

**City Council**  
**August 12, 2008**

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

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

**Admin/Per/Fin:**

Council member Ramsey stated they have not had a meeting. The next scheduled meeting will be September 8, 2008 at 6:30 PM at City Hall and this will be the first budget meeting.

**Public Safety:**

Administrator Schmidt stated Council member Boyle Barrett asked him to report that they had a meeting and one of the items discussed is on the agenda tonight, the Fire Station Site Survey Engineering Scope of Work. Also, they reviewed the animal control ordinance and it will come before the Council on September 9, 2008.

**Bldg/Zon/Env:**

Council member Twardoski stated they had a meeting last Monday. They had two applications for signage and both were approved. The next meeting will be September 8, 2008 at 6:00 PM at the Multi-purpose Center.

**Utilities:**

Council member McNally stated they didn't have a meeting. Their next meeting will be September 2, 2008 at 6:00 PM regarding the budget.

**Strt/Sdwlk/Strm:**

Council member Weigelt stated they haven't had a meeting. The next meeting will be August 21, 2008 at 6:30 PM at City Hall.

**Parks/Recreation/Cemetery:**

Council member Reed stated they had a meeting on August 6, 2008 at 7:00 PM. There were two items on the agenda. Mac McCracken from the Parks Department came to ask for guidance and approval to purchase a tractor for the parks/cemetery area. It is a little different than what we had originally budgeted for. We originally budgeted \$25,000 and he found something that would work more universally for \$19,000. The only thing it does not do is lower the liners into the cemetery lots so we will be keeping the other backhoe for that. The other item that was discussed was the Park Plan and it is nearing completion. Associate Planner Rashid presented the Plan. There are just a few items that need to be included and then it will be complete. The committee gave Rashid a few minor suggestions and we are waiting for Council member Montgomery to return to finalize the document. Administrator Schmidt asked if the committee is recommending

the purchase of the tractor for the parks. Council member Reed stated yes they are. Administrator Schmidt stated then he will do a bid award and bring it to the Council at the next meeting. The next meeting will be September 3, 2008 at 6:30 PM at City Hall.

**Community Services:**

Council member Reed stated they didn't have a meeting. Their next scheduled meeting will be September 15, 2008 at 6:30 PM at City Hall.

**Mayor's Report:**

Mayor Johnson stated she and Finance Officer Sheila Bazzar attended a class in Leavenworth regarding budgeting. It is the same class she took a year ago in Redmond. They have several ideas on different ways to present the budget to make it so it is not so confusing. We had the entrance interview today with the State Auditors office for the start of the audit which is performed every two years. Mayor Johnson had a question for the auditor and it was something he hadn't heard so he researched it and found out that the law was passed in 2007 allowing us to take interest in the various accounts and reserve accounts, the interest only, and put that in the general fund. Smaller cities have been able to do that for a long time but they changed the law to add code cities. This may allow us to accumulate a little more money into the general fund.

Mayor Johnson stated that two members of the Planning Commission have resigned. Lisa Cramer and Dale Clark have both taken jobs out of the area so they have to resign. We are now down three members of the Planning Commission so we may have to have the Building/Zoning/Environmental Committee step into the role of the Planning Commission until we find more members.

**Staff Reports:**

Administrator Schmidt stated that the gas crew rebuilt the sub station on Saturday. It is finished and it went well. Council member McNally stated that WUTC isn't coming out until November now. The Utility Department did a great job with this project. Administrator Schmidt stated the other thing is gas rates; natural gas has dropped. We are still looking for an entry point and conditions don't look too bad. Council member Weigelt asked if we have purchase stops. Administrator Schmidt stated no we don't because he needs to know what the Council's threshold is. There are a variety of scenarios and it is a gamble. Council member McNally stated it was brought up by Council member Montgomery to look into buying in or merging with Enumclaw and have we looked into that. Administrator Schmidt stated Enumclaw was interested in having Buckley buy them out a year or two ago so he doesn't think they are interested in merging with us. Council member Reed stated that might not be a bad deal and may be something to look into. Mayor Johnson stated when it comes to a point where we cannot be competitive regardless if we buy Enumclaw, then it is seriously time to take a look and say is it time to sell. One thing is we have a level of service in our gas department that PSE cannot provide, but if we reach a point where PSE is offering a much better deal then we will have to consider it.

