

City Council
June 12, 2012

Mayor Johnson called the regularly scheduled meeting to order at 7:00 P.M.

Upon roll call the following members were present: Boyle Barrett, Irons, Montgomery, Reed and Tremblay. Council member Howard was absent. Mayor Johnson stated Council member Howard is out of town on business. **Council member Montgomery moved to excuse Council member Howard. Council member Tremblay seconded the motion and the motion carried.** Also in attendance was City Administrator David Schmidt.

Mayor Johnson stated that due to Chief Predmore's busy schedule she would like to change the agenda and include items 13, 14 & 15 with the staff reports. **Council member Montgomery moved to change the agenda to include items 13, 14, & 15 under staff reports. Council member Reed seconded the motion and the motion carried.**

Finance and Public Safety:

Council member Boyle Barrett stated they had a meeting and most of what they talked about is on the agenda tonight. Council member Montgomery asked about the haunted house; there have been several alternatives talked about and he was wondering if there was a decision. Council member Boyle Barrett stated they are leaning towards the use of Mac McCracken's property as offered. There was an issue with it needing to be mowed. The plans have not been completely finalized, but they do know that the main access will be off of Mac's property, and we need to start getting the field cut down. Council member Montgomery stated after talking to Mac it was stated that Mac needs the Council's authorization to use City equipment on his own time in order to mow the field. **Council member Montgomery moved to authorize the use of City equipment to mow Mac McCracken's field on his own time. Council member Reed seconded the motion and the motion carried.**

Streets and Utilities:

Council member Tremblay stated they haven't had a meeting and they will be canceling the June meeting due to lack of a quorum.

Community Services and Economic Development:

Council member Montgomery stated they had a meeting on May 31, 2012. Minutes have been distributed for both April and May. They will also be a Council member short for their meeting in June if any of the others would like to attend.

Mayor's Report:

Mayor Johnson stated she and Council member Tremblay will be attending the AWC Conference this Tuesday through Friday.

The annual Foothills Historical Museum Rummage Sale fundraiser is this weekend. They usually bring in about \$1,500. If you have an opportunity, please stop by.

Staff Reports:

Chief Predmore thanked the Mayor for attending the graduation ceremony on Saturday. We have graduated another recruit academy class of 15 people, 5 of those being Buckley Firefighters.

Chief Predmore reported on the Hazard Mitigation Plan. Part of the Hazardous Mitigation planning process is that we occasionally report to Council. We first started this plan with Pierce County about four years ago. It was approved both by the State and FEMA at the Federal level. It has a shelf life of five years before it requires being updated. To date there are 69 different jurisdictions within Pierce County who are now participating in the new Hazard Mitigation planning process, ours at this time is an update to the plan. Pierce County does a large amount of work on this and there is a local match required; our match is our staff time. With this update, we are updating our infrastructure data. With having the plan, not only does it help prepare ahead of time and mitigate as much as we can, and within our limits, some of the occurrences are that result from disasters, but it also makes us eligible for Federal funding that is allocated for hazard mitigation, whether that is pre disaster or post disaster. Our goal is to have the complete revision of the plan done and submitted to FEMA by November of this year, with 30-45 days for the State to review it before it goes on to FEMA, and then 45 days for FEMA to review and have it back to us.

Interlocal Agreement – EMS Transport Services

Council member Montgomery moved to approve the Interlocal Agreement between the City of Buckley and the Town of Carbonado, Pierce County Fire District 25 and Pierce County District 26 regarding emergency medical transport services. Council member Boyle Barrett seconded the motion. Chief Predmore stated one Council member asked why we don't just have this automatically renewed when it comes around. There are two reasons. As the lead agency, by renewing the agreement with the other agencies every three years it reminds them they are part of this agreement, and the other reason is that the agreement with AMR most likely will require some kind of changes or tweaking. **The motion then carried.**

Agreement – American Medical Response

Council member Montgomery moved to approve the agreement between the City of Buckley and American Medical Response related to Emergency Medical Services. Council member Tremblay seconded the motion. Chief Predmore stated this agreement is not much different than the previous agreement. There were just a couple small changes that Chief Predmore explained to the Council. **The motion then carried.**

Retail Fireworks Stand Permit

Council member Montgomery moved to authorize the issuance of a Retail Fireworks Stand permit to Melinda Rudolph for the period beginning at noon on June 28th through 9:00 pm on July 4th, 2012. Council member Reed seconded the motion. Chief Predmore stated that this permit is being issued under the existing ordinance which is in effect until June 27th of this year. He then talked about the limits of locations for stands, which this

applicant is okay with for this year but with the new ordinance they would be prohibited because they have to be within 600 feet of each other. Discussion ensued. **The motion then carried.**

MAIN AGENDA

Mayor Johnson recessed the regular meeting to hold a Public Hearing on Medical Marijuana at 7:29 PM.

Mayor Johnson opened the Public Hearing at 7:30 PM.

John Worthington, 4500 SE 2nd Place, Renton, WA. He came here to give some perspective before the Council makes any decision. You are in an area where you are covered by an outfit called TNET (Tacoma Narcotics Enforcement Team); they have a policy to cease medical marijuana for the DEA, and Bonney Lake belongs to them. They raided him in Renton. He wants the City to be aware of what they are doing when they ban collectives; people like him, who have been looted by TNET and not really charged, they have nowhere else to go. They raid individual growers and it forces them to look for the service elsewhere. He is asking us to honor the State General Law. He knows a lot of people don't like it. The AWC is working on legislation to give the cities local control, but yet you think you already have it to be able to ban it. If you had the authority to ban it, the AWC wouldn't be trying to pass legislation next session to give you local control. He is asking, for now, to zone it to a place; an Industrial Park for now and go to Olympia and change the law to your satisfaction, but he doesn't think the day you're going to be able to ban it will come. Medical marijuana is here to stay in some form or another. There are elements of medical marijuana that work and he is before you with it in his system.

