



## BUCKLEY CITY COUNCIL MEETING AGENDA

May 11, 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 #08-10  
Next Resolution #10-07  
Next Agenda Bill #AB10-57

### 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 No. \_\_-10: Amending Chapters 2.35 and 20.01 (Hearing Examiner Roles)
8. ORD No. \_\_-10: Amending Title 18 (Hearing Examiner Role)
9. Extreme Mini Quads NW - Fireworks Stand Permit
10. Bid Award: Water Trans Main & Access Road Repair (FEMA)
11. Right-of-Way Acquisition: Offer Letter for Realignment Project (Cedar Community Church)
12. Frontage Improvement Waiver: 181 S. "C" Street (Person's)
13. South Prairie Creek Surface Water Diversion

### Consent Agenda

14. A. Approve Minutes of April 27, 2010  
Approve Minutes of May 4, 2010
- B. Claims
- C. Transfer Voucher
- D. Payroll

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

**City Council**  
**May 11, 2010**

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

Upon roll call the following members were present: Boyle Barrett, McNally, Patson, Montgomery, Reed and Twardoski. Council member Harple was 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 said she would like to add Arts Commissioner Bob Olson to report on the Dinner, Auction and Dance. Mr. Olson stated it was very successful. When everything was paid off the total profit was \$17,229.25. Mr. Olson stated for clarification, anyone serving in the military can have a brick placed at the memorial, and the forms are available at City Hall.

**Finance and Public Safety:**

Councilmember Reed stated there was a long discussion regarding issuing the bonds approved by the voters for the new fire station. Chief Predmore had the opportunity to sit down with a representative from Edward Jones and go over some bonding options. They spent about two hours discussing all the different types of bonds and bonding options. The Mayor suggested we set up a mini workshop for the entire Council to go over the basics of bonding. The committee is recommending that Chief Predmore contact a financial advisor to determine what the cost would be and what benefits we would get versus the City making the decision of which bonding underwriter to use and what bond package to chose. Chief Arsanto updated the committee on options for remodeling the current officer's area in the police station to accommodate "work release" prisoners. He and City Administrator Schmidt are looking at leasing the old Post Office building from the White River School District, with the option to buy. This would give the police officers the area they need to do their administrative work, and open up space for up to 10 work release beds in the old space. Chief Arsanto will check with Building Official Mundy to see what if any building codes will impact the proposed remodel. Chief Arsanto brought the committee up to date regarding narrow band dispatching. Chief Arsanto stated he had a meeting today with the IT specialist and Chief Predmore regarding Phase I and Phase II of the narrow banding project. It looks like we will be taking care of the equipment we have now. It will affect the Fire Chief in that they will have to replace his aging system and he has some mobile and portable radios that are not compatible. They would like to have the police portion narrow banded by the end of the year, run a six month trial, and then go with the fire department. It has to be done by January 1, 2013. City Administrator Schmidt informed the committee that we are still seeing the trend of revenue being about 2% below budgeted monthly projections in the general fund. Staff has had to move money from other accounts to cover cash flow requirements. While there are funds available in the utility departments and several capital accounts, the funds for daily operation of police, fire, parks/rec/senior center and

administration are not there. City Administrator Schmidt stated three out of the last four months we have been \$30,000 short. Council member Reed stated we really need to work on educating the public about our current expense funds versus the utility funds.

**Streets and Utilities:**

Council member Montgomery stated they had a meeting on May 5, 2010. Agenda items 10, 11 and 12 we will have the opportunity to discuss tonight. Other than that, City Administrator Schmidt gave updates on projects that are in the works.

**Community Services and Recreation:**

Council member Patson stated her meeting is actually tomorrow night; however, she would like to talk with the Council about an issue that has come up about the Farmer's Market. She has been in contact with the Farmer's Market Committee and they have apprised her of a concern regarding sanitation facilities on the premises. As she understands it, there is one sanican at the trail head on Ryan Road and one on the trail past the cemetery. This was discussed at the last Council meeting and since then she has been informed that it is not viable to move either of the existing sanicans. The Farmer's Market Committee has asked Council member Patson if she would come to Council on their behalf and ask for funding for a sanican for the duration of the Farmer's Market. The cost is \$50.00 for delivery and \$50.00 for pickup, and the rental fees run anywhere from \$105.00 to \$115.00. Council member McNally stated after the report we just received from Council member Reed about the City being \$30,000 short every month, he believes we need to save every penny we can. Mayor Johnson stated that the museum is in the process of adding an ADA accessible bathroom due to plumbing problems in the old building, so they are currently using the bathroom at Buckley Hall. We could provide the market with a key to the Buckley Hall, except when it is rented out on certain Saturdays. Council member Montgomery asked if there are distance requirements from the Market. Council member Twardoski stated that the vendors have used the facilities at Dels, and they have been very gracious. She did not realize about the \$30,000 deficit so she thinks people would understand. She thinks for this year they should try to do without. Mayor Johnson asked if the Chamber is willing to kick in would the Council be willing to go with a lesser amount. Council member Montgomery stated we were planning on getting sanicans with the Chamber for Log Show. Council member Twardoski stated that would be a great idea to have one there for at least Log Show weekend. Council member Twardoski stated she will check with Marlys again because she doesn't think they will get in trouble with the Health Department. It was the Council's decision to not get a sanican at this time for the Farmer's Market. Council member Patson stated their next meeting will be tomorrow at 9:35 AM at City Hall.

