

**City Council**  
**June 29, 2010**

Mayor Johnson called the regularly scheduled meeting to order at 7:05 PM.

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

Mayor Johnson asked if there are any additions, corrections or deletions to the agenda this evening. Mayor Johnson said we do have one additional person requesting to come before the Council tonight and that is Jim Carlson, and we will add him directly after Item #7.

**Finance & Public Safety:** Council member Reed stated they had a meeting basically to discuss the gambling tax ordinance revision, which is coming before the Council later in the agenda. We were also updated on various projects at the senior and youth centers, but the primary issue was the gambling tax item. The other item we discussed, which is actually good news, was the current financial status of the City. At the end of the first quarter the numbers were looking a little grim; we were looking at being about spot on as far as what we had budgeted for expenses, and we were looking at about a 3% shortfall on most of our revenue sources. As of the end of May, those numbers have turned around a bit. We will still need to continue to watch them, but with the change of having Mac stepping out of the parks position and at this time not refilling it, that brought our expenses down under projection. In addition, the cool spring increased our natural gas sales which then increased the tax that we collect on those natural gas sales. That has helped to push our revenues slightly above what we had budgeted for the year. We still have to keep an eye on it, but we expect that revenue savings to continue on throughout the year. Council member Reed stated that he and the Mayor had an opportunity to meet with the Helping Hand House folks. They came out and took a look at the Taylor property. A couple problems we have in utilizing that program are (1) they need to be able to come into a turnkey ready facility; and (2) when they were created, their creating document did not allow for a facility as large as the Taylor house. While they didn't say no, there are two items they need to look at. One is families in need in this area large enough to use that facility, and second is getting authorization to use a larger facility from their funders. Council member Reed said his goal of getting the property used quickly won't be accomplished by using Helping Hand House; however, he still has the same concern about getting the building occupied by something. Council member Reed said he had the opportunity to attend the annual AWC Conference in Vancouver. The annual conference is very helpful in learning about what other cities are doing, other programs and other funding sources. He met with the Department of Ecology while there and spoke with their legislative liaison. Their next meeting will be July 12, at 7 PM, at City Hall.

Council member Reed asked if they needed to have a Council workshop on July 6<sup>th</sup>. It was decided that there will be a Council workshop on July 6<sup>th</sup>, at 6:30 PM, at the MPC. City Administrator Schmidt said at some point the Council needs to make a decision on the Taylor property. Council member McNally asked that impact fees be on the Council workshop agenda.

**Streets & Utilities:** Council member Montgomery said they had a meeting on the 15<sup>th</sup>. The biggest item is something that will come up here in a little bit regarding utility billing language. Their next meeting will be July 7, at 7:00 PM, at City Hall.

**Community Services & Recreation:** Council member Patson stated they had a meeting on June 9<sup>th</sup>. They discussed the Log Show and the Buckley Youth Activity Center Kick Off. They also discussed event licenses, due to a scout troop wanting to put up a Jumpy Castle behind Wally's, fee waiver forms, etc. Recreation Services Director Bacon has applied for a recreation grant through Wal-Mart, and Council member McNally suggested that she contact Baden Sports for equipment donations. Director Bacon has also received a \$2,000 produce grant for the Senior Center. Joe Pappenbrock wishes to donate 9 birch trees to create a circle of trees to be planted in the area behind the Skate Park, and he provided a conceptual drawing which is included in the minutes. That prompted a discussion about City policy on memorials, which we are going to work on because it is not unusual for surviving family members to carry out wishes of family members as to where they would like a memorial planted or erected in their honor. So, we are tasked with generating a list of criteria regarding such areas. This topic will be on the workshop agenda. There was a suggestion that we create an area that would be specific for memorials, which prompted a discussion regarding designated area versus family wishes and the deceased's wishes. Their next meeting will be July 14<sup>th</sup> at 9:35 AM.

