



BUCKLEY CITY COUNCIL MEETING AGENDA
September 22, 2009
Multi-Purpose Center, 811 Main Street
City Council Meeting
Opening 7:00 P.M.

Call to Order
Pledge of Allegiance
Roll Call of Council Members

Next Ordinance #10-09
Next Resolution #09-17
Next Agenda Bill #AB09-83

Committee Reports

1. Admin & Finance
2. Public Safety
3. Building & Zoning
4. Utilities
5. Streets, Sidewalks & Storm Drains
6. Parks & Rec & Cemetery
7. Community Services
8. Mayor's Report:
9. Staff Reports:

Ramsey
Barrett
Twardoski
McNally
Patson
Montgomery
Reed
Johnson

Citizen Participation

Time Limit of Five Minutes (Must sign up at City Hall by Wednesday prior to the Council Meeting)

10. Marvin Sundstrom: The Budget, and the Planning Agency

Main Agenda

- 11. Public Hearing: RV Park Regulations**
12. ORD No. ___-09: RV Park Regulations
13. ORD No. ___-09: Establishing the Position of Hearings Examiner
14. Realignment Wetland Delineation Change Order
15. Natural Gas – DSHS Rainier School – 12 Month Contract Extension

- 16. Executive Session: Potential Litigation**

Consent Agenda

17. A. Approve Minutes of September 8, 2009
- B. Claims

City Council
September 22, 2009

Mayor Johnson called the regularly scheduled meeting to order at 7:01 PM.

Upon roll call the following members were present: Reed, Montgomery, McNally, Boyle Barrett, Ramsey, Patson and Twardoski.

Mayor Johnson asked if there were any additions, deletions or changes to the Agenda. Chief Predmore asked to add a Resolution. Council member McNally requested that we pull the Minutes from the Consent Agenda.

Admin & Finance: Council member Ramsey stated they did not have a meeting. Their next meeting is October 5th at 5 PM. It will be their 3rd budget meeting.

Public Safety: Council member Boyle Barrett stated that Public Safety has not had a meeting, but they have a meeting tomorrow at 5 PM at City Hall.

Building & Zoning: Council member Twardoski stated they had a meeting. Clips by Kim brought in pictures in and we thought those looked pretty good. They did a very good job. We also got a request from the coffee shop and they want to put printing, large size printing, on their building. We think it looks good. It's old fashioned, but it's very large. It is larger than it's supposed to be. But it is old fashioned and we think it's in keeping with the old fashioned state of the building. The other building that was torn down had large printing on the side that said Stever Brothers. They want to put their coffee shop logo so you can see it from the highway. Council member Montgomery asked if this will be on the west side of the building and Council member Twardoski said yes. Council member Reed said one of the things they talked about at committee was we felt that what they're proposing does tie in with the spirit of the historic district, but it is by far not allowed, yet you can go back and see that style of signage in that district previously. We just felt a little uncomfortable approving it without some input from the Council. His personal opinion is that we need to go back to the sign code and address that particular style of sign. Council member Montgomery said it seems like a good place to address it would be by bringing the sign code back and taking a look at it. Council member Boyle Barrett said she thinks that we need to make sure that we don't jump the gun and that we do due diligence in identifying any conceivable building in that area that could request something similar. And, the other thing to address is you are talking about an enormous square footage covering so in the event that a business folds who is responsible for removing it. A lengthy discussion ensued regarding this request and other businesses making similar requests, and what is allowed by the City's sign code. Council member Reed said I think we need to go back and sit down with the proponents. I think we've got a pretty decent idea of where the Council wants to go. We are not outright opposed to it, but we need to figure out a way. Council member Montgomery asked in the meantime do you want to take a look at the sign code as well. Council member Reed said yes. That's the other piece. We'll need to come up with

some sort of verbiage on that. Council member Boyle Barrett said she thinks that the process should not be to directly work with the business but rather look at the sign code first, it's already been through the public process. It was a long drawn out public process to make sure everything is legal and could be enforced. Look at the other areas where they could potentially do that and figure out if we want to make those changes. Don't get their hopes up that we're going to alter the sign code to deal with them and then turn around and look at the sign code and say maybe not. We need to know if we can just allow that in one area and no place else. Council member Twardoski said their next meeting is October 5 at 6 PM and we'll look at it again.

