

**City Council**  
**July 26, 2011**

Mayor Johnson called the regularly scheduled meeting to order at 7:04 PM.

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

Mayor Johnson asked if there were any additions, deletions or corrections to the agenda. City Administrator Schmidt said he would like to add another agenda item, tree removal from Ammons Alley. Mayor Johnson stated that will be item #20 on our Agenda. Council member Reed stated that Council member McNally would like to postpone item #19 until the next Council meeting. His understanding is it is to discuss personnel issues in relation to that contract and he has requested an Executive Session. Discussion ensued. City Attorney Olbrechts reviewed the qualifications for an Executive Session and stated that this issue must be discussed in public session. Council member Reed said it was a little unclear in the e-mail, but his impression was that Council member McNally had concerns about particular projects. City Attorney Olbrechts stated you can terminate the contract with sixty days notice. **Council member Montgomery moved to postpone item #19 on the Agenda to the following Council meeting. Council member Reed seconded the motion. Motion failed with a 3/2 vote. Council member Montgomery moved to add #20 to the Agenda, tree removal for Ammons Alley. Council member Twardoski seconded the motion. Motion carried.**

**Finance & Public Safety:** Council member Reed stated they had a meeting last evening. There was a general update on the Fire Station, for which there is a change order coming up later on agenda. Chief Arsanto also gave an update on contracts and the jail remodel. Currently, we are looking at postponing the remodel until the 2012 budget year. It is the recommendation of the Committee that we try to get the sprinkler system in as part of this budget year. Regarding the Police Department, Federal Way is terminating their jail contract with the City; however, there are other jurisdictions out there looking.

**Streets & Utilities:** Council member Montgomery stated they had a meeting on July 19<sup>th</sup> and a copy of the Minutes is in the Council Packet, and most of which is on the Agenda tonight. One item is the attached letter; Neilson Meadows Homeowners Association has requested that the City take over the care and maintenance of their stormwater facility. We discussed this at some length in Committee and it is recommended unanimously to deny that request. **Council member Montgomery moved to deny the request of the Neilson Meadows Homeowners Association to take over maintenance and operation of their stormwater detention facility. Council member Boyle Barrett seconded the motion. Motion carried.** Council member Montgomery stated that on July 21 the ad

hoc committee for the tree policy met for the second time. At this stage, he is assigning homework. He gave some very basic how to form your own urban forestry policy and those types of things. The City has its own issues that need to be dealt with, but there are citizens bringing issues to the table as well that they'd like to see addressed, so I am letting them drive the boat in that regard. The ad hoc committee will be meeting again on the 18<sup>th</sup> of August. Council member Montgomery stated he has spoken with the Urban Forestry Policy guru at the City of Renton and he has agreed to come out and give a presentation to the committee. The Mayor asked if maybe it would be appropriate to have a Council workshop and have him come address the Council and the Planning Commission and the ad hoc committee all at the same time so everyone can get a peak at what's going on and what our questions are. Council member Boyle Barrett raised questions regarding the raw water transmission main. Discussion ensued regarding the options, both temporary and permanent, and potential costs of each. City Administrator Schmidt stated that Dominic Miller and Mike Johnson will be at the next Council workshop and these are good questions to ask them, and you could maybe get an idea of what the costs will be.

**Community Services & Recreation:** Council member Patson stated they had a meeting yesterday morning. They first discussed project updates. A few projects were brought to their attention in the last year, two of which are Eagle Scout projects. One is a picnic shelter near the Veterans Memorial, and now there are stretching stations at regular intervals along the trail. They also discussed the Dr. Tate memorial. It was sometime towards the end of last year that a couple members of that association came and talked to us about erecting this memorial to Dr. Tate, but we haven't heard anything since then. Council member Patson stated that the Annual Day of Caring is approaching. This is the group from the LDS Church, and this year they propose cleaning the carvings at the Veterans Memorial. Mayor Johnson said they don't have a date yet; she's playing telephone tag with the gentleman who heads this up at the LDS Church. Council member Patson stated that unless something really urgent is brought to her attention, they will not have a meeting in August.

