

**City Council**  
**February 24, 2009**

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

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

Mayor Johnson asked if there were any additions, changes, corrections or deletions to the Agenda. City Administrator Schmidt said he has a resolution requested by the Fire Chief for authorization for representative signatures on the emergency documents related to FEMA and State EMD, and a resolution approving the Pierce County Solid Waste Plan. Also, we have an Executive Session on potential litigation.

**Admin & Finance:** Council member Ramsey stated they did not have a meeting; however, Council member Reed wanted the Council to give their consensus on budgeting \$1,000 for education or conferences for the Council. City Administrator Schmidt said you currently have \$500 in miscellaneous for travel and training and now the Council just needs to make a motion and authorize exceeding that amount by an additional \$1,000. Council member Ramsey asked where the money comes from. City Administrator Schmidt stated that it comes out of the General Fund. Council member Boyle Barrett asked if we should look at this at committee, and Council member Ramsey agreed. Their next meeting is Monday, March 2nd at 6:30 PM.

**Public Safety:** Council member Boyle Barrett stated that Public Safety has not had a meeting. Their next meeting is March 4<sup>th</sup> at 5 PM, at City Hall.

**Building & Zoning:** Council member Twardoski stated they have not had a meeting. Their next meeting will be Monday, here, at 6 PM.

**Utilities:** Council member McNally stated that Utilities has not had a meeting since their last one. They have had a few correspondences through e-mail regarding our Waste Water Treatment Plant, and we are going to have a Change Order #5 coming up later on. It will probably be brought to Council at the next meeting. That is for some paving work at the entrance to the Waste Water Treatment Plant. Their next meeting will be March 3rd at 5 PM.

**Streets, Sidewalks & Storm Drains:** Council member Weigelt stated that they met tonight at 6:30 PM. They reviewed the waiver that we will discuss tonight, and they recommend going with staff recommendations on that waiver. We also talked about an opportunity where we may be able to do some paving on Hinkleman. Marion Water needs to have some mains replaced and Interwest is offering to do some sort of paving in relation to that. We are recommending that staff look into that and see if there is an

opportunity for us to get some paving done in an inexpensive manner. We will be having the Rain Garden Workshop on March 5<sup>th</sup> and twenty-nine people are already signed up, and usually we'll get a few more than that so we will not be surprised to see over thirty people. We have a Street, Sidewalk & Storm Drain meeting on March 6<sup>th</sup>. That will start at 9 AM and we will take as much time as we need to get the work done. Council member Weigelt stated that he put his house on the market and he bought a rambler, which means that because of the residency requirement he is not going to be able to stay on the Council for the rest of the year. It looks like March 31<sup>st</sup> will be his last day on the Council.

**Community Services:** Mayor Johnson stated that there have been no meetings.

**Parks, Recreation & Cemetery:** Council member Montgomery stated they have not had a meeting. Their next meeting will be March 4<sup>th</sup> at 6:30 PM, at City Hall.

### **Mayor's Report:**

Mayor Johnson stated that last week she and Council members Montgomery and Reed attended the AWC legislative conference in Olympia. The session was informative but no legislators from our district came to the reception in the evening.

Mayor Johnson said we have two appointments to make tonight for the Planning Commission. First is Chad McCorkle, and the other is Panasiuk. We have three vacancies on the Planning Commission and Chad McCorkle has graciously stepped forward. **Council member Weigelt moved to approve Chad McCorkle for the Planning Commission. Council member Twardoski seconded the motion. Motion carried.** Mayor Johnson stated that we have advertised heavily for Planning Commission members. Hopefully, we have one more coming on board, and I have leads on another. We will have three brand new members on the Planning Commission, and as we go forth with the VanSickle's Landing project, because it is such a large project and because Cindy Maas is having to step aside because her property butts up next to VanSickle's Landing, we have talked about going to a Hearings Examiner process. We have thought about doing a Hearings Examiner for large plats, and with three or four fresh people on the Planning Commission with no background knowledge on building and zoning, this may be a good opportunity to try the Hearings Examiner process. City Administrator Schmidt stated that the Hearings Examiner would be the hearing body for the City, so he or she would conduct the public hearing on the land use application and then would make a formal recommendation with legal fact and findings to the City Council. Then the City Council would have the final decision on whatever that is. Mayor Johnson said this is a cost that is absorbed by the developer. City Attorney Olbrechts stated that the MRSC risk pool strongly advises that cities use hearings examiner systems just to reduce the liability of the whole land use process, especially for big projects. With the system that you have now, the Hearings Examiner replaces the Planning Commission, but it doesn't make the final decision. It just holds the hearing and then puts together a very detailed narrative of what all the citizens had to say, so you know exactly what their concerns are. It is the examiner's job to address those concerns