## **Citizen Participation:**

**Marvin Sundstrom, 881 Sheets Road.** In 1995 he received the last water hookup available for their building. In 1998 Tamarah Knapp sent a memo to Matt Hartman, copied to several others, that based on consumption there were five additional hookups available. By the time they were ready to build their house they were all gone, but fortunately the City allowed us to use the one from the shop to build the house. Nothing has happened since then, but there were an additional 200 hookups created to allow for some development. About four years ago the City entered into an agreement with the DOE for additional water rights, which to this date has not been complied with. The agreement basically states that the City must lower their draw of water from So. Prairie creek to that which is actually consumed, no more. That has not happened. Beyond that, the City was given additional rights in this area to allow for the increased water rights. To date, a well has been drilled and certified which will cost about one million dollars to hook into the system, he thinks is what was estimated. There was also an inventory of existing wells and their capacity. What he hasn't heard is an overall cost for the completion and operation of this new system to finalize any further water rights. Now he reads in the paper that the Council is being pushed into a building/zoning ordinance because the wastewater treatment plant will be completed and accepting applications. How can sewer hookups be issued without corresponding water hookups? How can a water hookup be issued if there is no solid cost for delivery? One of the things he saw from reading through past ordinances in the City is some developers got off really cheap and he hopes this doesn't happen again. From the day these hookups are issued, will they be paying into the system? Will they be paying the monthly charge? They should be. This City hurts for money too much to be subsidizing anyone. Will there be a time limit on holding these hookups? He hopes so, and hopes that it is pretty strict. In his opinion, the water issue has been neglected. Another time Council member Weigelt suggested developing a master plan of projects and costs, which would have been very useful so we could keep track of what was going on. Until the water issue has been resolved he believes the Council should consider a moratorium on issuing permits of any kind. The issue of charges should be a given. The City Administrator and he do not agree on the water rights issue. If the City continues to forge ahead, he will contact the DOE. Mayor Johnson stated they had a meeting with the DOE on Thursday in Lacey on the water rights; they asked the City to come. Administrator Schmidt stated for the Council's benefit that the City has a Water Comprehensive Plan and that will go to the Utility Committee soon. It has taken us four years to develop. Pierce County held us up significantly. The Department of Health has approved it so it is a functioning operating plan that the Council can adopt as soon as the Utility Committee makes a recommendation on it. Water systems like the City of Buckley are not established for a certain number of connections. The Council gets an engineering report every year that analyzes all the consumption figures from the previous year and that is what dictates and drives how many connections we have. All our connections are based on engineering reports.

**Cindy Maas, 184 So. Spruce Street.** She has lived here all her life. She has been volunteering on the Planning Commission for several years. She has seen a lot of

Planners, Administrators, Mayors and Council. In August 2005, the Planning Commission started working on the subdivision regulations. That was three long years ago. They tore into them with vengeance; they didn't know what they were doing but they felt they had to fully understand them because they were on the way to planning Buckley and that was very important to them. They tore them apart sentence by sentence and did it until they all fully understood them. Suraiya is their third Planner and has been with them during the last hurdles and has been a tremendous help. But they had a hard time going through all of this and she wants to impress upon the Council how long it took them to make decisions for this. She knows the Council hasn't had the document as long as the Planning Commission did so she would like to urge the Council to take the recommendations of the Planning Commission since they had it for three years and understood every aspect of what they were going through. This was three years of two to three hours every week and that is not even taking into account how much staff time that took up. Last week she attended the Council meeting and was very surprised that the Council was voting on things and that some were shaking heads like this is unbelievable; you didn't understand it and she knows how you felt. She really has to urge the Council to take the Planning Commission's recommendations very strongly. When the Planning Commission talked about the PRDs and PUDs at their meetings they took a long time to make decisions on that. Lisa Cramer at the time was the chairman and in July of 2007 she contacted many cities to see what their reactions and opinions were regarding PRDs and PUDs. DuPont said for new development amend the Comprehensive Plan to indicate what the goals are for new development. PUDs are an old tool used from the 1980s and wouldn't recommend using it. Don't let developers choose which regulations to choose. Black Diamond said they strongly recommended a hearings examiner to assure fairness and compliance to regulations and ordinances. Orting said they were very disappointed in their PUDs. The Planning Commission was not satisfied. They could do away with PUDs and have a more flexible subdivision code. Sumner has both. The Planning Commission went on a tour of Sumner. They have PUDs and subdivision rules and none of the developers used the PUDs, they all used the subdivision rules. For this reason, and several other reasons, the Planning Commission decided to vote against adopting the PUDs and PRDs. Another thing she would like to suggest that she was really upset with last week when she came, is that Suraiya was the one that sat with the Planning Commission and interpreted all of the information and amazingly put it all together right and yet she is not included in this. She really thinks the Council needs to ask Suraiya's opinion of the Planning Commission and the public that they met with and what they are expecting out of this. She doesn't think Suraiya should be left in the audience. Last week she raised her hand repeatedly and was ignored. She was the one that was with the Planning Commission and knows why they voted on things, what the public wanted and that is very important. Last week she did come in a little late but thought Council member Reed was reading a letter from Investco and was comparing it to what the Planning Commission wanted as a City. Council member Reed stated Investco submitted their comments on the original draft during the public hearing. Maas stated it didn't feel good to her at all, it felt like we are planning Buckley around a developer and she doesn't think that is what we want in Buckley. Regardless of what other towns around us look like, Buckley marches to our own drum, we don't go along with what other cities do. She thinks we need to start thinking about what Buckley wants instead of the developers.