Utilities: Council member McNally stated they did have a meeting on the 15th of September. That was just basically for him to get a consensus with the committee and figure out where we're going and what everybody's ideas were so we don't waste the staff's time on going over some of the issues that we had before. We discussed budget billing. It would be a nice thing to have but it's not mandatory. We looked at transfers into 401 and 404 and we're looking at possibly changing some of those figures. We talked about the gas department and some of the changes that might need to be made. We would still like to lower our gas rates, and we also talked about our low income as far as the percentages between the general public and senior citizens. Council member Boyle Barrett said as far as transfers go, before we limit what we transfer into 404 we need to know what the capital improvement project list is to make sure that we are not cutting that off. Council member McNally said he agrees and he will have that list for their next meeting.

Streets, Sidewalks & Storm Drains: Council member Patson stated they did not have a meeting; however, they are holding their first budget meeting on September 24.

Parks, Recreation & Cemetery: Council member Montgomery stated they have not had a meeting. Their next scheduled meeting is October 7th; however, at our last meeting our Recreational Services Director said she will be unable to make that so she was going to come up with some dates.

Community Services: Council member Reed stated that they had a meeting on September 14 and the main topic of discussion was the Complete Count 2010, the Census for 2010. We met with two representatives from the Census Bureau. They are the outreach folks that are getting everybody up to speed to make sure we get a total count. \$400 billion dollars a year is distributed in this country based on census numbers. It doesn't matter what those numbers are, but we need them to be accurate. Next year's census will not be a long form census. It is a short form with 10 general questions, and then specifics about each person who lives in the household, male, female, age range, relation to others in the house, etc. There are websites to go to if you need additional information and we will be putting more of that out. We came up with some ideas just for letting people know that the census is coming and to stand up and be counted, so we're working on getting the details. There may be some funding available from the Census Bureau if we do some promotional things. The Census Bureau is allowed to promote the census, and they will give up to \$2,999 for a project to help promote the

census, but it can't go to advertising and it can't go to food. Our next meeting will be October 6th at 6:30 at City Hall and it will be follow up on the Census.

Mayor's Report:

Mayor Johnson stated that she has been attending the Puyallup River Executive Task Force meetings. It started out as the lower Puyallup from Orting down, but they have extended it to include all of the water shed area, which includes the White. This group will be making some recommendations to the County Council concerning storm drainage and flood control, very similar to what you're seeing happening along the Green River. If we choose to participate, there will be some cost involved. The Army Corp of Engineers is going to be doing a study, which they estimate is going to take four or maybe five years. So, there will be a proportionate cost. Our other alternative, because we are so high on the river, is to not take an active role in participation; however, we will have to accept any legislation they choose to impose on us, because our storm water goes in first. So, it's something for the Council to think about. Having a say is going to come with a cost, but having no say I'm sure is going to come with a cost. I'll get all the information to the Council when it comes to me so you can start thinking about which approach the City needs to take on that. Council member Reed said one of the things to keep in mind is that we are acquiring that property along the White River and in the winter it floods. So, if we are talking utilizing that space for anything other than what it's currently utilized for, which is a natural space, we really need to be at the table so that those issues are brought up.

Mayor Johnson said at the last Council meeting you gave me two tasks. One is actually #14 on the Agenda tonight. I did get a hold of Mr. Kemp about the change orders and why he didn't call us. He was very apologetic and said that was not his normal business practice. When he was on-site and looking at the land he knew that after he had done the twenty-five sites that we had authorized him to do, at that point he could not justify delineations and he kept working until he could. It wasn't until he got back to his office that he realized that he'd gone way over what we had asked him to do. He said that with what we had authorized him to do that we would not be able to use any of the railroad right-of-way property as an enhanced wetland. With the additional work that he did, we can. So, we have a choice. We can go with the original scope of work, in which case it's not going to work; we're going to have to go out and buy two to two and one-half acres of commercial property. With the additional he felt very confident that we could use that for wetland mitigation, and I think that might achieve our goal. If we decide to move forward with this, he will also come to the Council at no additional cost to explain the additional work and how he achieved the goal we were trying to reach.

