



BUCKLEY CITY COUNCIL MEETING AGENDA

January 13, 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 #01-09
Next Resolution #09-01
Next Agenda Bill #AB09-01

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
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. Robin Clausen, Managing Librarian, Pierce County Library: Pierce County Reads 2009
11. Marvin Sundstrom: Executive - Legislative

Main Agenda

12. ORD No. ____-09: Adjusting Utility Taxes
13. ORD No. ____-09: Confirming Emergency Declaration
14. WWTP Phase IIE Change Order #2 & #3
15. 2009-2010 Local #286 Bargaining Unit Agreement

Consent Agenda

16. A. Approve August 5, 2008 City Council Minutes (Special Meeting)
Approve December 9, 2008 City Council Minutes
- B. Claims
- C. Transfer Voucher
- D. Payroll
- E. Quarterly Reports

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

City Council
January 13, 2009

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

Upon roll call the following members were present: McNally, Montgomery, Ramsey, Reed and Twardoski. Council members Boyle Barrett and Weigelt were absent and excused.

Mayor Johnson stated she has a couple changes to the agenda. She has asked Alan Wolfe to be here tonight to answer any technical questions we may have for the change orders that are on the agenda, so we will discuss that first. Also, we will be scratching item #15. We thought we had an agreement with the Local #286 Bargaining Unit but they voted it down so we will be starting over.

Admin & Finance:

Council member Ramsey stated they had a meeting on January 5, 2009. The first topic of discussion was regarding the court fines. She would like to get an update and see if the credit card machine is helping with collecting fines. They also wanted to talk about the write off of accounts and Fae will be at the next meeting to discuss this. There was discussion about the WSU property and they are still negotiating for the property. Marvin Sundstrom suggested we check with our legislators to find out why we cannot purchase the property instead of leasing. Mayor Johnson stated the reason is because they set up a trust several years ago for the developmentally disabled and the land cannot be sold, it can only be leased. Mr. Sundstrom stated he read the law; it was set up in 2005 or 2006 so it is very recent and those kinds of things can be changed with the right arm twisting. They also talked about the union negotiations. The last topic was about the White River School District program we were just discussing. Council member Weigelt was going to make a motion tonight that we would freeze payment to the White River School District effective March 31, 2009. If we made a motion and they know we are serious about it, maybe we can get somewhere. Mayor Johnson stated lets talk to the Superintendent first because he may not even be aware of the difficulties we have been having getting the information we have asked for. Mayor Johnson will set up the meeting and told Council member Ramsey that she could be there. Council member Reed stated it was also talked about in his committee, and it was his recommendation as a member of the parks committee that the motion come from Admin/Finance because the parks committee has requested repeatedly and has offered to assist in gathering this information. Recreation Director Bacon has the feeling that its thanks for the check now get out of my office. He is not sure that is what the School District is trying to project but that is what Recreation Director Bacon is feeling at this point. Mayor Johnson stated we have tried just about everything so not it's time to play hardball. The next meeting will be January 20, 2009 at 6:00 PM.

Public Safety:

There have not been any meetings.

Building & Zoning:

Council member Twardoski stated they had a meeting on January 5, 2008 and discussed the Firehouse Pub signage and the Hope Family Medicine signage. They were both approved. The next meeting will be February 2, 2008 at 6:00 PM.

Utilities:

Council member McNally stated they had a meeting January 6th; Mr. Wolfe was there to go over the change orders with us. At the last council meeting, change order #2 was sent back to committee. It is being brought back tonight as change order #3 and on change order #2 there are eleven different items from Phase I. This change order also includes some items that the City Inspector felt needed to be corrected after his inspection. Under change order #2 they are asking for an extension through February 8th from the actual completion date. Change order #2 cost is \$59,473.66. Change order #3 is for a fine screen filter that was discussed at the last Council meeting. After discussion with Mr. Wolfe and the committee, we have brought this back to Council for approval with a new rather than rebuilt screen filter, for a cost of \$87,753.05. The committee and Alan Wolfe are all recommending approval of Change Orders #2 and #3 that are on the agenda tonight. The water treatment plant fencing has not been done yet due to the weather. Council member McNally stated we are locked in for our gas rates right now at 7.40. The price is now down to 6.60 on the futures and may go lower so he would like to authorize the Mayor to lock in when prices go down. Mayor Johnson stated we can lock in for up to five years and we already are locked in for two years. **Council member McNally moved to authorize the Mayor to lock in the gas rates based on the futures for up to three to five years if they remain low. Council member Montgomery seconded the motion. The motion then carried.** Council member McNally stated the last issue they talked about is we are looking into a solid waste program with the Tacoma Pierce County Solid Waste Management Plan which is under review. Next meeting will be February 4, 2008 at 5:00 PM which is a conflict with Public Safety. Mayor Johnson stated she will get in touch with Council member Boyle Barrett to see if they will be having a meeting.