Maas stated she works with developers; they want to make as much money as they can and they sell it. They make you promises that these will be the most beautiful homes but they have no control because they sell. They are in it to make money, they sell it and then they are gone. She and her husband spent last weekend with a bunch of developers; she has never seen a poor developer. She would like the Council to think about whom really cares about Buckley. Is it you the Council who are representing the voters and the residents? Maas stated she got the very distinct feeling last week that the Mayor and the City Administrator were leaning towards Investco's ideas and she personally doesn't like that. The Council needs to think for themselves and choose a path that they think is best for what Buckley citizens want and go for that. Mayor Johnson stated she doesn't get an opinion, she doesn't get to vote. Maas stated but she does talk a lot to the Council and sway them in ways that she could hear. Mayor Johnson stated that is probably true but she wants them to look at both sides of every issue. Maas stated that is true but she doesn't think the Mayor should take that big of a part. This is a Council and she was always under the understanding that the Mayor was there to keep order and guide them, but last week it was like every issue she was pointing out the developer's side and she felt it was kind of argumentative. Mayor Johnson stated it may come across like that but she tries to make sure they are looking at both sides of the issues. Council member McNally asked if the Council could get a copy of the responses from the other cities. Lisa Cramer will get copies to City Hall for all the Council members to have.

## **MAIN AGENDA**

### **Museum Grant:**

Mayor Johnson stated that the building the museum is in is owned by the City and the Museum Foundation owns the exhibits and runs the museum. The Museum Foundation has received a grant to provide a new heating/air conditioning and air filtration system. The Museum Foundation has to have approval by the City in order to receive this grant because of the City owning the building. A lot of the exhibits need correct climate control which they have not been able to do. **Council member Reed moved to approve a grant for the Foothills Museum to add heating and air conditioning. Council member McNally seconded the motion.** Council member Ramsey asked if all the holes have been filled up in the building. Mayor Johnson stated almost all of them. The museum has been undergoing a capital improvement. The City recently upgraded the electrical panels and added more electricity. The Museum Foundation has a long term lease and the lease is longer than the life expectancy of the heating system. Council member McNally would like to thank the Mayor for taking everyone around and showing them the Museum so they could get this grant. Mayor Johnson stated she would also like to thank Marydale Brooks because it is money from the estate she is handling that is going for this project. **Lynn Rose, board member of Foothills Historical Society, 356 No. Edith Street.** The endowment has been granted to them through the White River Home Towns endowment. Mayor Johnson stated this money will be awarded to the Foothills Historical Society. **The motion then carried.**

### **Youth Center: Change Orders #1 & #2:**

Administrator Schmidt stated Change Order #1 was for the security alarm and the exposed aggregate on the entrance in the amount of \$3,440.00, and Change Order #2 is

actually a credit for donations made from local companies in the amount of \$7,976.40, therefore the overall project was completed under the contract amount by \$7,976.40.

**Council member Reed moved to approve Youth Center Change Orders #1 and #2. Council member Twardoski seconded the motion and the motion carried.**

Administrator Schmidt publicly thanked Interwest for getting donations from businesses so this could come in under budget.

**Final Acceptance: Youth Center:**

**Council member Weigelt moved to accept the Youth Center construction project as complete. Council member Ramsey seconded the motion and the motion carried.**

**Final Acceptance: Water Treatment Plant Inlet Control Valve & Drainage Improvement:**

Administrator Schmidt stated the actual contracted portion of the bid is done. Now it is a matter of staff and the engineers trying to figure out where to place the blow off, the pressure relief valves that will allow us to open and close the valves the way it is supposed to. This is only for the contractor's portion of that project. **Council member Weigelt moved to accept the Water Treatment Plant Inlet Control Valve and Drainage Improvement Project as complete. Council member Twardoski seconded the motion.** Council member McNally stated as long as the valve works to control the flow he hates to take a final acceptance on this when nothing has really changed. We put the valve in there but the valve is not working yet because of head pressure.

