



BUCKLEY CITY COUNCIL MEETING AGENDA

March 24, 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 #04-09
Next Resolution #09-05
Next Agenda Bill #AB09-26

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:
Appointment of Bill Dorn to ad hoc PUD Committee
9. Staff Reports:

Ramsey
Barrett
Twardoski
McNally
Weigelt
Montgomery
Reed
Johnson

Citizen Participation

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

10. White River FFA Presentation
11. Beverly Schneider: Kiwanis Burma Shave Signs

Main Agenda

12. ORD No. __-09: Establishing City Flag Policies
13. ORD No. __-09: Amending Utility Penalty Provisions
14. RES No. 09-__: Amending Taxes, Rates and Fees Schedule
15. RES No. 09-__: Adopting Policies & Procedures for Filling City Council Vacancies
16. RES No. 09-__: Declaring Authorized Representatives (December Storm)
17. Bid Award: Cemetery Niche Wall Purchase & Install
18. Scope of Work: Spiketon Road Culvert Replacement (Pre-design)

19. **Executive Session: Potential Litigation**

Consent Agenda

20. A. Approve March 10, 2009
B. Claims

Council may add and take action on other items not listed on this agenda

City Council
March 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, Ramsey, McNally, Reed and Twardoski. Council member Montgomery was absent and excused. Council member Weigelt arrived at 7:07 PM, after roll call. 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. There were none.

Admin & Finance: Council member Ramsey stated they had a meeting on March 16th. Regarding the DSHS lease, we instructed staff to prepare an ordinance and that will be at the next Council meeting. The next item was the increase for Council education and training. The Committee is going to recommend to Council not to increase the budget for training education for the remainder of 2009, but next October, during the budget session, we will review the needs for the upcoming year. Also, the Committee is recommending to the Mayor that a freeze be placed on all discretionary training classes outside the City limits. Council member Ramsey said with regards to the hearings examiner, the Committee recommended to staff to extend the application period by an additional week. City Administrator Schmidt stated that it closed at 5 PM tonight and we've got an additional three applicants.

Public Safety: Council member Boyle Barrett said that Public Safety has not had a meeting, but she does have an item for consideration. You have in front of you the Minutes from the Public Safety Committee meeting on March 4th, and the Downtown Beer Garden Temporary Special Use Event Permit. At the last meeting I reported that we were looking at the fee and reviewing whether it is still accurate. The Police Chief and City Administrator have met and discussed what encompasses that fee, and we have come to the conclusion to reduce that fee to \$1,850 for this year, and that should cover the expenses of the Police Department and Administration. The Police Chief was able to make changes in his scheduling, and he is hoping that can cut down on some of the overtime that's been required in past years. **Council member Boyle Barrett stated that the Committee recommends that we approve the Beer Garden Permit, and I would like to make a motion to do so. Council member Twardoski seconded the motion. Motion carried.** Their next meeting will be on Wednesday, April 1st, at 5 PM at City Hall.

Building & Zoning: Council member Twardoski stated they have had no meetings. Their next meeting will be April 6th, and I'm sure we will be discussing houses that are close together.

Utilities: Council member McNally stated they have not had a meeting. Their next meeting is April 7th at 6:30 PM.

Streets, Sidewalks & Storm Drains: Council member Weigelt said they had a meeting on the 18th. They talked about the Stormwater Plan and looked at two projects. We budgeted \$50,000 and the two proposals we are looking at come close to \$100,000. We recommend that we switch \$50,000 into our budget so that we can cover the two projects that we would like to move forward on. The Scope of Work for the Elk Meadows Ditch Rehabilitation we decided should be somewhat simpler than what we were provided, so we want to scale that down to a broader/higher level scope so we can get a better idea of what exactly it is that we are trying to accomplish. The Spiketon Ditch Culvert was the other thing we talked about and we recommend moving forward with that. Public Works Supervisor Dansby mentioned that DOT wants to put up a sign on Hwy. 410 which reads “Don’t Drink & Drive” and we think that is a great idea. Marvin Sundstrom provided us with a map and a reference sheet; he has done a lot of work on storm drainage and catch basins, and we think that deserves more consideration. City Administrator Schmidt mentioned that staff would be going along the Spiketon area doing a ditch inventory for properties as well as livestock, looking for things that could impact the quality of the ditch. Also attached is a tracking projects concept paper that Marvin Sundstrom and I did about how we might be able to track projects so we make sure we have them all on our radar.

Parks, Recreation & Cemetery: No report.

Community Services: Council member Reed stated they have not had a meeting since the last Council meeting. Their next meeting will be April 6, at City Hall.

