



**BUCKLEY CITY COUNCIL MEETING AGENDA (AMENDED)**

**March 23, 2010**

**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 #07-10  
Next Resolution #10-06  
Next Agenda Bill #AB10-34

**Committee Reports**

1. Finance & Public Safety
2. Streets & Utilities
3. Community Services & Recreation
4. Community & Economic Development
5. Mayor's Report:
6. Staff Reports:

Reed  
Montgomery  
Patson  
McNally  
Johnson

**Citizen Participation**

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

**Main Agenda**

7. ORD # \_\_\_-10: Amending Utility Billing Provisions
8. CLC Agreement: Amendment #2
9. Fire House Pub Beer Garden Permit
10. Agreement: WSDOT Local Agency for Pedestrian Project
11. Consultant Agreement: Mason Ave & SR410 Pedestrian Crossing Design
12. Kiwanis Fireworks Stand Permit

**Consent Agenda**

13. A. **Approve Minutes of March 9, 2010 (Amended)**  
B. Approve Minutes of March 8, 2010  
C. Claims

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

**City Council**  
**March 23, 2010**

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

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

Mayor Johnson asked if there are any additions, corrections or changes to the agenda. There were none.

**Finance & Public Safety:** Council member Reed stated they have not had a meeting since the last Council meeting. Their next meeting is currently scheduled for 6 PM on Monday, April 12, at City Hall.

**Streets & Utilities:** Council member Montgomery stated they had a meeting on the 9<sup>th</sup> of March and you all have a copy of the minutes in your Council packet. Council member McNally stated regarding the Bolesky easement property, I don't quite understand. I was thinking she had to vacate the easements that she had back in April, 2006, and I thought she actually granted us easements in 2006 so that she could develop her property. City Administrator Schmidt said there are two different things. She did grant us an easement on the access road that goes into the plat where the culdsac is. They just put a new water main in all the way to the end of it. There was no utility for that water main so she granted the City utility easements for that water main. But, there is also a second easement that actually is the driveway to her house that shoots up the hillside. It's an access driveway that use to serve the old reservoir. It was actually issued to the City back in 1938. Back when she did the boundary line adjustment she asked the City if she could give that up, and at the time we told her no because we talked to the Committee and the Council and we decided that at some point in the future, since we only had one line coming down from the reservoir and if something ever happened to that we wouldn't have a secondary or alternate route, and the City may want to put a second line in some day. But now she is having some issues with the adjacent property owner so she came back to the City again. After the attorney and I read the easement agreement, it doesn't allow us to put a utility in it; it's just for access only and so she has asked the City if we would vacate that access easement and she would give us an easement back, the same width, everything, but strictly for utility purposes, so if we ever want to put a utility line in we could. That is what the committee was reviewing in that packet and it will be coming to the Council for consideration April 13<sup>th</sup>. And because the access was given because it was a utility, there will have to be a Public Hearing on it as well. There is a Public Hearing scheduled at the next meeting for that.

**Community Services & Recreation:** Council member Patson stated that they met on the 17<sup>th</sup> of March. Scott de Carteret gave a presentation regarding a proposal to add a 14' x 22' addition to the west side of the shop at the cemetery. He would like to make this an office where families and survivors can come to discuss in private details about burial

arrangements, and also there could be a show case of urns, markers, memorial plaques and other items. City Administrator Schmidt informed us that we must have sewer and water connections, which is going to drive the cost up about \$10,000. Scott estimated the cost to build this addition at \$15,000. Our committee totally supports this proposal, and there is money there for it. **Council member Patson moved to approve the funding for the addition of an office to the west side of the cemetery shop not to exceed \$30,000. Council member Twardoski seconded the motion.** A short discussion ensued. City Administrator Schmidt said the money has been budgeted for about five or six years for this project. They're putting a bathroom in too and some façade work to the front of the building. **Motion carried.**

Council member Patson said they talked about the Fright Factory and the Wink's will be coming to the next Council meeting. A copy of the contract is attached to the minutes. It is the same as in previous years. They would like it to be a two year contract. Mayor Johnson said there is also a copy of a check that they gave to the City.

Council member Boyle Barrett said she has been working on the Youth Forums for the Family's First Coalition. One of the items we've been talking about is the Town Hall Meeting that is coming up, and I just want to be sure that the Council knows that they're invited.

Council member Patson said regarding the Fright Factory, one of the suggestions we talked about is creating an account for the Miller Property, and let it accumulate and build interest.

