

City Council
September 9, 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 Phil Olbrechts.

Admin/Per/Fin:

Council member Ramsey stated they had a meeting last night and the main topic of discussion was the upcoming budget and that was the first of many meetings. The next meeting will be October 6, 2008 at 6:30 PM at City Hall.

Public Safety:

Council member Boyle Barrett stated they have not had a meeting but have one scheduled for tomorrow, September 10, 2008 at 5:00 PM.

Bldg/Zon/Env:

Council member Twardoski stated they had a meeting last night to discuss two different businesses that are painting their buildings downtown. Bonnie Martin's building on the corner of Cottage and Main which was approved and the Buckley Thrift Store on Main Street which was not approved. Their next meeting will be September 22, 2008 at 6:00 PM at City Hall to discuss the budget.

Utilities:

Council member McNally stated they had a meeting September 7, 2008. The natural gas regulator station has been upgraded from 25 PSI to 35 PSI. During the upgrade we ran into two emergency situations that needed to be addressed immediately. Supervisor Dansby authorized the emergency repair cost in the amount of \$2,474. This was for four control valves which now brings our system up to date with current codes. They also came in with a scope of work that will be tabled until the next meeting. This is for seismic engineering. They talked about the WWTP perimeter fence which is on the agenda for tonight. It is for 1,710 lineal feet of chain link fence. They discussed the budget and one thing they did recommend is to increase the 401 T.O. – 404 Natural Gas Const. from 2% to 5%. Mayor Johnson stated we have locked in natural gas prices. There was a dip in the market that we weren't sure if it would be the bottom but it was the first substantial dip. The thing that made her nervous about not locking it in was this was when hurricane Gustov was coming into New Orleans. We locked in at \$7.40 which is 5%-6% higher than it was a year ago but it is the lowest it has been for many months. We have locked this in for two years. This is only about 80% of the average we used a year ago so there is still a large amount that we are buying on the open market. Council member Boyle Barrett stated PSE is passing along an 11% increase so we should be a little lower than them.

Strt/Sdwlk/Strm:

Council member Weigelt stated their next meeting will be September 16, 2008 at 6:30 PM at City Hall. Mayor Johnson stated she received a phone call from Rainier School asking if they could put a couple temporary banners on the highway advertising that they need Registered Nurses. Administrator Schmidt stated that would fall under the sign code so it would be the Building/Zoning/Environmental committee. Mayor Johnson will have him contact that committee.

Parks/Recreation/Cemetery:

Council member Montgomery stated they had a lengthy meeting to discuss the budget. Scott deCarteret presented the committee with the construction of a section for a natural urn garden. Scott feels this will actually pay for itself within a year. **Council member Montgomery moved to approve a not to exceed price of \$7,000 for the construction of the natural urn garden. Council member Reed seconded the motion.** Council member Boyle Barrett asked where this is actually located and what is represented in the diagram because there is no key. Council member Montgomery stated each lettered section represents separate urn sections. Council member Boyle Barrett asked if there will be separate niche wall. Council member Montgomery stated that is a separate issue. **The motion then carried.** Council member Montgomery stated Recreation Services Director Bacon had in the budget this year \$2,500 to replace the carpet for the Senior Center. The bid has come in \$443.96 over because we have added the judge's chambers so she is asking for a not to exceed amount of \$500 to include the judge's chambers. **Council member Montgomery moved to add a not to exceed amount of \$500 to include the judges chambers into her original bid amount. Council member Reed seconded the motion.** Mayor Johnson stated the judges chambers was not in the original bid but we had a flood and water sat over the weekend and molded the carpet and needed to be immediately removed. Council member Ramsey asked if that includes the podium because there is water marks on that as well. Council member Ramsey asked if we can go out to bid for the podium. Mayor Johnson stated we are already over what we budgeted now. Administrator Schmidt stated the Council can authorize the additional expenditure, we just don't know what that is. Mayor Johnson stated how about if we get an additional bid for it and poll the Council. The Council agreed to that. **The motion then carried.** There was brief discussion regarding the Parks and Recreation Plan and the committee moved to have this come before the Council for a public hearing on September 23, 2008. Council member Boyle Barrett would like to know if the Council could get a copy of the Parks and Recreation Plan prior to the Friday before the Council meeting. Associate Planner Rashid stated that would not be a problem.

