

City Council
December 14, 2010

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

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

Finance and Public Safety:

Council member Reed stated that the brief minutes from their December 1, 2010 meeting are in the packet. Regarding the Police remodel, it is still on course but some issues have been raised. For example, the fire alarm system may need to be replaced and there will be a need for a dry chemical fire suppression system between the original roof and the replacement roof which was overlaid on top. The other item discussed was in regards to engineering firms with the submittals that were received earlier this year. At this time we will not be changing engineering firms. We will still continue to evaluate projects and engineering firms project by project. There was also a discussion regarding the employee buyout policy. We haven't developed an official policy but are working on that.

Streets and Utilities:

Council member Montgomery stated they had a meeting scheduled last night but due to lack of attendance it did not take place. The next meeting will be January 5, 2011 at 6:30 PM at City Hall.

Community Services and Recreation:

Mayor Johnson stated there are Minutes in front of everyone from Council member Patson that will suffice for her report.

Community and Economic Development:

Council member McNally was absent so a report will be at a later date.

Mayor's Report:

Mayor Johnson stated she attended the Mayor's Conference in Olympia last week and they went over the Legislative Agenda for AWC. One of the hot topics is public requests for information.

Staff has not received the e-mail yet, but staff and Council are all invited to a potluck lunch next Wednesday here in the MPC at 12:00 PM. Please let her or Jen know what you will be bringing.

CITIZEN PARTICIPATION

Marvin Sundstrom, 881 Sheets Road. In the mid 70s he was on a school board where a patron asked the question if it is acceptable to praise an individual's performance in a public forum, and why it is not acceptable to criticize an individual's performance in a public forum as both deal with personnel issues. They were served by the King County Prosecuting Attorney's Office at the time, as most school districts under 10,000 were. So, they asked and received this verbal input. It is acceptable to publicly recognize an individual that has received an award not originating within their immediate working environment. It is not acceptable to praise someone for their on-the-job performance in a public forum without allowing equal access to critical comments in a public forum, regardless of source, with the exception being longevity awards. Council member Reed asked what the basis is for that. Mr. Sundstrom stated they didn't ask because it made sense. Council member Reed stated that the equal time issue would only apply for elected individuals, whereas for an employee the negative side of a public criticism of an employee's performance is that you run the risk of violating the libel laws if you defame that employee. Mr. Sundstrom stated it is not libel when you are telling the truth.

MAIN AGENDA

Bid Award: Fire Station

Chief Predmore stated everyone should have received in their packets the staff report and recommendation for the bid award for the Fire Station. They have pretty well laid out in the staff report the process they went through in reviewing the bids that were submitted. An incident that occurred with the original low bidder was them disclosing to us a calculation error and requesting that their bid be withdraw. Staff's recommendation is to accept their bid being withdrawn and go with the next low bidder who is Five Rivers Construction, Inc. The bids came in low enough that we could go with all of the alternates, but just because we have the money, the process that we went through was not saying we have a big enough check that we can do all of this, but what is the right thing to do. Council member Boyle Barrett asked if we had any other information come back from Group Mackenzie on the other two low bidders. Chief Predmore stated they checked all four of the low bidders in depth. **Council member Reed moved to award bid for construction of the new Fire Station to Five Rivers Construction, Inc. for the amount of \$3,437,032.30 including alternates 1, 3 and 4. Council member Boyle Barrett seconded the motion and the motion carried.**

Mayor Johnson recessed the regularly scheduled meeting and opened the Public Hearing on the 2010 Budget Amendment at 7:35 PM.

Administrator Schmidt stated that the budget amendment is coming before the Council because of the Fire Station Construction. We received additional revenues, we had additional revenue and expenditures for the Veteran's Monument that weren't anticipated when the 2010 budget was adopted, and we had the principal payment become due on the

Public Works Trust Fund Loan #3 for the Sewer Treatment Plant that was an added expenditure that wasn't accounted for. The amendment changes the expenditures to \$17,505,009 and the revenues to \$26,612,861, leaving an amended end fund balance of \$9,107,852.

The Public Hearing was closed at 7:37 PM.

Mayor Johnson reconvened the regularly scheduled meeting at 7:37 PM.

