



## BUCKLEY CITY COUNCIL MEETING AGENDA

April 13, 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 #AB10-40

### 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)*

7. Lloyd Livernash: Cemetery Issues
8. Jan Twardoski: Buckley Country Market 2010

### Main Agenda

9. Public Hearing: City/Bolesky Access Easement Vacation
10. ORD No. \_\_-10: Allowing Extensions of LDA Permits
11. RES No. 10-\_\_: Vacating Access Easement
12. RES No. 10-\_\_: Declaring City Vehicles as Surplus
13. Wink Contract: Haunted House
14. Pierce Transit: Nomination for Board of Commissioners At-Large Position
15. Proclamation: Domestic Violence Awareness Day
16. Federal Way Jail Contract
17. VAC Contract
18. Optumhealth MOU
19. Executive Session: Potential Litigation (Reservoir Overflow)
20. South Prairie Creek Surface Water Diversion

### Consent Agenda

21. A. Approve Minutes of March 23, 2010
- 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**  
**April 13, 2010**

Mayor Johnson called the regularly scheduled meeting to order at 7:01 P.M.

Upon roll call the following members were present: Harple, McNally, Patson, Reed and Twardoski. Council members Boyle Barrett and Montgomery were absent. Also in attendance was City Administrator David Schmidt.

Mayor Johnson asked if there were any changes, additions or deletions to the agenda. Mayor Johnson stated after staff reports she is adding a report on the art project.

**Finance and Public Safety:**

Council member Reed stated they had a meeting last night. Most of the items discussed are on the main agenda with a few exceptions. Primarily the items that are not on the agenda were updates to projects going on and additional information that will be coming forward to the Council in the next couple Council meetings. The Police Chief discussed the Federal Way Jail Contract, VAC Contract and the Optumhealth MOU, which are on the agenda tonight.

**Streets and Utilities:**

They had no meeting. Their next meeting will be April 20, 2010 at 6:00 PM.

**Community Services and Recreation:**

Council member Patson stated their regularly scheduled meeting will be April 14, 2010 at 9:35 AM.

**Community and Economic Development:**

Council member McNally stated they had a meeting on April 8, 2010. They discussed signs. MA Driving School submitted a sign application for a new location on 754 Main Street. They had bought a sign for another building in another city and they wanted to use it here. The Committee felt that there might be a problem with the bright blue color of the lettering. Council member McNally did meet with the owner and found that the windows are tinted and the blue through the tint is similar to the blue sign above the Buckley Dental Office. He couldn't justify saying no they couldn't have that. They discussed impact fees, which will be ongoing. The other thing discussed was regarding the City Planner. The Committee was wondering if they could e-mail the Planner on days other than Thursday. It was determined the way the contract is now written that the only time we can discuss anything with her is through e-mails and she will answer them only on Thursdays. The Committee is looking at the goals and objectives in the Comprehensive Plan now as we can make changes once a year and we want to make sure the goals and objectives are the same now as we want for the next couple years. Mayor Johnson presented us with the 3/50 Project, which you can go to the website and look up at [www.the350project](http://www.the350project). Mayor Johnson stated basically what you do is pick three

businesses in your town that you don't want to see leave and you frequent those. Their next meeting will be May 6, 2010 at 8:30 AM.

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

Mayor Johnson reminded everyone that the Daffodil Classic bike ride is this Sunday and their route is through town. The Tacoma Wheelman will set up a rest stop in Thunderbird Park and the Rails-to -Trails Coalition will man it. If anyone wants to come help, that would be great.

Mayor Johnson stated agenda item #15 is regarding Pierce Transit and the Mayor of Orting has called a meeting for people that are interested in de-annexing Pierce Transit. As you know, their proposed plan is to only provide services in Lakewood and Tacoma and some outlying areas outside Tacoma. There would be no service at all this side of the Bonney Lake Park & Ride. She will be attending the meeting Thursday evening in Orting.

### **Staff Reports**

There were no staff reports.

Bob Olson, Buckley Art Commissioner, would like to remind everyone that the dinner, dance and auction is May 1, 2010. Ticket sales are going good. They are still looking for big auction items. The brick applications will be out soon. Anyone that has served in the military will be able to put a brick at the memorial.

