

City Council
May 13, 2008

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

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

Mayor Johnson stated she would like to thank the Council for getting all the committee minutes into Joanne before the packets went out so we can have brief committee reports tonight.

Admin/Per/Fin:

Council member Ramsey stated they had a meeting on May 5, 2008 at 6:30 PM at City Hall. The minutes are in the packets for everyone's review. The next meeting will be May 19, 2008 at 6:00 PM.

Public Safety:

Council member Boyle Barrett stated they had a meeting on May 7, 2008 at City Hall. The minutes are in the packet. The biggest thing is the new fire truck has arrived. Boyle Barrett stated we saved money by waiving a pre-inspection and then we were lucky enough to have Central Kitsap at Crimson when we were scheduled to go down and do a final inspection. Chief Predmore knows the people from Central Kitsap and was able to talk them into doing our final inspection in return for taking them out to lunch, so that saved us around \$5,000 dollars. H & W hired Al Long to drive the truck back. **Boyle Barrett moved to authorize payment for the fire truck based on staff's recommendation in the amount of \$310,866. Ramsey seconded the motion and the motion carried.** The next meeting will be June 4, 2008 at 5:00 PM at City Hall.

Building/Zoning:

Council member Twardoski stated they had a meeting on May 5, 2008; however, she was absent so Council member Montgomery sat in for her. The minutes are in the packet for review. There was also a meeting last night. They did not finish so they are continuing it this Thursday. They have quite a project so they will be meeting every Monday except Memorial Day. They have two big projects that have been delegated by the Mayor to get done so they are meeting diligently.

Utilities:

Council member McNally stated they had a meeting May 6, 2008. Utilities are going very well. We did get the operational valve in the water transmission line installed; it needs a little tweaking but it is there. They have the WWTP item on the agenda and the next meeting will be June 3, 2008 at 6:00 PM.

Strt/Sdwlk/Strm:

There was nothing to report. The next meeting will be Tuesday May 20, 2008 at 6:30 PM at City Hall.

Parks/Recreation/Cemetery:

Council member Montgomery stated they had a meeting on May 6, 2008. The highlight of the meeting was Brian Bowden from the Rivers and Trails Conservation Association who gave a presentation that was very informational. Council member Montgomery stated Recreation Services Director Bacon brought the conceptual plan of an asphalt path around the fountain by the Post Office. He doesn't believe we have a bid on that yet. Administrator Schmidt stated we just received it today. The broom finish concrete came in \$1,000 higher than the Asphalt Patch. We also had them give us a bid on the cobblestone stamp, but that was \$6,500. Asphalt Patch was the lowest bid and that was for \$3,700. Their next meeting will be May 28, 2008 at 6:30 PM at City Hall.

Community Services:

Council member Reed stated they had a meeting on May 5, 2008. The Youth Center grand opening is scheduled for May 27, 2008 at 5:00 PM. Congressman Reichert and Pierce County Council member Shawn Bunney will be here. Council member Reed stated the other item was the work that is being done by the Plateau Saturday Market committee. They have come up with an excellent application policy and guidelines packet for us. Mayor Johnson stated she had the pleasure of welcoming the Northwest Teen Square Dance Festival this past weekend and she was really impressed. Council member Reed gave a brief overview of the event. There were approximately 300-350 kids that participated in this event.

Mayor's Report:

Mayor Johnson stated she was approached by a gentleman by the name of Ron Chow who is on the Governor's Commission for Asian Pacific American Affairs. This is an appointed commission by the Governor. Mr. Chow was asking if we would be interested in having a sister city in China. It would be in the South China Sea. Mayor Johnson has been invited to go on June 10th for eight days. From time to time there will be dignitaries that come through for ten day stays to visit the sister cities. There are also students that come to visit. They are trying to better their image in the world. If any of the Council feels this is not a good thing to do, she would like to hear from you before she decides to proceed with this. The trip is completely paid; there is no cost at all to the City.

Mayor Johnson stated she will be out of town for the next two weeks and in her absence Council member Reed will be in charge.

Staff Reports:

Administrator Schmidt stated the Main Street water main project is under way and going very smooth.