**Community & Economic Development:** Council member McNally stated they have not had a meeting. Their next meeting will be on July 8<sup>th</sup>, at 6 PM, at City Hall.

Council member Twardoski reported that the Farmer's Market was very successful last weekend, and the police did a great job.

### **Mayor's Report:**

Mayor Johnson said she attended the AWC conference with Council member Reed and it was an excellent conference. This year was not as much doom and gloom as last year, although I think it's only because we are a little more conditioned to the current financial situation. We are all waiting for the Office of Fiscal Management to tell us what we can expect for next year, but reading between the lines in the papers we know it is going to be less. It was interesting talking to the various cities about how they are all meeting this challenge and what they're going to do. Some are doing furlough days and some are doing the 4-day week like we are; everybody's doing something a little bit different, so it was interesting listening to the discussions.

Mayor Johnson said she spent most of today at Rainier School doing a tour with the Pierce County delegation to the legislature, the aids. They were out on a fact finding mission. One of the things we said last year when we were lobbying for Rainier School in Olympia was, before you cast your vote come out and see Rainier School, and the Pierce County delegation took that to heart and they came today. We spent over two hours showing them Rainier School, the facility, what it does and the type of clients that are there. Hopefully we made some kind of an impact and they will take that back. We know that the war is not over; we just won the first battle.

Mayor Johnson said to bring you up to date on what's happening with the Museum, they are now painting. The bathroom will be completed first before the rest of the building. The addition is done. Again, it has been done primarily with donations, museum funds and in-kind services. I asked City Administrator Schmidt today about the schedule with the City crew as to when we can get the sewer hooked up because that is what will be the last thing to do. Until we get the sewer hooked up, we can't open the museum.

### **Staff Reports:**

Chief Arsanto said the Log Show was a success and there were very few problems.

City Administrator Schmidt stated that staff did a great job this weekend and he just wanted to say thank you.

### **CITIZEN PARTICIPATION**

#### **David Koroski: Ordinance of 19.22.120 (Accessory Use Requirements):**

**David Koroski, 27805 SR 410 E, Buckley.** They have a car lot in Buckley and it's been struggling so they're trying to start a new business and that is a local hot dog truck. We've been working with the City of Buckley for months trying to get things in order and figure out what we need to do so we can open up. We went to the Health Department and we've spent about \$11,000 and got everything done with the Health Department and Pierce County, so we're good to go there. Then this ordinance came up about an accessory business on a primary business, which is our truck. We've spent a lot of money getting it ready to go and that's pretty much what's going to sell our business and attract people. We'll cater to the kids, and we made it look really nice, and we would like to see if we can get that code changed because being behind our business would make it difficult. City Administrator Schmidt said when we developed the new zoning code, under the bulk provisions there is a section in there that talks about accessory uses, and there is one specific line that for commercial accessory uses it says they have to be screened from view, so it's really counter-productive to what the use is. Their primary use of the facility is an auto dealership; it's Dave's Deals on Wheels. So, if they are going to move a hot dog truck on it, based on accessory use it's subordinate to primary use, so that hot dog vending is then an accessory to the primary use, and that is what it states for accessory use. I think the intent of the code provision was storage sheds, out buildings, garbage dumpsters, etc., those types of things, but it doesn't identify and it's not specific. Because of that, that hot dog truck falls under that category. So, if they