**Community & Economic Development:** Council member McNally was not present. Council member Twardoski stated they are meeting this Thursday. Council member Boyle Barrett stated everyone should have received an invitation from Arts Alive. They are asking that Council members RSVP, and they're really hoping that someone from Buckley will come. It will be held August 5 and they would like RSVPs by August 3. Also, National Night Out is August 2<sup>nd</sup> at 6 PM at the Buckley Youth Activity Center and she would like to see you all there.

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

Mayor Johnson stated this weekend several ladies got together and organized a city-wide yard sale and the town was crawling with people for two days. I don't know how many yard sales there were, but you could go up any street and there was at least one. It was a great success and I sincerely hope they do it again. The coffee shop did a booming

business, and restaurants did too. It went from 9 AM to 5 PM, and at 4:30 there were still people driving around.

### **Staff Reports:**

City Administrator Schmidt stated that he sent the WUTC response out to everyone. If you read it, you will have a good idea of what some of the issues were that the inspectors had with our gas system. There were nine probable violations and 3 areas of concern. In my personal opinion, none of them were major public safety issues; they were more in dealing with records and little things that fell through the cracks, most of which happened in the 2009/2010 situation when Bob was dealing with his terminal illness and we were transitioning to a new lead operator. I don't use that as an excuse, but it is a fact and it had a major role to play in some of the things that didn't get done. Right now it's kind of a wait and see whether they accept our response. I think they'll come back with something, but I don't know what that may be.

City Administrator Schmidt said regarding the pedestrian crossing, we've got the poles installed and the signalization is up. He is still trying to find out from the engineers whether it's operational or not because it is his understanding that there is a part missing. Council member Reed said as of 6 PM this evening, the signalization was effectively working.

City Administrator Schmidt said the realignment project is coming along. Johansen's main focus now is on the stormwater discharge. They are working on boring for the storm pipe under Highway 410, but there is a 36" boulder right in middle of bore hole, so there is going to be a change order for trying to get that rock out of there.

Mayor Johnson said tomorrow Interwest is going to do the side sewer at Buckley Hall. We need to get that done if Council is going to award the bid for the overlay project.

Chief Arsanto said I'd like to reiterate from Council member Reed's report. We've signed some new contracts recently, one with Eatonville and one with Ruston, and he has some other avenues as well. Also, with the National Night Out, Buckley Police will be attending that; however, contract city Wilkeson is putting on National Night Out that same night so we will have to split ourselves and be doing two cities at once.

### **Mayor Johnson recessed the Council meeting and opened the Public Hearing at 7:49 PM.**

City Administrator Schmidt provided a brief overview of the Six Year Transportation Plan for 2012 – 2017. This plan updates the current list from 2011 to 2016. It eliminates projects that have either been completed or are ongoing. City Administrator Schmidt listed the projects that have been taken off the list and those that have been added to the list. The Six Year Transportation Plan proposes to spend \$19,986,100, and it is based on a various funding mechanism, most of which is grant sources from either Federal or State agencies.

There was no public comment.

**Mayor Johnson closed the Public Hearing and reconvened the City Council meeting at 7:51 PM.**

**MAIN AGENDA**

**RES No. 11-10: Adopting the 2012-2017 STIP:**

**Council member Montgomery moved to approve Resolution No. 11-10 Adopting the 2012 – 2017 Six Year Transportation Improvement Plan. Council member Boyle Barrett seconded the motion.** There was a brief discussion regarding the White River Trail Bridge. **Motion carried.**

**RES No. 11-11: Adopting a Greenhouse Gas Policy:**

**Council member Montgomery moved to Approve Resolution No. 11-11 Adopting Greenhouse Gas Emission Policies. Council member Boyle Barrett seconded the motion.** City Administrator Schmidt stated that in order to be eligible for any State funding now, based on new legislation we have to have a resolution of policy adopted on greenhouse gas emissions. **Motion carried.**

