

**City Council**  
**February 26, 2008**

Mayor Johnson called the regularly scheduled meeting to order at 7:00 PM.

Upon roll call the following members were present: Reed, Boyle Barrett, Montgomery, Ramsey, McNally, Twardoski and Weigelt. Also in attendance was City Administrator Dave Schmidt.

Mayor Johnson asked if there were any additions, changes or corrections to the minutes, which there were not.

**Admin & Finance:** Council member Ramsey stated that Admin & Finance did not have a meeting due to illness. She and the Mayor attended the PCRC banquet dinner, and it was very interesting. They sat with Orting and discussed the Daffodil Parade and a lot of other things going on around the area. Their next meeting will be March 3<sup>rd</sup> at 6:30 at City Hall. Later in the meeting Council member Ramsey stated that she has contacted a collection agency to collect outstanding fines that are due to the City, so they are going to be at our meeting on March 3<sup>rd</sup> to discuss it with us.

**Public Safety:** Council member Boyle Barrett stated they have not had a meeting. Their next meeting will be March 3<sup>rd</sup> at 5 PM and it will be on Fire Department business and we will have the Department of Emergency Management giving a presentation on the final draft of the City's portion of the Hazard Mitigation Plan. Council member Boyle Barrett said because of that, and that they have some other items on the agenda, there is a good chance that we may move the police portion to another night.

**Building & Zoning:** Council member Twardoski stated they have not had a meeting; however, she and Council member Reed attended the Parks meeting and they discussed the Haunted House. Council member Twardoski stated that she has had several calls about the market, and she thinks that the Farmers Market is very important and we need to really research this. Council member Weigelt has provided a brochure tonight about the market and we need to go forward with that. Our next meeting will be March 3<sup>rd</sup> at the MPC.

**Utilities:** Council member McNally stated they have not had a meeting. They got an update on the 13<sup>th</sup> of February regarding the White River Senior Housing sewer installation, for which Council has already approved paying \$7,000; however, the contractor and/or engineer charged \$11,457.09, leaving a balance of \$4,457.09. Council member McNally read in his review that he and other citizens would be grateful if the developer and or the engineer could find some way to write off the balance of \$4,457.09 as a charitable contribution. **Council member Twardoski moved that we offer \$4,457.09. Council member Reed seconded the motion.** Council member McNally stated that he would like to hold off and see if the contractor and/or engineer will write this off instead of the City just paying the bill. Council member Reed asked if we have

heard anything back from the engineer or the contractor as to why the large difference between the estimate of \$5,000 and the actual bill. City Administrator Schmidt stated that the initial \$5,000 was before our engineer had a chance to do a cost estimate on it. Then Dominic looked at it more conservatively and said it shouldn't cost over \$7,000. So Council made the recommendation to go to the \$7,000. City Administrator Schmidt said that there was no charge for the work our engineer did; he donated his time to this project. And just for the Council's benefit, White River Senior Housing has not asked for anymore money; they were more than grateful with the \$7,000 that the City gave them, so it is really up to the Council. Council member Reed said it is his understanding that the bill went to White River Senior Housing and of that we agreed to pay up to \$7,000, so we legally are done, and he doesn't want to see the project stopped, but that is not our budget fight. City Administrator Schmidt stated that the \$7,000 we approved was based on a cost estimate of what our engineer thought was a reasonable charge for that project. Because the City wasn't involved, we weren't able to negotiate with the contractor at all. A lengthy discussion ensued after which Mayor Johnson stated that we have a motion on the floor to pay the \$4,457.09 additional on the side sewer installation for the White River Senior Housing. **Motion did not carry.** Mayor Johnson asked what the Council's wishes are. Council member McNally reiterated that he would like to see the contractor and the engineer write off these charges. After more discussion on the specifics of this project, it was decided that the Utilities Committee will draft a letter to bring back to Council asking the contractor and engineer to consider these charges as a contribution or donation, and that the letter will be sent from the Council. Their next meeting will be March 4<sup>th</sup> at 6 PM.

