

City Council
March 25, 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 were City Administrator Dave Schmidt and City Attorney Sue Sampson.

Admin & Finance: Council member Ramsey stated they did not have a meeting. Their next scheduled meeting is April 7 at 6:30 PM.

Public Safety: Council member Boyle Barrett stated they had a meeting with the Police Department on March 12. Regarding the Downtown Beer Garden Permit during the Loggers Rodeo for the Firehouse Pub, she asked to move agenda item #11 to now. Council member Boyle Barrett stated that in attendance at the Public Safety meeting were Jason and Bonnie Schaffer who are owners of the Firehouse Pub, and they are requesting to have a Beer Garden during Loggers Rodeo, essentially the same as last year. They intend to have it fenced in, and they intend to have music and serve beer, wine and food. **Council member McNally moved to approve the Firehouse Pub Beer Garden Permit for 2008 as written and agreed upon. Council member Twardoski seconded the motion. Motion carried.**

Council member Boyle Barrett stated that they discussed the animal control ordinance, and the committee is recommending that we move forward with a public hearing, which we will be scheduling soon. Chief Arsanto let the committee know that we have two reserves hired. One is working as a provisional officer and the other is in the reserve academy and appears to be doing quite well.

Building & Zoning: Council member Twardoski stated they have had no meetings; however, they have two meetings scheduled, April 7 at 6 PM and April 14 at 7 PM, unless Council member McNally needs a schedule change. Council member McNally stated that if he cannot get the time off, Council member Montgomery has volunteered to sit in for him.

Utilities: Council member McNally stated that Utilities has not had a meeting. Their next meeting will be April 1st at 6 PM.

Streets, Sidewalks & Storm Drains: Council member Weigelt stated they had a meeting; however, his minutes are missing from the packet. City Administrator Schmidt stated that we went over the frontage waiver for Interwest, which is on the agenda tonight. Council member Weigelt said they also discussed the overlay project on West Main, which is also on the agenda tonight. Council member Weigelt asked that a copy of the last meeting minutes be put in the next council packet so he can then go over anything he's missed. Their next meeting is April 15.

Parks, Recreation & Cemetery: Council member Montgomery stated that they actually had two meetings. They talked about table assignments for the open house they had. The actual meeting was unfortunately fairly poorly attended, so they are in the process now of putting together some of the survey results and a draft plan and they will hopefully be bringing more material to the table in the not too distant future. Their next meeting is April 1 at 7:30 PM at City Hall.

Community Services: Council member Reed stated they have not had a meeting since the last Council meeting. They did have a lovely workshop that the Community Services Committee now has much more work from, specifically in regards to the regional market we are trying to develop. They got a lot of good response from potential vendors who were in attendance, and we are looking forward to our next meeting which will be April 7 at 7:30 at City Hall.

Mayor's Report:

Mayor Johnson stated what has taken up most of her time the past week has been the Lakes Tapps Water Project and the Cascade Water Alliance. There was a meeting last Wednesday night with the Lakes Tapps Task Force, which is made up of all the different home owners associations involved with Lake Tapps. The head of the Department of Ecology was there. Christopher Hurst and the Governor had arranged this meeting, and she was the only one of the four Mayors who were invited to attend the meeting that actually showed up. On Friday she met with the Mayors of Bonney Lake, Sumner and Auburn to go over strategy. We were not notified that Cascade Water Alliance is doing the SEPA for Puget Sound Energy for the Lake Tapps Project. We are on the list to be notified, and they said we were notified, but I think it is quite odd that none of the cities got their notification. The responses had to be delivered to Cascade Water Alliance yesterday, and we found out on Friday, so City Administrator Schmidt spent his entire Easter weekend drafting our response, which I hand carried to Cascade Water Alliance and PSE in Bellevue yesterday. They have determined that this will be a mitigated determination of non-significance, and how a project of this size can be “non-significant” is beyond me. The Lake Tapps Task Force wants us to join in on hiring a lobbyist, and they have chosen Strategies 360 out of Seattle; it is a very high powered lobbying firm. We have learned in the past from our own lobbying efforts in Olympia that you get nowhere without a lobbyist. Once we get more of a formal proposal I will be bringing it to the Admin & Finance Committee for discussion. We are probably several weeks away from having anything to bring, but after looking through this document, this battle is going to get real nasty real fast, and they claim that if they can't get it through this administration in Olympia, they will get it through the next. So, we are actually fighting for our water survival out here. It's going to cost us, but I think it is a fight that we need to fight. City Administrator Schmidt stated that there is a statute in the RCW that dictates the closed basins, and it says that except for “overriding public interest”, and they're using the overriding public interest for the population densities and the long term demand down there to claim that exemption from Ecology, and Ecology is going along with it, and that is what the problem is. They are using one side of the equation without looking

for the actual public interest out here as well, and that's one of the things we're going to have to argue. City Administrator Schmidt said that Mayor Johnson has done an excellent job of representing the City throughout this process.