have to screen the whole front of their lot from view of the highway, it defeats the whole purpose of the hot dog truck. City Administrator Schmidt said we've gone through quite a long history working with them trying to make this happen because our code doesn't really talk about mobile vending type uses. So, we've been working with the attorney and we've worked with the planner, and they've done circulation plans and they've gone to the Health Department, they've got temporary sewer disposal, they've got water, they've got everything they need except for this screen. If they have to screen the whole front it is going to defeat the whole purpose and it will be cost prohibitive for them as well. So, I had encouraged them to talk to the Council. I know that the Economic Development Committee is looking at different things in the code that are counter-productive to new business coming in, and it might be something that the committee wants to look at in making an amendment or change. A short discussion ensued. Council member McNally agreed to take this back to his committee. They will meet on July 8 at 6 PM, at City Hall. Council member Montgomery said it would definitely be nice to address this concern while still meeting the intent of the code. A lot of the code seems to paint things with a broad brush, and that is fine until we have a conflict and we need to come up with a creative way to deal with it. City Administrator Schmidt said within the same code provision it allows for multiple uses on a site, so it's just a matter of making sure that those two are reconciled and it might be something as simple as a word or two that separates a secondary use on one site from something that is an accessory. I think it is a relatively easy fix. Council member Reed said to him accessory use says something that is in support of the primary business, and while a hot dog stand might bring in new customers with the kids, it is not really related to the original business. City Administrator Schmidt said he thinks the key word in the definitions under accessory use is subordinate. If you look at the dealership, the dealership is by far the primary use of that site, so the hot dog stand is going to be minor.

**Jim Carlson: 166 Naches St. N, Buckley:** I know the City has an ordinance for keeping your yards up and cutting high grass down, and it's getting a little out of hand. Everywhere you look anymore you see fields, even in places where people live. This ordinance was put up so in the spring they would be cut down and then in the fall they would come back in and cut down places that weren't lived in. Well anymore it's just standing grass and the neighbors are complaining. Neighbors try to keep their yards up, weeds send out seeds and then they've got their yard full again and they're spending more money, and I'm getting kind of tired of it. On Naches Street there are three real good places you can see where the grass hasn't been cut for quite awhile. I've got some pictures of places and I'll just send them around, and with the pictures is a list that we don't have pictures for. It seems to be that something has got to be done. If the City can't get the people that own these places to do it, then I'd like to have the Administrator send out a letter and give them 15 days. Tell them we want this yard shaped up in 15 days, and if it's not done in 15 days then the City is obligated to do it, and there's ways the City can do it. And, then the City charges them for it and then the City will be compensated for their work. If the City doesn't want to do it, then tell them that we'll hire someone to do it and they'll pay it. People have been doing this for too long and it makes this place look sloppy. Everybody tries to keep up their yards and then there are two or three down the way, and everything is flying in the air and it's not right. I thought

I'd bring it up to you to see what you guys could do about it. I know there are a lot of foreclosures, but the banks are holding that money now, owning it, and there should be some way they can come over. Last year someone contacted a bank and within three days they had it mowed, raked and gone. There is a place on Naches and Mason, the corner lot where the Catholic Church use to be, someone went out about three months ago and made one swipe and then they quit, and now it's up knee high. And now there are blackberry vines growing again on it and if they would have mowed it there wouldn't be. I know there are other people here worried about their areas. The City's right-of-way area at A Street and Spiketon needs to be looked at because the berry vines are growing and the grass is high and it's going to keep coming. Mayor Johnson asked if there is a committee that wants to work on this. Chief Arsanto asked that the pictures and the list make their way to his desk and he will personally go around and talk to them. Mayor Johnson said that Dean Mundy has been collecting a list also. City Administrator Schmidt said the laws have changed to where they protect the property owners. Unless we can identify a health risk or demonstrate that there's a public nuisance there, then it's hard for us to enforce. But, we can have that discussion with the City Attorney, and Chief Arsanto can make some phone calls, and we'll see what we can do. We already had a discussion with Public Works Supervisor John Dansby today and we're going to work with the inmates and try to get some of these right-of-ways cleaned up; that is something the City can do. Chief Arsanto said this is a good time to let the Council know that the inmate program will probably kick off July 6<sup>th</sup>. City Administrator Schmidt said we have a memorandum of understanding with the union that we're bringing to Council, and we'll be bringing it to Public Safety as well.