City Administrator Schmidt stated that one of the things the Committee talked about this morning was that the United States Department of Agriculture has a grant out right now for promotion of Farmers Markets. It is an opportunity; they have a pot of \$5 Million, and I think you can request up to \$500,000. The Committee discussed what the future of the Farmers Market is going to be. The reason the Farmers Market moved from the River Avenue area down by Jefferson two years ago back to Thunderbird Park was because of a lack of facilities and utilities. They didn't get the response down there, or the number of participants that they had hoped for, so they moved back down to where there was water and electricity. But Thunderbird Park has limitations on how that can grow. Back when we put the Comp Plan and the Master Plan together, the Master Plan talked about the Farmers Market going south of the Youth Center and then Jefferson Street eventually being vacated. One of the things the Committee talked about today is possibly planning on moving the Farmers Market back down to that area and begin phased projects using some of this grant money to put utilities and infrastructure in place for that. If that is okay with the Council, the engineer and I are going to estimate what it would cost to run water and power in there, and possibly do some frontage and parking improvements as well, to be able to begin to enhance that area so that the Farmers Market can move back down. If the Council is supportive of that, it is a quick turnaround; the grant has to be out by April 15<sup>th</sup>, so we don't have much time to put this together. But, I didn't want to put a lot of effort into it if the Council wasn't supportive. Council member Montgomery said I think it would be a fine idea to go out for a grant to try to further develop the Farmers

Market. Could the Farmers Market be moved to directly adjacent to the Youth Center and use their water and electrical hookups on an interim basis until some of these other projects can take place. Discussion ensued. City Administrator Schmidt said I think the City actually adopted that each use has to have a separate meter service. It was agreed that everyone was in favor of City Administrator Schmidt proceeding with the grant application. Council member Patson said that Council member Twardoski would be coming before the Council to talk about the Farmers Market.

Council member McNally said regarding the raccoon population, he trapped a raccoon and found out later it is illegal to trap a raccoon and transport it to some other location. If we have Mac trap these raccoons and transport them somewhere else, he might want to check with our Police Chief to make sure that it's legal.

Council member Patson said they talked about the community garden. At this point we are still in the discussion stage. Everyone agrees that it is a really good idea. Council member Patson said she has a copy of the City of Sumner's guidelines which she will study to see if we can adapt them, and Council member Montgomery sent her the phone number of a contact person for that. In the interim we discussed the food banks and former Council member Ron Weigelt's suggestion to grow an extra row for hunger. We can do that in the interim. The bottom line is there are food banks that need help, and if you grow an extra row for hunger in your backyard garden, it is a good way to provide people with healthy food and it invites citizen participation. Council member Patson said her husband is going to do that, and she challenges all her contemporaries on the City Council as well as all City employees to do the same. Council member Harple said this might be something to think about for the newsletter we send out with the bills. Council member Reed said while you are developing guidelines for the community garden you may want to look at keeping it organic. There is a big demand for organic foods, and with blocks right next to each other we would not have to worry about somebody's allergies being affected by chemicals on another plot.

Council member Patson said we do support Mac's solution for attending to the raccoon population because there is a risk of property destruction at the senior housing complex. Also, they are mean critters and there is the worry that citizens living in that complex might get hurt.

Council member Patson said it was brought up that we need more Council and City employee participation in the Employee Wellness Program, and we invite any ideas for tracking progress in order to qualify for the 2% premium discount on insurance.

Their next meeting will be April 14, at City Hall, at 9:35 AM.

**Community & Economic Development:** Council member McNally stated they have not had a meeting. Their next meeting is April 1<sup>st</sup> at 8:30 AM, but there is a possibility that might have to change. Mayor Johnson asked that he let us know as soon as possible. Council member Boyle Barrett reported on Families First. As your Council representative with Families First I wanted to let you know we now have a representative

from Wilkeson coming to meetings, and a Council member from Bonney Lake, and it's helping us make more connections between cities. You are all welcome to attend a meeting on the 4<sup>th</sup> Mondays, from 4 to 5:30 at Glacier Middle School library. Mayor Johnson said there is quite a large section of Bonney Lake that is in the White River School District, so it is good to see that they are attending.

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

Mayor Johnson said she would like to remind you that a week from tomorrow, on March 31<sup>st</sup>, the AWC is holding a Small City Roundup here in this building at 6:30 PM. If you are going to attend, they would like you to register. I don't believe there is a cost. Mayor Johnson said she will be calling the other local small cities to remind them of this coming up.