### **Citizen Participation:**

**Jan Twardoski, 129 So B Street.** They are hoping to have the Country Market start on May 8, 2010 and run through September. It starts at 9:00 AM and runs until 1:00 PM. She is asking the Council for permission to use Thunderbird Park for the Country Market. **Council member Reed moved to allow the Country Market the use of Thunderbird Park on Saturdays from May 8, 2010 through the end of September. Council member Harple seconded the motion and the motion carried.**

### **MAIN AGENDA**

**Mayor Johnson recessed the regular meeting at 7:20 PM to hold a Public Hearing on the City/Bolesky Access Easement Vacation.**

**Mayor Johnson opened the Public Hearing at 7:20 PM.**

**Karen Bolesky, 730 Gravity Way.** This is on her property and she didn't know it until way after she purchased the property. It is an easement from 1938, and it has burdened her property in a sense because it says it is a road bed that needs to be maintained by the City of Buckley, but there is no road bed there and it would be almost impossible to make a road bed on that. On January 11, 2005, it came before the City Council and the Council

voted to release the easement back to her, and then City Administrator Schmidt wrote a letter to her because he needed it for some sort of a water project. Because it is a road bed, she requested from City Administrator Schmidt that he have the road way removed from that, because we don't need a road there, and make it a public utility easement preferably exclusive to the City of Buckley. It goes all the way across the front of her property so she doesn't want somebody just deciding to use it because it is a public easement. City Administrator Schmidt wrote a letter and requested that the City would likely keep that for a water project, and if that is needed is she willing to give an easement back to the City that would be exclusive to the City of Buckley only.

**Wayne McBroom, 1875 Ryan Road.** When he noticed at the Post Office bulletin board the Public Hearing notice, he wrote down the parcel numbers so he could research it because he wasn't familiar with the area. His first surprise was that not all the parcels listed in the notice belong to Ms. Bolesky; one parcel is owned by Jeffrey and Marcia Staples. If the parcel numbers that were listed on the first notice were correct, then we are missing an owner. He looked them up and discovered that of the three Bolesky parcels two were joined but one was clear on the east side and was not connected at all. It puzzled him; he thought he wrote down the wrong number. He went back to the Post Office the next day and there was a new, different notice that didn't have parcel numbers, it just stated lots A-D. On the tax assessor website they don't use letters, they use numbers. He printed off a map, and the lots in that large lot subdivision are numbered 1-8 so he thought if the City was going to put out a second notice and get rid of the parcel numbers that they would at least use what the tax assessor was using and not come up with their own coding. The map that he printed from the website shows that it already is a utility easement. It is not a general access easement as the Public Hearing announcement indicates, so the wording in his estimation is wrong for this Public Hearing. Not only are we missing one of the owners, but the wanting it to be a utility easement is already there, so the purpose of this public hearing is unnecessary. As far as the parcel that is clear on the east side, and actually the east border of that parcel is the City limits, the only thing that is in that parcel that shows up on the tax assessor records is a 10 foot ditch that goes from the City limits diagonally through four other parcels. The page within the agenda item in the Council packet only shows one parcel number next to the highlighted area that is in question. So, you can see where ingress is but you don't see the egress because it is three lots over somewhere. He has no particular animosity towards this project, it is just confusing and he is getting the feeling that the reasoning for it is different than what was put out in this agenda item. He hopes he is wrong, but he doesn't understand why the parcel that was clear on the east side was included; it was there until the notice was changed.

Mayor Johnson stated that this was the request of the property owner, is that correct?

**Karen Bolesky, 730 Gravity Way.** Her surveyor says that this probably was a mistake. Her property is landlocked. She bought the whole piece of property, which was a 40 acre piece of property, and she was the one that subdivided it. Lot D was sold to Chris Banks

and now must belong to the other people that were mentioned. She has the document and it is clearly an ingress/egress document. Her surveyor felt that when the north property and her property were subdivided it was owned by the same people and it was subdivided at the wrong place. If it was subdivided on the north side of the driveway, then the driveway would have been part of her property and would have taken her off onto Klink Street. But now, because of the way it was subdivided, this 20 acres is across the front of her property which doesn't even connect to Klink Street; it is a landlocked easement as it stands. There is an easement across all of Spiketown Ditch for all the parcels that were part of the BLA that was completed. Somewhere along the way, she doesn't think the easement originally went across the whole front of the property, so right now she is just here to get the road bed portion of it off so there is less confusion.

Mr. McBroom stated he doesn't know that it matters we are missing one of the owners.

Mayor Johnson stated this is dealing with just strictly the Bolesky property.

