



## BUCKLEY CITY COUNCIL MEETING AGENDA

May 25, 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 #10-10  
Next Resolution #10-07  
Next Agenda Bill #AB10-64

### 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. Pierce Transit Tomorrow – Update
8. ORD No. \_\_-10: Amending Section 4.07 (C) of the City's PW Std's
9. Right-of-Way Acquisition: Offer Letter for Realignment Project (Dr. Ross)
10. Consultant Scope: Realignment Project Wetland Mitigation Plan (Enco)
11. MOU: PW Supervisor Take-home Vehicle
12. Frontage Improvement Waiver: 363 Mill Street (Person's)

### Consent Agenda

13. A. Approve Minutes of May 11, 2010
- B. Claims

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

**City Council**  
**May 25, 2010**

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

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

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

**Finance & Public Safety:** Council member Reed stated they have not had a meeting since the last Council meeting. There will be a Special City Council Meeting on June 7<sup>th</sup> and that will be to primarily talk about bonds. Once we have that information we can take it back to committee. Council member Reed stated they will schedule their next committee meeting at the June 7<sup>th</sup> meeting.

**Streets & Utilities:** Council member Montgomery was absent. Mayor Johnson stated that the committee minutes are in the packet.

**Community Services & Recreation:** Council member Patson was absent. Council member McNally gave the committee report. He stated that Russ Weeks, from Week's Funeral Home, attended their meeting. Mr. Weeks was worried about the cemetery possibly taking away some of their business and we let him know that was not our intention. He was concerned that some of the money came out of the general fund. City Administrator Schmidt explained how it is self-sufficient, and the new part of the building is not to go against Weeks Funeral Home; we are not in competition with them at all. I think he felt a lot better after that. Mayor Johnson said he had also been to the Chamber meeting. He was pretty vocal and gave some misinformation, but he apologized after that meeting for what he'd said. Council member McNally said they discussed the Farmers Market and the Veteran's Memorial. Arts Commissioner Olson actually yielded \$17,000 with the auction and dinner, after paying all the bills, which he thought was phenomenal. Council member McNally said we haven't had any interest in the Community Garden so far, and he suggested that maybe we just put a letter in the newspaper and make a push for it next year, and see if we can't get some volunteers to help spearhead it. Council member Boyle Barrett asked Council member McNally to make a note to check with the White River Community Outreach (at the Youth Center) and the White River Family Center (at Wickersham). Council member Harple asked if flyers were put up at the Post Office and other places. Mayor Johnson said at this point we just did it in the newsletter, and there was zero response, and at this time we are definitely too late. Council member McNally said they had a roundtable discussion about Brandon Davis putting up the exercise equipment along the trail. He is still interested in

doing that and Council member Patson is talking to him. Their next committee meeting is going to be June 9 at 9:35 AM

**Community & Economic Development:** Council member McNally stated that they mostly discussed impact fees and signage. One of our corrections officers is going to a class about dealing with work parties, so maybe later this summer we can use that help to do the landscaping around Main Street. Their next meeting is June 3 at 8:30 AM.

Council member Boyle Barrett stated that the Family's First Coalition Key Leaders Conference was yesterday. We had roughly twenty kids doing the presenting from the four different schools where we did the Youth Forums. We had about 35 key community members present. The City was represented by herself, Mayor Johnson and Planning Commissioner McCorkle. It went very well. The kids were able to present the problems and needs in the community, and some of the solutions, and what they thought they could do to help out. We will be taking that information back and seeing if we have a project that the Coalition is looking to support. If you recall, the last project that the Coalition supported was the building of the Youth Center. We've been working really hard to get the program information out. We are hoping to improve attendance at the Youth Center through that. Council member Boyle Barrett invited all Council members to attend their meetings on the 4<sup>th</sup> Monday of the month from 4 PM to 5:30 PM, at the Glacier Middle School library. Mayor Johnson said she knows that everyone here has a job outside of the City limits and I think if you want better attendance, and especially better attendance from the public as a whole, the meetings need to be held later. Council member Reed asked if they are going to forward a compilation of that presentation to the area City Councils. Council member Boyle Barrett said we had a discussion via e-mail today about distributing the PowerPoint because we actually had a request for that, but we haven't quite decided what we're doing with that. It is a possibility we will put that together; it highlights most of the problems and solutions that they identified.