Citizen Participation:

Sandy Ramsey, 263 Hamilton Court, is here on behalf of the Kiwanis to ask for permission to hold the Carnival on June 20-22, 2008. **Council member Twardoski moved to allow the Carnival June 20-22. Council member Boyle Barrett seconded the motion and the motion carried.**

MAIN AGENDA

Mayor Johnson recessed the regular meeting at 7:26 PM to enter into the Public Hearing.

Mayor Johnson stated the purpose of tonight's Public Hearing is to solicit comments on the proposed Cassinicos/Kosko Street Vacation. Administrator Schmidt stated the purpose of the hearing is to solicit public input on a street vacation request. The property owner located at 1186 Spiketon Road has filed a petition with the City requesting 2,850 square feet of Spiketon Road public right-of-way directly abutting the property be vacated and transferred to their ownership. In addition, 971 square feet of right-of-way directly across from the proposed vacation will be purchased by the petitioner and dedicated to the City to more adequately define the right-of-way in relation to the existing and future roadway alignment. Since the staff report was written, it has come to the City's attention that the property owner may not be willing to sell the property at this time but may be willing to grant an easement for a period of time until there can be some land use segregations done to his property that wouldn't effect that parcel of property, so the public comment is simply on the vacation of the 2,850 square feet.

Mayor Johnson then opened the Public Hearing at 7:28 PM.

Dave Hedges, Hedges Engineering, Inc. He is here representing Dick Kosko. He has a letter that was just prepared yesterday and didn't have time to get into the packets. The position that Mr. Kosko is in is that he owns three parcels of land of which the City is requesting that he dedicate or gift to the City about 900 square feet of it. The problem is Mr. Kosko's three parcels appear to continue slightly over 100,000 square feet. The zoning requires 20,000 square foot lots so if he were to do subdivision it appears he could get approximately five building lots without this dedication. If he dedicates or sells the 900 square foot to the City, this could allow him to only get four lots instead of five. They are trying to work a way around that to where Mr. Kosko can work with the City and still get five lots instead of four. Mr. Hedges just found out about this about 1-1/2 weeks ago so that is why this is just now coming up. The other issue is in an old agreement with the City. Mr. Kosko runs his private water service line from the south end of Spiketon Road up to his property and at his property the pressurized service for that water line is about 27 pounds, which means that to extend the City water line up Spiketon Road without great expenditure the City can't develop a water system up there. What Mr. Kosko would like to do, at his expense, is have continued permission to extend water service lines to his properties and he feels that needs to be a part of what gets discussed for this agreement. Mr. Hedges knows this is all new information but felt the Council needed to hear this before they made a decision. Administrator Schmidt stated for the survey purposes, Spiketon Road right-of-way goes straight up the hill and then

does a 90 degree angle, but that is not the actual alignment of the road. The road does a general sweep; by the survey the road is actually located outside of the easement. Part of the roadway is on Mr. Kosko's property now and has been for many years. The Cassinicos house was built in 1949, probably without surveys, so a portion of their house is located within the right-of-way. We were not aware of all the issues until after the petition was submitted to the City and the survey was conducted. So that is where we are now. The Cassinicos are trying to get the portion that runs through their house vacated to them to clean up the property lines but at the same time, before the City gives up right-of-way, we need to have comparative value in exchange, and at the time Mr. Kosko agreed to sell 917 square feet to the City that the Cassinicos would pay for. What Mr. Hedges is bringing up is something new.

George Cassinicos, 1186 Spiketown Road. In 1999 they bought this property and when they bought it people went out and said this is the property line. They were lead to believe that all was okay and the boundaries were at the fence so they didn't have a survey done. They started to have a survey done last August because the property is divided into two parcels so they wanted everything clarified and all the corners put in. This is when they found all the problems which is why they asked for the street vacation. This property has always been private and thought of as private. They had the parcels appraised. There was a meeting on February 20, 2008. He, his mother, Dominic Miller and Mr. Kosko were all there. He gave a letter at that time stating they wanted to go ahead with the vacation process and that they would follow all the guidelines as set forth. All parties were given a copy of the petition and it appeared that it was agreed to by all parties at that time. Now there are other issues that have come up and he understands where Mr. Kosko needs to look out for himself, but at the same time his house is in the right-of-way and the value of his house goes down and he cannot sell his house because of this, so he is hoping that everyone can come together to get this issue resolved. He has agreed to give the City the cost for the parcel of land he needs as well as giving Mr. Kosko the cost of the land for his small piece.