**With nothing further the Public Hearing was closed at 7:36 PM.**

**Mayor Johnson reconvened the meeting at 7:36 PM.**

City Administrator Schmidt stated Karen Bolesky's surveyor did all the work on this and then presented the City with the documents to review. We then sent the documents to the City Engineer and City Attorney and they verified all the information. We took the information from that and put it on the hearing notice. If there is a problem or mistake somewhere, we should table this matter to be able to verify the parcel numbers on the hearing notice so there is no confusion. What we are dealing with is strictly a public access easement that the City obtained from the property owner in 1938 to access the old City reservoir. If the Council will remember, when Ms. Bolesky came to us in 2005 we talked about vacating that but the City was concerned about not having the secondary line coming down from the reservoir, and if there was ever an earthquake and we lost our one line there goes our water to the City. So we talked about a secondary route to put a line in at some point so we have some redundancy. Because we have that easement there already, we thought that would be an ideal location for that and that is why we are here tonight. Council member Reed stated because the current document easement specifically says for a roadway and doesn't address utilities at all could we even use that. Administrator Schmidt stated no, and that is the attorney's opinion as well. He looked at the old easement document of 1938 and basically said that gives us the right to access the old reservoir but doesn't give us the right to install utilities in that easement area. So we really have an easement we can't use except for access. Council member McNally asked if the Bolesky property goes right up against the State property to the reservoir. City Administrator Schmidt stated that is correct, so we are really only dealing with one owner; the easement really is only on one property. If the information we took from the survey listing the four properties A-D is wrong, we should re-notice that and re-do it, but

that is what he has to verify with the survey information. Mayor Johnson stated then we will have to postpone Item #11 from the agenda tonight.

**Ordinance No. 07-10: Allowing Extensions of LDA Permits**

**Council member Reed moved to approve Ordinance No. 07-10 amending BMC**

**16.01.040 allowing extension of Land Disturbing Permits. Council member**

**Twardoski seconded the motion.** Council member McNally stated that this has been before the Planning Commission and they are recommending this. City Administrator Schmidt stated last year the City Attorney brought an interim ordinance to the Council that extends the subdivision permits by two years and extended development permits by one year. Planning Commission did review this and is in agreement with extending the Land Disturbing Permits for an additional 12 months. **The motion then carried.**

**Resolution No. 10-xx: Vacating Access Easement**

This will be postponed until a later date.

**Resolution No. 10-06: Declaring City Vehicles as Surplus**

City Administrator Schmidt stated that we will use the Resolution that was passed out tonight prior to the meeting. The one that was passed out with the packets was has been revised, down from five vehicles to two vehicles for surplus. **Council member Reed moved to approve Resolution No. 10-06 declaring City vehicles as surplus and authorizing their sale. Council member Patson seconded the motion.** Council member Reed stated this was discussed at Committee. We have received one of two vehicles that the Police Department has ordered. We have received the F-150 pickup and it is currently in service. The Expedition came back as a 2-WD and red so it has been returned. That is one of the reasons why we don't have all the vehicles on the surplus list. The other reason is that one of the vehicles that was originally listed was seized in a drug bust, and due to the accounting requirements of having to split the proceeds with the State, the Police Chief suggested, and the Committee agreed, that it would be better to follow the standard surplus sealed bid procedure. **The motion then carried.**

**Wink Contract: Haunted House**

City Administrator Schmidt stated that he talked to the City Attorney today and he is going to take the time to explore what exemptions there are for that and he said to go ahead and run the current contract the way it is and we will try to pick up the correction down the road. **Council member Reed moved to approve the Agreement for lease of the Miller property for the annual Haunted House under the terms and conditions specified. Council member Twardoski seconded the motion.** Council member Reed stated that the City Attorney felt there may be a requirement that because we are leasing property that the Lessor needs to pick up a tax on these properties, keeping in mind that tax would be paid to the City of Buckley and a portion of the profits are being given to the City so if we picked up the tax we would simply have less profits. City Administrator Schmidt stated what the City Attorney wasn't sure about is whether this current lease of the property would qualify under the State leasehold tax. What we are looking at under

the next contract is instead of doing a lease for the house is we do a service contract to run the Haunted House. Council member Harple stated there is also the addition of the wording allowing the City to use the revenues received to be dedicated to community services including but not limited to making improvements to the existing property. **The motion then carried.**

Council member Reed asked when does the visioning process for the State property start. City Administrator Schmidt stated that he talked to the City Administrator from Bonney Lake last week and when he gets back from vacation they will meet with the Planning Director from Bonney Lake and actually begin to develop a scope of work that can be brought to Council, so that should happen sometime next month. We are going to have to give Bonney Lake some direction, so he will get with the Committee to discuss this. Mayor Johnson stated that the House and Senate have finally passed the budget and Rainier School has been removed from the chopping block, so we have won this battle but maybe not the war. There are escape clauses on both sides of the property that we have leased and her fear has always been that the State would come in and pull the rug out.