Streets, Sidewalks and Storm Drain:

There have not been any meetings.

Parks& Rec & Cemetery:

Council member Montgomery stated they had a meeting on January 6, 2009. Bob Olson came and gave an update on the Veteran's Memorial he has been working on. He has a lot of support with volunteers and people willing to donate their time. He has also received \$950.00 in donations. There was also discussion about moving the Doc Tait Memorial from its proposed location in Thunderbird Park down to the bend in the trail across from the Skate Park/Tot Lot. They felt it would be a lot more visible there and the camera at the skate park would add an extra layer of security and hopefully deter vandals. Council member Montgomery stated he has sent an e-mail to Chuck Morrison to discuss this and he hasn't heard back. Mayor Johnson stated Chuck was in a bad car accident last week, and she also stated part of the reason the trails coalition chose that site is because there is power there. They spent a great deal of money engineering the site because the

City requested that, so moving that may not be an easy thing. They had a lengthy discussion regarding the focus groups that will be held here tomorrow night at 6:15 PM. Everyone is invited. Recreation Director Bacon gave an update on the Youth Center. She just received a \$7,500 youth prevention grant for counseling and a \$1,000 donation from Molen Orthodontist. Council member Montgomery stated he recently spoke to Senator Pam Roach and she informed him that the PSE property along the White River may be back up for sale. Council member Montgomery stated Recreation Director Bacon informed him of a grant writing workshop that she attended last year and he would like to attend this. It does have a cost of \$425 and he would like to know if the Council felt this would be worth it. Council member Reed stated it doesn't hurt to have more than one person being able to write grants. **Council member Reed moved to approve the expenditure of \$425 for Council member Montgomery to attend Grant Writing USA workshop. Council member Twardoski seconded the motion and the motion carried.** Council member Reed expanded on the Focus Group that is going to be held here tomorrow night.

Community Services:

Council member Reed stated they had a meeting and the major topic was regarding the Youth Center Activities. Julie Bevert from White River Community Outreach is moving her office to the Youth Center and will be operating her counseling service Tuesdays and Thursdays from 9AM – 4PM. They are in the process of getting grant funding to extend youth center operation. They also voiced their continuing concern about the about the money that is being paid for the Community Activities Program with White River School District and he understands the Mayor and City Administrator have a meeting with the Superintendent. Mayor Johnson stated when she talked to the Superintendent he asked her to wait until after the first of the year. The contract expires September 1st but there is a lot of concern by the Council about the \$27,000 we pay into that program each year. Nobody wants to see it go away, but \$27,000 in our budget is a large amount and we are not sure about the amount of participants that are Buckley residents and the number of students being serviced and the amount of money being brought in. This Council has no real say in it because of the way the contract is written, which is why we need to look at re-writing the contract or possibly bailing from it. We are going to put the district on notice that we need some answers. Council member Reed stated one thing that happened in the early years of the program is Traci Williams would come to the City once or twice a year and give us a status report. She would report total numbers of participants and what kinds of programs were available. We didn't get quite the detail we are looking for now regarding kids inside the City versus outside the City and as a school district; they may not have those numbers because the school district covers several communities. But now we are not even getting the total numbers. Mayor Johnson stated her biggest concern is when we are paying for something through the school district and we are also paying for the same service through the City, the people in Buckley are paying twice. Council member Reed stated one other item they talked about is Pierce County is working with Recreation Director Bacon to see what program enhancements they can bring out to our facilities here.