Administrator Schmidt stated this has nothing to do with us not being able to close the valve or not. The contract has been complete and it is working so we have to accept the project as complete. The pressure problem is related to an unknown condition that no one was aware of, and that is something we have to deal with separately. Discussion ensued. **The motion then carried.**

**Final Acceptance: 2008 Main Street Water Main Replacement:**

**Council member McNally moved to approve the West Main Street Water Main Replacement Project as complete. Council member Reed seconded the motion.**

Administrator Schmidt stated this came in a little over budget and it was all related to backfill. They used more than what we anticipated in the trenches and part of that was for digging up the storm line that we were not aware of. **The motion then carried.**

**Final Acceptance: Main Street Overlay**

**Council member Weigelt moved to accept the West Main Street Overlay Project as complete. Council member Twardoski seconded the motion.** Administrator Schmidt stated this one came in \$14,322.37 under budget. **Motion carried.**

**Bid Award – Water Transmission Main Access Road Repair (FEMA Project):**

Administrator Schmidt said his memo states that we may not have approval from FEMA; however, we do have approval, we received an approval letter this week. **Council member Reed moved to award the bid of the Water Transmission Main Access Road Repair Project to Jansen, Inc. for the amount of \$315,407.56. Council member Twardoski seconded the motion.** Administrator Schmidt stated that Jansen is

a specialty contractor that intends to do the project by helicopter. Administrator Schmidt stated Chief Predmore and Dominic Miller spent a tremendous amount of time on this. Chief Predmore needs to be commended on the job he did on this. **The motion then carried.**

**Realignment Project: Amendment to Consulting Agreement:**

Administrator Schmidt stated we have our engineers working on the realignment design. In the approval of the scope of work there was no task in there for doing land acquisition as far as a certified firm. We have to hire a certified land services firm that is able to meet state and federal requirements. This is why the cost is so high. This is strictly from the land firm, so it increases the actual design engineering budget by about \$83,000.

**Council member Reed moved to approve the addendum to the consulting agreement for the realignment of Ryan Road and SR 165. Council member Twardoski seconded the motion.** Council member McNally had a question about the \$83,000 we have to pay the certified firm. Doesn't the State of Washington DOT supply the certified firm? Administrator Schmidt stated that the State of Washington is the contract administrator because there are federal dollars involved. They don't really do anything; they just act as a middle man between us, the checkbook and the engineers so we have to get their approval on everything we do. Discussion ensued. **The motion then carried.**

**Engineering Scope: Fire Station Site Survey:**

Chief Predmore stated for a couple years we have been looking at the Cedar Community Church property along with continued discussions with Grace Lutheran Church which has adjoining property. The discussions have been back and forth. On July 1<sup>st</sup> we met again with both entities and representatives from both organizations have indicated a willingness to negotiate with the City based on a site configuration presented that includes a portion of property from both owners. After this meeting, we asked the City Engineer to prepare a Scope of Work and Fee Proposal for us in a not to exceed cost amount to create the legal descriptions of the property we would be interested in purchasing. We need this before we can have an appraisal done, and we need the appraisal before we can begin negotiations. What is before the Council is a Scope of Work and Fee Proposal for Gray & Osborne to perform the work necessary to create the legal descriptions, and potentially write a new legal description if we are successful in the negotiations, and prepare the work necessary to do the lot line adjustments to create the new lot. Also, at the same time that they are there we will have them do the elevations and topography. **Council member Weigelt moved to authorize the execution of the Scope of Work and Fee Proposal with Gray & Osborne in an amount not to exceed \$14,920. Council member Twardoski seconded the motion and the motion carried.**

**Rainier School Property: Intent to Lease:**

**Council member Reed moved to approve the intent to lease and authorize the Mayor and City Administrator to enter into negotiations for a lease. Council member McNally seconded the motion.** Mayor Johnson stated this is for the unused land surrounding Rainier School from Levesque Road west. Administrator Schmidt stated it took us six years to negotiate this. Administrator Schmidt stated there is still the possibility to retain the property to the east of Levesque. Council member McNally

asked how long this lease will be for. Mayor Johnson stated it would be 50 years with an automatic 50 year renewal. **The motion then 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 July 22, 2008 Council meeting.

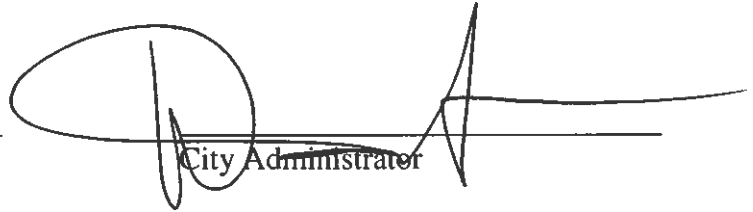
Claim check numbers 41672 through 41803, in the amount of \$ 532,625.90, for the period of July 23 through August 12, 2008; Payroll check numbers 28286 through 28408, in the amount of \$ 299,291.89 for the month of July 2008; and Treasurer check numbers 10436 through 10454, in the amount of \$ 76,865.28 for the month of July 2008 are hereby approved and ordered paid this 12<sup>th</sup> day of August 2008. Approve Transfer Voucher for the month of July 2008 and Treasurer's Receipts for month of July 2008.

With nothing further the meeting was adjourned at 8:30 PM.



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Mayor



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City Administrator