

City Council
February 8, 2011

Mayor Johnson called the regularly scheduled meeting to order at 7:02 PM.

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

Finance & Public Safety: Council member Reed stated you should have a copy of the Minutes from our meeting on February 3rd. Most of the items in the Minutes are on tonight's agenda. We will be getting a generator from the old Enumclaw Memorial Hospital for the new fire station (City Administrator Schmidt said we already have it); although it is about twice larger than the size that we originally designed for so there will be slight modifications. The guesstimated value of the generator is about \$48,000 and we got it for the price of driving over and picking it up. Council member Reed said that the Fire Chief estimates that it will probably take about a \$3,000 change order to equip the new Fire Station with the higher capacity switching equipment. We also received a never used exam table which we will use in the new Fire Station for those situations where people come in to get their blood pressure checked and so forth, and the Fire Chief is working on trying to set up the ability to have that as an area to provide things like flu shots. Under the Police Chief's report, Kathy Loye has received a grant to attend an IT conference in March which will be held in Las Vegas. Chief Arsanto stated that Pierce County is paying for it. Council member Reed stated that the City's architect for the Fire Station submitted the design plans for our station to the National Station Style Design Conference and it has been selected to be presented at this year's conference. So, our Fire Chief is going to participate in that presentation which will be April 10 - 12 in Kansas City. Council member Reed stated that the Chief has also been selected by the Washington Association of Fire Chiefs to participate in a conference in Washington, DC in March to establish the national blue print for volunteer fire departments. The Committee did talk about the City Administrator contract and placing that position on the pay grid, as well as the possibility of stipends for additional duties. We will be meeting again on February 14th to hopefully finalize the Committee's recommendations on all of that.

Streets & Utilities: Council member Montgomery stated they had a meeting on February 2nd. In the council packet you all received a copy of a photo of a piece of equipment. On the narrow road going up to access our water head and transmission main, where we've had several slides over the last several years, getting a regular dump truck in there is difficult to impossible. This is a piece of equipment that the crew has rented several times, but it's becoming increasingly difficult to find because it's such a specialized piece of equipment. So, Public Works Supervisor Dansby has requested that we authorize an expenditure not to exceed \$25,000 to go out and find one of these used. They are I believe somewhere in the range of \$100,000 new. It is essentially a dump truck on tracks, and it's got about a three yard dump on it, and it's much narrower and

much more maneuverable than a wheeled vehicle would be. Council member Montgomery stated that he actually spoke with Public Works Supervisor Dansby today and it sounds like we've had a couple more slides up there. City Administrator Schmidt stated we have new ones right now that they cannot access without going out and renting more equipment. Council member Montgomery stated that these are getting more and more difficult to rent. For whatever reason the rental agencies we work with just aren't carrying them in stock anymore. They are about \$650 a day to rent so that adds up pretty quick, and at the rate that we keep needing it, it probably just makes sense as a long term solution to go ahead and buy one. **Council member Montgomery moved to authorize the Mayor to spend an amount not to exceed \$25,000 on the purchase of a Morooka. Council member Twardoski seconded the motion.** Funds will come out of utility reserves. **Motion carried.**

Council member Montgomery said we have been provided with a nice letter from the Department of Ecology. The \$50,000 grant the City received to implement our NPDES Phase II requirements needs to be spent sooner rather than later, so staff is looking at ways to do that. Mayor Johnson asked if we should ask the Health Department to bill us. City Administrator Schmidt said yes.

Council member Montgomery stated that we have a Change Order that is part of the agenda tonight which is EnCo, and we can talk about that when we get to it. The Committee also talked about the Stormwater Comprehensive Management Plan and the possibility of locking up more gas, which is also an agenda item this evening.

Mayor Johnson stated that the program through the Health Department is on lawn care. It will be a three week program, offered in two hour sessions, and it will be for the residents of Buckley. They did a pilot last year in Puyallup, and now they have four cities for the spring, and we signed up for the fall session. It will cover composting, lawn care, what to use on your lawn that is not going to harm the fish, and there will be a segment on how to landscape, what trees to plant, etc. This is a program through the Health Department to reduce stormwater runoff and junk in the water. I believe that Puyallup's program was \$5,000 or \$6,000 and we will be able to use our utility billing to cut down on that cost, but this will all be covered under the grant money. So, we will ask them to bill us now.

Community Services & Recreation: Mayor Johnson stated that this Committee has a meeting scheduled for tomorrow.