Steve Sarich with the Cannabis Action Coalition, 2735 1st Ave So, Seattle, WA 98134. His organization represents patients all over the State of Washington. They have proposed legislation and they also propose litigation. He then passed out information to the Council, one piece was the suit that they filed against Kent and the other is a document from Carol Morris, the attorney from the AWC Risk Management Services Agency. He is providing it because he is not sure if the Council had read this, and it is important that they read it because she points out that you don't have the power to ban collective gardens. What he doesn't want to see the City do is go down a road where he has to come in here and do something else. We will stop this; we have to stop this. He knows AWC is going back to the legislature to try to provide the cities with the power to do that. Mr. Sarich stated they are the ones that killed 6265 and they will kill it again because you can't have a law that is not a State Law on medical cannabis because in places like Naches and Yakima and Pasco there would be people denying patients the right to access to their medication. He is not here to lecture or threaten, he is hoping what he can do is answer questions you may have either about medical cannabis or about the medical cannabis law so that you don't go down the wrong road. He provided his email address so the Council could contact him to answer questions.

Mayor Johnson closed the Public Hearing at 7:44 PM.

Mayor Johnson reconvened the City Council meeting at 7:44 PM.

Ordinance No. 07-12: Amending BMC 2.33 (Planning Commission Membership)
Council member Tremblay moved to approve Ordinance No. 07-12 amending BMC 2.33 concerning Planning Commission membership. Council member Reed seconded the motion. Mayor Johnson stated this came about because we had an application from a member of the community who is not a registered voter because she is a Canadian citizen. When calling around to other cities, there is only one other city that has the requirement that you have to be a registered voter to be on the Planning Commission. This is an advisory only board. Council member Montgomery stated he feels very strongly that someone on an advisory board needs to have a stake in the community. **Council member Montgomery moved to amend Section 2.33.020 (2) the second sentence to read “One member may be a business owner who resides outside of the Buckley city limits but owns and operates a business within the city limits and has done so for a period of at least one year prior to their appointment”. Council member Reed seconded the motion.** Council member Tremblay stated he thinks people can be vested in the community without owning a business in the community. **The amended motion failed. The main motion then carried.**

Resolution No. 12-07: Annexing to Pierce Conservation District, Including Petition for Inclusion

Council member Boyle Barrett moved to approve Resolution No. 12-07 requesting inclusion into Pierce County Conservation District and approving the submittal of the Inclusion Petition to the Washington State Conservation Commission. Council member Montgomery seconded the motion and the motion carried.

Museum Shed

Council member Montgomery moved to approve the placement of a roofed cover over the museum speeder exhibit. Council member Boyle Barrett seconded the motion. There was discussion about why this had to be permitted if it was only 120 square feet, and what the roof is made of. **The motion then carried.**

Buckley Agreement for Building Services

Council member Montgomery moved to approve the Professional Services agreement between the City of Buckley and Mike Deadmond for Substitute Building Services. Council member Boyle Barrett seconded the motion. Council member Montgomery stated he assumes the costs associated with this are pass through costs. Administrator Schmidt stated if there is plan review or inspections services then yes. This has never been an issue in the past because Dean has always had an L & I trainee, but we don't have one now. Mr. Deadmond does this same thing for Edgewood. **The motion then carried.**

Change Order – EnCo Wetland Monitoring

Council member Montgomery moved to approve EnCo Environmental Consultant agreement change order #1 for wetland monitoring for a price not to exceed \$17,600.

Council member Boyle Barrett seconded the motion. City Administrator Schmidt stated this is a 10 year contract. **The motion then carried.**

Buckley Hall – WIC Contract

Council member Montgomery moved to approve the lease agreement renewal between the City of Buckley and WIC for the use of the Buckley Hall. Council member Boyle Barrett seconded the motion and the motion carried.

King County Biosolids Testing Agreement

Council member Montgomery moved to approve renewal of the agreement with King County for Lab Testing Services. Council member Boyle Barrett seconded the motion. There was discussion about why the contract is only for six months. **The motion then carried.**

Partial Period Rental Agreement Template

Council member Montgomery moved to approve the partial period rental agreement template. Council member Boyle Barrett seconded the motion. Recreation Services Director Boyd stated this rental agreement is a direct result of the partial period rate that was adopted in the City's Taxes, Rates and Fees Schedule. **The motion then carried.**

Council member Montgomery moved to approve the consent agenda. Council member Tremblay seconded the motion and the motion carried.

Approve the minutes of the May 22, 2012 City Council meeting and June 5, 2012 City Council Workshop.

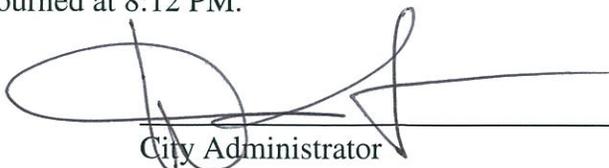
Claim check numbers 48580 through 48685, in the amount of \$1,124,577.66, for the period of May 23, 2012 through June 12, 2012; Payroll check numbers 32394 through 32457, in the amount of \$348,244.00 for the month of May 2012; and Treasurer check numbers 11267 through 11280, in the amount of \$35,313.30 for the month of May 2012 are hereby approved and ordered paid this 12th day of June 2012.

Council member Boyle Barrett moved to adjourn the meeting. Council member Reed seconded the motion and the motion carried.

With nothing further the meeting was adjourned at 8:12 PM.



Mayor



City Administrator