in step 2. The response must be in writing, which means the council needs to identify a council member, typically the pro-tem, to write and sign the response. Discussion ensued on the timing of the response.

Further discussion ensued regarding whether this process constitutes an appeal or an adjudication. Councilor Dudley noted that last time the council heard a grievance, the ATU attended the meeting and the city held something similar to an adjudicative process. Mayor Stevens noted that both MRSC and the city's labor attorney advised afterward that the city had acted inappropriately in that case. Ken indicated that an appellate process does not typically include new evidence, but rather the consideration of the decision of the lower body – in this case the Mayor's decision. Ken confirmed that each of the council members had received and reviewed the original grievances and the Mayor's response to those grievances.

Councilor Porter stated that the mayor's responses to the three grievances in which he

asked for clarifications was appropriate and that the Council should affirm his response.

Councilor Runkles noted that Mayor Stevens denied the grievances as originally written and that the argument could be made to take them to the 2<sup>nd</sup> step.

- **Councilor Porter moved to affirm mayor Steven's response to grievance 8061; 2<sup>nd</sup> by Councilor Dudley.**

Discussion ensued regarding whether this motion should be a denial of the grievance or an affirmation of the mayor's response. Ken agreed with the form of the motion to affirm the Mayor's response. Ken clarified that this motion regards the original grievance #8061, not the amended version.

**Yes: Councilors Runkles, Dudley, Porter, Stratton-Pies and Herzig**

**No:**

**Passed: 5 – 0**

Ken asked council to address grievance #8061 as amended, explaining that the issue is whether the appeal is proper, and noting that the mayor has not had the opportunity to address 8061 as amended. Ken also noted that there was no one present representing the union despite their awareness of this meeting.

- **Councilor Porter moved to deny grievance 8061, amended, for failure of the appeal to be ripe for review under Step 2; 2<sup>nd</sup> by Councilor Dudley.**

**Yes: Councilors Runkles, Dudley, Porter, and Stratton-Pies**

**No:**

**Abstention: Councilor Herzig**

**Passed: 4 – 0 – 1**

Ken asked council to address the original grievance #8060 (on-call pay). He suggested the issues of process and information are the same as 8061. Discussion ensued regarding process.

- **Councilor Dudley moved to affirm mayor Steven's response to grievance 8060; 2<sup>nd</sup> by Councilor Stratton-Pies.**

**Yes: Councilors Runkles, Dudley, Porter, and Stratton-Pies**

**No: Councilor Herzig**

**Passed: 4 – 1**

Ken asked the council to address 8060 as amended and noted that the issue now is whether the appeal is proper, that the mayor hasn't had time to address 8060 as amended. He noted that a denial based on ripeness is not prejudicial and that the union will still have the ability to take this to step 2 after the mayor has made a response to 8060 as amended. Discussion ensued on process.

- **Councilor Dudley moved to deny 8060, amended, for failure of the appeal to be ripe for review under Step 2; 2<sup>nd</sup> by Councilor Stratton-Pies.**

**Yes: Councilors Runkles, Dudley, Porter, Herzig, and Stratton-Pies**

**No:**

**Passed: 5 – 0**

Ken asked that the record reflect there has been no request for 8062 to be elevated to step 2, that there has only been a clarification of the grievance.

Ken asked the council to authorize one or two members to write and sign the response.

- **Councilor Stratton-Pies moved to authorize Councilors Dudley and Runkles to prepare a written response to the union and to sign it on behalf of the council; 2<sup>nd</sup> by Councilor Porter.**  
**Yes: Councilors Runkles, Dudley, Porter, Herzig, and Stratton-Pies**  
**No:**  
**Passed: 5 – 0**

### **Closing Comments**

None.

### **Adjournment**

- **Councilor Stratton-Pies moved to Adjourn; 2<sup>nd</sup> by Councilor Porter.**  
**Yes: Councilors BreAnna Porter, Tim Dudley, Tom Herzig, Jennifer Stratton-Pies**  
**No:**  
**Adjourned 8:45 PM**

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**Mayor**

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**Clerk**