BUCKLEY CITY COUNCIL

SPECIAL CITY COUNCIL MEETING

&

WORKSHOP

June 30, 2009
Multi-Purpose Center, 811 Main Street

Opening 7:00 P.M.

Main Agenda

1. Purchase & Sale Agreement for Grace Lutheran Church Property
2. Van Sickle Landing Facts & Findings
3. Dave Baker Lease of Agricultural Property

4. Executive Session – Real Estate Acquisition

5. Workshop

   - Bonding Presentation – Martin Nelson Company
   - Zoning Issues – Associate Planner Rashid

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

Special City Council
June 30, 2009

Mayor Johnson called the Special City Council meeting to order at 7:00 PM, and explained that this is a Special Meeting of the Buckley City Council so we will only be discussing the items that are on the Agenda, and there will be an Executive Session. City Administrator Schmidt said that the Executive Session is on a real estate issue.

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

MAIN AGENDA

Purchase & Sale Agreement for Grace Lutheran Church Property: Alan Predmore stated we have been negotiating since May with Grace Lutheran Church towards the purchase of a portion of their property located generally at the intersection of Ryan Rd and Division Street, to encompass a portion of the area where we are hoping to construct a new fire station. Based on direction given by Council in the last Executive Session, I met with representatives from Grace Lutheran Church and presented to them a new counter-offer. We were notified the following week that they had considered that and had chosen to accept that offer. With that I contacted the City Attorney and asked him to start working on a Purchase & Sale Agreement and some of the other issues that need to be dealt with in regards to boundary line adjustments to be able to actually create the legal lot that we can purchase. You have that Purchase & Sale Agreement before you. The Purchase & Sale Agreement is contingent upon both the Cedar Community Church, who we will soon be negotiating with, and Grace Lutheran Church agreeing to the boundary line adjustment that needs to occur to make that lot. City Attorney Olbrechts stated, just to provide some background on the need for the lot line adjustment, the City wants to buy a portion of Grace's lot and normally that would require a subdivision approval which would then require frontage improvements, sidewalks, streets, etc. Obviously, we want to make this as simple as possible so the option that we have is to rearrange lot lines between the Grace property and the Cedar property. It is a pretty extensive rearrangement of lines, but it is perfectly legal as long as you don't create any additional lots, which the City won't, but it will require the approval of the Cedar Church which is not involved really in this sale otherwise. Cedar won't lose any property if they agree to the boundary line adjustment, and actually they can benefit from the lot line adjustment. If they don't, then the agreement does not move forward and the City doesn't have to buy the property. Chief Predmore stated that he has had a meeting with representatives from Cedar Community Church to discuss how we may want to proceed with negotiations with them. City Administrator Schmidt stated he wants to clarify that this is a Purchase and Sale Agreement for the purchase of a little over two acres of property from Grace Lutheran Church for the sale price of $189,500, plus $24,373 in impact fees and general facility related charges. There is a contingency that says if they haven't constructed something within a certain amount of time then the City will pay

them $5,000 in cash in lieu of paying those impact fees and general facilities charges. **Council member Reed moved to accept the Purchase and Sale Agreement for real estate between the City of Buckley and Grace Lutheran Church. Council member Boyle Barrett seconded the motion**. Discussion ensued regarding site improvements, boundary lines and costs. City Administrator Schmidt stated that the Purchase and Sale Agreement covers the sale price of the property, and it covers the impact fees and the possible contingency payment, but there are also escrow fees and closing costs that will be associated with this that he wants the Council to be aware of; the City will be responsible for paying half of those. **Motion carried**.