Ordinance No. 23-10: Amending 2010 Budget

Council member Boyle Barrett moved to approve Ordinance No. 23-10 amending the 2010 Budget. Council member Montgomery seconded the motion. Council member Harple had a question about the expenditures for the Veteran's Monument. He has always been told that it wasn't costing the City anything. Administrator Schmidt stated the revenue has also been amended to show all the revenues that have come in for the sale of bricks and donations so it is basically a wash. Council member Harple asked about the Fire Department Construction Fund. It is showing five million that the voters passed, but we just accepted a bid for 3 million to build it, are we still going to use the full 5 million and place it in other places. Administrator Schmidt and Chief Predmore explained that the bid tonight was solely to the contractor for the construction of the fire station, but there are other fees and expenses that will occur and those were explained to the Council. With all the totals he has it puts us at about 4.5 million to be completed, and based on the Bond Ordinance it is specific as to what that money can be used for; it has to be used for public safety facilities so we are restricted to that. The Bond monies from this have to be spent within 36 months of the time from the closing of the sale of the bonds, that being December 2, 2010. If there are remaining funds, the Council can use it for public safety facilities, or if we complete the project in 12-1/2 months then the City could also use any remaining funds to pay the bond debt in the second or third year of bond payments and essentially refund the money to the tax payers. Council member Harple was curious as to whether or not this money could go back to the tax payers so they aren't paying this for so long. Council member Reed stated it is up to the Council to decide once we have closed the Fire Station project whether or not the money we have left would be a significant impact to put against the bond costs or would we get a better deal by doing some other public safety facility upgrades. Council member Harple asked about the changes to the expenditures on the Sewer Treatment Plant. Administrator Schmidt stated that the City currently has three Public Works Trust Fund loans and explained why this amendment was done. The other issue is that we have been in negotiations with Puget Sound Energy for the White River property. Those items had not been budgeted for 2010, but because there is a likelihood that this will close before the end of the year we have to have those items in the budget. **The motion then carried with a 3-1 vote.**

Ordinance No. 24-10: Amending Building Code

Administrator Schmidt stated there was a disagreement as to where the sprinkler requirement was going to be, whether it would be in the Building Code or the Fire Code. The attorney has stated that it needs to be in the Building Code. The Council has already adopted the new Fire Code with those requirements already in there, so that is something we may want to amend. The Building Official stated that the residential sprinkler requirements are within the Residential Building Code so that is why it has to be adopted within the Building Code. There are a lot of cities that have not adopted this and there are some that have adopted it with exception like we have of when it reaches 5,000 sq. ft. of livable space. The other things that changed are some minor fees for basic plumbing and mechanical, which changed from \$50 to \$100. Discussion ensued. **Council member Montgomery moved to approve Ordinance No. 24-10 amending Chapter 16.06 of the Buckley Municipal Code entitled “Building Code”. Council member Harple seconded the motion and the motion carried.**

Resolution No. 10-12: Adopting the 2011 Exempt & Hourly Salary Scale

Council member Boyle Barrett moved to approve Resolution 10-12 adopting the 2011 Exempt and Hourly Salary Scale. Council member Montgomery seconded the motion. Council member Boyle Barrett asked regarding exempt employees if the 2010 step position is where they were on 1/1/2010. Administrator Schmidt stated yes, that is where they were in 2009. There was only one step increase that was obtained by an exempt salary staff in 2010 and that was the Police Chief because it was pursuant to his employment contract. Everyone else took a wage freeze and a step freeze for 2010. Administrator Schmidt stated the only changes to this are there was a proposed monthly stipend for the Fire Chief as long as he was doing Emergency Management Director duties, and we have proposed a .5% COLA for hourly employees that aren't subject to all the benefits and step increases that are throughout the other contracts and exempt salary grids. Administrator Schmidt stated that the City has never added the hourly scale to its resolution, but technically we are supposed to have a salary ordinance by the City. Council member Montgomery asked if the step increases and cost of living increases are factored into the 2011 budget. Administrator Schmidt stated yes. **The motion then carried.**

Resolution No. 10-13: Amending the City’s Personnel Policies and Procedures Manual

Administrator Schmidt stated this is kind of an unusual situation; it only happens every seven years. The January 1, 2011 holiday is falling on a Saturday, and with the 4-10 work week the City has, in order for the employees to carry this holiday into the new year we have to do an amendment for them to use their holiday pay. It is just giving them an additional month to use that holiday. **Council member Reed moved to approve Resolution #10-13 amending Section 6.18.01 of the City Personnel Policy and Procedures Manual. Council member Boyle Barrett seconded the motion and the motion carried.**