Community Services:

Council member Reed stated they have not had a committee meeting; their next meeting is on September 15, 2008 at 6:30 PM at City Hall to discuss the budget.

Mayor's Report:

Mayor Johnson stated she did attend the Lower Puyallup River Watershed group. They are under direction from FEMA to come up with planning and regulations to prevent flooding from the Meridian Street Bridge to Puget Sound. They will be proposing

regulations that could affect us so she attended. There will be a couple more meetings and she would like a Council member to attend; however the meetings will be held during the day so she will continue to attend. Council members Montgomery and McNally stated they may be able to attend these meetings.

Mayor Johnson stated she will be out of town from tomorrow through the 21st so Council member Reed will be in charge.

Staff Reports:

Chief Arsanto stated he has been working on a contract with Tacoma Police Department and the Jail. This is a carbon copy to all his other contracts and he would like the Council's permission for the Mayor to sign it. The contract has the 2009 rates. The City of Tacoma has already signed it and is asking for us to expedite it. **Council member Boyle Barrett moved to authorize the Mayor to sign a contract to house prisoners for the City of Tacoma. Council member Reed seconded the motion.** Council member McNally asked if they had the number of beds they are requesting. Chief Arsanto stated it is the standard first come first serve contract. If we are full, they get told no and it is only for misdemeanor and gross misdemeanors, no felonies. **The motion then carried.**

Mayor Johnson stated Chief Predmore has left for Texas to serve as a Safety Officer in one of the command centers for the hurricane.

Administrator Schmidt stated the contractors were supposed to be done with the FEMA transmission main project; however they hit the water main twice on Saturday. It is back on line and everything is okay. He doesn't know if the engineers have given the final okay but we should be pretty close.

Citizen Participation:

Wayne McBroom, 1875 Ryan Road, stated Connie Bender could not be here tonight and has asked him to speak on her behalf. The item he was asked to speak on tonight is the cleaning of the ditches on Ryan Road. The ditches were dug too deep in some places, as much as 6 inches below the culverts. She is allergic to mosquitoes and because of the ditches being dug too deep they are creating bodies of water between the culverts that adds to the mosquito problem. The rainy season is just a head of us, and with heavy rains he is not sure what is going to happen. The vegetation that was in there didn't really need to come out and it does slow the water down some. He is afraid water can actually scour out the dirt under the culvert. Another point she is concerned about is her water line crosses that ditch. The water line is not visible but she does not know how deep her water line is. She spoke with John Dansby and he also doesn't know how deep the water line is.

Kathy Fewins, 1302 Puyallup St., Sumner WA 98390, representing Investco. As the Council is aware, Title 19 has changed very much since they testified two months ago so she would like to have the ability to give testimony tonight. She would like to know if the Council is going to have testimony tonight under Title 19 or can she make her

testimony now. Mayor Johnson stated she would suggest we do it now. Council member McNally asked if testimony is different than a public hearing. Administrator Schmidt stated yes because the council doesn't have a hearing scheduled, you are not taking public comment so what she has done is signed up under citizen's participation to talk to the Council about Title 19. Council member Reed said to wait until we get to Title 19. Mayor Johnson stated so we will allow public participation on item number 19 which is adopting Title 19.

Marvin Sundstrom stated if we allow comments on Title 19 as it is being updated after we have held the public hearings shouldn't we also allow comments on everything else that is being updated. This could create a little problem because we have all had our say and then someone makes a change. We can just continue and continue with public comment but he thinks there is a point where it has to stop.

Council member Montgomery stated he thinks Marvin's point is well taken, he would like to hear what they have to say, and they are signed up for right now under citizen participation, so maybe it would be more appropriate for them to speak right now.

Council member McNally stated the only reason he was asking if there is a difference is because he knows we had a public hearing already and one of the planning commission members had sent a letter to City Council and we didn't receive it because it was after the public hearing was closed so he doesn't know if public comment was the same as the letter. It seems if we won't even allow our Planning Commission member to send a letter to the Council after the public hearing then why would we allow this public comment. Administrator Schmidt stated they had sent the letter to be a part of the record for the public hearing and the public hearing was closed by the time that letter was received. Council member McNally stated then the comments tonight are not a part of the public hearing. Administrator Schmidt stated no they are not, she has actually signed up for citizen participation to talk about Title 19. Mayor Johnson stated her recommendation to the Council would be then to follow our procedure that we have followed all along and have Kathy speak now.