**Pierce Transit: Nomination for Board of Commissioners At-Large Position:**  
**Council member McNally moved to nominate Neil Johnson for the Pierce Transit Board of Commissioners at-large position. Council member Twardoski seconded the motion. The motion then carried.**

#### **Proclamation: Domestic Violence Awareness Day**

Mayor Johnson read a Proclamation proclaiming April 26, 2010 as Domestic Violence Awareness Day and issued this call to action to all citizens, employees and officials of the City of Buckley to pause for a 26 second moment of silence at noon on April 26, 2010 to remember Crystal Judson and reflect upon our individual responsibility as community members to help end the epidemic that is domestic violence.

#### **Federal Way Jail Contract**

Chief Arsanto stated this contract is a little different than other jail contracts. Federal Way is going to pay for five beds everyday regardless of whether or not they have people for those beds. The contract is approximately a two year contract with a 90 day buy out so they can at anytime let him know with 90 days notice and cancel. The reason for that is a new jail is being built so Federal Way will be booking into that jail when it is complete. They are looking for this contract to end December 31, 2011. **Council member Reed moved to approve the Agreement between the City of Buckley and Federal Way for Jail Services. Council member Patson seconded the motion.**

Council member McNally asked if this was going to create any problems as far making sure there are five beds available. Chief Arsanto stated a little bit of a start up problem. He has ordered different bunking for one of the cells and that bunking is 4-6 weeks for manufacturing, so the first two weeks of the contract it might be a little bit of a problem. Federal Way has expressed to him that this will be primarily for females so he is taking

an area of the jail that currently has six beds in it and bunking it so it will hold ten. He is actually only losing one female bed for all his other contract agencies. **The motion then carried.**

### **VAC Contract**

Chief Arsanto stated once again we are dealing with the jail and these are the collect only phones that the inmates use. You can only place collect calls out. This is a five year contract and after the five years it will renew annually. There is a 90 day clause. Replacement costs for the phones if they were to get destroyed are a set price. Council member Harple asked if this system has the option to block calls going out. Chief Arsanto stated that they keep a computerized system within the police station that is hooked to the phone system that allows us to block out phone numbers. **Council member Reed moved to approve the Agreement between the City of Buckley and Value-Added Communications Inc. for inmate telephone services. Council member McNally seconded the motion and the motion carried.**

### **Optumhealth MOU**

Chief Arsanto stated this is a thick memo of understanding that states we will not change anything different with how we deal with the mentally ill. OptumHealth Pierce County Regional Support Network has contract beds with what was the old Puget Sound Hospital and Western State Hospital. As far as the police officer on the street, it is not changing anything. **Council member McNally moved to approve the MOU between the City of Buckley and OptumHealth Pierce County Regional Support Network. Patson seconded the motion and the motion carried.**

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

Approve the minutes of the March 23, 2010 City Council meeting.

Claim check numbers 45001 through 45107, in the amount of \$ 380,824.04, for the period of March 24, 2010 through April 13, 2010; Payroll check numbers 30627 through 30679, for the month of March 2010, in the amount of \$ 322,674.07; and Treasurer check numbers 10800 through 10817, in the amount of \$ 35,317.69 for the month of March 2010 are hereby approved and ordered paid this 13<sup>th</sup> day of April 2010. Approve Transfer Voucher's for the month of March 2010. Approve Treasurer's Receipts for month of March 2010.

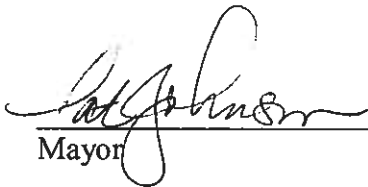
**Mayor Johnson recessed the regular meeting at 8:15 PM for Executive Session across the hall so they can have a conference call with the City Attorney regarding potential litigation, for approximately 15 minutes, and there may or may not be a decision to follow.**

**Mayor Johnson reconvened the meeting at 8:45 PM.**

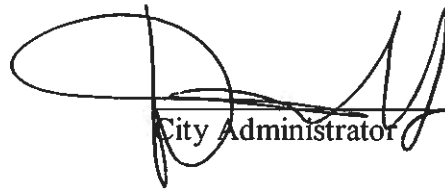
**South Prairie Creek Surface Water Diversion**

**Council member Reed moved to postpone this item until the next Council meeting. Council member Patson seconded the motion and the motion carried with Council member McNally recusing himself.**

With nothing further the meeting was adjourned at 8:46 PM.



\_\_\_\_\_  
Mayor



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