Community & Economic Development: Council member Boyle Barrett stated that there is supposed to be a meeting on the 17th, but that's been up in the air. Council Member Montgomery said he spoke with Council member McNally briefly yesterday and he was hoping to find out from Planner James if that meeting was going to be necessary and he was hoping to know by tonight, but he hasn't heard anything further than that. I know the meeting is still scheduled. Council member Boyle Barrett said he is still working with LKQ to get the design approved before their public hearing, which is scheduled for the 17th. City Administrator Schmidt said it doesn't matter, the staff report has to go out to the Hearings Examiner before then so it's going forward with a

recommendation that LKQ has to obtain approval from the Design Review Committee and that's all we're going to do is just attach a condition to it so that the site plan is not contingent on the building permit.

Mayor's Report:

Mayor Johnson stated that some may be wondering why John Justice is here tonight. He is here to receive this 10-year plaque, and he is also retired now. John retired on February 1st. John said that for every dollar the City gave to him he tried hard to give a dollar back. Mayor Johnson said that John has been a volunteer fire fighter for 26 years; he has dedicated a lot of his life to this community.

Mayor Johnson stated that she and Council member Reed will be going to the AWC Legislative Conference next week.

Staff Reports:

City Administrator Schmidt stated that during the last meeting Council authorized the administrative offer for purchase of a right-of-way for the Realignment Project. Four weeks ago the property owners for section four did not even know that they owned that parcel, so an offer was made for the value of the land that was not wetland, but now the new property owners believe that the wetland has value so they would not settle for the offer we made. I believe that there are four sisters who are the heirs to that property and one was leaving the country tomorrow and was going to be out of the country for three weeks. As the Council knows, we are under a deadline and we need to obligate that project or lose a half million dollars of grant funding. So, we negotiated and made a counter offer and they countered and we countered again and settled on a price of about thirty-seven cents per square foot for the so called "no value" wetland property. So, the Council has authorized \$9,700 and we settled for the entire parcel for \$20,000, so there will be a revised administrative offer coming back to the Council at the next Council meeting. Also, although DOE approved our Wetland Mitigation Plan, and that is the Change Order for EnCo coming up tonight, now the environmental engineer for WSDOT doesn't like it. So, we actually have an onsite meeting with the DOT, our wetland consultant and our engineer on Thursday morning at 10 AM on-site and we're going to go over WSDOT's concerns and try to address those, so there may be a second change order coming through to the Council at the 22nd meeting. We don't know yet, it kind of depends on the extent of any changes that have to be made to that Wetland Mitigation Plan. Council member Montgomery asked if they have indicated a desire to have a higher ratio of wetland mitigation placement. City Administrator Schmidt said he hasn't seen their comments yet. We were just made aware that we had a meeting with Mark Brooks who actually handles the grant funding for the project. We had a meeting with him yesterday, a pre-con meeting on the pedestrian mobility project, and he made mention at the end that he needed a meeting because the environmental engineer wasn't satisfied, so I have no idea what the concerns are. Council member Reed asked doesn't WSDOT have to go through Ecology to get things approved? City Administrator Schmidt said that was his question as well. The Department of Ecology commented and

we made the corrections and changes and they were more than satisfied with what we had done, they were okay with it, and now WSDOT says no. And, this is an environmental review. Mayor Johnson said we are jumping through the hoops and the meeting is tomorrow. Council member Montgomery said yes, and we were notified that our deadline is the 31st of March not the 1st as previously thought. City Administrator Schmidt said WSDOT seems very supportive of this project; it's only their environmental engineer who has a problem with it.

City Administrator Schmidt said he sent out an e-mail late this afternoon that the City Attorney had asked him to forward to the Council members. It's a legal document based on the claim that is ongoing. It is just information for everybody.

CITIZEN PARTICIPATION:

Paul Morrison – Buckley 5K Run, Saturday, June 18, 2011:

Paul Morrison, 26128 121st St Ct. East, Buckley, WA. Lauryn Wate, 1243 Conner Heeley Drive, Carbonado, WA. Marcus Dickson, 10711 231st Street Ave. E, Buckley, WA. Mr. Dickson said they are here to ask permission to hold the eighth annual Buckley 5K Run on Saturday, June 18th. Mayor Johnson said that is the Jr. Log Show weekend, but it doesn't interfere at all. **Council member Montgomery moved to approve the Buckley 5K for Saturday, June 18, 2011. Council member Twardoski seconded the motion.** Council member Montgomery said I think in the past you've worked with Chief Arsanto as far as route, etc. Mr. Morrison said the route has been the same route for the last eight years and we haven't had any problems. There are a couple tricky areas, but we always have volunteers in those areas to make sure traffic is safe. Also, the race isn't big enough yet that it's causing any problems. We have between 150 and 300 runners depending on the weather. Last year we had 171 runners because it was pouring down rain that day, but we don't ever expect to get more than 300. **Motion carried.**

Proclamation: “Kiwaniis Children’s Cancer Cure Month”:

Mayor Johnson said this is a proclamation and it is a project of the Kiwanis Pacific Northwest District. It is their Governor's project, and they've asked all the cities where there is a Kiwanis organization to do this proclamation and set aside the month of February as “Kiwaniis Children’s Cancer Cure Month.” Mayor Johnson read the proclamation, which she will sign and seal on behalf of the City.