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

Mayor Johnson said she has been attending the 5 Cities breakaway group. We've just sent some proposals to Pierce Transit and we all attended one of the Board meetings and testified. Now we're just waiting for Pierce Transit to digest it all and get back with us.

### **Staff Reports:**

City Administrator Schmidt stated that Hoffman is supposed to start repair of the transmission main on June 7<sup>th</sup>. There could be some water outages at some point after they start because they do have to replace a section of water main, but there won't be a City-wide outage because we still have wells to support that. They are hoping to be done in four or five weeks, weather permitting.

**Lynn Rose – Report on the Museum:** Mayor Johnson said so far we have approximately 300 hours of volunteer time at the Museum. There has been no money spent on labor for the actual construction; we have had help from many sources. The concrete work was done by a neighbor of Walt and Martha Olsen, and he did a fantastic

job on it. The surface is so smooth I don't even think we'll have to put a finish on it. The electrical work has been done by Mr. Stringfellow, who has done a lot of work for the City in the past, and came in with the lowest bid of \$1,800. That work is completed and has passed inspection. For our heating and ventilation system, all they had to do was add some duct work, and that gets inspected tomorrow. Also sometime this week, the framing gets inspected. Once all the inspections are done we will be able to start with sheet rocking. The Museum itself is running out of funds but we have a guest in our facility who is a sheet rocker, and he's currently doing the cemetery office, so I have secured his services for sheet rocking. Arrow Lumber has given us a huge discount, and there have been donations of building materials, but the biggest plus is that we've had an excellent carpenter, Marty Sanders, overseeing the work. Discussion continued with Lyn Rose providing the figures for what the Museum has spent from their own funds to date. Mayor Johnson said we will be using the in-kind hours as leverage for possibly some future grants.

City Administrator Schmidt said as a follow up, the cemetery office is almost done. They've done a tremendous job, and they want to be open by Memorial Day.

## **MAIN AGENDA**

### **Pierce Transit Tomorrow - Update: Lars Erickson, Pierce Transit, Lakewood, WA:**

Since he was here last, he has some updates on the design alternatives, and their website is being updated today. Lars provided a handout and walked the Council through the updates and changes. There will be a meeting on June 9 with the Pierce Transit Board, Mayors of the 5 Cities and Staff to have an in-depth discussion to talk about more of what was requested by the group of Mayors. Mayor Johnson said the Mayors have met twice. It started out as 5 cities and I think it's up to about 7 now that are participating. The conversation has not been kind to Pierce Transit, but everybody agrees that we need to sit down and discuss compromise because with the cities involved we're looking at between three and four million dollars that if we were to de-annex would go away from Pierce Transit. It hurts everybody; it doesn't just hurt Pierce Transit. It hurts us because we're not going to have any bus service at all. A lot of good ideas have come out of these meetings, but we don't know how Pierce Transit operates and runs so we're in the dark as far as some of our suggestions. One of the things the cities have had to do over the last few years is look at how can we do business differently and how we can partner with other agencies or non-profits. We do know that there is one bus garage in Lakewood and all the buses come out of Lakewood, so the bus to Buckley comes out of Lakewood. One of the things we thought of is every school district in our county has a bus garage, and there might be space available to lease or come to some kind of mutual agreement so the Buckley bus stays here and just runs back and forth instead of having to come all the way from Lakewood. Mayor Johnson said these are all types of things that we are all hashing around but not knowing how Pierce Transit actually works, something like that may not work, but we don't know. Lars Erickson said Pierce Transit is the size exactly of an agency where as you're planning for the future you plan for a second base, and obviously a second base for us would clearly mean something in the eastern part of Pierce County. However, the recession hit and that causes us to scale all of our planning

back. The other thing, which is both a positive and a negative, is that we are completely CNG, compressed natural gas, so that limits us to our facility in Lakewood at this point. But, we're looking at any way we can to save money, and we are happy to have that discussion. Mayor Johnson said once you lose service, it is so difficult to get it back, and if it's not convenient then people aren't going to ride.