Mayor Johnson said the other item was on the signing of the grant for the Shorelines Management Plan that we need to bring up to date. I spoke with Kim Van Zwalenburg and she assured me that this was just a normal scope of work and grant application. It just lists everything that we are required to do. There are certain dates and certain items in certain forms. If you read through, it's all very standard. Again, this is being offered to cities that have to do a Shorelines Master Plan, so we have an opportunity to get \$20K

each for the next two years, and the possibility of a third year extension of \$10K, and most of this work will be done by the consultant. Mayor Johnson said she will go ahead and sign this grant application.

Staff Reports:

Chief Predmore said he distributed a staff report regarding the transfer of funds from the Fire Equipment and EMS Reserve fund to the Fire Station Construction Fund. We had a little bit of discussion about this as we were going through the process of negotiations on the property and discussed it more with the Public Safety Committee at our last meeting. The situation we have is to complete the acquisition of property and to move forward in the planning for the fire station project, at least to the point that's been approved by Council so far. We will need to have additional funds in fund 134, or the Fire Station Construction Fund. The options were considered on where potential funding could come from and the place that it seemed to be easiest and cleanest was to take a temporary transfer of funds from the Fire Equipment Reserve Fund to the Fire Station Construction Fund and at a later point in time repay those funds to the Reserve Equipment Fund. I have prepared a Resolution for the transfer of funds. The main reason for having the Resolution for the transfer of funds is just so that we have some way to recognize that those funds will go back into the Reserve Equipment Fund at some point in time so that some years down the road we don't end up backwards in our Reserve Equipment Fund when it comes time to replacing major capital equipment items and not have the funding there to do it. **Council member Boyle Barrett moved to approve a resolution of the City Council No. 09-17 authorizing the temporary transfer of funds from the Fire Equipment and EMS Reserve Fund 130 to the Fire Station Construction Fund 134. Council member Twardoski seconded the motion. Motion carried.**

Chief Predmore said he wanted to bring the Council up to date to where we are in the Purchase and Sale process of the property as well as in the response to our Request for Statement of Qualifications from architectural services. First in addressing the Purchase and Sale Agreements, we have been working to get everything resolved that needs to occur so that we can go to closing. One of the issues right now which we are negotiating is both of the church properties working with the property owner to the south and resolving a discrepancy in where the surveyed property was versus where the fence has been for 100 years. Their agreement for a boundary line adjustment was executed and the agreement was filed and recorded with the County, but they've never taken the step to actually complete the boundary line adjustment. So, in our request for title commitments from the title company, the recording of this agreement has come up without it actually being resolved, so we are waiting for a response back from the title company right now on whether we can move forward with that or whether it would require a waiver on the part of the City to acknowledge that we understand the agreement exists, or what we have to do to be able to get the title commitments to move forward towards closing. Both of the property owners have been notified that agreement is causing the delay. They have not actually, either of them, executed the Purchase and Sale Agreement; they have looked at it but they've never executed it. In that agreement it did call for closing on or before

October 1st. We're making a revision now to move that up to probably November 1st so that we still have time to get everything completed, but we're moving forward on that.

Chief Predmore said in the Request for Submittals and Statements of Qualifications from architect services, we had hoped for maybe eight or ten; the market being what it is we received twenty-two. We had a committee consisting of myself, two of our fire fighters, the building official and the city engineer who went through an independent evaluation and scored each of the submittals based upon criteria that was identified in the advertisement for a State of Qualifications. With that we have created a short list of five firms, and all of the firms have been notified where they stand in that selection process, and we are currently scheduled to conduct the interviews and see the presentations of those five final firms on Thursday, October 1, beginning at 9 AM. The rating committee that will be scoring those presentations and questions that have been formatted to ask each of the potential firms will be the Mayor, Council member Ramsey, myself, Assistant Chief Boyle and Building Official Dean Mundy. We will probably also have a couple of our fire fighters who will just be sitting and observing but not involved in the scoring and evaluation process of that. I expect that by end of the day on October 1 we will have some kind of a recommendation as to who we would suggest be the firm.