With no further comments, Mayor Johnson closed the public hearing at 7:43 PM.

Mayor Johnson reconvened the regular meeting at 7:43 PM.

Ordinance No. 12-08: Cassinicos/Kosko Street Vacation:
Council member Weigelt moved to send this ordinance back to committee pending getting the details worked out. Council member Reed seconded the motion. Council member Weigelt stated what he is hearing tonight is different than what was discussed at committee. Administrator Schmidt stated the situation has changed since the committee recommendation; however, he did send e-mails to the committee members that discussed that situation and what the attorney and he had discussed on how this could possibly be resolved. He and the attorney developed amended conditions which require an easement to be granted for a period of time that would allow Mr. Kosko an opportunity to be subdivided. Once the property was subdivided there would be no further need about dedicating the 917 feet. Mr. Cassinicos could deposit the \$2,100 which is the payment for the market value for the 917 square feet in a reserve account with the City as security

against that purchase. There would then be an agreement between all three parties and that is the conditions of approval that the City is asking the Council to act on. It sounds to him that Mr. Hedges and Mr. Kosko are trying to leverage this for some water service at the same time and he would caution the Council not to do that because we have public standards that dictate the installation of those things; that is a completely separate issue. Discussion ensued. Attorney Sampson stated she did have an opportunity to review the materials that are before the Council and her partner briefed her on what the issues and concerns were. The safety valve in this whole situation is if there is not a three way agreement, there is no deal. She is comfortable that the agreement that is presented to the Council is lawful if the City wishes to adopt it this evening. **Council member Reed withdrew his second. Council member Weigelt withdrew his motion. Council member Weigelt moved to approve Ordinance No. 12-08 Cassinicos/Kosko Street Vacation vacating a portion of Spiketown Road right-of-way subject to terms and conditions listed in the Ordinance. Council member Reed seconded the motion.** Mr. Cassinicos stated the square footage is actually 971 square feet. Administrator Schmidt stated that was his mistake and it should be 971. **The motion then carried.**

Ordinance No. 13-08: Amending Fees & Fines:

Council member Montgomery moved to approve Ordinance No. 13-08 Amending Fees & Fines. Council member Twardoski seconded the motion. Administrator Schmidt stated this has been three to four years in the making and includes all fees and fines in the code book except the building and fire fees. Everything in the code book will reference the resolution so anytime the fees, fines or taxes change, it would be changed through the resolution. **The motion then carried.**

Ordinance No. 14-08: Amending BMC 11.48 “Trailers”

Council member Boyle Barrett moved to approve Ordinance No. 14-08 Amending BMC 11.48 “Trailers”. Council member Twardoski seconded the motion.

Administrator Schmidt stated this is a housekeeping issue. When going through to do the fees and fines we found several items that needed to be cleaned up. **The motion then carried.**

Ordinance No. 15-08: Repealing BMC 13.16 “Driveways”

Council member Montgomery moved to approve Ordinance No. 15-08 Repealing BMC 13.16 “Driveways”. Council member McNally seconded the motion.

Administrator Schmidt stated again this is a housekeeping issue. **The motion then carried.**

Ordinance No. 16-08: Amending BMC 19.50 & 19.51:

Council member Reed moved to approve Ordinance No. 16-08 Amending BMC 19.50 & 19.51. Council member Boyle Barrett seconded the motion. Administrator Schmidt stated this just cleans up the language because it was different in two places. One place said guidelines for development and the other said guidelines for redevelopment. Council member McNally stated he would like to table this until July when we get done with the entire guidelines and then it can be corrected at that time. **The motion then carried.**

Resolution No. 08-05: Adopting Fees, Fines and Rate Table

Council member Ramsey moved to approve Resolution No. 08-05 Adopting Fees, Fines and Rate Tables. Council member Boyle Barrett seconded the motion.