in the context of the sub division laws, and then give you recommendations about what to do with it. Once you get that recommendation, you can look over the citizen's comments and the examiner's analysis of the lot and come up with your own conclusions. The only difficult part, and this would apply whether or not you had the Planning Commission or the Hearings Examiner, is that once the recommendation gets to you you cannot hold another hearing. City Administrator Schmidt stated that this is something that needs to be done fairly quickly. Mayor Johnson said the first step is to direct staff to create the ordinance. City Attorney Olbrechts said that it will be a short, easy ordinance; that is not the difficult part. There is no legally required selection process for a hearings examiner so it is up to you however you want to do it. You could do an ad in the paper, or there is a hearings examiner association and if you ask them they will e-mail all their members. There are lots of examiners out there who have decades of experience and who are attorneys and former planners and things like that, and there are a handful that I know would be really excellent for the City. Council member McNally said we have ninety days after the application. City Administrator Schmidt said the clock is ticking; we are under 90 days. **Council Weigelt moved to ask staff to draft an ordinance that would authorize the use of a hearings examiner for presentation to the Council. Council member Twardoski seconded the motion.** City Administrator Schmidt stated as a separate motion, if the Council is going to consider that, do you want to have a selection committee to at least get some responses out there to solicit some interest in it, to start having some interviews? We could have the ordinance ready at the next Council meeting, but we probably should start the process as well in soliciting interest. Council member Ramsey asked should the ordinance be specific or broad. City Attorney Olbrecht stated to large sub divisions, like sub divisions over 100 lots. Mayor Johnson said maybe say over 50 lots. **Motion carried.**

**Council member Weigelt moved to authorize staff to place advertising or take other measures that would help solicit interest in a Hearings Examiner which will speed up the process should we decide to hire one. Council member Twardoski seconded the motion. Motion carried.** Council member Boyle Barrett asked if we are going to solicit outside advertising or are we going to simply look at the roster or take some recommendations from the City Attorney. City Attorney Olbrechts suggested contacting the hearing examiners association and said they will e-mail all their members, and a lot of cities put an ad in the Puget Sound Journal of Commerce. That takes a couple weeks, but if you can handle that delay, that is always a good idea too. City Administrator Schmidt said then you are going to have to decide who is going to interview these people. We won't have the ordinance ready until the first meeting in March so that gives us a couple weeks to solicit some interest, and you can hold the interviews after the Council adopts the ordinance establishing the process. City Administrator Schmidt asked for volunteers to interview the hearings examiner candidates. Council members Ramsey and Montgomery volunteered, and Council member Weigelt recommended someone from the Planning Commission. Chad McCorkle volunteered saying he has some experience in this area.

## CITIZEN PARTICIPATION

### **Julian Bray: St. Leo's Parish – The Food Connection Bike Ride:**

Julian Bray, 1106 No Tacoma Ave., Tacoma, 98403. He is here tonight representing St. Leo's Parish in Tacoma and the Food Connection food bank for St. Leo's. The Food Connection for the last couple years has looked at other mechanisms to raise some funds to buy food and one of the things we've done is a bike ride called Wheels to Meals. This is our third year doing this, but this our first year requesting City Council to approve setting up a table at the skate park, and also just being allowed to use your streets. We are going to start at the WSU Extension in Puyallup and come up 165 through South Prairie to River to the skate park. We have three different lengths for the ride; there is a 20 mile ride, a 32 mile ride and a 56 mile ride, and the only one that's going to make it through Buckley is the 56 mile ride, and those people tend to spend a little less time at the rest stops. We are asking to be able to use those streets but we are not asking to block anything off. The Christian Motorcycle Association is going to be helping us work sag wagons and helping people fix flat tires, and I'm pretty sure they will probably go to Wally's at some point or another during the day because they are going to ride the course a few times. We will see about sixty people maximum who will do the 56 mile ride. So, we would like to have your permission to set up a 6' x 3' standard table with a few chairs so that when people come into town they can prop up their bikes right by the skate park, grab a sport drink and some bananas or bagels, and we would probably put up a couple small posters. The date is Saturday, June 20<sup>th</sup>, and we would ask to set up the table from 8:30 AM until about 1 PM, and we would clean up and bring our own garbage cans if that would be helpful. Mayor Johnson stated that the Tacoma Wheelmen on the Daffodil Classic use Thunderbird Park, and that is right on the corner of Main Street and River Avenue. It has power and it has a gazebo so if it gets nasty you have a little bit of shelter, and it also has a sani-can, and that might be a better location for you. Chief Arsanto said that is the weekend of the Jr. Logger's Rodeo, and possibly the carnival, so I believe the Mayor's idea of Thunderbird Park would actually be a better place. **Council member Montgomery moved to approve the use of Thunderbird Park for the Wheels to Meals bike ride. Council member Twardoski seconded the motion. Motion carried.**

## MAIN AGENDA

### **P WTF Loan Agreement: Emergency Water Transmission Main Repair:**

**Council member McNally moved to approve to authorize the Mayor to execute the PWTF loan agreement for emergency repair of the water transmission main.**