Citizen Participation:

Marvin Sundstrom, 881 Sheets Road, Buckley, WA: He said he'd like to talk a little bit about the planning agency. While it's healthy to see a good debate on a subject, in this case some of you need to realize that you're defending a really bad decision, in my opinion. White River Ridge, we call it Elk Heights now, is an example of a project done with poor planning. The Council was left out of loop. They weren't given the information that was available, like the access roads and things like that, where they could make an informed decision. I think the way that project evolved had a lot to do with the fact that we didn't have enough eyes and ears paying attention to what was going on. There is a limit to what one or two people can do; an extra person being there makes a lot of difference. Mr. Sundstrom said he has been to all the budget committee meetings. The City Administrator has already pared what appeared to be a shortfall to a surplus by charging to the proper accounts, and I agree with him more cushion is needed. I believe that his advice should be followed in this case and the department heads be asked to come up with savings to meet a target to allow some flex in that budget. I believe that's potentially a good deal. My observation is, from attending all the budget meetings, that funds exist within the framework of what has already been done to maintain this vital function. The Council members on Admin & Finance need to step up and show that their membership on that committee is something other than window dressing. I recognize a planning agency is not as high profile as some other departments, but I believe it to be necessary for the long term health of the City. How often have we heard when something has not been included in the building code, or some builder doesn't have something in the comprehensive plan, well there just wasn't enough time to do that function; we didn't have the people. So, the taxpayers eventually end up getting to pick up the tab. I believe the planning agency to be a necessary and integral part of running this City. Cutting the planning agency would be a step back in time. To date, we

have shown, and this has been through all my time in this City, very little respect for the planning function, and needless to say it probably shows in the kind of people that we can attract. If we continue to become a graveyard for planners, it's going to be an all downhill shot. We have a planner in place who is quite capable, who understands our system. This planner also has skills which can be utilized in allowing the Council better oversight of what is taking place within the City. At this point in time I can see zero reasons to change that. As for funding for the position, I will repeat myself, it exists. It will be nothing unusual, other than it will be permanent. In closing, if you feel you really need to make a cut, and contrary to some opinions about everyone working very productively, there is a real opportunity to remove some redundancy without the City missing a beat and at a very healthy cost savings. I can give you specifics if you want to hear them.

MAIN AGENDA

Public Hearing – RV Park Regulations:

Mayor Johnson recessed the City Council Meeting and opened the Public Hearing at 8:13 PM.

Marvin Sundstrom, 881 Sheets Road, Buckley, WA: Mr. Sundstrom said he only has a question to ask. You drive around the City and every so often you see a motor home parked and you see garbage sitting beside it, and I'm wondering do these regulations have something that will cover that? Those people are creating an impact on the City just like a house is, and they should be paying their fair share of the taxes. Council member Reed said are you talking about an RV that is at a residence? Mr. Sundstrom said an RV that is at a residence; we have more than one around the City. It just strikes me that they aren't picking up their share of the tab.

City Administrator Schmidt stated that the Eagles submitted written comments to the Council to consider, and their concern is that their members out there on the Eagles lot park their RVs there occasionally and spend a few days and the City has been permissive with that for several years, and I believe they actually have a conditional use permit for a caretaker unit out there. Their concern is that this RV ordinance is going to somehow impact their ability to continue to use the site. I think the City Attorney has looked at it and is going to put some language in there. City Attorney Olbrechts said it probably is not necessary because it's grandfathered in, but if any of these regulations here could be considered to be operating restrictions as opposed to construction use regulations, we might want to make it real clear that none of this applies to existing parks. So, I can throw in a section. City Administrator Schmidt said just to address the Eagles comments for the Council's benefit if that is something that wants to be considered when we get to the ordinance itself.

Mayor Johnson closed the Public Hearing and reconvened the City Council Meeting at 8:16 PM.

ORD No. 10-09 RV Park Regulations:

Council member Reed moved to approve Ordinance No. 10-09 adding Chapter 19.35 to the Buckley Municipal Code Regulating RV Parks and Campgrounds. Council member Montgomery seconded the motion. Council member Reed asked when we were doing this did we not talk about caretaker units or caretaker facilities. Council member Montgomery said 19.35.090 (a) on page 8, under accessory use of recreational vehicle park. The only distinction I think I would make is that I don't think we want future RV parks to have their caretakers quarters be RVs. Or, maybe we do, I don't know. A discussion ensued. **Council member Boyle Barrett moved to refer this ordinance back to committee. Council member Ramsey seconded the motion. Motion carried.**

ORD No. 10-09 Establishing the Position of Hearing Examiner:

Council member Boyle Barrett moved to approve Ordinance No. 10-09 Establishing the Position of Hearing Examiner. Council member Patson seconded the motion. Mayor Johnson said she has one question, is this interim or permanent? City Administrator Schmidt said this is an additional interim. City Attorney Olbrechts said the last one expired. Council member Boyle Barrett asked did the original ordinance state it was for applications of 50 units or more? City Attorney Olbrechts said yes. Mayor Johnson said what has happened here is that the interim was set to expire, so the process is the same; we just brought the same ordinance back. City Attorney Olbrechts said there will be a hearing within sixty days, like last time, on the interim ordinance. **Motion carried.**

Realignment Wetland Delineation Change Order:

Council member Montgomery moved to approve Addendum #1 and #2 of the ENCO Environmental Analysis Proposal. Council member Boyle Barrett seconded the motion. Mayor Johnson said if this passes, do you want him back to talk to us? He said he would come speak to the Council and there would be no charge for that. Council member Montgomery said I am wondering if it would make more sense if we have him come speak to the Council before we pass this. Council member Reed said no, I really don't think so because I tend to believe that he is correct in that the scope of work we gave him was not detailed enough to accomplish the task we sent him to accomplish. That piece I really don't have any problem with. The fact that once he got his boots on the ground he found out with this scale of testing we're not going to be able to accomplish the goal; I have a problem with him saying we'll just do it and charge them. It really makes me angry. A discussion ensued. **Motion carried.**

Natural Gas – DSHS Rainier School – 12 Month Contract Extension:

Council member Montgomery moved to approve the Contract Amendment to the Agreement with DSHS for natural gas for the period 10/1/09 through 9/30/10. Council member Patson seconded the motion. Motion carried.

CONSENT AGENDA

Council member Reed moved to approve the Claims. Council member Twardoski seconded the motion. Motion carried.

Claim check numbers 44121 through 44140, in the amount of \$495,708.46 for the period of September 9, 2009 through September 22, 2009 are hereby approved and ordered paid this 22nd day of September, 2009.

Mayor Johnson said next is approval of the Minutes for September 8, 2009. Council member McNally said that this is just a personal agenda item of mine. There was quite a bit of controversy I thought at our last Council meeting, and there was a lot of discussion and differences of opinion, and I think there were a few Council members who had some language that I feel should basically be in the Minutes, the typed Minutes. The reason I say that is because a lot of times I go to the internet and our citizens go on the internet to read those Minutes. And, sometimes when we have a controversial issue I think it would behoove us to let the public understand what's really going on instead of them having to come in and purchase a CD at \$10 to understand. This budget is a huge issue for all the citizens in Buckley and so I think if they could actually go into the web and read the Minutes, that's a good thing. Mayor Johnson asked for a motion to approve the Minutes. **Council member Boyle Barrett moved to approve the Minutes. Council member Patson seconded the motion.** Council member Boyle Barrett said she wants someone to explain to us what the Minutes are actually supposed to reflect. City Administrator Schmidt said action minutes. Mayor Johnson said and there was no action taken. City Administrator Schmidt said to do verbatim set of minutes takes an extensive amount of Joanne's time. Council member McNally said he understands Joanne's time, and I'm sorry I know it takes a long time to type those minutes and everything else, but I thought that maybe there was a little bit of action. I asked for a Point of Order a couple times. There were several comments made by different Council members, basically three that I know of, but I thought that they had very valid points and I think that the public should be aware of those points and what is going on as far as our budget and everything else because it's going to affect all of the citizens out there. I know I go onto the web a lot of times to read the minutes and I know that there are several other citizens that read that. There are some citizens that think these meetings should be recorded on TV and I think that might even be a good idea. Mayor Johnson said cost, it's the cost. Council member McNally said but we have some senior citizens that can't actually come to the meetings and they would like to be able to see it on TV or read it on the internet. That's the only access they have for coming to City Council. City Attorney Olbrechts said the legal minimum required is simply action items, I mean substantive motions to approve ordinances and that kind of thing, but the Council by majority vote can decide to make any particular set of minutes more detailed if they want. You don't have to be consistent from one to the other; you just have to have that minimum of action items. So, if the majority of the Council wants to have more detail in these minutes, you just adopt that by majority vote. Also, on the issue of recording, some cities are now posting the recordings on the web, not visual, just the sound. Mayor Johnson said we also make it available at City Hall. City Administrator Schmidt said they don't have to purchase it; they can come