Kathy Fewins stated there have been several amendments in front of you of which they have not had the opportunity to comment on because they were delivered last week. Contrary to popular belief, Investco actually agrees with many of them. They agree with no lots less than 4,500 square feet and the 6-4 condo issue. They agree with some of Mr. Montgomery's issues, but not all, at this time she would like to have Sean Martin speak to the Council on the issues that they don't agree with.

Sean Martin, 1302 Puyallup St., Sumner, WA 98390 with Investco, stated part of their concern and level of comment is related to those items that weren't a part of the record at the time the public hearing occurred. The Growth Management Act does have a significant obligation for public participation. They wanted to state generally that they are in support of town homes and the attached units going down from six to four. They read Mr. Montgomery's proposal for the 20% open space and, as a developer that prides itself on environmental stewardship, they are in support of 20% open space. They did

offer a written comment letter related to some of the specific issues. A couple of the things they did want to comment on is they are not in support of the comments or provisions that rely on unilateral dimensional requirements to impose design standards and design guidelines. When you take a look at requirements such as 25% lot coverage on a lot that has a building envelope that is equal to 50% of the lot coverage and when you take a look at prescribed dimension width and depth of features like porches or stoops unilaterally applied, the minimum dimensions will create a disproportionate streetscape and façade orientation which is exactly counter to the types of things they want to do. They encourage the Council when you are looking at setting provisions and you are setting restrictions, to tie those proportional to the street or the lot. They also have significant concerns over those provisions and regulations that appear to be arbitrarily assigned to target specific zones and more specific to specific developments within zones. They have seen several requirements that apply only to single family homes, only in the R-6000 or R-8000 zone. They happen to be the largest owner in the City's R-6000 zone and they have significant concerns when single family homes are being asked in that specific instance in new subdivisions to perform at a higher standard than any other subdivision in the City or any other single family zone in other parts of the City. The City has a significant amount of design requirements that they have seen shift from residential clusters to PUD's to proposal of just generally any residential permit. Generally speaking they agree whole heartily with the notion of a higher quality of standard or the notion of creating character, with a notion of demanding from developers and builders alike that they step up and produce the kind of product and kind of units that the City of Buckley wants. One of the concerns we do have is relating to the timing of the applicant to satisfy these burdens. Their concern is having to demonstrate some of the building specific requirements and design issues as a prerequisite to making application or as a prerequisite to approval. They would ask that design requirements and obligations be deferred to the process that is associated with the outcome it is intended to govern.

MAIN AGENDA

Ordinance No. 20-08: Adopting Animal Control Regulations:

Council member Boyle Barrett moved to adopt Ordinance No. 20-08: Replacing existing animal control regulations with new Chapters 9.10, 9.15 and 9.25. Council member Weigelt seconded the motion. Council member Boyle Barrett stated as chair of Public Safety they have looked at this issue extensively. This is a very good ordinance and was discussed in length during committee. The problem she has is the City will have a hard time with enforcement of this ordinance due to the fact we do not have the staff. The Police Department doesn't have a designated animal control officer; it is usually the correction officer and there is only ever one on at a time. She just wants the Council to know this information if we pass this and start getting citizens coming to Council and complaining about the enforcement that we can stand by our decision. Unless we hire more correction officers, or hire a dedicated animal control officer, or come up with a plan to work with other cities, we are not going to have the staff to truly enforce this. Council member Weigelt stated he picked up a pamphlet for Metro Animal Services that is based out of Sumner. The cities of Bonney Lake, Edgewood, Sumner and Puyallup contract with this entity and they take care of the enforcement of the code. We don't

have the money now but it is something to look into for the future. Council member McNally stated he understands this issue about the aggressive dogs but is not sure we should single out pit bulls. Chief Arsanto stated he wanted to remind the Council that this issue has been all the way to the Supreme Court and was upheld. Council member Reed stated he understands Council member Boyle Barrett's concern but like a lot of ordinances we have on the books as well as this one, they are complaint driven. This ordinance at least gives us the teeth to enforce it. Council member Boyle Barrett just wanted to let the Council know that animal control calls are at the bottom of the list for response. **The motion then carried.**

Ordinance No. 21-08: Interim Re-designation of "S" Zoning Districts:

Attorney Olbrechts stated the way it is currently written you can do basically anything you want as long as the Council approves it. There are no standards on what can be built there. He is recommending that the City come up with more specific regulations, and in the mean time designating it as R-20,000 until the Planning Commission and City Council have the opportunity and time to come up with something more specific for that property. The way the interim Ordinance process works is that you can amend your zoning code to the interim process without holding a public hearing before. You hold the public hearing afterwards and you have to hold it within 60 days to see if you want to keep the interim Ordinance for six months and then it gets kicked out of the Planning Commission for a recommendation for a permanent Ordinance. The Council can then hold the public hearing. **Council member Montgomery moved to adopt Ordinance No. 21-08; Redesignating "S" zoning districts to R-20,000 on an interim basis. Council member Boyle Barrett seconded the motion.** Council member McNally asked about the time limit. Attorney Olbrechts stated if nothing happens in six months it will go back to the "S" designation. Council member McNally asked if you can extend it. Attorney Olbrechts stated you can extend it for six months. **The motion then carried.**

Resolution No. 08-15: Adopting Comprehensive Stormwater Management Plan: Council member Weigelt moved to approve Resolution No. 08-15; adopting the 2008 Comprehensive Stormwater Management Plan. Council member Twardoski seconded the motion. Administrator Schmidt stated for the Council's benefit, Marvin Sundstrom has submitted a one page comment requesting some amendments be made. Most of those are in reference to the fairly flat or level topography in the City. The City Engineer and he himself have looked at it and don't have any issues with it. If the Council was to propose an amendment to the plan to incorporate those amendments the motion would need to be changed. **Council member Weigelt moved to amend his motion to include the items listed on the document dated September 9, 2008 submitted by Marvin Sundstrom. Council member Twardoski seconded the amendment. The motion then carried for the amendment. The motion then carried for the Resolution.**

Resolution No. 08-16: Comcast Franchise Agreement:

Council member Ramsey moved to approve Resolution No. 08-16; authorizing execution of the new Comcast Franchise Agreement. Council member Twardoski seconded the motion. Council member Reed asked what the hang up has been.

Administrator Schmidt stated Comcast was lobbying for additional legislation through the FCC that would exempt them from municipalities having any jurisdiction over their use of the right of way. That is still up in the air but we were able to finally push this through. It is not much more than what the old agreement had other than it provides us free internet access and cable to every public building we have, it increases the franchise fee from 4% to 5%, it gives us the provision if we want to televise or create a public network and gives us some additional control and authority over performance standards over construction of their facilities in our right of way. Council member Boyle Barrett asked if we were able to get them to include the resident quarters. Administrator Schmidt stated yes we were. Administrator Schmidt stated we have eleven internet and cable connections. **The motion then carried.**

Interwest: Impact Fee Credit and Hinkleman Road Construction:

Council member Montgomery moved to approve Interwest's proposal to reconstruct and use the identified portion of Hinkleman Road as a secondary access and award a fee credit for their established transportation impact fee subject to the recommended terms and conditions in the staff report. Council member McNally seconded the motion. Council member McNally stated he thought they made one more recommendation regarding Mundy Loss Road. Administrator Schmidt stated he thought that would be done through the maintenance agreement. Under condition #7 you can add the wording "Hinkleman and intersection of Mundy Loss". Council member Weigelt stated what about Highway #410. Administrator Schmidt stated that is a principal arterial and should be built to withstand truck traffic, same way with an arterial. Hinkleman is not an arterial which is why we are asking for the maintenance agreement. **Council member Reed moved to modify the motion on the floor to include the change to item #7, "the applicant shall be required to enter into a long term roadway maintenance agreement with the City to ensure future protection of Hinkleman Road and Mundy Loss intersection and memorialize terms and conditions of use. Council member McNally seconded the modification and the motion on the modification carried.** Council member Ramsey stated that the letter from Interwest specifies the improvement to the storm drainage system but that is not reflected in our document. Administrator Schmidt stated it is not a part of the recommendation or the approval. Council member Boyle Barrett stated when they make improvements to the roadway won't they also be making improvements to the storm drainage. Administrator Schmidt stated no they are not. All they will be doing is work within the parameters of what is there. If the reconstruction of the roadway impacts the ditch, they may have to redevelop the ditch. Whatever it takes to improve the existing facility, they get no credit for because they are not adding to the capacity that is on Hinkleman Road, they are just maintaining it. Discussion ensued. After discussion. **The main motion then carried.**

Bid Award: WWTP Perimeter Fence:

Council member McNally stated they discussed this in committee. **Council member McNally moved to award the bid for fencing of the WWTP to Owl Fencing for the amount of \$40,998.29. Council member Montgomery seconded the motion.** Council member McNally stated this bid came in \$4000.00 under the Engineer's estimate, **The motion then carried.**

Bid Award: Parks/Cemetery Tractor Purchase:

Council member Weigelt moved to award the bid and purchase of a new 30 HP Holland Front Loader for the Parks/Cemetery to Brim for an amount of \$18,824.75.