Mayor’s Report:

Mayor Johnson stated that she went to Washington DC and met with the National Trails Coalition on active transportation. Active transportation has been left out of the transportation budgets and that means they can build bridges without sidewalks and a few other things. It is a national effort to get it put back in, and that would fund trails, sidewalks, enhancements at commuter stations for bicycles, like bike lockers and racks on buses, to encourage more people to commute by using active transportation, which is powering your body to either your place of transit or work. We spent a lot of time on the hill talking to aids. You rarely get in to see your congressman or senator, and the aids are the ones that really have most of the power because they’re going back with your message. They liked it, and they support it, and chances are our congressional people will also. One of our senators said she would support it if we got letters from all the Mayors in Pierce County. So, that is what we are working on now.

We set up an ad hoc committee for the PUD and since Council member Boyle Barrett has been unable to do it, and everybody’s schedules are busy, Bill Dorn from the Planning Commission has volunteered to sit in on that ad hoc committee. So, with Council’s

approval, Mayor Johnson stated that she is appointing Bill Dorn to the ad hoc PUD committee.

Mayor Johnson stated that we have a definite time line we need to follow in order to get a hearings examiner on board and I'm looking for you to give me the authority to hire. We can do the interviews on Friday afternoon. City Administrator Schmidt stated that the City Attorney would be interviewing with the Mayor, or someone else as well. The Attorney is a hearings examiner for several different cities, so he knows the right questions to ask. City Administrator Schmidt asked if anyone else from the Council is available; we need to do this by Friday in order to get the contract to Council by Tuesday night for the workshop. We're actually going to have to post it as a special Council meeting and have the contract on there for the Council to approve, otherwise we have to wait until April 14th, which is the next Council meeting, and the first hearing is on April 20th. Six days doesn't give the hearings examiner time to prepare for the hearing because they have to come up to speed on all the City's codes in that period of time. City Attorney Olbrechts said another alternative is for the Council to just authorize the Mayor to sign the contract and that gives her a little more breathing room. The rates are all pretty much the same by all the examiners. Mayor Johnson asked Council members Ramsey and Boyle Barrett if they would be available on Friday afternoon. Boyle Barrett said that she can be there. Mayor Johnson said she would like to start about noon or 1 PM. Mayor Johnson said we will have selected somebody and have a contract to bring back on Tuesday night. City Administrator Schmidt said we will post a special meeting agenda tomorrow with the hearings examiner contract as the only agenda item, and the rest of the meeting will be dedicated to the workshop.

Staff Reports:

City Administrator Schmidt said that the last report he got today says we have about 55 gas leaks in the City. We did the first pressure increase of 10 lbs and that points out all the weak places. None of them are major; they're all minor class 2 and class 3 leaks. We have to repair all those before we can bump the system up another 10 lbs, and then we have to conduct another leak inspection.

CITIZEN PARTICIPATION

White River FFA Presentation:

Mayor Johnson said we have the White River FFA who is here today to do a presentation for us. We saw them a year ago and this is a similar program but they've refined it and improved it. The students said that their district competition is tomorrow night, and State is in May. Amy Miller, acting FFA advisor at White River High School, introduced the students. The presentation will be on bio-solids and the spreading of human waste on land.

Beverly Schneider – Kiwanis Burma Shave Signs:

Council member Ramsey said this is a membership drive. **Council member Ramsey moved to approve the Kiwanis Burma Shave signs. Council member McNally seconded the motion. Motion carried.**

MAIN AGENDA

ORD No. 04-09: Establishing City Flag Policies:

Council member Ramsey moved to adopt Ordinance No. 04-09 establishing a City flag policy. Council member Twardoski seconded the motion. Motion carried.

ORD No. 05-09: Amending Utility Penalty Provisions:

Council member Ramsey moved to adopt Ordinance No. 05-09 amending the payment of utility fees. Council member Twardoski seconded the motion. Motion carried.

RES No. 09-05: Amending Taxes, Rates and Fees Schedule:

Council member Ramsey moved to adopt Resolution No. 09-05 amending the taxes, rates and fees schedule. Council member Twardoski seconded the motion. City Administrator Schmidt said there is no cost change, it is just the language on penalties so that it matches what is in the ordinance. Motion carried.