**Streets, Sidewalks & Storm Drains:** Council member Weigelt stated they had a meeting on February 19<sup>th</sup> and they talked about the Stormwater Plan. Marvin Sundstrom went through the Stormwater Plan and he had some observations that he submitted in a document that we have provided the engineers; they regard cost estimates and some of the engineering. Essentially this is something we are required to do and we think we've done a good job of meeting the requirements of the State, and also not stressing our staff to the point where they won't be able to perform the tasks we've asked that they do. Eventually, we will probably require more staff as this unfunded mandate is pushed down on us, as there will be more expansions of these programs. We talked about traffic safety, specifically 410 and the crosswalk by Wally's. We also talked about the crosswalk by the Skate Park, and Public Safety may be looking at these same items. City Administrator Schmidt said we took this to Streets and he has recommended the application to put in a crossing behind the Post Office at Mason and eliminate the one down at Jefferson, because that is where everyone seems to cross. I have cost estimates on that and hopefully we will do a Safe Routes or a Pedestrian/Bicycle Grant in the next cycle coming up for that. Council member Weigelt stated that they talked about putting in a solar panel stop sign at Mundy Loss and 112<sup>th</sup>, and they intend to put that in with the grant cycle coming up. We discussed street standards and recommend approval of the modifications to the work street standards. We had some old business from October; Marvin Sundstrom was not happy with the Sheets Road ditch clean up, and we had quite a discussion about that. Lastly, Council member Weigelt stated that he heard that the City of Seattle did a pilot program with 4 traffic light cameras and raised \$1M in a year,

and he noticed that Puyallup has now passed them, and Federal Way has them on Highway 99, and he would like to take another look at that. Council member Boyle Barrett stated that she will take this back to her committee and look at it again.

Later in the meeting, during the Community Services Committee report, Council member Weigelt said he has a brief follow up on the Regional Market. He provided a map so you can see a layout of where it might be located. Also attached to the map is information from the Puyallup Market. In summary, I think if we want to do the Regional Market this year we have to have a meeting before the 15<sup>th</sup> of March. At that meeting we need the principal decision makers, including members of the Chamber of Commerce, the Mayor and Council Members, and we need to do two or three hours of brainstorming to see if we can pull this together. Council member Weigelt asked everyone to please look at the materials and come to the workshop with ideas. Key points are how would we fund it and what are some of the costs involved, liability, and what is the Chamber's role. Council member Montgomery said it might not be a bad idea to get in touch with some vendors. Council member Weigelt said he will e-mail everyone who e-mailed on the survey. The meeting was scheduled for Saturday, March 8, from 9 AM to Noon at the MPC.

**Parks, Recreation & Cemetery:** Council member Montgomery stated they had a meeting on 2/19 at 12:30 PM at City Hall. They had it earlier in the day so Mac could attend to give them an update on a couple things that would make his life a little bit easier from a maintenance prospective, and they wanted to get some conceptual plans from him and an update on what is going on out at Elk Heights. We moved on to a discussion on getting more public input for the Park Plan. They sent out a survey and they have a meeting scheduled for March 12<sup>th</sup> to solicit public input. Also, he attended the Chamber meeting this month and approached the Chamber about having a representative to send to some of our future meetings to provide a perspective from the business owners to see what they would like to see as far as the Park Plan goes, since our Comprehensive Plan talks about creating an economy that is based at least in part on recreation and tourism. Council member Montgomery stated that he and Council member Ramsey went to a low impact development workshop in Sumner which was very informative. Council member Montgomery stated that next month they have a regularly scheduled meeting on March 4<sup>th</sup> at 7:30 PM at City Hall, and they have three additional meetings, one on March 11<sup>th</sup> at 6 PM before the City Council meeting here at the MPC, and then the 12<sup>th</sup> at 6:30 at MPC, and then we have a meeting on the 25<sup>th</sup> at 6 PM here at the MPC before the Council meeting.