Van Sickle Landing Facts & Findings: Mayor Johnson stated that this is a procedure that we have already passed a motion on and this is to verify what was said in the motion. City Attorney Olbrechts said it is his understanding that the motion was for staff to come back with some proposed findings and conclusions that reflected the consensus of the Council, and at this point it is just an issue of a motion to adopt. **Council member Reed moved to approve the facts, findings and final decision in regards to the Van Sickle Landing subdivision as conditioned. Council member Twardoski seconded the motion.** Council member Montgomery stated not having been at the last meeting he is curious as to how the Council came to the decision to not follow the Hearing Examiner's recommendation. Council member Reed said his motivation was because the concerns that the Hearing Examiner seemed to have somewhat exceeded what the staff recommendation was as far as what open space requirements were required. So, what we did at the last meeting was approve it rather than remand it back to the Planning Commission. We approved it conditional on the applicant resolving those open space issues. Mayor Johnson said that was on the cottage housing. City Administrator Schmidt said he thinks the Hearing Examiner's main issue was that she thought that reconfiguration was going to possibly require major changes to the plat layout, and that is why her recommendation was to remand. But, I believe that the City Attorney and the Council believed, as well as the applicant, that could be done without making major revisions, and as long as there wasn't a major change to the basic fundamental layout of the plat that it could be satisfied through a condition. City Attorney Olbrechts said he would add the sentence "if the changes are significantly enough to trigger a plat alteration under State law then the applicant shall apply for a plat alteration." State law dictates when you have to do a plat alteration, but the law is not really clear about when that happens. I think most people agree if you are going to increase the number of lots or change the configuration of the roads, those kinds of changes are considered significant and they would have to go through another public hearing. Basically, any change that would create an impact that the public would want to address is going to trigger a plat alteration, so I think with that sentence in there you are fine. What you are doing with the language that is in the proposed findings is you are pretty much leaving it up to staff to figure out what's significant enough to trigger another hearing and what is not. City Attorney Olbrechts said something the Council should know too though is your open space regulations say only seventy-five percent of the units have to abut open space, and I think they have all their units abutting open space and they are providing twice as much open space as is required, so their change could be to remove some of those from abutting open space because that is what your code allows. Council member Boyle

Barrett stated she voted no against it last week because she didn't like the motion; she didn't like the way we were handling it and wanted to make certain that as we move forward with this that we get proper clarification, because there was a lot of legal interpretation over what "abut on two sides" meant; we need to make it clear. Mayor Johnson said she thinks when this process is all done it would behoove us to sit down as a group and talk about what we liked about this process and what we did not like about it, because now is our opportunity to make changes. City Administrator Schmidt said that the Hearing Examiner tried to understand what the City's and the staff's interpretation was, and our interpretation was exactly what Council member Montgomery said. When we wrote that cottage housing development we saw the graphics and illustrations, and so when it talked about the common open space needed to have dwelling units abutting on two sides, that is the picture that we saw and that is the common open space in the middle with the cottage housing facing in with rear access. City Attorney Olbrechts advised the Council to add the language to the motion that if there is a significant change they have to do a plat alteration application or reapply. **Council member Reed amended his motion to reflect the additional verbiage. Council member Twardoski seconded the amended motion.** City Attorney Olbrechts asked to read the language once again so it was clear. Under finding #3, condition #20, add this sentence at the end **"if the changes are significant enough to trigger a plat alteration process under State law, the applicant shall apply for a plat alteration or reapply for a public review of the changes." Motion carried**. City Administrator Schmidt stated that based on the Council's decision staff will issue a Notice of Decision.

Dave Baker Lease of Agricultural Property: Council member McNally made a motion to approve the sublease agreement with Lonesome D Ranch for the use of the DSHS (WSU) property. Council member Patson seconded the motion. Council member McNally requested an explanation of the payments and due dates. City Administrator Schmidt stated it is based on when he gets his income from his crop. He owes the $12,960 for the whole year, plus the excise tax. He will probably have to make his first payment based on credit. Council member Ramsey asked are we totally leased out now. City Administrator Schmidt said yes, but it gives us the use of some of the buildings until the City can figure out what its long term use is going to be. Council member Ramsey said she has been approached again by the baseball league and they would like some acreage out there. Mayor Johnson said we want to go through a very detailed planning process to figure out exactly what we want to do with that property. City Administrator Schmidt said the planning process is going to take two to three years, and during that time it gives Mr. Baker some stability and it gives the City some revenue coming in to help support our payment for the lease of the property. City Attorney Olbrechts said this lease has a sixty day termination clause so you can get it within two months once you decide you want to use it. **Motion carried.**

Council convened into Executive Session at 7:32 PM to discuss real estate acquisition for approximately 10 minutes with no action to be taken.

Council returned from Executive Session at 7:46 PM.

With nothing further the meeting was adjourned at 7:46 PM.

Mayor

City Administrator