Mayor Johnson said the Museum has begun work gradually on the addition. This is being done primarily with volunteer labor, although the City crew came over and did some saw cuts on the concrete. They discovered as they started removing the old metal posts that it wasn't properly constructed so now it's getting the proper footings, etc. and so far that's all been done with volunteer labor and at very little cost to the City. There will be some expense. There will be some electrical work and some plumbing work, but a lot of materials have been donated or donated at cost.

Mayor Johnson stated that last Friday at Rainier School they saw their first children from the community in the dental clinic. On Fridays now the Lindquist Dental Clinic is open and they are seeing children who are on DSHS; they accept all insurance and they turn no child away for not being able to pay. So, this is a small step forward and one that we hope we can expand upon and get a full time dental clinic up here for children. City Administrator Schmidt congratulated the Mayor on this success; she has been working on this for many years. Mayor Johnson said if you know of anyone in your neighborhood with small children, and they don't have dental insurance, here is an opportunity to get dental treatment for these children.

### **Staff Reports:**

City Administrator Schmidt said that staff and the CLC met with Puget Sound Energy on Thursday afternoon in Seattle and we completed negotiations for purchase of the White River property. I believe that we have reached an agreement that will be brought before Council. We're finalizing the Purchase & Sale Agreement, the Addendums and the Easements that go along with it, and that hopefully should be coming to you at the April 13<sup>th</sup> meeting.

City Administrator Schmidt said we have received word that Kyle Rohner has resigned from the City, from his apprentice program, so we will be seeking a replacement for that position shortly. Council member McNally asked if he is the apprentice that passed his welding certification. Mayor Johnson said we don't know. City Administrator Schmidt

stated that Brian Burbank has passed his entire apprentice program and is now at journey level, but Kyle had not completed his yet.

Mayor Johnson said we excused the Fire Chief and Police Chief tonight. They didn't have anything, and there was nothing on the agenda. We talked to the Fire Chief about the fireworks stand.

City Administrator Schmidt said before we move on to the main agenda, and before any motion is made on the ordinance, I would like to discuss it. I would actually like to ask the Council to postpone that. Council member Boyle Barrett has come up with an issue that there is some conflict in the language. So, we need to make corrections to the draft ordinance that's here in order to make sure that the language is correct before the Council considers it. So, we're asking that you postpone that.

### **Citizen Participation:**

**Wayne McBroom, 1875 Ryan Road:** Mr. McBroom said he'd like to start out by asking a question of the Council and the Mayor. How important is the census to Buckley? City Administrator Schmidt said extremely. Mayor Johnson said a lot of our future funding depends on what our total population is. Mr. McBroom said that is what I thought. He stated he got a postcard in the mail today from the Census Bureau saying that they had sent him the questionnaire and they hadn't received it back. Mr. McBroom said that he didn't get the census questionnaire. They sent it to his physical address on Ryan Road, but he has a Post Office box. I'm sure that judging by the number of boxes in that building that there are a great number of people that are in a similar position. The reason I was late to this meeting is because I was on the phone to the Census Bureau. He talked to a young woman named Stephanie and she tried every which way to get him another questionnaire. They cannot send me a questionnaire unless I can give her the identifying numbers that are directly below the return address on the questionnaire. I said I didn't get a questionnaire; I want one and I want to participate. She said I'm sorry but I cannot help you without this identifier that's on your questionnaire. The end result was between April 1<sup>st</sup> and April 3<sup>rd</sup> they are going to issue more questionnaires. I told her if they send it to the same address that they sent the first one that I'm not going to get it. So, what do I have to do? Mayor Johnson said this is a problem that we had with our last census, and it has to do with the Post Office refusing to put anything in a post office box with a street address on it. Mayor Johnson said that the Census Bureau refuses to deliver to a Post Office box, and the Post Office refuses to deliver to a physical address if you have a Post Office box. Council member Reed said the reason that the Census Bureau doesn't want to deliver to a Post Office box is because nobody lives in a Post Office box. What the Census Bureau wants to know is where you slept the majority of the year. They know that Buckley is a problem child, as are many small communities that don't have in-city delivery. What will happen is they will actually take that same list of people that have not responded and they will go out and do a door to door survey of those individuals. Council member Reed suggested that Mr. McBroom call our Senior Center Director to find out when the Census person would be there, and hopefully she can help him. Council member Reed said if the cutoff date comes, and I believe that is April 1<sup>st</sup>,