## **MAIN AGENDA**

### **Public Hearing: Amending the City's Tax on Gambling:**

#### **Mayor Johnson recessed the City Council meeting at 7:55 PM and opened the Public Hearing.**

City Administrator Schmidt stated that the primary change being made to the tax code is that currently the tax computation for pull tabs and punch cards is calculated based on gross receipts, and what the Council is considering is a change to actually allow the computation to be on net proceeds, which is minus any payouts.

**Jason Schaffer, 780 Main Street:** Jason said he won't elaborate too much. He thinks he's talked to most of you, either individually or through committee, but he would like to offer himself for questions if you have any questions about it. I am one of the proprietors that this would affect obviously. Mayor Johnson said Jason brought this to the attention of the committee that reviewed this because of the closure of the White Horse Tavern, and how difficult it is in this economic climate to stay in business, and he thinks that by lowering this, by adjusting it the way we have, that it will actually bring in business. Even though we're lowering it, he will be able to have better games and pull in additional money. Jason stated that he thinks this has a chance of us opening up our games a little bit, in other words paying out a bit more, and it would generate more growth sales which

would generate more net sales. So, that's the idea, and having some bigger games to play as well. I was thinking of what the City has control of economically to help some of the businesses in town, and this affects directly four businesses.

**Mayor Johnson closed the Public Hearing at 7:58 PM and reopened the City Council Meeting.**

**Mason Ave/SR 410 Pedestrian Crossing Presentation:**

City Administrator Schmidt stated that Tamara is here from Gray & Osborne to give a brief presentation to the Council. When we applied for the pedestrian and bicycle grant, which is funding the SR 410 & Mason Avenue Pedestrian Crossing Project, we had two components as part of that grant application. One was education and enforcement was the other. Chief Arsanto is going to be working with the City on the enforcement portion. The other is education, part of which was for us to give a presentation to the Council and the public on what the project is and what we hope to achieve by installing that crossing there. Tamara said you should all have a summary in your packet and I will reference that as I step through the status of the project. In the packet there is a site map and it shows the location of the proposed crosswalk on SR 410, and the marked crosswalk is planned to go just north of the Mason Avenue intersection. What is going to be installed is a marked crosswalk and we're also going to be installing a solar powered, radio signalized, pedestrian actuated flashing beacon, and there is a picture enclosed just to give you a visual of what it will look like. Tamara said they have been working with PSE and they also want to make sure that the crosswalk has enough illumination at night so two cobra heads will be installed, one on both sides of SR 410. As City Administrator Schmidt mentioned, the City will be developing and distributing pamphlets for safety and health, which is a requirement of your grant. The other item is the City will be responsible for maintaining the pedestrian signals. The main reason for this is that the Department of Transportation does not maintain signals unless they are hardwired in and powered by electricity. The other item that is not on part of the product description is the construction. During construction we're going to have to do some lane shifts on SR 410, and when those shifts are done access to Mason Avenue will be blocked during working hours and at night the barrels will be moved. But, during the daytime hours barrels will be up and access to Mason Avenue will be blocked. City Administrator Schmidt said we will continue to maintain access at Fourth Street and the rest of Mason so that the daycare and the coffee stand will still have access, but they'll have to come in off of Main Street, or off Jefferson and come around. Tamara said that the construction window is two months, but we are anticipating the actual work to take at the most two weeks. There is a four week window to order the equipment and have it installed, and so we are going to work the contract out to let him know what his closures are. In regards to project schedule, we are planning on submitting plans at the end of next week to the Department of Transportation. The City can advertise the project after they have approved the plans and we're expecting to advertise the first week in August, with a notice to proceed in October. The reason for the lag time is that once you get the bids in we need to get permission from the State to award and then there's getting the bond and the contracts put together. We expect it to be complete by the end of November. Tamara said, as she mentioned before it is not the actual construction that's going to take the time, it is

ordering the signal. In regard to project cost, from a total standpoint we are exactly where the City anticipated being; however, the distribution of the money right now is different, and City Administrator Schmidt and I are working with the State on changing that. Tamera said that in the grant the City's share was going to be about \$9,000, with the State's share being about \$170,000 for a total project cost of \$180,000 (rounded up). The State has said that they need to be reimbursed for their time to view the plans, their portion of the project, and they have given us a cost estimate of about \$17,000. They are saying that needs to come out of the City's share versus the State's share, but we're working with the State to see what we can do to get that changed over. A discussion ensued.

