

City Council
June 28, 2011

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

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

Mayor Johnson stated we are going to stray slightly from the agenda tonight. Amy Molen from Families First Coalition is here tonight to present an award. She explained the role of the Coalition and the award they are presenting tonight which is the White River Community Champions Award. Tonight they are presenting the award to John Justice.

Mayor Johnson also announced that Lt. Keith Lambertus won the VFW Firefighter of the Year Award for the State of Washington.

Finance and Public Safety:

Council member Reed reported on the AWC Conference held in Spokane last week. Council member Reed then reported on the Finance and Public Safety Committee meeting where Chief Predmore presented the draft fireworks ordinance, which is on the agenda tonight. Chief Arsanto updated the Committee on the jail remodel. There was also discussion about the policy for releasing prisoners. City Administrator Schmidt reported on the State excise tax charged on all property that the City leases.

Streets and Utilities:

Council member Montgomery stated they had a meeting on the 23rd and the minutes are in the packet. Items 16 and 17 on the agenda tonight were discussed at the meeting. The other item he would like to touch on is the letter we received from Lindsey Auckland regarding using the Youth Center and the property next to it for the Farmers Market starting on July 30th. **Council member Montgomery moved to allow the use of the Youth Center and property to the south of the Youth Center for the Farmers Market. Council member Reed seconded the motion.** City Administrator Schmidt stated one thing the Council may want to consider is, because our Taxes, Rates and Fees Schedule establishes all the fees in the City, you may want to include that change in the fee as part of the motion. That way we can go ahead and get these people licensed, charge them the fee, and then bring the Resolution back at a later date for the Council to approve. **Council member Reed rescinded his second and Council member Montgomery rescinded his motion. Council member Montgomery then moved to allow the area south of the Youth Center and the Youth Center facilities for the Farmers Market and in addition change the fee structure to have the base fee to be \$25.00 and an additional \$5.00 if they require water and or power. Council member**

Reed seconded the motion. There was discussion about the fees that were referred to in the letter from Lindsey Auckland. **The motion then carried.**

Community Services and Recreation:

Mayor Johnson stated Council member Patson is not here tonight but there are minutes in the packet.

Community and Economic Development:

There was nothing to report.

Mayor's Report:

Mayor Johnson stated that the Log Show was once again a huge success.

Mayor Johnson stated we are being cut off by Pierce Transit. We are currently talking with Sumner, Orting and Bonney Lake who have also been cut off. Unless we de-annex, the over \$200,000 per year that we pay Pierce Transit in sales tax will continue to go to Pierce County, so the four cities are starting to talk about de-annexing. At this point if the Council doesn't want to enter into any kind of de-annexation, we will continue sending over \$200,000 to Pierce County. Council member Boyle Barrett asked if this will be sent back to Committee or are we just going to sit on it. Mayor Johnson stated we need to meet with the other cities first. Discussion ensued.

Staff Reports:

City Administrator Schmidt stated we are going to be losing Jennifer Bacon, our Recreation Services Director, sometime in August.

City Administrator Schmidt stated that Johansen Excavating will be starting construction on the Realignment Project on July 5, 2011 so please be aware that eventually there will be detours and traffic issues in that location.

City Administrator Schmidt stated we are getting ready to advertise a request for proposals for the new phone system we have been talking about for a year or two; a voice over system which actually hooks up to the internet. Ultimately we hope this will save us about \$12,000 per year.

Chief Predmore gave an update on the Fire Station Project.

Citizen Participation:

Marvin Sundstrom, 881 Sheets Road. At the last Council meeting the Mayor cast a tie breaking vote. He then referred to RCW 35A.12.100 and quoted a portion of this RCW, regarding the vote by the Mayor breaking the tie. City Administrator Schmidt stated they have checked with the attorney, and based on MRSC and on the City Attorney's opinion, adoption of a salary scale is not the actual payment of money, it is setting a wage for a particular position and it doesn't apply to that RCW. Council member Montgomery

asked about the lump sum of money that was paid out for retroactive pay, would that change anything. Council member Harple asked if they could be provided the information that the City Attorney provided to the City Administrator.

Garry Brevik, 340 No. McNeely. He is here representing two property owners on McNeely Street. Back in the 70s the City of Buckley contracted with the State School to supply them natural gas. In doing so they had to bring a gas line down along the flume. There used to be a wooden flume that ran off the end of the drainage ditch that comes from Sheets Road across Ryan and down McNeely and then into the river or flume. It ran along the State property line. When they put the gas line in they had to take the flume out and temporarily they ran the ditch diagonally through the Gunderson property. Originally it was about 2-3 feet wide, but since 1972 that ditch is now cut with about a 20-25 foot wide ditch and runs 700-800 feet and it takes a huge piece of property. Each year this ditch just gets wider and wider. This has been going on for a long time. He has been working on this for almost three years and it is not going anywhere. The City right now is trespassing and this needs to be taken care of. He understands the financial problems in the City, but regardless there needs to be a resolution. The property owners want this moved; there is no easement on this property for that ditch to run through there. Discussion ensued.

