

**City of Westport
Regular City Council Meeting
December 8, 2009
MINUTES**

The regular meeting was called to order 7:00 p.m. by Mayor Michael Bruce.

The Pledge of Allegiance to the Flag followed the call to order.

Roll taken and a quorum established.

Present: Jim Mankin, Pat Gardner, Rex Bell, Rex Andersen, Mayor Michael Bruce.

Absent: Desiree Dodson

Staff Present: City Admin. Randy Lewis, Clerk-Tres. Margo Tackett, Police Chief William Gibson, City Attorney Wayne Hagen, Jr. (7:07 p.m.)

1.0 Consent Agenda

1.1 **Approve minutes of November 24, 2009**

1.2 **Approve Payroll Warrants #23035 thru 23053 in the amount of \$105,769.88.**

Motion to approve Items 1.1 and 1.2 was made by Bell, seconded by Gardner, carried.

2.0 Approve Claim Warrant #31088 - 31208 in the amount of \$297,308.68

Bell moved to approve, seconded by Gardner, carried.

3.0 Ordinances & Resolutions

3.1 **Proposed Ordinance #1463, 2nd Reading - Adopts the Receipts & Expenditures for 2010.** Bell moved to approve, seconded by Gardner, carried.

3.2 **Proposed Resolution #764 - Finalizes the Regular 2010 Property Tax Amount.** Mankin moved to approve, seconded by Bell, carried.

3.3 **Proposed Resolution #765 - Sets the EMS 1st Levy Amount.** Bell moved to approve, seconded by Gardner, carried.

3.4 **Proposed Resolution #766 - Sets the 2nd EMS Levy Amount.** Bell moved to approve, seconded by Gardner, carried.

3.5 **Proposed Resolution #767 - Updates the previous terms of surplus Thurman Property.** Lewis explained that the property was originally surplus in 2002 with the assessed value at that time of \$43,000. The most current appraised value is \$35,000. Bell moved to approve, seconded by Andersen, carried.

4.0 Staff Reports

4.1 **City Administrator** Lewis noted that the Fire Chief was absent because he attended the memorial for the 4 fallen police officers in Lakewood as well as two police officers from Westport attended the memorial.

Lewis met with Delroy Cox to discuss the **City's Spring clean up options**. It appears

the most economical option is to give out vouchers to residences within the City for one truck load of trash to be taken to the LeMay transfer station in Central Park. Lewis will draft a proposal to bring back to Council.

Lewis attended the Port Commissioners meeting today to give them an update of the Westhaven Dr. project. The Commissioners discussed the pontoon project. The bids will be opened on December 23 and they anticipate announcing the apparent best bidder by the end of December. This project will employ up to 2000 people.

Lewis reported that **DOE** has stated that they will work with the City on the deadlines of their grant of \$500,000 for the **WWTP upgrades**. The contract is being drafted to await the decision by RDA on the grant/loan application.

The **Hydraulics permit for Westhaven Dr.** has been completed. The COE will be meeting with the other agencies to review the project.

Lewis will be working with Water Super. Barnes and Attorney Hagen on the **Cross Connection Control (CCC) issue** of noncompliance. There are three commercial businesses that haven't installed their CCC devices and six businesses that haven't gotten their annual inspections done. One of the solutions may be that the City hire the testing to be done and charge that fee to the customer. He will present a policy on this situation.

Lewis requested two issues to be discussed in **executive session**. One is discussing the potential purchase of real property for 10 minutes and the other is labor negotiations for 5 minutes. No action is anticipated on either issue.

- 4.2 Police Chief Gibson explained that the computer failure in the police department has been repaired. The cost was \$289. It appears that the router for the internet was damaged but the cost should be minimal.

5.0 Committee Reports

None.

6.0 Attorney's Report

Attorney Hagen stated he had some additions to the **Public Safety Contract** that included Section 1.4 to add 'except to the extent that claim is based in whole or in part of the contractors services'; Section 6.1 to add the word 'defend'; Section 6.2 add 'except for those acts alleged to have been done by the subscriber which were actually done by the contractor'; and add a venue clause at the end. Mankin moved to approve the changes to the contract, seconded by Bell, carried.

Attorney Hagen had no changes to the **GH Advocacy contract**, which was previously approved by Council with his review.

Mankin asked about an update on the **WWTP compost tarp**. Attorney Hagen stated the City has received a bankruptcy notice on one of the subcontractors which doesn't directly affect the City as the City has the contract with the prime contractor not the subs.

7.0 Mayor's Report

Mayor Bruce brought up the issue of the **proposed development** that has been submitted in **using cargo containers**. The Planning Commission will be holding a hearing on the project and some of the Council members have expressed a desire to attend the hearing. Attorney Hagen strongly recommended that the Mayor and Council not attend the Planning Commission hearing as the appellant body is the Council. If the issue is appealed to the Council, there may be a potential conflict if the Council attend the Commission hearing. Mankin would not have an issue as his term expires 12/31/09 and will not be on the Council if the issue is appealed.

Mayor Bruce asked that the **Council** get copies of the **design guidelines** and any other pertinent plans that may be used on development situations.

Mayor Bruce received a letter from FEMA on the positive work that Building Inspector Graham has done to increase the City's FEMA rating to help reduce the flood insurance cost to the homeowners.

Mayor Bruce stated he received a letter from Mark Cedergreen of the Charterboat Association giving his opinion of the **2010 prospectus for the fishing season**.

8.0 Unfinished Business

9.0 New Business

9.1 Westhaven Project Request for the following Approvals: **Updated Consultant Agreement**, Construction Phase Prospectus, and Advertise for Bids. Lewis stated that the agreement reflects the updated engineering costs that was previously provided to Council and Attorney Hagen has reviewed the consultant agreement with no changes. Bell moved to authorize the Mayor to sign the consultant agreement with Mariano & Associates for the Westhaven Project, seconded by Andersen, carried.

The **Construction Phase Prospectus** breaks out the costs of the project. Bell moved to approve, seconded by Gardner, carried.

Advertise for bids. Mankin moved to authorize the bid advertisement, seconded by Bell, carried.

10.0 Correspondence

11.0 Audience Comments

Verna MacDonald, Westport, stated that she has 62 families to be adopted out for Christmas and has about 1/3 of them spoken for. The Seniors will cover those that have not been adopted out. The Seniors are taking about 450 gifts to the various Senior Housing facilities throughout the community.

Mike Mariano noted that the FEMA certification helped the City score higher on the DOE grant.

12.0 Executive Session

The meeting recessed at 7:52 p.m. for three minutes and then will go into executive session for approximately 15 minutes to discuss potential purchase of real property and labor negotiations with no action on either item anticipated. The meeting reconvened at 8:18 p.m.

13.0 Adjournment

Motion to adjourn was made by Bell, seconded by Gardner, carried. The meeting adjourned at 8:18 p.m.

Respectfully,

Margo R Tackett
Clerk-Treasurer

Attest:

Michael Bruce, Mayor