Council member McNally seconded the motion and the motion carried. Council member Montgomery stated there is a blower attachment will go on this in the amount of approximately \$4,600 which is still under the budgeted price. Administrator Schmidt stated we had to get bids on this separately and will come back to Council for the blower attachment.

Ordinance No. 22-08: Adopting Title 19 (Zoning Code):

Council member Weigelt moved to adopt Ordinance No. 22-08: Adopting updates to Buckley Municipal Code Title 19 (Zoning Code) as attached in Exhibit A. Council member Twardoski seconded the motion.

Council member Boyle Barrett moved to amend the original motion to remove PUD's and reinsert clustering as it was before the Public Hearing. Council member Montgomery seconded the motion. Council member Boyle Barrett stated she is satisfied with Title 19; she has looked at the recommendations of Council member McNally and Council member Montgomery and hasn't found anything that she is willing to change at this point. She would still like to have PUDs available; however, she likes the copy we have from Sumner. She has been told we have a little bit of time before the treatment plant will be accepted as complete and with the Attorney's advice we could look over the PUD portion and approve that portion at the next meeting or subsequently down the line. Administrator Schmidt stated the Council will probably have to have another public hearing based on the changes made. Council member McNally stated he agrees that we should hold off on the PUD's and he doesn't think we would be able to come up with a complete PUD ordinance by the next Council meeting so he would like to see it extended out so the Planning Commission can review it as well. He feels this may take a couple months. Council member Boyle Barrett stated her goal for removing the PUDs is the one we have she feels is too restrictive. When she first brought forward the proposal for PUDs or developer agreements, her goal was to allow developers and builders to come into the City and present us with what it is they want to build here. It gives the flexibility for the staff to negotiate with them, the Planning Commission still looks at the PUD, they hold a public hearing and then it comes to Council. So it isn't something that is going to be crammed down our throat, it is something we will have an opportunity to negotiate what we want. We have listened to the public, the public has told us they want open space, they also told us they didn't want small lot sizes. She thinks it is very difficult to gain the open space without reducing some of the lot sizes but she thinks it can be done attractively. Worst case scenario, if you don't like it you don't approve it. She doesn't want this to go back to Planning Commission, the Council has held the public hearing and have come up with a PUD plan that she is not satisfied with because she feels it is too restrictive to give them enough flexibility to get what we want. As it stands right now she doesn't think it the incentives are strong enough in Title 19 to gain any open space. Attorney Olbrechts stated the broader the PUD standards are the less control you have over the design. The more vague the standards are if there is more

than one interpretation of how it is applied you basically have to go with what the developer wants. That is why you see over time that communities get more lengthy and specific ordinances because they want more control. If you go with broad standards it is going to depend on how good the developer is in terms of what product you get built in your community. Council member McNally stated the Planning Commission contacted five cities and all the comments they received back are that you need to make it more restrictive than they have because they have been having problems. He feels it is going to take awhile to go through the PUDs so we understand them fully and are all comfortable with what we have, so he doesn't think we should put a time limit on putting this together. Council member Montgomery stated he agrees with both Council members Boyle Barrett and McNally, he thinks PUDs can be a great tool. It is going to take a little work to tailor something that will suit the needs of this community and he thinks that is really what we need to strive for is suiting the needs of this community. He doesn't know if this should go back the Planning Commission or Building/Zoning/Environmental Committee. Mayor Johnson stated that we may want to consider an adhoc Committee of the Council. Council member Reed suggested keeping it at the Council level. Council member Boyle Barrett stated the intent of pulling it out was not to have it be a long drawn out process; six months down the road we come up with a PUD. If that is the intent of the Council then she would rather have the PUD that we have listed now left in. Council member Weigelt stated he thinks it is a mistake to pull the PUD and thinks Title 19 is a very good document and feels we ought to go with it. **The motion for the amendment then carried with a 4-3 vote.**