**Community and Economic Development:**

Council member McNally stated they have a meeting this Thursday at City Hall at 8:30 AM.

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

Mayor Johnson stated she has been attending Pierce Transit meetings, and the board meeting yesterday. Neil Johnson from Bonney Lake has been appointed to the board. Five jurisdictions spoke yesterday. Mayor Johnson said she pointed out to them that the most current map they handed out didn't even have Buckley on it, and she indicated that we weren't real happy about having to pay sales tax dollars, which amounts to about \$251,000 a year, for something we are not going to get. She also pointed out that we have six stops in Buckley a day and one of those is at Rainier School, but not one of the buses coincides with shift changes at Rainier School, which is our largest employer, and there is no service in Buckley on weekends. Also, part of the reason rider ship could be down is that all we can do is go to Bonney Lake and hope there is another bus that takes us someplace else. She thinks they are starting to get the message. There is also a possibility that without transit service we don't meet one of our requirements for the Growth Management Act, so that is being looked into because they may not be able to cut us off, but we may only have one bus a day. She also pointed out that we have better bus service by going two miles in the other direction and using Metro Transit into King County, and we don't have to pay for it. The other thing they found out is that several years back Roy successfully de-annexed from Pierce Transit because they were getting no service. There is another meeting of the five cities on Monday. Council member Boyle Barrett stated there is a town public meeting on June 10<sup>th</sup> in Bonney Lake.

The Puyallup River Task Force continues to meet and she has information to take to the Utilities Committee. Pierce County Council put forth an ordinance that will lead the way to a flood and stormwater tax for the entire county. They have not yet decided whether to put this forward to the voters or just pass it.

We have conflicts with the regularly scheduled Council meetings in June. The first meeting is the same night as White River High School Graduation and the second meeting conflicts with the AWC Conference. **Council member Montgomery moved to change the first Council meeting in June to June 7, 2010 and the second meeting in June to June 29, 2010. Council member McNally seconded the motion and the motion carried.**

### **Staff Reports**

Chief Predmore stated that Saturday, June 5, 2010, at 3:00 PM is the recruit graduation at the School District Auditorium on A Street.

### **MAIN AGENDA**

#### **Ordinance No. 08-10: Amending Chapters 2.35 and 20.01 (Hearing Examiner Roles)**

City Administrator Schmidt stated that we passed an interim ordinance last year and assigned the roles and responsibilities to the Hearing Examiner to hear preliminary plats of 50 lots or less. The Council directed the Planning Commission to review those roles and responsibilities and make a recommendation on whether they would remain the same, reduce them or expand the duties. The Planning Commission in deliberating has

come to the conclusion that they believe those duties should be expanded. They held a public hearing on those recommendations and are now forwarding it to Council for review. This gives the decision making power for land use applications to the Hearings Examiner. They won't have the power of PUDs; only the City Council has the ability to render a decision on a PUD. The Council also has the authority of issuing final plat approval. The Planning Commission is recommending that the Planning Commission and City Council retain the power to review actions that have more of a local effect, such as Comprehensive Plan amendments and rezones, to make sure they are coinciding with the vision of the community. **Council member Boyle Barrett moved to approve Ordinance No. 08-10 Amending Chapters 2.35 & 20.01 expanding Hearing Examiner Roles and Responsibilities. Council member Reed seconded the motion.** Council member Montgomery stated under Chapter 2.35 it says that the Mayor shall appoint one or more qualified persons to fill this position subject to approval of the City Council, but down under Powers and Duties of the Hearings Examiner it is just approval by the Mayor. Should the wording be the same for clarity? City Administrator Schmidt stated sometimes time may be the factor. **Council member Boyle Barrett moved to amend her motion to allow the City Administrator and City Attorney to review the ordinance and make any corrections to clarify the PUD language where necessary. Council member Reed seconded the amendment and the amended motion carried. The original motion then carried.**

**Ordinance No. 09-10: Amending Title 18 (Hearing Examiner Role)**  
**Council member Boyle Barrett moved to approve Ordinance No. 09-10 amending Title 18 to correspond to the Expansion of Hearing Examiner Roles and Responsibilities. Council member McNally seconded the motion and the motion carried.**