**ORD No. 10 -10: Amending Section 4.07 (C) of the City's Public Works Standards: Council member Reed moved to approve an ordinance amending Section 4.07 (C) of the City's Development Guidelines and Public Works Standards allowing frontage waivers and deferrals to be approved administratively. Council member Twardoski seconded the motion.** Mayor Johnson said that this was brought before the Council to see if we could just eliminate this step of coming to the Council when it could be done administratively. Council member McNally asked on page 2 where it says "Administrator and City Engineer may" can we change that to "shall" or "will" require? City Administrator Schmidt said if there is already a no protest for that property, you don't want to put "will" in there and have them do another one. That's why there is flexibility there. If there isn't one recorded with the property, we will make them do one. Council member Boyle Barrett said that is a past established practice. City Administrator Schmidt said that language has always been in there as "may." It's always been adhered to, but it depends on the property too. Council member Reed said regardless of what we put in there, unless we know the reason for not doing it, it doesn't matter what word we put in there. Council member Harple said the way it is right now, when it comes before the Council it's done, and he asked if there was an appeal process. City Administrator Schmidt said not on this. Council member Harple said his thought was maybe something to think about is if we turn this over to the City Administrator and City Engineer, and it's turned down, that the citizen has a right to appeal it back to the Council for one last look. A discussion ensued regarding the wording of the ordinance and including an appeal process. City Administrator Schmidt said if the Council doesn't want to approve this tonight, you can postpone. City Attorney Olbrechts said or you can approve this and if we find out that it's not appealable to Council, we can come up with a second amendment that says it is appealable to Council, so either way. Council member Boyle Barrett said she would like to continue what we're doing and approve this tonight, and if it is not in there to come back with another amendment. Council member Harple said he would like to add that in. **Council member Reed rescinded his motion. Council member Twardoski rescinded her second. Council member Reed moved to approve an ordinance amending Section 4.07 (C) of the City's Development Guidelines and Public Works Standards Allowing Frontage Waivers and Deferrals to be approved administratively, contingent on that administrative decision falling under the A1 appeal process. Council member Twardoski seconded the motion.** Council member Boyle Barrett said so if they find out that is not in there? City Administrator Schmidt said we will have to bring forward another ordinance with an amendment. Council member Reed stated it is not going into effect until we find it is under there, or you bring it back and add that. Mayor Johnson said if we pass this ordinance tonight, it goes into effect five days after publication. City Administrator Schmidt said but it won't be in effect if that appeal process is not a part of it. City Administrator Olbrechts said you can

just say that the Mayor doesn't sign it until the City Administrator confirms that it's subject to appeal. **Motion carried.**

**Right-of-Way Acquisition: Offer Letter for Realignment Project (Dr. Ross):**  
**Council member Boyle Barrett moved to approve the Settlement Offer and authorize the City's agents to proceed with acquisition of the Cascade Veterinary property pursuant to established procedures and authorize the Mayor to sign any documents necessary to execute settlement and transfer property. Council member McNally seconded the motion.** Council member McNally said he reads this that we're paying \$1,000 for each tree we're taking down. Are we getting rid of these trees or are we replanting them? City Administrator Schmidt said we have been negotiating with Dr. Ross for a year and a half, and his concern was that he wanted the trees transplanted, but to transplant them was going to be \$850 apiece. Then he wanted the City to guarantee survivability of them as well. So, the decision was made to offer him \$1,000 for each tree, and we will just remove them as part of the construction process. City Administrator Schmidt said Dr. Ross hasn't accepted this yet; this is an offer. **Motion carried.**