**Community Services:** Council member Reed stated they had a meeting last week. The primary item was to pick interior and exterior colors schemes for the Youth Center. They talked extensively about the types of carpet and counter tops and combinations thereof, as well as other building items, wiring and CAT5, etc. He will be going out this Thursday to take a look at electrical and CAT5 drops to see that they fit to where we want them to be. The contractor has invited him and our IT person Kathy out to look at it to tell them if we need any additional before they put up the drywall. The other item that we discussed was after, or as, the Youth Center gets completed, we are looking to hold a

public forum to talk about what kind of projects and programs the community would like to see in that facility, both youth-oriented and non youth-oriented. The other major item we discussed was the contract for the haunted house and we looked at some concerns raised by a neighbor in the area, and most of the changes are already reflected in the new contract, which is item #15 this evening. We decided to limit the contract to a single year on this renewal so that we can be sure that all of our adjustments have the desired effect.

### **Mayor's Report:**

Mayor Johnson stated that last week she attended a meeting with PSE and Pierce County concerning the land along the White River. PSE is still in limbo as to what they want to do with the property along the White River, so there are still some options left. We have heard through the rumor mill that the Muckleshoots are very interested in purchasing the entire parcel, and that is where she stood up and said that we want what is inside our City limits. The property itself is not really worth much because it is flood plane, but I think it is worth a lot to us. We probably won't know anything for three or four months, but we've had an initial meeting and we are still just discussing it.

On the water issue, we received a letter from Cascade Water Alliance in mid-January saying that the agreement had been turned over to the board of the Cascade Water Alliance and they had been advised to seek counsel. Mayor Johnson stated that there is a bill in Olympia that she is watching very closely. It has been specially written for Cascade Water Alliance and it concerns eminent domain and going into a jurisdiction and, because they service more people, they are able to take water out of our basin before meeting the needs of the citizens in the area. If this passes it will give Cascade Water Alliance a legal right to come to the White River basin and take water that we cannot access. This is HB 1561 and it has already passed the House and it's going to the Senate. If they don't act on it by March 15, it is dead for this year, but you can be guaranteed that it will come back. This is probably the scariest piece of legislation for small towns, and it passed the House unanimously. It is being sponsored by representatives in Bellevue, Kirkland, Redmond, Renton, all cities that boarder Lake Washington. I suggest that you all read it. We will have an opportunity, if it goes before the Senate, to testify in Olympia. And, if it does get a hearing, I will be calling you because we will each get three minutes. Mayor Johnson said that everyone should get on the phone to the Legislative Hotline and say don't pass this.

Mayor Johnson stated that Pam Roach came through for us on another bill that is working its way through the Legislature. As many of you know, there is a big movement to close all the residential facilities for the developmentally disabled, and Rainier School is constantly on the chopping block. Several years ago they decided to lease excess lands around the State facilities. Now they have presented a bill to sell land around these facilities and it started out with just Fircrest, but as bills get added on other residential treatment facilities were added on, including Rainier School. Mayor Johnson called Pam Roach, because she was one of the sponsors, and said what are you doing, we have been negotiating for two years to lease this land and now you are going to pull it out from

under us. She had not read the bill, but she got Rainier School erased from that bill. So Rainier School was saved.

### **Staff Reports:**

City Administrator Schmidt stated that King County just purchased Mt. Peak, 82 acres for \$1.3M. That sews up both sides for public access.

City Administrator Schmidt stated that construction is on schedule. We are getting ready to test the clarifiers, and we are going to take a half million gallons of water to do it. The Sewer Plant and Youth Center are both on track. We had a walk through on Ryan Road and Main Street and I think there is only one item they have to fix, so hopefully we will be done with that.

### **CITIZEN PARTICIPATION**

**Devon Boyle - Relay For Life:** Mayor Johnson said that Devon could not be here tonight because she has the flu, but she wrote us a letter. She is the liaison with Relay For Life, and that is going to be on Friday and Saturday, May 16 and 17, and they would again like to use the Skate Park from 12 noon on Friday to 12 noon on Saturday. They have already contacted PSE to have the lights turned off at the Skate Park at a particular time, and they would like to use the Youth Center if it's completed, for the dinner for the cancer survivors. A short discussion ensued regarding street closures and closing the Skate Park. City Administrator Schmidt said if the Council is not going to take action on this tonight, he suggests that staff go back and talk to them about the street closures and we put this back on the agenda for the next Council meeting.