Council member Reed moved to amend the original motion to include Council member McNally's amendment #4, referencing town homes from 6-4 in all sections of the code. Council member McNally seconded the motion. Attorney Olbrechts wanted to remind the Council if there is an amendment that does something that has not been subject to public comment then there would have to be another public hearing. **The motion for the amendment then carried with a 5-2 vote.**

Council member Montgomery moved to amend the original motion to include Council member Montgomery's amendment #3, referencing striking having the requirement for two car garages for duplexes. Council member Reed seconded the motion. Council member Montgomery stated the next amendment refers to reinserting some of the design criteria into the bulk modifications where duplexes are talked about again so it will actually just be moved rather than stricken. Administrator Schmidt stated this is extensive enough that you have to have another public hearing. Council member Montgomery said he has stated that he would like to see these moved and not just be design guidelines under the residential cluster, but they should be design guidelines for the community because these are the types of things that they want to see. Administrator Schmidt stated that if these design criteria get put into the bulk modifications, then that will be in affect for all building including single individual homes being built on pre-existing lots and commercial, not just long or short plats. Attorney Olbrechts stated the only motion on the floor right now is to take out the section about duplexes and garages. You are only taking it out because you are moving the other information to another section so the motion should be revised to include moving the

design standards as listed in amendment #4. **Council member Montgomery rescinded his motion. Council member Reed rescinded his second. Council member Montgomery moved to strike 19.20.010 (1) (g) and add that to 19.23.080 (IV).**

Attorney Olbrechts stated you should consider the concept, if you approve the concept then you have to hold a public hearing. The concept; that Council member Montgomery wants is to move the design standards from the cluster and have it apply to all the zoning districts. That is the issue before the Council, and if you do then another public hearing would have to be held. Council member Montgomery stated he just wants them for all residential districts. **Council member Reed seconded the motion.** Council member Boyle Barrett stated some of the things that are being proposed don't fit entirely with the Comprehensive Plan and she is hesitant to make big changes right now and take it back out to a public hearing. Council member Montgomery stated unfortunately he was not here for the public hearing He sent seven pages of comments for the Council to discuss and to the best of his knowledge Council did not discuss them. Mayor Johnson stated Council received them; whatever is written is considered as if James was here discussing it. Council member Montgomery stated this is going to shape the City; this is going to define what our residential areas look like, and if Council member Boyle Barrett is right and there are not enough incentives in the residential cluster for developers to choose that option, than none of this is going to get implemented. Administrator Schmidt stated it will, based on the amendment that Council member Montgomery is proposing. Administrator Schmidt stated it would apply to every zone in the City. Council member Montgomery stated his intent is for it to be only for long plats. Administrator Schmidt stated how you would accomplish that would be to take these design requirements and move them to Title 18 under the subdivision regulations. Attorney Olbrechts stated it could be worded under the bulk modifications that it refers to long plats only. **Council member Montgomery rescinded his motion for amendment. Council member Reed rescinded this second. Council member Montgomery moved to add the language in 19.20.010 that states each duplex dwelling shall have an attached or detached two car enclosed garage per unit to 19.23.080. Council member Reed seconded the motion. The motion for the amendment then failed 3-4.**

Council member Weigelt moved to amend the original motion to have side setbacks be a minimum of 10 feet for all residential dwellings, with the exception of duplexes and town homes having zero side set back with the required one hour firewall. Council member Reed seconded the motion. Council member Weigelt stated he thinks this is a bad idea and we should leave it the way it is. Council member McNally stated the reason he put in 10 foot side setbacks is for fire and life safety. The twenty foot separation is not very large. **The motion for the amendment then failed 2-5.**

Council member Weigelt moved to amend the original motion to have lot sizes for clustering or PUDs be no smaller than 4,500 square feet. Council member Reed seconded the motion. Council member Weigelt stated he is against this idea. Council member McNally stated 4,500 square feet is minimal. There are currently only two lots in the City right now that are less than 4,500 square feet. He doesn't believe that the Council understands what 4,500 square feet is. Council member Reed stated he thinks

the key is less about the size of the lot as opposed to what you are putting on it. **The motion for the amendment then failed 2-5.**