**Agreement - State Administration of Leasehold Excise Tax:**

**Council member Boyle Barrett moved to approve the Agreement between the City and the State Department of Revenue for Leasehold Excise Tax Collection and Distribution. Council member Montgomery seconded the motion.** City Administrator Schmidt stated that the City adopted an ordinance on this back when the State adopted the State Leasehold Excise Tax, but there was never an Agreement signed by the City with the Department of Revenue to collect the 4%. So, since the early 90s when that was adopted the county has been collecting this money that we could have been getting all the time. **Motion carried.**

**Fire Station Construction - Change Order No. 3:**

**Council member Montgomery moved to approve the Fire Station Construction Project Change Order No. 3 with Five Rivers Construction deducting (-\$6,586.49) from the current contract amount. Council member Twardoski seconded the motion.** Chief Predmore answered the Council's questions and discussed the cost of the project to date, as well as expected expenditures. **Motion carried.**

**Agreement - Carbonado Automatic Aid:**

**Council member Boyle Barrett moved to authorize the Mayor to execute the Interlocal Agreement between the City of Buckley and the Town of Carbonado establishing the terms of Automatic Aid. Council member Reed seconded the motion. Motion carried.**

**Agreement - Interim Court Administrator Services:**

**Council member Boyle Barrett moved to approve the Agreement for Interim Court Administrator Services with Judy Cawley. Council member Patson seconded the motion.** City Administrator Schmidt said with the termination of Orting's contract and the new court clerk coming on the 1<sup>st</sup> of August, the Judge has had to rely on someone who's qualified to come in and run the court on Thursdays. Judy Cawley is the x-court administrator for the City of Orting and she is now retired. She has agreed to come in on an hourly basis to fill in on call as we need her, but currently we don't have a mechanism for paying her unless we have some kind of a Professional Services Agreement in place with her. **Motion carried.**

**Bid Award – TIB River Avenue Overlay Project:**

**Council member Boyle Barrett moved to conditionally award the bid of the River Avenue Overlay Project to Lakeridge Paving for \$130,015.00 subject to TIB agreeing to pay for the additional cost over and above the Engineer's estimate. Council member Montgomery seconded the motion.** City Administrator Schmidt stated that he received an e-mail from TIB and he believes they are authorizing an increase of \$35,000.00, so they will be paying for this and the construction management. **Motion carried.**

**Engineering Scope – Supplement No. 1 – River Avenue Overlay CM:**

**Council member Boyle Barrett moved to conditionally approve Supplement #1 for engineering of the River Avenue Overlay Project subject to TIB agreeing to pay for additional costs over and above the awarded amount. Council member Patson seconded the motion.** City Administrator Schmidt stated that there is no increase in the engineering costs; these are the exact costs that were submitted as far as the grant application. The reason we are saying it is costs over and above is because the cost of the project itself exceeded the amount that TIB gave us initially as part of the grant. We had to request additional funding for the project and for the engineering as well. **Motion carried.**

**Engineering Scope – Supplement No. 7 – Realignment Project:**

**Council member Montgomery moved to approve the Engineering Scope Supplement #7 for the Realignment Project. Council member Boyle Barrett seconded the motion.** City Administrator Schmidt stated that these two items are related to materials testing and for archaeological services. Based on the State Archaeological & Historic Society, they want monitoring on-site that we didn't anticipate, so we actually have to have a field representative out there while we are excavating in certain areas. **Motion carried.**

**Scope of Work – Booster Station Study/Design Task No. 2:**

**Council member Boyle Barrett moved to approve the Scope of Work for Gray & Osborne to complete Task #2 of the Booster Station Design. Council member Montgomery seconded the motion.** City Administrator Schmidt stated I've been in communication with EPA, and as of the latest information the grant is still available and the funding is there for us to draw from. That may change based on what's happening in

Washington DC as of the fiscal year on October 1<sup>st</sup>, but right now we have a window of opportunity. But, before we can actually start drawing on those funds, the next step is to do the NEPA on the project. Moving forward with that as soon as possible can get us to the design phase so we can start drawing funds. **Motion carried.**