Staff Reports:

City Administrator Schmidt asked to amend the agenda. In the Streets Committee one of the things that we discovered is we are going to do the W Main overlay project, which hopefully the Council will award tonight, and in looking at our utility plans the water main from SR 410 down to Fourth Street is all old AC pipe that hasn't been replaced yet. We've had several breakages there where the crew has had to replace it several times, and we don't want to overlay that street with that bad main under there. So, we would like to get a Small Works Project and go in real fast and replace that section of water main and then just leave the trench with gravel in it so when the paving contractor comes in they are just going to dig that gravel out, patch it and then overlay over the top of it. Dominic did an estimate that I was going to bring to Council tonight to ask you for authority to go out to bid, but the estimate was wrong. So, all I have is general numbers and it is between \$50,000 and \$60,000 right now. I am not asking for an award; I'm just asking for permission to go out to bid, and then once we get the bids back I'll bring it back to Council and you can make the decision on doing the award then. **Council member Twardoski moved to give Dave permission to put it out to bid to replace the water main. Council member Reed seconded the motion. Motion carried.** City Administrator Schmidt stated when he comes back with the bids and asks for award, he will do a financial analysis on it to show you what kind of money we have in capital; you will have that information before we bid it.

Lastly, City Administrator Schmidt displayed our new City flag for everyone to see.

CITIZEN PARTICIPATION

Paul Morrison: Permission to run White River 5K on June 21, 2008 to benefit the White River XC team: Paul Morrison, 19685 SR 410 E. He is here on behalf of the White River 5K, and he introduced his co-race director, Adam, who is a member of the White River High School track and cross-country team. We are here tonight to ask permission from the City Council to run our White River 5K; this will be the 5th annual White River 5K. The only change that we would like to make this year is instead of running it the same day as the Buckley Log Show and Parade, is to have it a week before. So, it will be on June 21st versus the 28th this year. I think this will help with parking and the ease of our participants leaving the facilities, which might be a little bit better for everybody. Mayor Johnson said they will probably have to meet with the Chief of Police and asked if there would be any street closures needed, or escort. Mr. Morrison stated that they've never had an escort in the past, but it sure would not hurt to have maybe a rolling closure. **Council member Reed moved to approve the running of the White River 5K on June 21, 2008. Council member Twardowski seconded the motion.** Mayor Johnson said that staff would work out the details with Mr. Morrison. Mr. Morrison said he will provide the City with a certificate of insurance. **Motion carried.**

MAIN AGENDA

ORD No. 08-08 Amending BMC 17.08 (reference to PW Standards): Council member Ramsey moved to approve Ordinance No. 08-08 amending BMC 17.08 (reference to PW Standards). Council member Boyle Barrett seconded the motion. City Administrator Schmidt stated that this is just a reference to the actual Public Works Standards Manual, which we amended at the last meeting by changing the Street Standards and adopting a new Streets Standards Section. The reference in the ordinance to that manual went all the way back to 2000 and we've made changes to that manual, especially since we amended the whole street section. So, we should have a new reference in there to a later revision, which I have dated to when we adopted that street standards, and called it Revision 3. We have more revisions to do this year; staff is going through a section at a time. There is no reason why we can't leave this revision in here as Revision 3, so we don't have to change this reference again; we will just change the chapters in the manual one at a time as we get to them. After a short discussion, **motion carried.**

ORD No. 09-08 Amending BMC 13.25.160 (ROW Appraisals): City Administrator Schmidt stated that back in January we adopted street vacation standards, which he had pulled from another city at the time and drafted a set that worked for us, and they referenced two certifications from a real estate appraisal institute. Come to find out, this is outdated and antiquated. Since the State has adopted their own licensing and certification standards, no realtors are getting these any more. I am proposing that we just strike that part from our current code and put the State licensing and certification in there as the only requirement. **Council member Reed moved to approve an ordinance amending BMC 13.25.160 (ROW Appraisals). Council member McNally seconded the motion. Motion carried.**

Trail Repair Project Bid Award: City Administrator Schmidt stated that this is actually for two projects. One is to patch the asphalt parking lot down at the Youth Center that had to be opened and cut in order to lay the new utility lines to the Youth Center, and the other is to patch a 240 foot stretch of the trail south of the park and ride where the tree roots have uplifted it and we have a severe trip hazard. **Council member Montgomery moved to approve both projects that Dave mentioned and award the bid to Duncan Asphalt for \$10,481.03 plus sales tax. Council member McNally seconded the motion.** Boyle Barrett stated that in the paperwork it states that the bond is not high enough to cover both projects, so do we withhold part of the payment until the work is completed? City Administrator Schmidt said that for one this low we usually don't require the bond because they have to provide a warranty and maintenance guarantee. **Motion carried.**