MAIN AGENDA

Ordinance No. 07-11: Amending Fireworks Regulations

City Administrator Schmidt stated before any discussion takes place on this there needs to be a revision as to when the effective date is. Chief Predmore stated he has two changes and one of them addresses that. **Council member Reed moved to approve Ordinance No. 07-11 regarding fireworks in the City of Buckley. Council member Twardoski seconded the motion.** Chief Predmore gave the Council the changes to the Ordinance. There were several places that the Fire Chief needed to give changes to the City Council, and also the effective date to June 28, 2012. There was discussion regarding fees, zones that they are allowed in, age of buying fireworks, amount of stands allowed and the amount of days that fireworks are allowed to be discharged. **Council member Boyle Barrett moved to amend the dates and time of discharge to July 2nd to July 6th from 9:00 AM to 12:00 AM daily and December 31st from 9:00 AM to 12:30 AM. Council member Harple seconded the motion.** Council member Montgomery stated he does not agree with the dates going past the 4th of July. **The motion carried for the amendment. Council member Reed moved to amend the motion to replace Fire Chief with City Council in sections 10.44.090 and 10.44.130(4) and changing the effective date to June 28, 2012. Council member Twardoski seconded the motion and the motion for the amendment carried. The original motion then carried with 4-1 vote.**

Resolution No. 11-08: Declaring Surplus Property

Council member Boyle Barrett moved to approve Resolution 11-08 declaring a 1996 Ford F250 Pickup as surplus and authorizing its disposal to the highest bidder.

Council member Harple seconded the motion. There was discussion as to whether this could be used for another department. It was highly suggested by the Fire Chief to let this go as soon as possible. **The motion then carried.**

Agreement: Fire Protection for Rainier School

Council member Reed moved to authorize the Mayor to execute the agreement with the State of Washington for the provision of Fire Department services to Rainier School. Council member Boyle Barrett seconded the motion. Chief Predmore stated this agreement is identical to the final year of the three year agreement that is expiring and it is for two years. **The motion then carried.**

Agreement: Automatic Aide with East Pierce Fire & Rescue

Council member Montgomery moved to authorize the Mayor to execute the Interlocal Agreement between the City of Buckley and East Pierce Fire and Rescue establishing the terms of "Automatic-Aid". Council member Boyle Barrett seconded the motion. Chief Predmore stated there are two different distinctions between Automatic Aid and Mutual Aid so they need to be clarified in the case of challenges. This does not replace Mutual Aid agreements; it is a housekeeping detail to say we have the ability to automatically have those units dispatched without somebody physically having to make the request to do so. **The motion then carried.**

Agreement: Authorizing Assignment & Delegation (DOR)

Council member Montgomery moved to approve the Agreement authorizing assignment and delegation of the Master Licensing Service Contract to the Department of Revenue (DOR). Council member Boyle Barrett seconded the motion and the motion carried.

Agreement: Extension of Interlocal with Washington AOC

Council member Boyle Barrett moved to approve the amendment extending the Interlocal Agreement between the City and State of Washington AOC. Council member Harple seconded the motion and the motion carried.

Agreement: Addendum #3 to SMA Grant Agreement with DOE

Council member Montgomery moved to approve the Amendment to the SMA Grant Agreement with DOE adding Federal debarment language. Council member Boyle Barrett seconded the motion and the motion carried.

Agreement: Pierce County Junk Vehicle Affidavit Assistance

Council member Montgomery moved to approve the Agreement with Pierce County for Junk Vehicle Affidavit Assistance. Council member Harple seconded the motion and the motion carried.

Scope of Work: Geotech Analysis – Collins Road Trench Failure

Council member Montgomery moved to approve the Scope of Work for Gray & Osborne to complete a Geotech analysis on the failed trench sections on Collins Road. Council member Boyle Barrett seconded the motion. There was a brief discussion about whether or not they are actually taking soil samples. **The motion then carried.**

Bid Award: Buckley Hall Side Sewer

Council member Montgomery moved to award the bid of the Buckley Hall Side Sewer to Interwest Construction for \$6,346.25. Council member Twardoski seconded the motion. City Administrator Schmidt stated with the depth of the ditch it would cost us almost as much for our crew to do the work. **The motion then carried.**

Council member Reed moved to approve the consent agenda. Council member Harple seconded the motion and the motion carried.

Approve the minutes of the June 14, 2011 City Council meeting.

Claim check numbers 47065 through 47087, in the amount of \$ 53,779.14, for the period of June 15, 2011 through June 28, 2011, are hereby ordered and paid this 28th day of June 2011.

With nothing further the meeting was adjourned at 8:52 PM.



Mayor



City Administrator