

City Council
October 23, 2012

Mayor Johnson called the regularly scheduled meeting to order at 7:04 P.M.

Upon roll call the following members were present: Boyle Barrett, Irons, Leggett and Montgomery. Council members Howard and Tremblay were absent. **Council member Montgomery moved to accept their absences as excused. Council member Leggett seconded the motion and the motion carried.** Also in attendance was City Administrator David Schmidt.

Mayor Johnson asked if there were any additions, deletions or corrections to the agenda. **Council member Montgomery moved to accept the agenda as presented. Council member Boyle Barrett seconded the motion and the motion carried.**

Finance and Public Safety:

Council member Boyle Barrett stated they met this morning. They went over the St. Elizabeth Agreement, which is on the agenda tonight, and it has committee recommendation. They also discussed the budget for the Fire Department. Council member Boyle Barrett also announced that there is a business that is looking at leasing the old Fire Station. It is called SoZo Cross Fit and has to do with obesity and diabetes; they are proposing to open a cross fit gym and do meal preps and nutritional counseling as well. Their next meeting will be November 6, 2012 at 8:30 AM at City Hall.

Streets and Utilities:

Mayor Johnson stated that Council member Tremblay's minutes are included in the packet tonight.

Community Services and Economic Development:

Council member Montgomery stated they had a meeting scheduled; however, he was not able to attend, and due to a lack of members the meeting was cancelled. Their next scheduled meeting is November 15, 2012 at 7:00 PM at City Hall.

Mayor's Report:

Mayor Johnson stated this weekend she has the honor of being one of the speakers at the State of Washington Trails Conference in Vancouver.

Staff Reports:

City Administrator Schmidt stated that the City received a Master Event Application from Arrow Lumber for a "Run With The Turkeys" event scheduled for November 17, 2012. This will be a fundraiser and all the proceeds will go to the Buckley and Enumclaw food banks. This was distributed to all the departments and then to him, and he had a hard time signing off on it because the Council adopted a policy that all staff expenses or costs are recouped, and under this there will be four different crossings with

runners where the police will need to be crossing guards. His recommendation to the Council, because this is going to the food bank, is to waive the fees for this event. **Council member Boyle Barrett moved to authorize the waiver of fees for the “Run with the Turkeys” event. Council member Montgomery seconded the motion.** Council member Montgomery thinks this is a great idea; his only concern is setting precedence and making sure the precedence we are setting is because it is going to the citizens of Buckley. **The motion then carried with Council member Irons abstaining.**

City Administrator Schmidt stated that we were tentatively scheduled to bring the applications for the vacant Council seat before the Council for review tonight, but because we had absent members we felt it should be postponed. The ninety days from the resignation of the previous Council member expires December 12, 2012. We have a Council meeting December 11, 2012, so between now and then we need to go through the process. Discussion ensued. It was decided by the Council to have a Special Council Meeting on December 4, 2012 to do the interviews and selection, and then the new Council member could be sworn in at the December 11, 2012 meeting.

CITIZEN PARTICIPATION

Mayor Johnson stated we have one person signed up for Citizen Participation this evening and that is Dolores Flores regarding the Walk or Roll Kidney Stroll.

Dolores Flores, P.O. Box 118, South Prairie, WA 98385

Ms. Flores stated she is a kidney patient and is planning on putting together a Walk or Roll Kidney Stroll. They want to start in Orting and come to Buckley and she is asking for use of the city park for a picnic, or possibly the Youth Center in the case of inclement weather. Mayor Johnson stated that Ms. Flores would have to fill out the Master Event Application, and at this point there is nothing for the Council to approve or disapprove.

MAIN AGENDA

Mayor Johnson recessed the regular Council meeting at 7:30 PM to hold a Public Hearing on the Extension of the Medical Marijuana Moratorium.

Public Hearing: Extension of Medical Marijuana Moratorium

Marvin Sundstrom, 881 Sheets Rd, Buckley, WA 98321

Mr. Sundstrom read an article regarding the NW Cannabis Market in White Center and how the other businesses are suffering from it. Just what Buckley needs! He gave the article to the secretary to be passed out to the Council.

The Public Hearing was closed at 7:34 PM.