in and listen to it. Council member McNally said yes, but a lot of the citizens that can't come into the City Council to sit here and listen to us can't necessarily get down to City Hall to listen to it down at City Hall. Council member Reed said as one of the big mouths at the last City Council Meeting, and Council member McNally and I spoke a little bit about it earlier this evening, we do have an action item set of minutes and typically the discussions on even the action items are not included, but I also tend to agree that we started this budget cycle having to cut a quarter of a million dollars out of the budget, so any budget discussion that we can give out to the public, and I don't think anybody here thinks that we communicate with the public too much. People tend to think everything is going great until it affects them directly, and that is why we have an audience of three or six people on a big night, but when we're talking on budget items, when we're talking about closing the planning department, closing the Youth Center, closing the Senior Center, reducing or closing Buckley Hall, these are all items that are out there that could be a reality, putting off equipment replacements for fire or police. We haven't discussed cutting a police officer other than in passing, but we also aren't hiring a police officer and you know that the Chief has really been trying to get additional people the last couple of years. I know for myself having done this for several years, I hate budgets, and to expect the public to come in and sit in on budget meetings at times would be mind numbingly painful. I can understand and even agree with Council member McNally's request that when we're having controversial discussions we need to try and find a way, whether it's hard copy minutes or putting a file on the website, but especially when we're having to cut a quarter of a million dollars it becomes more and more important to get that out to the public. To me it's kind of like the folks from Admin & Finance, and if everything that was discussed in Admin & Finance comes in your committee report, you guys talk really slowly, so I'm making the assumption that a lot of stuff isn't in the minutes. Why, because it's impossible to get that done. So, magnify the questioning that has been done to Admin & Finance from the rest of the Council and extrapolate that out to the City. The citizens are going to be asking those same kinds of questions. Council member Ramsey stated so the suggestion from the City Attorney was we can ask for the meeting minutes from that particular meeting be put back in the minutes then. City Attorney Olbrechts said more detailed, yes, more detailed for that one meeting. Right now you have a motion on the floor to approve these Minutes and you'd have to vote to deny it and then make a motion to have more detailed Minutes prepared for this particular date to come back for approval. Council member Boyle Barrett said we had a long drawn out discussion last week, a committee made a recommendation, but it was not Council action that was taken, it was the Mayor that took action, and so that is not up for debate by us. It may need to be reported to the public; I think that it's a valid point. It wasn't a scheduled workshop and so it's technically something that I'm sure is going to be touched on again tomorrow during our scheduled workshop. It takes a lot of work to produce verbatim minutes and we're in a budget crisis. Council member Reed said while he understands the amount of work and I understand the cost of producing that level of work, it becomes more important to have a higher level of transparency when you have to make hard, negative decisions. Council member Boyle Barrett said we didn't as a Council make a hard, negative decision; that wasn't Council action. Council member Reed said yes, we won't make that decision technically until December 31st. Council member Boyle Barrett said we still have two more workshops that we're going to

go through to discuss the 2010 budget. Council member Reed said yes, but technically the decision won't ever be made until a motion is moved to approve the 2010 budget and we approve it or deny. Council member Ramsey asked is there a motion on the floor right now. Council member Boyle Barrett said the motion is to accept the minutes. Mayor Johnson said we can vote no and then go into another motion. **Motion failed. Council member McNally said he would like to make a motion that the typed Minutes reflect more accurately of our discussion on the planning division last Council meeting. Council member Reed seconded the motion. Motion carried.**

Mayor Johnson recessed the City Council Meeting at 8:50 PM for a five minute break before going into Executive Session.

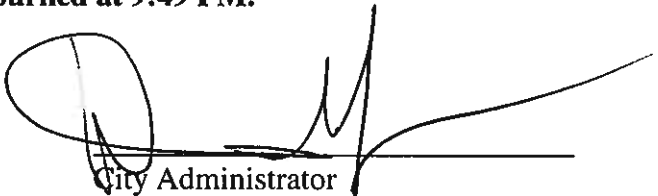
The Council retreated into Executive Session to discuss potential litigation at 8:57 PM for 15 minutes with no action to be taken.

The Council returned from Executive Session at 9:46 PM.

With nothing further the meeting was adjourned at 9:49 PM.



Mayor



City Administrator