RES No. 09-06: Adopting Policies & Procedures for Filling City Council Vacancies:

Mayor Johnson said that this is something we've never had before, and it is something that after the last couple times we've replaced a Council member there was a lot of discussion about it, so the Admin & Finance Committee tackled this. City Administrator Schmidt said we developed the policy that the Council has, but I believe that after it came out of the Committee, now the chairperson is actually going to ask that it be revised. Council member Ramsey said she would like to revise it on the second to the last page, the very top paragraph where it says "the City staff shall prepare an application form." If you go to the third sentence, I would like to strike out that when they complete an application, we are not going to ask them "is there anything in your background that would bring discredit to the City if appointed" and then also by asking them to complete the Washington State PDC form F1; they need to do that when they're appointed. So, we need to strike those two sentences. **Council member Ramsey moved to adopt Resolution No. 09-06 establishing policies for filling vacant council positions, but amending the resolution by striking those two sentences. Council member Weigelt seconded the motion.** Council member Boyle Barrett stated that she does not like the voting section; I just don't like the process of it because the first person to get to nominate someone, if that is the consensus, then no one else gets a chance. There is no perfect way to do this. Council member Reed said one of the ways it could be more equitable is to hold voting until all candidates are presented and then vote them in a rank manner as we do in the State elections. The problem with that is that little clause in the RCW that prohibits secret balloting. City Attorney Olbrechts said that the nomination process came from Roberts Rules of Order. The alternative way that I've seen a lot of cities do it is just by a simple motion and a second to fill the vacancy by so and so, and

that way at least you have two Council members that are vested with the idea of moving forward with the vote. Weigelt asked if there would be anything wrong with the random. City Attorney Olbrechts said no, that is a good idea actually. Mayor Johnson said that the law is real vague; it leaves it pretty much up to us as to how we want to do it. City Attorney Olbrechts said he believes the statute just says that the legislative body selects, which still leaves it unclear. City Attorney Schmidt said he believes that the Mayor cannot break a tie, the Council has to keep voting until they get a majority vote. City Attorney Olbrechts said you could add a bullet point that says the order of council nominations shall be selected at random by drawing or similar means, if you wanted to formalize it. **Council member Ramsey moved to amend the motion to add a bullet point that the Mayor can do a drawing to select the order that nominations will be made, or similar means. Council member Weigelt seconded the motion.** City Attorney Olbrechts stated it should read “the order of nominations shall be selected at random by drawing or similar means.” Council member Boyle Barrett said she just wants clarification on how the process proceeds if there is a 3/3 tie. City Administrator Schmidt asked the City Attorney to get a clarification on that. **Amended motion carried. Main motion carried.**

RES No. 09-07: Declaring Authorized Representatives (December Storm):

City Administrator Schmidt stated that Council just did this at the last meeting for the January storm, and now we’re going back to the winter storm of December so that Chief Predmore and I can handle the contracts and the reimbursement on that. It is about \$15,000. **Council member Boyle Barrett moved to adopt Resolution No. 09-07 designating authorized representatives for the December 2008 winter storm event. Council member Twardoski seconded the motion. Motion carried.**

Bid Award: Cemetery Niche Wall Purchase & Installation:

City Administrator Schmidt said that this bid is for two of the five units. The price that Premier gave us for \$11,808 is the low bid, and that is a turnkey price that is manufacture, installation, it includes everything. **Council member Boyle Barrett moved to award the bid for purchase and installation of two columbaria units to Premier Columbaria for \$11,808. Council member Twardoski seconded the motion. Motion carried.**

Scope of Work: Spiketon Road Culvert Replacement (Pre-design):

Council member Boyle Barrett moved to approve the scope of work for pre-design of the Spiketon Culvert Replacement Project to Gray & Osborne for \$59,400. Council member Weigelt seconded the motion. City Administrator Schmidt stated that this is the first capital improvement project out of our Stormwater Comp Plan. This will do the pre-design, and when Gray & Osborne comes back they are going to give the City Council an option. They are going to check the feasibility of which way to go with this thing, whether to go with a box culvert, pre-fab bridge, pre-cast, or whatever the best method is for spanning that area. They are going to do the environmental, wetlands, everything will be a part of this project. It came in higher than what we had anticipated; I think we’d only budgeted \$25,000, but this actually does more work than what we

anticipated because it gets a lot of the environmental stuff out of the way that is going to be necessary. **Motion carried.**

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

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


Claim check numbers 43175 through 43294, in the amount of \$422,983.58, for the period of February 25 through March 24, 2009.

Council retreated into Executive Session for potential litigation at 8:03 PM for approximately five minutes. Mayor Johnson stated that there would be no announcements or action.

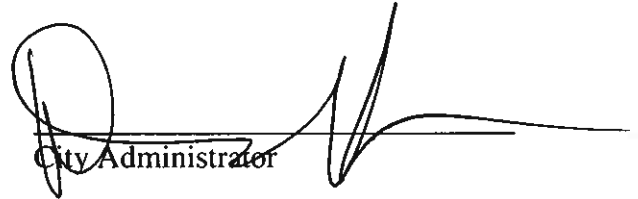
Council returned from Executive Session at 8:14 PM.

Council member Reed asked to be provided the Agenda for next week's Special City Council Meeting/Workshop as soon as it was available.

With nothing further the meeting was adjourned at 8:15 PM.



Mayor



City Administrator