Marvin Sundstrom – Comments Regarding Rules & Procedures:

Marvin Sundstrom, 881 Sheets Road. Mr. Sundstrom shared concerns and issues he has with how City Council meetings are conducted, and read from a number of RCWs and sections of Roberts Rules of Order Newly Revised.

MAIN AGENDA

ORD No. 01-11: Amending BMC 8.30 (Noise Control):

Council member Boyle Barrett moved to approve Ordinance No. 01-11 Amending BMC 8.30 Noise Control. Council member Reed seconded the motion. Council member Montgomery stated he has an observation on 2(e) “the creation of sound from any motor vehicle audio sound system such as a tape player, radio or compact disk player...” I don’t know if new cars come with CD players anymore; I know they don’t come with tape players. Times have changed a little bit and we now have MP3 players and things of that nature and I just wonder if that is something that should be added to the code so that we’re covered there. City Administrator Schmidt said actually this is a really old code and the Committee has talked about going back through it. I believe the Committee just wanted to make this one simple change because it is an issue City-wide. The grade school band couldn’t even practice outside the way the code is written without being a violation. Council member Reed stated I think the answer to your question is to strike from “such as” and leave it as “motor vehicle audio sound system operated at a volume...” That way it covers whatever the technology is at the time. **Council member Montgomery amended the motion to strike the words “such as a tape player, radio or compact disk player”. Council member Reed seconded the amended motion. Amended motion carried.** Council member Harple said he has a feeling that down the road we are going to get a complaint when some adults are practicing, and they’re going to come in and read that code. City Administrator Schmidt said that is why we brought it to you last November and we postponed it because that was a point of issue at that time. Council member Reed said his personal feeling is that as an adult we have some other options that may not be available to a school age child. City Administrator Schmidt said that is something you can tackle as you take the ordinance back to Committee and look at it in further detail. **Motion carried.**

RES No. 11-01: Amending Taxes, Rates & Fees Schedule (Misc., Sewer & Garbage Rates):

City Administrator Schmidt reviewed the changes to the Taxes, Rates & Fees Schedule. **Council member Reed moved to approve Resolution No. 11-01 amending the City’s Taxes, Rates & Fees Schedule. Council member Boyle Barrett seconded the motion.** Council member Harple said in reading through this and understanding some of the fees and some of the things we went through in the budget and some things I didn’t vote for, I agree that there are some fees in this resolution that I understand and agree with; however, I can’t agree to all these increases to our community and I truly feel if we would have worked longer on the budget we could have reduced or eliminated some of these fees and increases. I think it is very important in this New Year that we as a Council be diligent and accountable in the way we spend money. I think we owe that to the Community. **Motion carried.**

PA System Purchase:

Council member Montgomery moved to approve purchase of new PA system microphones from Audio 21 for \$3,967.04. Council member Boyle Barrett seconded the motion. Council member Montgomery said it is nice that we're getting some trade in value off the old microphones. **Motion carried.**

Natural Gas Supply Commitment:

Council member Montgomery moved to authorize the Mayor and City Administrator to secure future gas supply through 2013. Council member Boyle Barrett seconded the motion. City Administrator Schmidt said that originally he had been negotiating with IGI Resources to go out through 2012. The short term rates have been volatile, but it's the longer term rates that people haven't been letting go of and so they've been fairly stable and they've remained high. But, during the last few months that has begun to change. A short discussion ensued regarding gas rates and what we hope to lock in. **Motion carried.**

Consultant Scope: EnCo Change Order (Realignment Wetland Mitigation):

Council member Montgomery moved to approve Change Order #1 for the EnCo Realignment Project Wetland Mitigation Consultant Proposal for \$5,222.01. Council member Boyle Barrett seconded the motion. Motion carried.