Mayor's Report:

Mayor Johnson stated last week was the first week for the 4-day work week and it appears things are going well. It will just take some time for adjustments. On Saturday at the Armory there was a program for Veterans and several of the Mayors from the local area were here. It was well attended. The staff is still assessing the damage to the water line. We had a major break again during the rainstorm. This is something the Council will have to address in the next couple months as to how much to we want to invest in this water line. We are fine right now with no water coming down the pipeline because our reservoirs are full and the wells can recharge at night, but we all know June and July will be here before you know it. It will be repaired; it is just how much longer do we want to continue every rainstorm spending hundreds of hours of staff time repairing the water line.

Citizen Participation:

Robin Clausen, 6101 No. 35th, Tacoma WA, she is the managing librarian for the Buckley Library. She is here tonight to ask that the City of Buckley pass the proclamation declaring January, February and March “Pierce County Reads 2009”. Their goal is to have 1,000 people read the same book, talk about it and discuss it. This year’s book is Three Cups of Tea. The Friends of Buckley Library is sponsoring three events here at the Buckley Library. Mayor Johnson stated we will do the Proclamation at the next Council meeting.

Marvin Sundstrom, 881 Sheets Road, Buckley. He would like to talk about the roles of the Executive and Legislative bodies. He wants to say that the comments you hear are not to be misconstrued as a criticism of either the Mayor or the Council as a body. Events have catalyst in the case of this, these comments it was a Building & Zoning Ordinance and the Storm water plan a total of close to 900 pages presented for testimony at one meeting and the recent budget hearings where it seemed like every time we came to a meeting we got something new or didn’t get anything. He would note to those Council members who want to be overly generous with the public dollar, everyone beneficially involved has had their say in the budget process prior to it coming to the Council. Your interests should be in looking out for the welfare of the tax paying citizens in this City and nothing else. He has a handout to give the Council that shows the RCWs and copy of a newspaper article showing one of the many ways companies are cutting costs. RCW 35A.12.100, duties and authority of the Mayor defines the role of the Mayor and the process. The Mayor’s only legislative role is voting in case of a tie and that should never happen on any item of importance. You as Council members might want to read the whole 35A.12 series. It also talks about some of the functions the Council members do. RCW 35A.11.020, powers vested in legislative bodies of non charter and charter code cities. In paragraph one “The legislative body of each code city shall have power to organize and regulate its internal affairs within the provisions of this title and its charter, if any; and to define the functions, powers, and duties of its officers and employees.” Meaning you can talk about everyone the legislature has already defined the function of the Mayor but you did all the rest. Do you see yourself doing this? He asks these questions because he wants the Council to think about. He does not but believe the Council has the talent to accomplish an orderly transition into that role but only if you have the will power. One of the things we have to remember is if we have one person

directing everything you have a bottle neck, but if you have eight people making input into everything you have a lot of ideas. The big thing being is as a legislative body member you have to convince three other people you are right which is the neat thing about the process. In the second paragraph, "Such body may adopt and enforce ordinances of all kinds relating to and regulating its local or municipal affairs and appropriate to the good government of the city." It doesn't mean you can do something stupid but it does mean you can do things that are for the good of the city and you can make ordinances that cover them. This really means if something is not happening the way that a good government would expect it to happen, the council as a body needs to do something about that. Hold public hearings, he believes strongly in public hearings because you can't have too much citizen participation. You will find if you allow people to talk they will support you. People need to be comfortable that they will be listened to. One thing he likes about the government we have here today is he can go talk to the Mayor and she may not agree with what he is saying but she will listen and that is important. Get the ordinances adopted and make sure they are adhered to. You do control the purse string; you decide where the money is to be spent. The Council as a group is in charge, they just need to effectively use that power. He wouldn't be standing here if he thought the general welfare and desires of the city were being placed in the forefront. He also firmly believes the majority of the Council to be good people with a desire to do what is right as a legislative body. That is one of the reasons he is willing to do the research to present something like this. Overall quality of life and services delivered at a realistic cost should be in the forefront of what is desired for citizens. All avenues need to be considered and all information needs to be provided by staff to the Council prior to any decisions being finalized. If you need information and you vote then you have made a mistake. The Council will notice there is little mention of staff's role in governments. Because staff is charged with executing the marching orders you provide through sound policy, meaning the ordinances and then the municipal code. City Administrators are no more than the Mayor's representative in the process, nothing else. None of the Council works for the City Administrator. He has watched three different City Administrator's since he has attended council meetings and finds upon thorough analysis none of them are above reproach. This City Administrator has come up wrong and late too often to not be seriously questioned on all items of importance. We just can't have wrong things floating out there in our system. Every document is legal and if it is wrong we are in big trouble. You as a council should have expectations and requirements that your concerns are addressed with factual backup. Everything should be referred to an RCW or WAC that tells them where to go, not just off the top of your head. Not only from the City Administrator but from other staff as well. You as a council have that fiduciary duty. In summation, the Mayor does not give the Council their marching orders and conversely the Council does not give the Mayor direction on any items entrusted to the Mayoral function. The Mayor runs the city and handles the employees, the Council does not. The Council can talk to them but cannot give them orders. The legislature has already laid out both functions in the RCWs. As a citizen with an interest, he finds this Mayor has improved upon many areas within the governance of our fair City, but as with all ongoing endeavors there are still areas that need improvement. What the Council needs to do in his opinion is to initiate and improve upon the ordinances that lay out the various functions of the city. Some of the municipal codes are sadly lacking. The