they will start sending people out door to door for all those that they did not get a return from. Mr. McBroom said that Stephanie at the Census Bureau, with whom he had a very lengthy conversation, never mentioned towns having meetings at senior centers or door to door people, none of that. She just needed that identifier. City Administrator Schmidt stated that the City has been meeting with the Census people for two years now, and they have census maps of the entire City with all the addresses and all the dwelling units in the City, and I am assuming that by a certain date if they haven't gotten a response, they'll do a correlation between addresses versus responses and if they don't have a census form from that address they will go out and physically meet with the people who are there to get that form filled out. Mr. McBroom asked then why did this woman tell me that between April 1 and April 3 they would send out other questionnaires? Council member Reed said unless she was talking about the hand delivered one. Mayor Johnson said she will contact Renee, who was this area's person in Tacoma, tomorrow and tell her that this was a problem we told them about and we'll tell them that it has reared its ugly head again. Mr. McBroom said I would like to participate but I can't. City Administrator said to call Jennifer Bacon at the Senior Center to find out what day that Census person is going to be there; that is what I would do. A discussion ensued regarding delivery issues with the forms.

## **MAIN AGENDA**

**Ordinance No. \_\_-10: Amending Utility Billing Provisions:**  
**Council member Boyle Barrett moved to postpone the ordinance amending utility billing provisions indefinitely. Council member Harple seconded the motion.**  
**Motion carried.**

**CLC Agreement: Amendment #2:**  
**Council member Montgomery moved to approve the extension of the Memorandum of Agreement between the City and CLC for Land Acquisition Services. Council member Reed seconded the motion.** City Administrator Schmidt said we have completed negotiations and now it will be up to the Council to decide whether or not you want to accept the terms of that. This is only the Purchase & Sale. Now if the Council agrees, it will still take 60 to 90 days to go through closing, etc. Council member Montgomery asked why are sections 2 and 3 of the Agreement deleted. City Attorney Olbrechts said our attorneys have been working on this and the reason why is that under the old agreement CLC was going to be signing the Purchase & Sale Agreement and that made PSE uncomfortable; they wanted the City itself to be the signer because it's going to own the property ultimately, so taking out 2 and 3 enables that to happen. **Motion carried.**

**Fire House Pub Beer Garden Permit:**  
**Council member Montgomery moved to approve the 2010 Beer Garden Permit for Firehouse Pub subject to conditions in the Permit. Council member Harple seconded the motion.** Council member Harple said he would like to clear up any miscommunication because of what I've read in here and what I remember hearing. I thought that when they asked for the authorization to open the garden prior to 4 PM, there

was some communication about asking also to serve outside prior to 4 PM, and I just want to make sure we're all on the same page with what we agreed to. City Administrator Schmidt stated no, you could drink outside but there is no serving outside. Council member Harple said I just wanted to make sure we were clear on that, on what the understanding was. Council member Reed said that was my understanding as well at the end of the discussion. City Administrator Schmidt said they can carry alcohol from the pub outside, but there is going to be no serving in the Beer Garden prior to 4 PM.

**Jason Schaffer, 780 Main St., Firehouse Pub:** I want to make sure that I'm on the right page on this too. I know we are not having a service station outside until 4 PM, which is when we will have three of them around the area, but I do want to make sure that we are able to serve outside. There is a difference with not just people walking out but actually that a server can bring something out to a customer. We won't have service areas outside per se. City Administrator Schmidt said this permit is written so you are not serving outside in the beer garden until 4 PM. Council member McNally said they can go inside and get their own alcohol and then walk back outside, but you cannot have a server outside. City Administrator Schmidt said that was my understanding as well so if the committee had a different understanding then that is something that needs to be clarified here. Mr. Schaffer said what I hear you saying is that we cannot have a server even come out the door until 4 PM. City Administrator Schmidt said yes, based on what this permit says. Council member Boyle Barrett said I think what we talked about was the family atmosphere, so not having a promotion of alcohol outside, but it was okay if they drank outside. Mr. Schaffer said we can make that work. Council member McNally said right on the very front it states "however consumers would be allowed to carry containers from the pub into the garden for consumption." So, patrons can carry their drinks outside, and I can see where a server might go outside to pick up glasses or cups or something like that, but I read it that you would not be serving any alcohol in the Beer Garden until after 4 PM. City Administrator Schmidt asked if that was the committee's understanding. Council member Reed said that was his understanding at the end of the committee meeting. City Administrator Schmidt said that soft music is allowed from noon to 4 PM.  
**Motion carried.**