Council member Montgomery asked if our cemetery person was able to look at the cemetery section. Administrator Schmidt stated yes he was and that is why you see some changes in the cemetery section. **The motion then carried.**

Resolution No. 08-06: Financial Participation for Lobbying Group:

Mayor Johnson stated we discussed this at the last meeting but we have not entered into an agreement with the Lake Tapps Homeowners Association. Administrator Schmidt stated before a motion is made there is a correction on the second page within the therefore clause, it should say Lake Tapps Community Council. **Council member Weigelt moved to approve Resolution No. 08-06: Financial Participation for Lobbying Group as amended. Council member Boyle Barrett seconded the motion and the motion carried.**

PWTF Loan Agreement: WWTP Construction Phase IIE & III:

Council member Reed moved to authorize execution of the PWTF Loan Agreement II for the amount of \$5 million to complete additional phases of construction for the WWTP. Council member Twardoski seconded the motion.

Council member McNally stated he knows this was brought to committee and he recommended it be moved to Council; however, when looking at this again he had a couple questions. After they met with the analyst, he agrees the housing bubble has popped and it is from fuel cost increases. It made him stop and think that the housing bubble is going to get worse before it gets better. He is not sure we will need to use the full amount of the loan and he doesn't want to see the current citizens of Buckley get stuck with this. He knows that we are just going to execute it, but when you have money in your pocket you want to spend it. If we do execute the loan, everyone needs to stop and take a look at what this money could be used for. Mayor Johnson stated we only have a certain amount of time to execute the loan otherwise we lose it. Administrator Schmidt stated by July 6, 2008. Mayor Johnson stated even though we don't draw from it, this guarantees we have it if we need it. Administrator Schmidt stated keep in mind that some of these projects that are laid out for us are wants and not needs, but about two million dollars of it is mandated. We have to complete Phase IIE to meet the phosphorus level on the White River, and we have to complete the gravity main out to DSHS to be able to bring their waste to the City. Council member McNally stated he thinks it's great that we are looking 20 years down the road and where we want to be, but there are some concerns on his part for what is going in the City right now. We are pretty well set up for the development for utilities, but as far as police, fire, etc. once the development starts we are going to have to deal with a lot of capital expense right then and there. Council member Reed stated we are getting money at ½ of 1 percent. Any draws that we do on the loan that are not immediate expenditures are then put into our investment accounts that are getting well above that ½ of 1 percent. Ultimately the problem he has seen in the past is the tendency of the Council putting off needed investment in infrastructure. We have needed a new fire station for 15-20 years and we still don't have one. Administrator

Schmidt stated the water transmission main was supposed to be replaced in 1977. Council member Reed stated we have improved our streets over the last 12 years. The one thing we have tried to do with the WWTP is build in as much flexibility as we can for future requirements. Council member McNally stated he is not saying he is against executing the loan, he is asking everyone to stop and think if we get it what we want to spend the money on. There was a discussion about how the investments earn the interest. Administrator Schmidt stated if we decide not to use the loan, and we have to pay it back, we have to pay it back plus any interest we have earned. Until we understand what the cash flow is we will not know how much of the money we will have to use. He does not know how the Council can award Phase IIE at the next Council meeting without having this loan executed because even though you might not have drawn from it, you have the full \$5 million behind you to support that in order to award it. Discussion ensued.

Wayne McBroom, 1875 Ryan Road. He was just reading about public works trust funds this morning. In there it says in order to get the ½ percent interest the City has to come up with 15% of the face value of loan. Is that true? Administrator Schmidt stated it is true. Mr. McBroom asked when does the City have to come up with the 15%. Administrator Schmidt stated we don't because DSHS's contribution of 25% of the improvement value on the plant counts as our match so we don't have to have come up with any cash. **The motion then carried.**

Administrator Schmidt stated the motion was to execute the loan; he would like to know the Council's feelings on drawing and investing on this. **Council member Weigelt moved to authorize staff and the Mayor to make a decision as to an appropriate investment such as a CD, to make the draw, and then if money will be expended other than through an investment that they come back to Council for approval. Council member Reed seconded the motion and the motion carried.**

Bid Award: Sidewalk Construction Youth Center:

Council member Weigelt moved to award the bid for sidewalk construction at the Youth Center to Asphalt Patch Systems for the amount of \$3,700 plus tax.