Council has been entrusted with that obligation by law. Council members now need to step up or step aside and allow someone else to perform that function. Council member Reed stated a lot of what has been said is stuff that has been talked about before. One difficulty with our size of a governing entity is the interface the Council has to have with staff members. There have been times Council questions whether or not they should be asking staff members to do some work. Discussion ensued regarding Council asking for information from staff. Council member McNally asked again about the parliamentary procedure class. Mayor Johnson stated Joanne is looking into this but what Mr. Sundstrom has brought up tonight is not parliamentary procedure. Council member Montgomery feels this is a good topic of discussion for our next Council workshop and how we tackle some of these issues.

Mayor Johnson stated the Council received a copy of a letter from Pamela Wik and she asked that it be read at the Council meeting. Basically she talks about the flooding on Bevlo. She complimented the city crew for coming out but has some very big concerns for future development behind her property. Council member McNally and Montgomery feel this should be addressed at the Street, Sidewalk and Storm Drain committee.

MAIN AGENDA

Ordinance No. 01-09: Adjusting Utility Taxes

Council member Montgomery moved to approve Ordinance #01-09 amending the Utility Tax Code. Council member Twardoski seconded the motion and the motion carried 4-1.

Ordinance No. 02-09: Confirming Emergency Declaration

Council member Montgomery moved to approve Ordinance #02-09 confirming the emergency declaration. Council member Reed seconded the motion. Mayor Johnson stated she signed this on last Wednesday night so we could put into motion anything with any damages to the city. Council member McNally stated Chief Predmore has a very good handle on all this. Mayor Johnson stated on Wednesday night we already knew we had major damage to the water line and all the information was to the emergency authorities at the State level. Mayor Johnson stated we are still waiting for the Federal declaration. Council member Reed asked if the water break is the same place we just replaced. Mayor Johnson stated this is new; the hillside came down and bowed the pipe. There are still areas that it is still too dangerous to get to. **The motion then carried.**

WWTP Phase IIE Change Order #2 & #3

Council member McNally moved to approve WWTP Phase IIE Change Orders #2 & #3 in the amount of \$147,226.71 that will extend the contract to February 8, 2009. Council member Montgomery seconded the motion. Council member Montgomery stated part of his decision was the old screen will not handle the flows we get during the big storm events. **The motion then carried.**

2009-2010 Local #286 Bargaining Unit Agreement

Mayor Johnson stated this item is being removed from the agenda.

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

Approve the minutes of the August 5, 2008 Special City Council Meeting.

Approve the minutes of the December 9, 2008 City Council meeting.

Claim check numbers 42749 through 42835, in the amount of \$665,070.11 for the period of December 10, 2008 through December 23, 2008; claim check numbers 42836 through 42892, in the amount of \$397,684.22 for the period of December 24, 2008 through January 13, 2009; Payroll check numbers 29028 through 29161, in the amount of \$334,019.27 for the month of December 2008; and Treasurer check numbers 10533 through 10548, in the amount of \$12,716.38 for the month of December 2008 are hereby approved and ordered paid this 27th day of January 2009.

Approve Transfer Voucher for the month of December 2008. Approve Treasurer Receipts for the Month of December 2008.

With nothing further the meeting was adjourned at 8:40 PM.



Mayor



City Administrator