Professional Service Industries – Special Inspection Services for new Fire Station:

Chief Predmore stated that this is for special inspection services, other than geotechnical. We put out an RFP targeted at five different consulting firms that the architect and City Engineer recommended, based on their prior work experience with them, that could handle our project and produce the quality and type of work. With that we rated each of the RFPs based upon what they charge for each type of service, what their mileage and distance was away, because you are either paying for mileage or paying for time portal to portal, and went through and ranked them. The consultant that ranked number one through all those areas also came in with the lowest estimated total cost for their services. That was PSI. The actual cost could be different than what is in the scope and proposal based upon the actual time that they have or if there is a need for any additional inspections. But, they've put together a full proposal based upon what the specifications are for the project and them having reviewed the project and estimating what it is going to take for them to perform the special inspection services. **Council member Reed moved to accept the Proposal and Scope of Work presented by Professional Service Industries, Inc. for construction related special inspection services for the new Fire Station Project in the approximate amount of \$5,994. Council member Twardoski seconded the motion. Motion carried.**

Puget Sound Energy – Utilities Easement for new Fire Station:

Chief Predmore stated that this is an easement request that we received from Puget Sound Energy asking that the City grant to PSE an easement for the installation of utilities related to the new Fire Station Project. This has been reviewed by himself, City Administrator Schmidt, the City Engineer to verify legal descriptions and for content of the easement, as well as by the City Attorney. In comparing this to other easement agreements that PSE has done for similar types of projects, this is a very standard easement agreement. The City Engineer replied back that it met their standard agreement and he is comfortable with it. The City Attorney sent me an e-mail this morning and his comment was that if it's not too much of a hassle he would add the following paragraph after the end of section 1, under "Purpose": "The initial location of the easement area and any changes in that location shall be subject to the prior written approval of the grantor. All utilities placed in the easement area shall be used exclusively to serve the property unless prior written approval is given by the Grantor." The City Attorney also stated that if getting this additional language will cause problems, we can probably rely upon the good faith of PSE not to use its easement rights otherwise. City Administrator Schmidt stated that the Council can approve the easement as it is but authorize Chief Predmore to attempt to negotiate insertion of that language. That gives him the flexibility to try to do that. **Council member Reed moved to authorize the Mayor to execute the documents granting from the City of Buckley to Puget Sound Energy an easement for the purpose of installing and maintaining utilities associated with the new fire station, and authorizing the Fire Chief to negotiate on the insertion of additional language. Council member Twardoski 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 January 25, 2011
Approve Minutes of February 1, 2011 (Workshop)

Claim check numbers 46359 through 46474, in the amount of \$194,486.88 for the period of January 12, 2011 through February 8, 2011; Payroll check numbers 31280 through 31328 in the amount of \$322,679.31 for the month of January 2011; and Treasurer check numbers 10989 through 11012, in the amount of \$34,052.13 for the month of January 2011 are hereby approved and ordered paid this 8th day of February 2011.

Chief Predmore stated that he would like to let the Council know that we did have the preconstruction meeting with the contractor yesterday morning, as well as all the appropriate City staff. I thought the preconstruction meeting went well. That was the first opportunity we've had to meet face to face to meet and talk with the contractor. We haven't worked with them yet so it is only a gut feeling, but I've got really good feelings going into the project based on the discussions and conversation we had yesterday. They

will be starting work at the site on March 3rd; it could even be a day sooner. They are working on getting their construction offices lined up and ready to go. Their first thing will be taking care of erosion control measures. So, you will be seeing them out there soon and we will be doing some type of a ground breaking ceremony, probably right before they actually start their work on site. We have a meeting scheduled with the command staff at the department tomorrow night to try and flush that out and you will get details as soon as we know them.

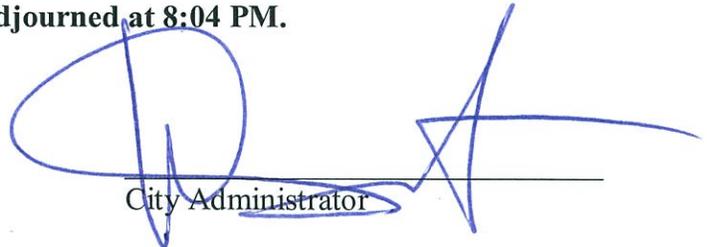
City Administrator Schmidt stated that we received the closing documents on the purchase of the PSE property today. We will be going over those final documents and there will probably be some sort of a signing ceremony that you can attend. I believe we're looking at a closing date of March 1st right now.

City Administrator Schmidt said that the contractor has started making the connection with DSHS's sewer line. There is a main power line that serves both Collins High School and the sewer treatment plant. That is a private line that belongs to DSHS and they were supposed to locate it, but the locate mark was twelve feet off. The contractor hit the main line, so there could be a sizeable change order coming in on the contract. But, keep in mind that DSHS is paying for this project; it is just being passed through the City, but it may come back to the Council for a change order.

With nothing further the meeting was adjourned at 8:04 PM.



Mayor



City Administrator