**Council member Boyle Barrett seconded the motion.** City Administrator Schmidt stated that we did get the federal disaster declaration, so our project has been preliminarily approved. We have a meeting on March 5<sup>th</sup> with State EMD and with FEMA to go over all of our paperwork, plans, projects and proposals. Current damage cost estimates are a little over \$1.1 million, but that is not necessarily what will end up being approved. Whatever cost we are approved for, 75% will be covered by FEMA. We don't know if the State is going to kick in their 12.5% like they did last time. That will take legislation at the State level, but DSHS will be on the hook for 30% of whatever our cost is. If everything works out correctly, and if FEMA approves our current damage

assessment and the project turns out to be that cost, if they pay for 75% of that and if the State pays their 12.5%, and DSHA pays for their 30%, our cost for that project will just be a little bit less than \$100,000. It is very likely that we won't need this money except for just having the cash flow up front. Mayor Johnson said that the State is making it very clear that there is not a lot of spare cash lying around, and the State does not have to chip in 12.5%; that is something that they do voluntarily. City Administrator Schmidt said that the State will be at the meeting next Thursday, and I know that last time that this happened the State was very upfront about whether they thought it would get approved or not, so I imagine that we will have more information after that meeting. **Motion carried.**

**Bid Award: 2009 Sewer Conveyance Line Project:**

Mayor Johnson stated that this is the bid award to connect Rainier School to our sewage treatment plant. **Council member Montgomery moved to award bid of the 2009 sewer conveyance line project to Johansen Excavating, Inc. for the cost of \$1,536,682.62. Council member Twardoski seconded the motion.** City Administrator Schmidt said that there was a \$1.7 million spread between the high and low bids. Mayor Johnson said she thinks part of the reason this one came in particularly low is the fact that they are local so the mobilization costs are less. Council member McNally asked if there are start and stop dates. City Administrator Schmidt said that the project has to be complete before school starts in September. We're looking for a start date of probably around the end of March or beginning of April. **Motion carried.**

**Frontage Waiver: 576 – 4<sup>th</sup> Ave. (Pedreira):**

**Council member Weigelt moved to move forward pertaining to the frontage waiver at 576 4<sup>th</sup> Avenue with staff recommendations requiring that the applicant's request for waiver be denied, but that the modification be granted concerning driveway width. Council member Boyle Barrett seconded the motion.** City Administrator Schmidt said the requirement is that anytime there is new development or redevelopment then the applicant is required to put in full frontage improvements, but there is a modification waiver process set into that code. The applicant has requested that they be allowed to put frontage improvements just in front of their house, and the section in front of their garage and shop be waived and allow just a gravel access out into the street shoulder. This is a short plat application and storm improvements are required, so there is no limitation out there that we could find that would warrant granting such a waiver. So, that is why our recommendation is for the Council to deny the application. However, because the shop and garage exist, I think it is fully justified and warranted that there be an exception given to allow them to have a wider driveway as an approach to those existing facilities. **Motion carried.**

**RES No. 09-01: A resolution of the City Council of the City of Buckley, Pierce County, Washington designating its authorized representatives and providing them the authority to execute all contracts, certified completion of projects, to request payments and prepare all documentation for funding required to obtain Federal and State Emergency Disaster Assistance as a result of the January 2009 severe winter storm event. Council member Montgomery moved to approve Resolution No. 09-01. Council member Twardoski seconded the motion. Council member**

McNally asked who the representatives are. City Administrator Schmidt said the representatives are Chief Predmore, himself and Mayor Johnson. **Motion carried.**

**RES No. 09-02: Adopting the Tacoma-Pierce County Solid Waste Management Plan.** Mayor Johnson said that this is actually the 2008 Supplement to the 2000 Plan. **Council member Montgomery moved to approve Resolution No. 09-02. Council member Twardoski seconded the motion. Motion carried.**

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

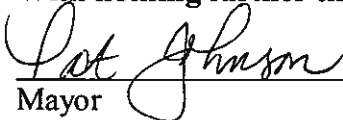
Approve the minutes of the February 10, 2009 Council Meeting.

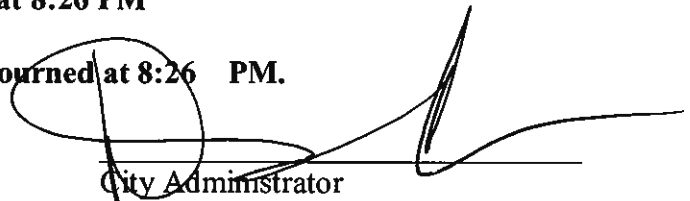
Claim check numbers 42992 through 43174, for the period of January 28, 2009 through February 24, 2009, in the amount of \$607,069.52, are hereby approved and ordered paid this 24<sup>th</sup> day of February 2009. Claim check numbers 43101 through 43154 have been voided.

Council retreated into Executive session at 8:10 for approximately 10 minutes for potential litigation, and the Mayor stated that there will be no announcements and no action.

**Council returned from Executive Session at 8:26 PM**

**With nothing further the meeting was adjourned at 8:26 PM.**

  
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Mayor

  
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City Administrator