**Extreme Mini Quads NW – Fireworks Stand Permit**  
**Council member Boyle Barrett moved to authorize the Fire Chief to issue a retail fireworks stand permit to Extreme Mini Quads NW to operate a retail fireworks stand in the City of Buckley from noon on June 28<sup>th</sup> until midnight July 4<sup>th</sup>, 2010. Council member Patson seconded the motion and the motion carried.**

**Bid Award: Water Transmission Main & Access Road Repair (FEMA)**  
**Council member Montgomery moved to award bid of the Raw Water Transmission Main and Access Road Repair (FEMA) to Hoffman Construction for \$331,687.74, conditioned on Approval by Washington State Emergency Management Department. Council member Patson seconded the motion.** Council member McNally stated he had a question about the bid amount coming in so low; it makes him a little nervous. City Administrator Schmidt said it made us, the Engineers and the bonding company nervous to the point where the City Engineer had a discussion with the bonding company and the bonding company pulled Hoffman's bid and reviewed the entire bid for the project and was satisfied with it in the end. They actually reassured our engineer, and of all the contractors they guaranteed, Hoffman is probably the most

financially stable. The more our engineer checked them out as far as references and bonding, the more solid his recommendation became. **Motion carried.**

**Right-of-Way Acquisition: Offer Letter for Realignment Project (Cedar Community Church)**

**Council member Montgomery moved to approve the value conclusion in the appraisal review for the Cedar Community Church property and authorize the City's agents to proceed with acquisition pursuant to established procedures. Council member Boyle Barrett seconded the motion and the motion carried.**

**Frontage Improvement Waiver: 181 So C Street (Person)**

**Council member Montgomery moved to approve the frontage improvement waiver for 181 So C Street subject to recommended conditions of approval. Council member Boyle Barrett seconded the motion.** Council member McNally asked didn't we have a discussion about staff being able to approve this. City Administrator Schmidt stated there has to be an amendment to the Development Guidelines to permit that. Council member McNally said he would like to put that discussion on the agenda for his committee for Thursday. **The motion then carried.**

**South Prairie Creek Surface Water Diversion**

**Council member Reed moved to direct staff to redirect overflow water from South Prairie Creek diversion to Spiketon Ditch starting June 1, 2010 through October 31, 2010. Council member Boyle Barrett seconded the motion.** Council member Reed stated that this was the discussion at Council last year and we had actually hoped to have a permanent resolution of the water diversion by this point, but unfortunately we don't so we are still working on this. Council member Montgomery asked if by approving this motion, we are saying we will go ahead with the feasibility study on the blow off valve. City Administrator Schmidt stated we are constantly evaluating what we can do to stop that. The last report he had was it was running about 700-725 gallons per minute. City Engineer Miller is pursuing estimates on what the blow off would be. The majority of the costs will probably be in the environmental review. Discussion ensued. Council member McNally stated he will recuse himself from any vote. **The motion then carried with a 4-1 vote with Council member McNally recusing himself.** Council member Reed asked where we are in discussions with the Department of Ecology. City Administrator Schmidt said the last word he had with any of them is that there is no further discussion. The Tribes told the City, with DOE there, to turn the water back on by May 1<sup>st</sup> or they would file suit, and we are about 10 days past that now and he hasn't seen any official court papers yet. The DOE didn't allow the Tribes to bully them because the letter from DOE moved that May date to June 1<sup>st</sup>. There is no end date in the DOE's letter, although the motion was made to turn the water back to Levesque on October 1<sup>st</sup>. In between that time you have directed the attorney to file a declaratory judgment against the Department of Fish and Wildlife to let the courts decide whether it is a ditch or a stream. Once that action has happened, we should have a better idea. Mayor Johnson stated we just need to

know what rules to play by, and we have two different agencies telling us two different things.

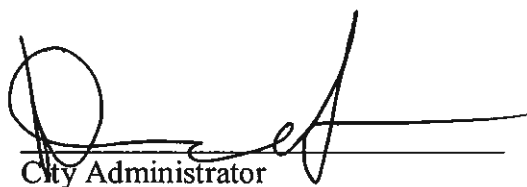
**Council member Reed moved to approve the Consent Agenda. Council member Twardoski seconded the motion and the motion carried.**

Approve the minutes of the April 27, 2010 City Council Meeting and the minutes of the May 4, 2010 City Council Workshop.

Claim check numbers 45158 through 45264, in the amount of \$342,398.08, for the period of April 28 through May 11, 2010; Payroll check numbers 30680 through 30731, in the amount of \$296,555.06 for the month of April, 2010; and Treasurer check numbers 10818 through 10838, in the amount of \$43,836.32 for the month of April, 2010 are hereby approved and ordered paid this 11<sup>th</sup> day of May, 2010.

With nothing further the meeting was adjourned at 8:26 PM.

  
\_\_\_\_\_  
Mayor

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