Mayor Johnson reconvened the regular Council meeting at 7:34 PM.

Ordinance No. 10-12: Extension of Medical Marijuana Moratorium

Council member Boyle Barrett moved to approve Ordinance No. 10-12 extending the moratorium on the establishment, location, operation, licensing, permitting, maintenance or continuation of medical marijuana collective gardens or medical marijuana dispensaries. Council member Montgomery seconded the motion and the motion carried.

Agreement: Employment Separation

Council member Boyle Barrett moved to approve the employment separation agreement between the City and Sergeant Personious for early retirement as a method of force reduction. Council member Irons seconded the motion. City Administrator Schmidt stated this was one of the steps in the deficit reduction plan that the Council has looked at. Council member Montgomery asked if this would come out of the 2012 budget. Administrator Schmidt stated it will come out of the 2013 budget. **The motion then carried.**

Mills (Vandervies) Short Plat, File #SP-2005-01 – Vacation

Council member Boyle Barrett moved to approve the Mills Short Plat, #SP-2005-01 vacation. Council member Irons seconded the motion. City Administrator Schmidt stated this is what is considered a minor plat amendment under Title 18 of the City's Municipal Code. As a minor amendment it is actually an administrative decision, but when new Title 20 was adopted it said the Council is the one that approves amendments to recorded plats. Council member Boyle Barrett asked are we looking at just the area that has been cleared. City Administrator Schmidt stated no, the entire parcel that was short platted into two lots; when it was approved it was split into two building lots with a wetland tract. This eliminates the entire short plat and it goes back to the original parcel it was. **The motion then carried.**

Scope of Work: Proposal to Complete a City Energy Audit under DOE Program

Council member Montgomery moved to approve the scope of work to have Sunset Air perform an Energy Audit for grant preparation. Council member Boyle Barrett seconded the motion. City Administrator Schmidt stated this is an enhancement of the Resource Conservation Management Program we have been under for the last two years. The Department of Enterprise has energy stimulus money; they had an initial round this spring, and now have a second round with a pool of money with a set aside for cities under 5,000, so we actually have an opportunity to qualify for this energy money. In order to be able to identify which projects are eligible we have to complete this energy audit. There is no charge to the City if we don't get the grant; if we get the grant their fee will be added into the grant. **The motion then carried.**

Educational Agreement between St. Elizabeth Hospital and the City

Council member Boyle Barrett moved to approve the Educational Agreement between the City and St. Elizabeth Hospital for EMT Training. Council member Montgomery seconded the motion. City Administrator Schmidt stated that the City Attorney had some issues with this. Under Section 1.5.1 it states “students will conduct activities associated with this Agreement in accordance with the Ethical and Religious Directives for Catholic Health Care Services.” The attorney is concerned that if this is a student’s only option, and they have to do this, then it could be a violation of their constitutional rights. They discussed this with Chief Predmore and he also has three or four other options, so it really becomes a non issue. **The motion then carried.**

Council member Montgomery moved to approve the Consent Agenda. Council member Boyle Barrett seconded the motion. Motion carried.

Approve the minutes of the October 9, 2012 City Council meeting.

Claim check numbers 49216 through 49230, in the amount of \$ 258,280.01, for the period of October 10, 2012 through October 23, 2012, are hereby approved and ordered paid this 23rd day of October 2012.

City Council retreated into Executive Session at 7:47 PM for approximately 20 minutes to discuss Spiketown Ditch Litigation with no action. At 8:10 another 10 minutes was requested.

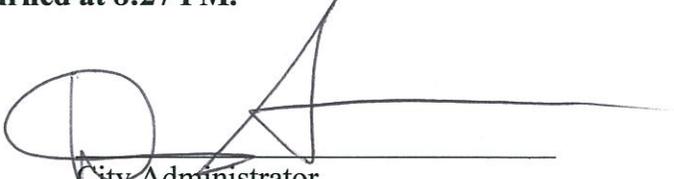
City Council returned from Executive Session at 8:27 PM.

Council member Montgomery moved to adjourn the meeting. Council member Irons seconded the motion and the motion carried.

With nothing further the meeting was adjourned at 8:27 PM.



Mayor



City Administrator