**ORD No. 13-10: Amending the Gambling Tax Code:**

City Administrator Schmidt stated that attorney Bio Parks had looked at the gambling tax ordinance and made changes to it after we had the packets prepared. When we adopted the initial gambling tax code it was from a model ordinance that MRSC had put out. Now whether the statute has changed, or Bio believes that the model ordinance was incorrect based on what the RCW is, he made these changes and he is recommending that those changes be made. So, the version behind his e-mail is the one that will replace the one in your packets for adoption. The only thing that changes I believe is that raffles are set aside differently as far as what the limit is, and also the bottom category under deductions; he believes that deductions should not be spelled out twice so that it is not misleading to someone who is actually computing or calculating the tax. The actual tax rate and things the Council is looking to do haven't changed. **Council member Reed moved to approve ordinance amending Chapter 3.98, the Gambling Tax Code, of the Buckley Municipal Code. Council member Twardoski seconded the motion. After a short discussion, motion carried.**

**ORD No. \_\_-10: Amending Utility Payment Provisions:**

Council member Harple said we are all aware of this ordinance and the changes in the billing practices. **Council member Harple moved to hold a public hearing regarding those changes to the date penalty fees are accessed on delinquent utility bills, including posting in the August bill and informing them of those changes prior to the public meeting in August before we go any further on this. Council member Montgomery seconded the motion.** A discussion ensued and the Council decided that the Public Hearing will be held at the first meeting in August. **Motion carried. Council member Reed moved to postpone amending the utility payment provision until August 10<sup>th</sup>. Council member Montgomery seconded the motion. Motion carried.**

**RES No. 10-07: Authorizing an Interfund Transfer:**

**Council member Boyle Barrett moved to approve Resolution No. 10-07 authorizing an Interfund Transfer from Fund 130 to Fund 134 for the Fire Station Design Services. Council member Patson seconded the motion. Motion carried.**

**RES No. 10-08: Adopting a City Wellness Program**

**Council member Reed moved to approve Resolution No. 10-08 establishing the City Wellness Program and policies. Council member Boyle Barrett seconded the motion.** Recreation Services Director Bacon answered questions. City Administrator Schmidt stated that it is estimated this will save us \$12,000 per year on our health insurance program, and Council needs to participate. Mayor Johnson said we're having the Mayor's Challenge starting on July 15<sup>th</sup> to September 15<sup>th</sup>. You get one point for every time you climb Mt. Peak or walk three miles, and the goal is to beat the Mayor. **Motion carried.**

**Lease Agreement: WRSD Admin Building:**

**Council member Boyle Barrett moved to approve the Lease with Purchase Option Agreement between White River School District and the City for the Admin Building at 146 Cedar Street. Council member Harple seconded the motion. Motion carried.**

**Scope of Work: Architectural Design Services:**

**Council member Boyle Barrett moved to approve the scope of work for Calvin Jordan & Associates for the lump sum of \$3,500. Council member Montgomery seconded the motion. After a short discussion, motion carried.**

**Engineering Scope Supplement #4: Realignment Project:**

**Council member Boyle Barrett moved to approve the Engineering Scope Supplement #4 for design of the Realignment Project. Council member Montgomery 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 June 7, 2010

Claim check numbers 45407 through 45418, in the amount of \$30,914.72, for the period of June 8, 2010 through June 22, 2010 are hereby approved and ordered paid this 29<sup>th</sup> day of June, 2010.

**With nothing further the meeting was adjourned at 8:49 PM.**

  
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Mayor

  
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City Administrator