**Rebecca Esser – Supporting Local Business:** Rebecca Esser, 1788 Ryan Road, said she wanted to read a letter into the record and if anyone has any questions when she's done, she can address those. Rebecca read her letter regarding supporting local businesses with respect to purchase of the City's hanging flower baskets. In response to the letter, Mayor Johnson gave a brief history of the purchase of hanging flower baskets in Buckley. Rebecca Esser stated that she was not given an opportunity to bid on the City's flower baskets and wanted to know why the City was not supporting local nursery businesses.

**Penny Marlow, Buckley Nursery, 646 North River Avenue.** Penny suggested that maybe we need to address this a different way. Maybe the City could buy some baskets from the Windmill and maybe buy some baskets from them and from Rebecca, because she knows that her boss at Rainier School would also like to bid on the baskets. Maybe the Council needs to come together and buy from three or four different people so they all have an opportunity to provide some of the City's baskets. Mayor Johnson said she thinks this is a good idea, but for right now the deal is done. Penny said for future reference they would need to know what size the pots are and what plants are being put in and how many, so they can have an application and whoever comes into the City gets the

same information. A lengthy discussion ensued regarding the City's hanging baskets, how we pay for them and positive changes for the future to help support local businesses. Mayor Johnson said that she agrees with Penny; I think there are some options here, and there are some things we can work out to do a better job next year, and there are still some things to be purchased yet for this year. Council member Boyle Barrett asked if this is an issue that we can have Community Services take a look at in the fall so we can make sure that we're doing what we're talking about here; I just don't want it to fall through the cracks again. We put a lot of effort into promoting business in town, and we try to encourage people to shop locally, and we're trying to set up a regional market, and then we are guilty ourselves of not following through on that. Council member Ramsey thanked both Rebecca and Penny for coming and expressing their thoughts and she stated that she hopes we can get this settled and it will be the last time that this issue will ever come up.

## **MAIN AGENDA**

**ORD No. 05-08 Public Works Street Standards:** City Administrator Schmidt said this has been going on for several months and we have had about ten different revisions. Staff has been wanting to update our Public Works Standards for several years; the last time it was updated was in 1999. It has been on our schedule for the last four years to update the entire book, so we decided to take one section at a time and update it, so we pulled the Streets Standards. We've tried to bring the Streets Standards section up to date with everything else the City Council has adopted as far as policy and guidelines. City Administrator Schmidt said it is a simple modification process from this point forward. If the Streets Committee or somebody wants to make a recommendation on a new roadway standard, it is just as simple as going in and doing a modification on it. **Council member Weigelt moved to approve ORD No. 05-08, an ordinance of the City Council of the City of Buckley, Pierce County, Washington, amending Chapter 4 of the City of Buckley Development Guidelines and the Public Works Standards relating to Street Standards. Council member Reed seconded the motion.** After a lengthy discussion regarding various aspects of the standards, **motion carried.**

**ORD No. 06-08 Adopting NPDES Stormwater Management Program:** Mayor Johnson stated that this is not the Plan, this is the Program. City Administrator Schmidt said this is how we are going to meet the Department of Ecology's permit requirements under the NPDES permit. This is our goals, methods, educational program, testing, sampling and all the things our staff is going to have to do to implement this from this point forward. And, actually this includes some of the actions we've taken to date because we have to do an annual report by the end of March. Part of that annual report means that we have to have an adopted copy of the program turned into Ecology prior to that because one of the goals we are supposed to meet under the annual report is the adoption of the program. **Council member Weigelt moved to approve Ordinance No. 06-08 Adopting an NPDES Stormwater Management Program. Council member Twardoski seconded the motion.** Council member Weigelt said this is a good plan. It includes some things we already do, and it's a step in the right direction; it moves us towards compliance, and we are hoping that the State will approve it. City Administrator