W Main Overlay Project Bid Award: Council member McNally moved to approve the bid of the overlay project to Icon Materials for the amount of \$130,609 after our Small Works Project has been completed. Council member Twardoski seconded the motion. Council member Reed said that he has a question about our engineering

estimates and what the bids are coming back as. City Administrator Schmidt said that the cost of the asphalt, because of the fuel prices, has gone up, and we bid this thing last summer and costs have escalated tremendously. One of the things that pushed the price up is that on Main Street, right next to the blue building, we can't find anywhere on the plans as to whether there is a traffic loop under the pavement. There is no pavement cut showing it, but we are not sure if there is or not; there is one on the other side of the road. So the engineers say in the bid documents that it may be there and if you damage it you have to fix it. So, because of those unknowns, the contractors have padded their bids. Discussion ensued. **Motion carried.**

Foothills Trail Extension Project – Final Acceptance: Council member Montgomery moved to approve final acceptance of the contract portion of the Foothills Trail extension project. Council member Ramsey seconded the motion.

City Administrator Schmidt stated that this is only for the contract portion of the final acceptance; we still have some amenities that have to be done on the trail, but we've turned that over to staff thinking we can save some money. Mayor Johnson said we are going to be going through the trail and adopting Pierce County's standards for bollard placement and the striping that goes with the bollards, so it's consistent all along the Foothills Trail. We are the only City that actually owns our section of the trail and has complete control over what goes on it, and where it goes. A discussion about the Foothills Trail ensued. **Motion carried.**

Award Fuel Contract: Council member Boyle Barrett moved to award the bid and authorize signature of the new fuel services agreement to Gallion Fuel for the price reflected in the attached bid document dated 2/22/2008. Council member Twardoski seconded the motion. Council member McNally asked why there was only one bidder on this. City Administrator Schmidt said we actually had two different companies call us this winter and ask us when we were going to advertise for our fuel contract because they were interested in bidding. And it really surprised me; the companies that called in were the ones that actually generated us going back out again because usually Gallion is one of the only ones that bids on it. Last time we did it was in 2004. We advertised it and actually sent copies to the people who solicited us, and they didn't turn in a bid. Council member Reed asked if the O.P.I.S. Average is our historical monthly average. City Administrator Schmidt said it is daily, so that on the day that he delivers that price will change based on what the O.P.I.S. is for that day, and he will bill us accordingly. All he tacks on is his markup and state sales tax. So our price only fluctuates by what the O.P.I.S. does. His overhead is a fixed cost that has been in place since 2004. **Motion carried.**

FEMA Project: Water Transmission Main Bid Rejections: Council member Weigelt moved to reject all bids for the FEMA Water Transmission Main Project. Council member Montgomery seconded the motion. City Administrator Schmidt said this is nothing the City did and it's not a matter of lack of funds, it's just because FEMA would not give us approval of the contract documents that they approved in the beginning for us to go out to bid, so we are unable to award the project based on FEMA. Two weeks ago we received a summary memorandum of the telephone conversation that we

had, and then FEMA sent Alan a document today telling us how we have to design the new bid specs, so we're still trying to get that all hammered out so we can go out for bid again. A discussion ensued regarding the particulars of this project, the bids and the access road into the repair sites. **Motion carried.**

Frontage Improvement Waiver – Interwest Development: Council member Weigelt moved to approve a partial waiver of the frontage improvements subject to demonstrated compliance with the recommended conditions. Council member Twardoski seconded the motion. City Administrator Schmidt said that Interwest is a large commercial developer. A discussion ensued regarding Interwest trucks on the road and problems they cause. Mayor Johnson said that they would only have right in and right out access, just like the bus drivers. City Administrator Schmidt said we are going to have problems on that whole corridor until we get turn lane channelization down through there. We are doing a traffic analysis on this and they have to meet engineering standards; they are going to have to do a certain amount of highway improvement along there, but we're not sure what that's going to be yet. They haven't formally applied yet. Council member Boyle Barrett said she has questions regarding the impact that these trucks will have on the highway itself. Mayor Johnson said they have to pay a tonnage fee to the DOT that's part of their licensing because of the weight of their vehicles. A discussion ensued regarding the business, truck schedules, conceptual design, etc. Council member Reed stated that basically what this waiver does is provides Interwest with guidance as to what the site design should look like. **Motion carried.**

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

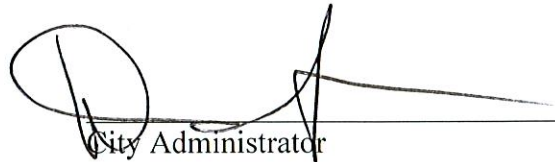
Approve the minutes of the March 11, 2008 Council meeting.

Claim numbers 41050 through 41087, and Adjusting Journal #01-08, in the amount of \$ 426,232.33, for the period of March 12, through March 25, 2008, are hereby approved and ordered paid this 25th day of March, 2008.

With nothing further the meeting was adjourned at 8:20 PM.



Mayor



City Administrator