

City Council
March 22, 2011

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

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

Mayor Johnson asked if there were any additions, deletions or corrections to the agenda. City Administrator Schmidt asked to postpone agenda item #15 until the next Council meeting. He stated that we thought we had a final draft to present tonight but the Orting City Attorney made significant revisions to it and our attorney has not yet reviewed the revised version. **Council member McNally moved to postpone agenda item #15 to the next Council meeting on April 12, 2011. Council member Twardoski seconded the motion. Motion carried.**

Finance & Public Safety: Council member Reed stated they have not had a meeting since the last Council meeting. Their next meeting will be April 11 at 6 PM.

Streets & Utilities: Council member Montgomery stated they had a meeting on the 15th and you will notice that there are a couple things on the agenda tonight. One thing not on the agenda is a follow up on the Meadow Mountain Street Tree Agreement that the City recently entered into with the Meadow Mountain Circle Homeowners Association. This has been a recurring issue and they talked about drafting some sort of tree policy or urban forestry policy. Mr. Sundstrom, who was present at the meeting, suggested maybe a Citizens Advisory Committee taking this on. The Committee discussed that and felt it would be a good idea given the fact that the Planning Commission has a pretty full plate, and it seems that we have no shortage of things going on. **Council member Montgomery moved to form a Citizens Advisory Committee to explore an Urban Forestry Policy. Council member Patson seconded the motion.** Mayor Johnson stated that Bonney Lake has one. Council member Montgomery said there are templates out there and it is just a case of finding one and making it fit our particular needs. Council member Reed said he is going to make an assumption that the committee would include one or more Council members to help pull in resources that we have available to us. Council member Montgomery said they didn't talk about that, but it could. Discussion ensued regarding the formation of the committee. Council member Harple stated this sounds like something we should probably discuss at a workshop. **Council members Montgomery and Patson rescinded their motions.** Mayor Johnson said this issue will be discussed at the next Council workshop. Council member Reed said we should be able to hash out all the details and bring it back to the next Council meeting.

Community Services & Recreation: Council member Patson stated they met on March 9th and started their meeting at the Veteran's Memorial where they met with Mr. Mark Mulden. When we last met as a committee, Mark Mulden, who is a music promoter,

spoke to us about his proposal for an outdoor music festival, "Blast in the Grass." At that time we suggested perhaps using the log show grounds; however, since then his estimation of the attendance has changed significantly and he anticipates anywhere from five to ten thousand people. So, he is proposing use of the Veteran's Memorial, and pointed out places where he would have a staging area and where vendors would park, etc. Mr. Mulden addressed issues of parking, power sources and security, and we made it very clear to him that we cannot pay police overtime, so overtime would have to be paid by the event promoter and sponsorship. We talked about security and noise, and he proposed a door knocker that he would take around and place on people's doors, and there is an example of that in the Council packet. Mr. Mulden stated that he is under a time crunch. Council member Patson stated that Mayor Johnson suggested either a public hearing or further discussion at perhaps a Council workshop. Discussion ensued. City Administrator Schmidt stated that there is an administrative permit that Mr. Mulden has to get through the business licensing that is reviewed by his office. City Administrator Schmidt asked if we have already set a hearing date for the public, or is that still being talked about. Council member Patson said she would like to have further Council discussion about this. City Administrator Schmidt said we need to get it on the agenda and get notice out to everybody if we're going to have a public hearing on it. Council member Reed asked that this issue be added to the workshop agenda. Discussion continued. City Attorney Olbrechts stated you want to address the noise part of this early on because in addition to the statutes here, the Department of Ecology has adopted really detailed noise standards, and if you are more permissive than those standards you have to get DOE permission. So, I think the City really needs to look at its noise regulations and DOE regulations to see if there are any changes necessary. Council member Patson stated that other issues discussed at their meeting were Relay for Life; Director Bacon needs volunteers from City staff over the age of 25 to walk or provide supervision of a teen for the event, and a park ordinance addressing expulsion from City parks, which is on the agenda tonight. Their next meeting will be on April 13 at 9:30 AM

Community & Economic Development: Council member McNally stated they have not had a meeting since the last Council meeting. Their next meeting is scheduled for April 4th; however, Heritage House wants to meet with them but they can't make the 4th but they can make the 11th. The April 4th meeting is cancelled and rescheduled to April 11th at 1 PM.

Mayor's Report:

Mayor Johnson stated that we have a date, time and place for the PSE signing. It will be next Wednesday, at 10 AM in this room.

Staff Reports:

Chief Arsanto stated that the Buckley Police Department was involved in a pursuit on Saturday evening. A vehicle traffic stop was attempted on a driver who was suspended and had three local warrants out for his arrest. As the pursuit entered Cumberland, the Chief called off the pursuit. About a half hour later King County found the vehicle and a

short distance up the road found the driver. The driver tried to come at one of the deputies with a machete and he was shot and killed. Our officers are doing well. The lead guy has had a few counseling sessions and he seems to be doing better now.

Chief Arsanto stated he got a hold of Simpson out of Tacoma for the Pierce County prescription drop off box for the destruction of that and the drugs out of our evidence room. They are sending me a contract. I will review to see if it is something that has to come back to Council or if I can sign for the destruction.