**Consultant Scope: Realignment Project Wetland Mitigation Plan (Enco):**  
**Council member Boyle Barrett moved to approve the Enco Consultant Proposal for \$36,421 to prepare the Realignment Project Wetland Mitigation Plan and provide environmental permitting assistance. Council member McNally seconded the motion.** Council member Boyle Barrett asked, regarding Task 3, when we would know that the wetland delineations are accepted by Ecology. City Administrator Schmidt said Enco has told Gray & Osborne and us that they believe that they can get the Mitigation Plan completed within 20 days after we notify them to move ahead. Once they have the Plan done, and we've reviewed it and approved it, it will be submitted to the Department of Ecology under the Army Corp for the 401 or 404 permit. At that time the delineation will be submitted along with the Mitigation Plan; they will go together as a package. I believe that Ecology moves quickly, a lot faster than the Corp does. The Corp sometimes has a backup of up to nine months to get approval, and that is why we are trying to get this thing moving so we can hit that construction window of next spring. City Administrator Schmidt said that by contracting with Enco we don't have to go through the whole Federal and WSDOT hoops of certification, and also have Gray & Osborne's ten percent overhead on of their fee to us. We can contract with them directly and save ourselves some money in the process. This will not be funded by the grant. If the City contracts with them directly, we will be paying for it out of 102, but it will be part of our match for the project, as the City was required to provide so much match for the total realignment project. So, this will fund our portion of that. **Motion carried.**

**MOU: Public Works Supervisor Take-Home Vehicle:**  
**Council member McNally moved to approve the MOU between the City and the Public Works Supervisor concerning the use of a take-home vehicle. Council member Reed seconded the motion.** Council member McNally asked is this until the truck dies or Mr. Dansby is no longer with us, and it's just a benefit? Mayor Johnson said yes. City Administrator Schmidt said it is a fringe benefit that is taxable under IRS

rules, so that means that once this agreement is signed then every month, on a daily basis, he has to keep track of all his personal miles between the City and home, and then he has to turn that log into the Finance Director at the end of the month, and then he's assessed a mileage rate equal to whatever the Federal rate is at the time, which is right now fifty cents a mile. Then, he has to pay income tax on that value, so it becomes a benefit. Council member Boyle Barrett asked if we're paying City insurance on this vehicle all the time. City Administrator Schmidt said yes, all our vehicles are in the pool. Mayor Johnson said if you will remember, this was a condition of his being hired. And what we're trying to prevent too is the union coming back at us and saying we are taking away a benefit, and put a dollar amount on that which we then have to pay; that just compounds it. This is giving us an escape clause. Council member Harple says he reads that the purpose of the take-home vehicle originally was for responding to emergencies. Has that ever been documented? Council member Boyle Barrett said he is not responding to all emergencies, which is part of what negates the original purpose; we still have people on call here in the City that respond. Mayor Johnson said to a major emergency, he would respond. Discussion ensued. City Administrator Schmidt said that the union representative has told him that this is not a contract issue. So, it could just be the union grieving a benefit situation that is not a contract issue, and if that is the case we're going to have to figure out what the parameters are for this process. Mayor Johnson said this is a step towards solving this issue. It is not the perfect solution, but it is a solution.

**Motion carried.**

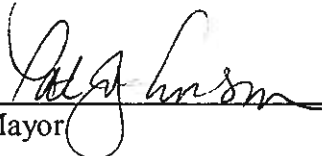
**Frontage Improvement Waiver: 363 Mill Street (Person):**  
**Council member McNally moved to approve the frontage improvement waiver for 363 South Mills Street subject to recommended conditions of approval. Council member Boyle Barrett seconded the motion. Motion carried.**

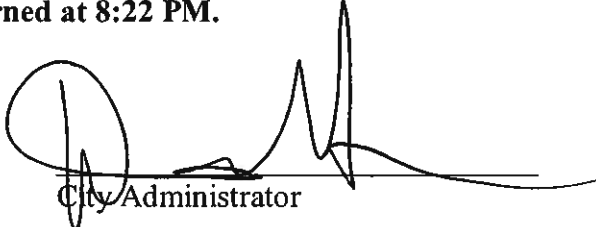
### CONSENT AGENDA

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

Approve Minutes of May 11, 2010

**With nothing further the meeting was adjourned at 8:22 PM.**

  
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Mayor

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