Temporary Construction Easement to WSDOT

Council member Montgomery moved to grant WSDOT a temporary construction easement for the SR410 Bridge Scour Project. Council member Boyle Barrett seconded the motion. Administrator Schmidt stated to keep in mind that we are granting an easement on property that we don't own yet. Council member Harple asked why we need to do this right now. Administrator Schmidt stated because the Department of Transportation has requested it so they can continue work on the bridge. **The motion then carried.**

ILA: Agreement for Building Services between Buckley & Edgewood

Council member Montgomery moved to approve the Addendum to the Building Services Contract between the Cities of Buckley and Edgewood for 2011. Council member Boyle Barrett seconded the motion. Council member Harple said in the summary statement it states "Dean's salary is to remain the same; the only dollar change is related to the increase in healthcare premium." What exactly is that? Administrator Schmidt stated that Edgewood will pay for half of the increase to the medical and dental benefits for the Building Official. **The motion then carried.**

Covington Jail Contract

Chief Arsanto stated this is going to supercede the current contract they have with us. The current one is an at-will contract to use when space is available, but the new contract will be paying for 3.5 guaranteed bed spaces. Council member Montgomery asked what happens if the jail is full and Covington has someone and they are paying for that person, do they have to look somewhere else. Chief Arsanto stated we don't let that happen; we cannot turn them away. Council member Harple asked so what happens when you are full? Do you just start letting some out of jail so you have a bed for Covington? Chief Arsanto stated you put names on the doors so you don't fill those beds because actually to sell out a jail at guaranteed bed space is much easier. Right now he is setting four beds aside for Federal Way. This is why we are looking at expanding the jail. We are being forced to either make the jail profitable or shut it down. Discussion ensued. **Council member Boyle Barrett moved to approve Jail Service Contract between the City of Buckley and the City of Covington. Council member Montgomery seconded the motion.** Council member Harple asked how long this contract is for. Chief Arsanto stated it renews every year with a 90-day cancellation clause for both. **The motion then carried.**

Contract Service: Calvin Jordan Associates for Jail Expansion

Council member Reed moved to approve the contract document between Calvin Jordan Associates, Inc. and the Buckley Police Department for design and bid contracts for construction and sprinkler system and construction administration for the expansion of the Buckley City Jail. Council member Boyle Barrett seconded the motion. Administrator Schmidt stated this is the same contract and nothing has been spent yet, but every time something else came up they had to rewrite the contract. **The motion then carried.**

TIB Agreement for River Avenue Overlay

Council member Montgomery moved to approve the TIB Grant Funding Agreement for the pavement Overlay of River Avenue. Council member Boyle Barrett seconded the motion. Motion carried.

TIB Agreement for Realignment Phase II

Council member Montgomery moved to approve the TIB Grant Funding Agreement for Phase II of the SR410/SR165/Ryan Rd/112th St E Realignment Project. Council member Boyle Barrett seconded the motion. Administrator Schmidt stated this is a big deal, not because of the amount of money but because there is any money at all. When the City first started this project TIB said they would not contribute any funding to a State highway project because it is WSDOT's responsibility. **The motion then carried.**

Bid Award: DSHS Screening Manhole

Council member Montgomery moved to award the bid of the DSHS Screening Manhole Project to Northwest Cascade for \$33,062.00. Council member Boyle Barrett seconded the motion and the motion carried.

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


Approve the Minutes of the November 9, 2010, November 23, 2010 and December 7, 2010 City Council Meetings.

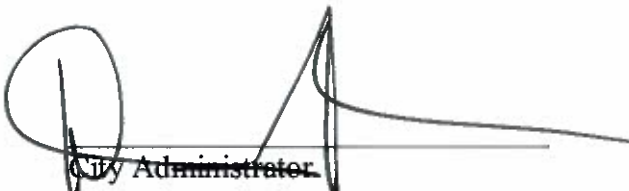
Claim check numbers 46080 through 46232, in the amount of \$507,732.67, for the period of November 24, 2010 through December 14, 2010; Payroll check numbers 31085 through 31197, in the amount of \$383,233.00 for the month of November 2010; and Treasurer check numbers 10958 through 10975, in the amount of \$64,607.23 are hereby approved and ordered paid this 14th day of December 2010

Council member Montgomery moved to cancel the December 28, 2010 City Council Meeting. Council member Boyle Barrett seconded the motion and the motion carried.

The Council convened into Executive Session at 8:37 PM to discuss Union Negotiations for approximately 10 minutes with no action.

With nothing further the meeting was adjourned at 8:55 PM.


Mayor


City Administrator