Chief Arsanto said he has been mailed a copy of the evidence room contract that we talked about at the last Council meeting, to get rid of surplus evidence out of the evidence room. He will also have that contract to come back before the Council after he reviews it.

City Administrator Schmidt stated that Heritage House is expanding their facility and adding another 37-bed facility on the corner across the street from the Eagles. We are currently going through the commercial site plan review and the design review for the architectural rendering as well.

Citizen Participation:

Pierce County Library – Proclamation: Mayor Johnson stated that this is a Proclamation about Pierce County Reads. **Robin Clausen, Pierce County Librarian, and Kathy Norbeck, Supervisor of the Buckley Library.** Ms Clausen said we are here to thank you for your Proclamation, and to share a little bit about Pierce County Reads this year. The book is Big Burn by Timothy Eagan. It is a book we hope will interest a few more men this year. The book is about a fire in Washington, Montana and Idaho in 1910. It also tells a little bit about the beginning of the Forest Service. Council members were provided a loaned copy of the book, which they were asked to read and return, as well as a pin promoting the Pierce County Reads Program and brochures and flyers regarding other community events. Ms. Clausen stated that the author, Timothy Eagan, will be here on April 30th to give a presentation and sign books.

Marvin Sundstrom, 881 Sheets Road, Buckley. Mr. Sundstrom expressed his opinions regarding drainage issues, solutions and laws in the City.

MAIN AGENDA

ORD No. 03-11: Amending BMC 14.16 – Low Income Utility Discounts: Council member Montgomery moved to approve Ordinance No. 03-11 Amending BMC 14.16 Low Income Utility Discounts. Council member Twardoski seconded the motion. A very lengthy discussion ensued regarding who should be eligible to participate in the low income utility discount program and what the thresholds should be, as well as possible solutions for making up a deficit in the water fund. **Motion carried with a 4/3 vote.** City Administrator Schmidt stated that there is a July 1st effective date

on this, so there is a long lead time to get notice out to the utility customers to make them aware of the changes that are taking place.

ORD No. 04-11: Amending BMC 10.84.300 – Expulsion from Parks:

Council member Boyle Barrett moved to approve Ordinance No. 04-11 Amending BMC 10.84.300 Expulsion from Parks or Recreation Facilities. Council member Twardoski seconded the motion. City Administrator Schmidt stated that this sets up a progressive expulsion, which we don't currently have; we really don't have a deterrent to bad behavior. Mayor Johnson said this was brought about by some happenings at the Youth Center. A discussion ensued regarding how this enforcement would work. Chief Arsanto was on hand to explain the process and answer questions. **Motion carried.**

ORD No. 05-11: Amending BMC 14.04.155 – Voluntary Discontinuance of Water Service:

Council member Montgomery moved to approve Ordinance No. 05-11 Amending BMC 14.04.155 Voluntary Discontinuance of Water Service. Council member Patson seconded the motion. There was a short discussion. **Motion carried.**

RES No. 11-05: Amending 2011 Exempt & Hourly Salary Scale (Rev 3):

Council member Reed moved to approve Resolution No. 11-05 Amending the 2011 Exempt and Hourly Salary Scale. Council member Boyle Barrett seconded the motion. City Administrator Schmidt stated that this adds the Court Clerk position at an hourly rate, and restructures the organization of the court since we are considering contracting services for the Court Administrator. After a brief question and answer period and discussion, **motion carried.**

Interlocal Agreement: TPCHD – Natural Yard Care Program:

Council member Montgomery moved to approve the Agreement between the City and Tacoma-Pierce County Health Department to participate in the Natural Yard Care Program. Council member Patson seconded the motion. Mayor Johnson explained what this program is, and stated that this program will meet part of our stormwater requirements for the new NPDES. The cost is entirely grant eligible. Discussion ensued. City Administrator Schmidt stated that this is part of our stormwater management program under the NPDES Phase II permit; we are required to do the public awareness program portion of it. Mayor Johnson said this program will take place in the fall. Discussion continued. **Motion carried.**

Professional Services Agreement: Interim Court Administrator Services:

Council member Reed moved to approve the Agreement between the City and Kaaren Woods for Interim Court Administrator Services. City Administrator Schmidt said this is through April 30th. **Motion carried.**

City & WRSD Agreement: Addendum #2 Extending Lease:

Council member Reed moved to approve the Second Addendum to the Lease Agreement between the City and WRSD for 146 Cedar Street. Council member McNally seconded the motion. Motion carried.

Equipment Purchase: Morooka Tracked Vehicle:

City Administrator Schmidt stated this is something the Council has already authorized; we are just asking for an additional \$1,000 to the approved purchase price. **Council member Montgomery moved to approve a \$1,000 increase to the previously approved \$25,000 purchase price of a used Morooka. 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 March 8, 2011

Claim check numbers 46669 through 46709, in the amount of \$157,102.77, for the period of March 9, 2011 through March 22, 2011 are hereby approved and ordered paid this 22nd day of March 2011.

Council recessed for 5 minutes at 9:10 PM.

Council convened into Executive Session at 9:15 PM to discuss potential litigation regarding Spiketon Ditch and UBET Trust, for approximately 15 minutes, with no decisions.

Council reconvened the City Council Meeting at 9:43 PM.

With nothing further the meeting was adjourned at 9:43 PM.



Mayor



City Administrator