**Agreement: WSDOT Local Agency for Pedestrian Project:**

**Council member Montgomery moved to approve the WSDOT Highways and Local Programs Funding Agreement for the SR 410 & Mason Ave Pedestrian Crossing Project. Council member Boyle Barrett seconded the motion.** City Administrator Schmidt asked did the Council see in the Agenda Bill that because of the use of solar the City will have to enter into an agreement to maintain those pedestrian beacons. We met with the Olympic Region Maintenance Supervisor and he refuses to maintain solar operated beacons. He said because there are so many different styles and types out there that the DOT cannot stock replacement parts for every single different model there is, so that is why they are not promoting it. A discussion ensued regarding solar versus hard wired. City Administrator Schmidt said if we can hard wire these for \$5,000 or \$10,000 more, the Council may want to consider that as an option, and then DOT would maintain it. One of the reasons we moved quickly on this was because we were going to lose the funding if we didn't get it obligated. Once we get the money obligated through this

agreement, then we have some time to be able to explore some of these other issues.  
**Motion carried.**

**Consultant Agreement: Mason Ave & SR 410 Pedestrian Crossing Design:**  
**Council member Montgomery moved to approve the Consultant Agreement for Design of the SR 410 & Mason Ave Pedestrian Crossing Project. Council member Boyle Barrett seconded the motion.** City Administrator Schmidt asked if all of the Council understands what the project scope of this entails. Where the rose garden is behind the Post Office, where the little park is and where the trail curves around. The project extends that trail out to the highway and does an ADA drop to the highway, and there will be an ADA crossing there to the north corner of Mason Avenue, into another ADA access point there with pedestrian controlled flashers on both sides of the road. A person can cross the street at Mason and activate the control themselves. With the Youth Center and the Skate Park there we have kids shooting across that highway with the traffic. Mayor Johnson said it is not just kids. Adults cross from the trail over to the espresso stand and back. **Motion carried.**

**Kiwanis Fireworks Stand Permit:**  
**Council member Boyle Barrett moved to approve the Buckley Kiwanis use of City owned property to operate a Retail Fireworks Stand from noon on June 28<sup>th</sup> through noon on July 6<sup>th</sup>, 2010, and waiving the requirement of a cash deposit or performance bond, and authorizing the Fire Chief to issue said Retail Fireworks Stand Permit to the Buckley Kiwanis. Council member McNally seconded the motion.** City Attorney Olbrechts stated your code doesn't really have a provision allowing for the waiver of this bond, so you really can't do it unless you amend your code and say you can waive it if someone from past performance has shown that they don't need to have the bond. I'll put up the \$50 if you just allow me to make an ordinance that allows you to waive it in the future. I just don't want you to get dinged by the Auditor's office. I can just add a sentence that says you can waive it if they've been good stewards of their stand in the past. City Administrator Schmidt said they can also write the City a check and we never cash the check. The Mayor and I had a meeting with Chief Predmore this afternoon and he said he has wanted to go through the fireworks ordinance for some time because there are some things in there that need to be addressed. But in order to do that, with the fireworks ordinance, you have to remember that anytime you make changes to it they don't take effect until the following year. So, I would encourage us to start looking at that right now so we can get that adopted before the 4<sup>th</sup> of July and then it will take effect in 2011. **Council member Montgomery moved to amend the motion to strike the portion of the motion that talks about waiving the requirement of a cash deposit or performance bond. Council member Reed seconded the amended motion. Amended motion carried. Main motion carried.**

### **CONSENT AGENDA**

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

Approve Minutes of March 9, 2010  
Approve Minutes of March 8, 2010

Claim check numbers 44983 through 45000, in the amount of \$18,245.56, for the period of March 10 through March 23, 2010, are hereby approved and ordered paid this 23<sup>rd</sup> day of March, 2010.

**For the Good of the Order:**

Mayor Johnson said that not everyone has a committee any longer so we are going to be adding an agenda item at the end and that is **For the Good of the Order**, so people who are not chairing a committee have an opportunity to bring something forward. Council member Patson said she is really worried about the fact that if we trap those raccoons, what are we going to do with them that is within the law. City Administrator Schmidt said we will check with the Police Chief to see what we can do. He will check, but he believes we can get a trapping license. We've done that in the past with beaver in the City.

**With nothing further the meeting was adjourned at 8:25 PM.**

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
City Administrator