Council member Weigelt moved to amend the original motion for two story dwellings, the second floor shall be 30-50% smaller than the first floor unless approved by the ARB. Council member Reed seconded the motion. Council member Weigelt disagreed with the concept and feels we should leave it the way it is. Administrator Schmidt stated it would not be the ARB that would approve it, it would be the Board of Adjustments. Council member Montgomery stated this gets back to what Council member Reed stated that it is not so much the size of the lot but what you put on it, and right now the current code would allow a 3,980 square foot home plus a garage on a 6,000 square foot lot if that is what you want this town to look like. Council member McNally stated the regarding that variance what he was trying to get to was the wrap around porch issue that was brought up at the last meeting. Council member Reed stated he likes the goal but he is thinking that maybe a better way to achieve it would be through the lot coverage, still keeping the 10% we currently have on the books and address the smaller home/smaller lot in lot coverage size. **The motion for the amendment then failed 2-5.**

Attorney Olbrechts stated about a month ago King County had an ordinance that prohibited clearing more than 50% of the property in rural areas. The Seattle Times called it one of the strictest regulations in the country and the State Supreme Court agreed and threw it out, and said if you are going to tell someone they can't develop any portion of their property you have to have a good reason for it and it has to be specific to that lot. The most vulnerable type of regulation is the impervious surface standards. At this point if you are doing anything that is a lot more restrictive than what other communities have you are fairly vulnerable.

Council member Weigelt moved to amend the original motion to change the matrix for LI to C rather than X everywhere GC has P uses. Council member Reed seconded the motion. Council member McNally stated everywhere on GC (General Commercial) where it has permitted uses and is the same space where LI (Light Industrial) has (X) or prohibited uses, he feels the LI should be (C) conditional rather than prohibited. This would allow more business to come into Buckley and give more area to be able to bring businesses into Buckley and we are not going to limit the amount of business. If it is okay in general commercial it should be okay to be conditioned under light industrial. This is where our main tax base is going to come from. Attorney Olbrechts asked if this is something that has been discussed before. Administrator Schmidt stated it has not. The reason there is a split between the general commercial and the light industrial is because your light industrial is usually your large warehouses and that is where your jobs are going to be created. Your general commercial is usually service jobs and retail that really doesn't provide a living wage and so you have separate areas for that. Discussion ensued. **The motion for the amendment then failed 1-6.**

Council member Weigelt moved to amend the original motion and prohibit cedar shake roofs in the City of Buckley. Council member Reed seconded the motion.

Council member Weigelt stated he doesn't think this is a good idea. Attorney Olbrechts stated in the other communities he worked with, some have tried to do. He thinks this would require State Building Code Council's approval. **The motion for the amendment then failed 2-5.**

Council member McNally moved amend the original motion to change the matrix to allow Electric distribution substation in the R-6000 zone. Council member Montgomery seconded the motion. Council member McNally stated this has been discussed in committee and the gentleman is here tonight. Administrator Schmidt stated this hasn't been discussed at public hearing. Attorney Olbrechts stated this would require another public hearing. **The motion for the amendment then failed 2-5.** Administrator Schmidt stated what we can do is Associate Planning Director Rashid is in the process of gathering names and developing a roster of rezones. We are going to go through a Comprehensive Plan Amendment and Rezone. We can put PSE on that list and rezone it to general commercial.

Council member Boyle Barrett stated a lot of the amendments proposed by Council member Montgomery relates to the park plan and elements we will find in the park plan so she is wondering why would want them in the design criteria for zoning if it is already located in the park. Mayor Johnson stated or is it just a reference to the park plan.

Administrator Schmidt suggested we take a 10 minute break and have he and Attorney Olbrechts go over the amendments proposed by Council member Montgomery and see which one's would constitute another public hearing and which ones would not. The Council then took a 10 minute recess at 9:50 PM. The Council reconvened at 9:59 PM.