Administrator Schmidt said the Council has already been polled on this and the sidewalks have been poured. **Council member Reed seconded the motion and the motion carried.**

Bid Award: Phone Network Cable for Youth Center:

Council member Reed moved to award the bid for phone network cable for the Youth Center to Sefnco in the amount of \$6,795.65. Council member Twardoski seconded the motion. Council member Montgomery stated he knows this is to bring the Youth Center on line with the City phone system so all you have to do is dial three digits and you get transferred over to the other office, but is this just for the convenience of dialing the three numbers? Administrator Schmidt stated it ties most of the City buildings together and also puts the cable across the street so we can tie the City Shop in as well. Council member Reed stated it is also a convenience to the citizens because then they only need to know one phone number. Council member Weigelt asked how much it would be for just a regular phone line; how much money would we save if we just used

regular lines. Council member Reed stated you would then incur a per line charge that you may not incur by tying it into your network. Council member Weigelt stated this seems like a lot of money; do we know if this is a comparable cost for this type of work? Council member Reed stated this is a competitive price. **The motion then carried.**

Land Use Attorney – Legal Services Agreement:

Council member Montgomery moved to approve the contract for land use legal services under the terms specified. Council member Twardoski seconded the motion. Council member McNally asked if we had any other estimates from other legal services. Administrator Schmidt stated when Duncan Wilson retired four years ago we put out a request for proposals from other firms, which is when Sue Sampson offered her proposal to the City and at the same time we had other firms apply and that was the last time we advertised. Mayor Johnson stated one of the nice things about this firm is anyone that has taken the short course on planning knows Phil Olbrechts is the one putting on the course and he is very knowledgeable on this information. Sue Sampson also felt this would be a great choice for the City and that this is a great price for services. **The motion then carried.**

Amendment to Williamson Properties Lease Agreement:

Council member Boyle Barrett moved to approve the amendment to the Williamson Properties Lease Agreement. Council member Montgomery seconded the motion. Administrator Schmidt stated under the lease agreement we currently have the City only owns the property; however, in the lease agreement it says they can't have a lien filed against either the premises or the improvements. What the owner of the liquor store is trying to do is use the building for collateral for another commercial loan she is getting, but she can't due to the lease agreement. She is asking the City to amend the lease agreement that allows her to use just the building for collateral and as long as the bank is willing to accept that we are okay with it as well. **The motion then carried.**

Amendment to Osborn Personnel Agreement:

Council member Weigelt moved to approve Amendment to Osborn Personnel Agreement. Council member Boyle Barrett seconded the motion and the motion carried.

Fireworks Permit:

Council member Boyle Barrett moved to authorize Thunder Fireworks operating under Extreme Mini Quads Northwest to operate their fireworks stand beginning June 28th through midnight July 4th, on the Gamblin property same as last year. Council member Ramsey seconded the motion and the motion carried.

Council member Boyle Barrett stated she received another e-mail from Joe Black regarding the condition of the flume bridge with the debris that is there. Can we get the sweeper on a regular schedule? Administrator Schmidt stated it is really hard because of the traffic. Chief Arsanto stated if they get on a regular schedule he will have his officers out there to block traffic. Administrator Schmidt stated this is actually Department of Transportation's responsibility; we are doing it as a courtesy. Council member Boyle


Barrett asked what kind of leverage can we put on DOT to take care of this. Administrator Schmidt stated if the Police Department is willing to help they will get together and try to find a solution for this.

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

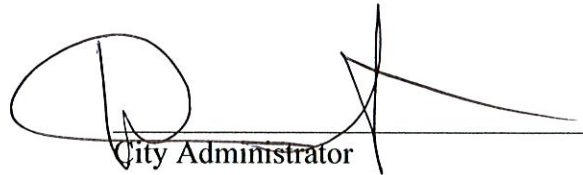
Approve the minutes of the April 22, 2008 Council meeting.

Claim check numbers 41230 through 41353, for the period of April 23, 2008 through May 13, 2008, in the amount of \$ 813,512.00; Payroll check numbers 27926 through 28044, in the amount of \$ 279,171.92 for the month of April, 2008, and Treasurer check numbers 10378 through 10394, in the amount of \$ 24,679.42 for the month of April, 2008 are hereby approved and ordered paid this 13th day of May, 2008. Approve Transfer Voucher for the month of April 2008 and Treasurer's Receipts for the month of April 2008.

With nothing further the meeting was adjourned at 9:02 PM.



Mayor



City Administrator