**Scope of Work – Amending the Comprehensive Stormwater Plan:**

**Council member Montgomery moved to approve Tasks 1-5 of the Scope of Work to update the Comprehensive Stormwater Management Plan for a cost not to exceed \$20,600. Council member Patson seconded the motion.** Council member Boyle Barrett expressed concern at spending funds to do feasibility studies on ditches when we can't maintain the ditch system that we have. Council member Montgomery stated that this is before us tonight because the Council at a workshop asked the Committee to figure out a way to get impact fees down so Buckley can be more business friendly, so we're looking at options. City Administrator Schmidt said that not knowing where ditches are even feasible in the City is one of the things that this task is going to do by Gray & Osborne modeling the entire system to look at other storm events other than the 100 year that you went to. They are looking at additional modeling, and then they are also going to look at different areas where ditches may be feasible. **Motion carried.**

**Agreement – Consultant Planning Services:**

**Council member Boyle Barrett moved to approve the Consultant Agreement for Planning Services with Kathy James. Council member Patson seconded the motion.** Mayor Johnson stated that Chad McCorkle, Chairman of the Planning Commission, has asked to speak tonight. City Administrator Schmidt stated before we even began to consider this as an option, the Mayor asked that I contact the senior Planning Commission members and ask them about their opinion. Mayor Johnson said the reason for asking the Planning Commission was because they probably work more directly with the City Planner than anyone.

**Chad McCorkle, Chairman of the Planning Commission.** Mr. McCorkle praised Kathy James' expertise and knowledge of city planning and it's criticality to the Planning Commission. He gave an overview of Planning Commission projects and deadlines. He stated that the Planning Commission would have a very difficult time meeting these deadlines if forced to complete these tasks without Kathy's assistance. The Planning Commission has a full plate and is in need of the support and advice of an experienced planner in order to provide the best possible recommendations to the Council. Based on Kathy James' past performance of reliable research, her ability to organize the various projects to ensure timely conclusion, and the much needed advice on planning issues that she provides to the Commission, Kathy is and will be an invaluable asset to the citizens of the City of Buckley and the Planning Commission. On behalf of everyone serving on the Planning Commission, Mr. McCorkle respectfully requested that Kathy James continue to serve the City of Buckley in the Planning position.

**Motion carried with a 3/2 vote.**

**Tree Removal from Amons Alley:**

City Administrator Schmidt said this came before committee a couple years ago. There were four large pine trees on Ammons Alley. There was some concern about those trees being hazardous and some of the property owners complained and wanted them removed. The Utility Committee looked at them and had an arborist come out. Council member Montgomery stated that they did have an arborist come out and assess the health of the trees to determine whether or not it would make sense to remove them, and the determination at that time was no, they were healthy trees. City Administrator Schmidt said needless to say with the recent storm events that we had, in December one of the high wind storms blew one over into a storage shed, which the insurance company is currently handling, and broke off another one. Our insurance company is highly recommending that now, because of the result of that storm, that the remaining trees come down to minimize the City's liability. The Public Works Department got three bids and it looks like Bruhn Logging & Tree Service has the low estimate for \$1,293.60. We are recommending that the Council award that to Bruhn. **Council member Montgomery moved to award contract for tree removal on Amons Alley for \$1,293.60. Council member Twardoski seconded the motion.** City Administrator Schmidt said it appears that the insurance company is going to deny the claim. They are looking at it from the standpoint of this being a large storm event which was an act of God, so they're looking at denying the claim, and the Council could be contacted by this property owner. **Motion carried.**

**CONSENT AGENDA**

**Council member Reed moved to approve the Consent Agenda. Council member Twardoski seconded the motion. Motion carried.**

Approve Minutes of July 12, 2011.

Claim check numbers 47189 through 47212, in the amount of \$68,580.71, for the period of July 13<sup>th</sup> through July 26<sup>th</sup> are hereby approved and ordered paid this 26<sup>th</sup> day of July 2011.

City Administrator Schmidt said that the bid for tree removal calls for it to be chunked up and the guys are going to take it down to the cemetery where we pile wood. This is good pine and there is going to be some good, solid stuff in there, so if the Council wants to surplus it I can bring a resolution back, or we can just let people take it.

**With nothing further the meeting was adjourned at 8:24 PM.**

  
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Mayor

  
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City Administrator