Administrator Schmidt stated he is going to read a list of the numbers from Council member Montgomery's amendments that they believe will require additional review and a hearing for. Every number we haven't stated can be discussed or an amendment made on it. The following numbers are the items that would require additional review and public hearing: 4, 5, 6, 7, 9, 11, 12, 14, 17, 18, 20, 21, and 27. All the remaining numbers you are free to consider for adoption. **Council member Weigelt moved to amend the original motion to include the following items from Council member Montgomery's amendments; 4, 5, 6, 7, 9, 11, 12, 14, 17, 18, 20, 21, and 27. Council member McNally seconded the motion.** Council member Weigelt stated he doesn't think we should approve these because it will require and he doesn't think that is a good deal. Council member Montgomery asked why item #20 is in there when open space has been talked about extensively. Administrator Schmidt stated because of the extensive requirement going from 10% to 20%. Council member McNally stated wasn't that discussed heavily at Planning Commission and committee and brought before Council before. Administrator Schmidt stated the recommendation out of Planning Commission and the recommendation out of Building/Zoning/Environmental was 10%. What was discussed was the 50% of the 10% as being active. **The motion for the amendment then failed 2-4.**

Council member Weigelt moved to amend the original motion to include item #8 from Council member Montgomery's amendments. Council member Montgomery seconded the motion. Administrator Schmidt stated it changes the front yard setback from 15 feet to 14 feet and ups the porch requirement from 1/3 to 2/3 of the frontage. **Council member Weigelt withdrew his motion. Council member Montgomery withdrew his second. Council member Weigelt moved to amend the original motion to include items #8, 10 and 13 from Council member Montgomery's amendments. Council member Montgomery seconded the motion and the motion for the amendment carried.**

Council member Montgomery asked about item #6, it is a similar amendment so what sets that apart from 8, 10 and 13. Administrator Schmidt stated it was for more than one foot change. Council member Montgomery stated it only changes it from 10 feet to 90 feet. Administrator Schmidt stated that was an oversight and it is okay. **Council member Montgomery moved to amend the original motion to include item #6 from Council member Montgomery's amendments. Council member McNally seconded the motion and the motion for the amendment carried.**

Council member Weigelt moved to amend the original motion to include item #22 from Council member Montgomery's amendments. Council member Ramsey seconded the motion. Council member Boyle Barrett asked for the "five to eight" is. Administrator Schmidt stated it is for the landscaping buffer in the commercial zones. Administrator Schmidt stated you could probably amend your motion to include all the last items. **Council member Weigelt rescinded his motion. Council member Ramsey rescinded her second. Council member Weigelt moved to amend the original motion to include item #22, 23, 24, 25 and 26 from Council member Montgomery's amendments. Council member Ramsey seconded the motion and the motion for the amendment carried.**

Council member Montgomery moved to amend the original motion to change 19.23.070 Open Space Set Aside to have 100% of the 10% of open space be active open space. Council member Reed seconded the motion. Council member Montgomery stated this was the original open space set aside 10% active open space set aside. Council member Weigelt stated that mean 100% has to be active. Mayor Johnson stated yes in the residential cluster. **The motion for the amendment then failed 3-4.**

Attorney Olbrechts wanted to make sure the Council is comfortable with the changes being made and not seeing the document again because that is what the current motion is on the floor. If you want to see the document with the changes before you vote on it, then the motion will need to be changed. Council member Boyle Barrett would like to have it back because there is one change she wants in here that didn't get addressed but she doesn't know the location. It is a really simple change, the one the Council talked about architectural style versus treatments. **Council member Boyle Barrett moved to amend the original motion to change the language to include treatments instead of architectural style in the residential cluster and cottage housing. Council member Twardoski seconded the motion. The motion for the amendment then passed.**

The main motion then carried with a 5-2 vote.

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 29, 2008 Special City Council meeting.

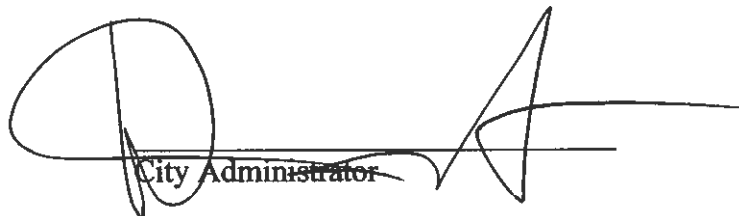
Approve the minutes of the August 26, 2008 City Council meeting.

Claim check numbers 41848 through 41969, in the amount of \$ 224,594.72, for the period of August 27 through September 9, 2008; Payroll check numbers 28409 through 28529, in the amount of \$ 298,723.94; and Treasurer check numbers 10455 through 10470, in the amount of \$ 14,001.39 for the month of August 2008 are hereby approved and ordered paid this 9th day of September 2008. Approve Transfer Voucher for the month of August 2008 and Treasurer's Receipts for month of August 2008.

With nothing further the meeting was adjourned at 10:20 PM.



Mayor



City Administrator