Schmidt stated that this program started January of last year, 2007; that is when they issued our NPDES permit to the City. Once we are issued the permit we have so much time to meet the requirements of that permit; that is what we have five years to do. And, there are certain milestones that the City has to achieve in that process. By March 31<sup>st</sup>, 2008, we have to adopt our program, and we have to submit our first annual report that basically shows what progress we've made on meeting these goals. This program lays out the rest of the milestones that we have to meet in the next 5 years, and those milestones are according to the Department of Ecology. Council member Weigelt said his recommendation is to adopt this. **Motion carried.**

**Haunted House Lease Agreement:** City Administrator Schmidt stated that Dennis Wink has asked to speak before the Council because some of the terms of the agreement have changed.

**Dennis Wink, 9506 Mundy Loss Road.** Dennis Wink stated that the only thing that changed from the original agreement is the term from two years to one year. I understand the reasoning behind going from two to one, but from my standpoint having the guarantee of a two year deal in place allows me to look further ahead in the future to plan new stuff and new attractions, rather than spending a whole bunch of effort for something I'm going to have to totally dismantle after one season. So, it is more of a safety buffer for me to build something, and really spend a lot of time and detail, and know I'm going to have it around for a couple years. Council member Weigelt asked if he objects to any other terms of the agreement and he said no. **Council member Weigelt moved to approve the Haunted House Agreement with the change that we change it back to a two year agreement. Council member Twardoski seconded the motion.** Council member Twardoski stated that she talked to Chief Arsanto and he suggested one year because of the senior citizens. Mayor Johnson said, but we have an escape clause, and Council member Twardoski said yes. Council member Twardoski said if we want to put the agreement back to two years that is okay, but if there is any problem with the senior housing then we will have to address that. Council member Boyle Barrett stated that she thinks that if for whatever reason it doesn't work out it has been a successful endeavor and it would behoove us to try to find them another location to house it if this turns out to not be feasible. Council member Twardoski said she thinks the benefit to the City for the amount of money that they donate and food to the food bank is well worth it. Dennis Wink invited the Council to come down and see the Haunted House. **Motion carried.**

**PCRC – Zoo/Trek Authority Board:** Mayor Johnson said that the Pierce County Regional Council appoints members to its various boards, and this Zoo/Trek Authority Board is one that we have to approve. So far only one person has filed for this position and it's Bobbi Allison who is a council member from Eatonville, which is very convenient for her because these meetings take place at Northwest Trek. **Council member Weigelt moved to put Bobbi's name forward. Council member McNally seconded the motion. Motion Carried.**

**Amendment to WWTP Professional Services:** Council member McNally moved to approve Amendment No. 2 to the Engineering Services Agreement for the

**Wastewater Treatment Plan Construction Project. Council member Ramsey seconded the motion.** Council member McNally said it would be nice to have this come before the committee before Council. City Administrator Schmidt said that the timing on this one is critical. This came before the last Council meeting but we didn't have all the information from the contractors at that time and that's why we tabled it to this one, and every day that we wait is costing us money. **Motion carried.**

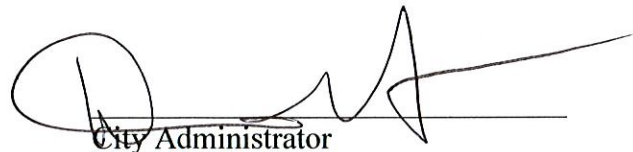
**Council member Reed moved to approve the Consent Agenda. Council member Twardoski seconded the motion and the motion carried.**

Approve the minutes of the February 12, 2008 Council meeting.

Claim check numbers 40897 through 40947, in the amount of \$835,213.03, for the period of February 13 through February 26, 2008 are hereby approved and ordered paid this 26<sup>th</sup> day of February, 2008.

**With nothing further the meeting was adjourned at 9:08 PM.**

  
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Mayor

  
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City Administrator