

City Council
July 27, 2010

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

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

Mayor Johnson asked if there were any additions or changes to the agenda. City Administrator Schmidt stated there have been a couple items added to the agenda and he has passed out the information along with the agenda bills.

Finance and Public Safety:

Council member Reed stated they had a meeting last night. One of the items discussed was approval of the Chamber Wine Walk. This event will be held September 25, 2010, from 3-6 PM. The committee also discussed the renewal process for the City Administrator's contract, and along those lines they are looking at contracts for all the department heads. Right now the only department heads that have individual contracts are the City Administrator and the Police Chief. They are just in the beginning phase of doing this so nothing has been written. Council member Reed stated the other thing they looked at was the elimination of admin time. Instead of paying them off at the end of the year, it would somehow be worked into their base salary so they are being paid up front at the beginning of budget time. He feels this is a much cleaner way from a budgeting standpoint. Council member Montgomery asked if they would be looking at all exempt employees. Council member Reed stated that is what he is working toward. He would like to schedule the next meeting for August 9, 2010, at 6:30 PM.

Streets and Utilities:

Council member Montgomery stated they had a meeting scheduled but no one was there. They would like to reschedule their meeting for August 4, 2010 at 7:00 PM.

Community Services and Recreation:

Council member Patson stated they had a meeting on July 14, 2010. They had a guest, Scout Brandon Davis, who is preparing for his Eagle Scout project. He would like to do a trail fitness station. There is a packet provided with the Council packets and it is on the agenda for tonight. Council member Patson stated that Recreation Director Bacon updated the committee on the activities that have been and are going to be taking place at the Youth Center, and she stated that she received a grant from the Enumclaw Healthcare Foundation to provide produce for the seniors. Council member Boyle Barrett stated it also provides the free lunches at the Youth Center. Mayor Johnson informed the committee that there is a person who wants to do a service project and he has the ability to offer up to 50-60 adults, but she hasn't heard back from him. Mayor Johnson will be participating in the "Mayor's Challenge" for wellness. Council member Boyle Barrett

stated there is a workshop scheduled the night of National Night Out. She will not be there because she is committed to attend National Night Out and would hope that all the Council members do. She would like to cancel that workshop. **Council member Boyle Barrett moved to cancel the workshop on August 3, 2010. Council member McNally seconded the motion.** Council member Montgomery would like to know when we will have the next workshop. It was decided to hold it on August 31, 2010, at 6:30 PM. Council member Patson stated their next meeting will be August 11, 2010, at 9:35 AM, at City Hall.

Community and Economic Development:

Council member McNally stated they have a meeting scheduled for August 4, 2010 at 9:00 AM but would like to change that to 1:00 PM.

Mayor's Report:

Mayor Johnson stated she has been contacted by Pierce County Library and they would like to attend either a Council meeting or Council workshop. She would like to know what the pleasure of the Council is. The Council was in agreement to have them come during the workshop on August 31st. Council member Boyle Barrett asked the Mayor if she had the Pierce County Alert System. Mayor Johnson stated that has gone into effect; you can go online and set up your profile as to how you want to be notified. They haven't had a discussion yet about how they may want to use the system. She knows Chief Arsanto is pretty aware of what the possibilities of our using it are. Mayor Johnson stated she is going to try to contact the Boy Scout troop here in Buckley to canvas the town with door hangers for people to sign up to be on the system to be notified.

Staff Reports

Chief Arsanto presented the Council with his first quarter statistics. He did a comparison from 2006 to 2010, and he went over the information with the Council. One of the reasons he did the comparison to 2006 is for the Council to keep in mind that the Police Department is the same size. Chief Arsanto stated everyone is aware of the projects they are doing with the attempt to expand the jail and possibly move in next door. The sidewalk around the Police Station is in terrible shape and is a liability waiting to happen. He has someone in his jail right now that is a great concrete person. He is asking that the Council authorize expenditure from the sidewalk fund, with a not to exceed price of \$5,000, to have the sidewalks replaced. City Administrator Schmidt stated there are also a couple other places, the Museum and at City Hall, that could also be done at the same time under this \$5,000. City Administrator Schmidt stated there is \$25,000 approved in the budget, and he would rather have the Council approve a not to exceed price \$10,000 so we can get as many projects done as we have time for with the volunteer help we have. **Council member Reed moved to authorize the Mayor and City Administrator to spend up to \$10,000 for sidewalk repair and replacement. Council member Twardoski seconded the motion.** Council member McNally stated that the sidewalk around the jail is not going to include the handicap ramp. Chief Arsanto stated he will leave the handicap ramp and the front stairs. Council member Harple stated so the

\$10,000 expenditure is only for the concrete. Chief Arsanto stated yes, the labor is free and there will be some forming material that will have to be purchased. Attorney Olbrechts stated he will talk with the Chief because he needs to make sure it doesn't violate the bid and prevailing wage laws because you have to go out to bid if the work is more than \$25,000. City Administrator Schmidt stated it is \$45,000. **The motion then carried.** Chief Arsanto stated as a follow up to a couple meetings ago when the community members were asking about the tall grass, he has about 80% compliance.

Chief Predmore stated the one thing Council was interested in and asked him for was the LEED evaluation that we are going through as a part of the design of the Fire Station, and bringing you up to date on where we are in the planning process. The 30% schematic drawings were received a couple weeks ago, and then we met again last week for about four hours with the architect. We went through the changes that were necessary and talked about budget, and we are continuing to work this week on identifying other places in the budget where we believe cost savings can be realized versus what the average cost estimates are that the cost estimators are providing to the architects. The big thing we have coming up tomorrow is the remaining portion of the LEED evaluation. Last week we went through the entire scoring system for LEED, and they identified areas where they were sure we could achieve points and areas where we might be able to achieve points, and what we will finish tomorrow is going through the documents that they will show for some of those maybes and even the for sure items, what would be the cost of implementing those methods and what would the cost savings be if there is one, and what would be the period of time in which that cost savings would be realized? After tomorrow he will have those answers to share with the Council.

Council member Montgomery noticed today out by the Veteran's Memorial on the other side of the trail there is a cedar tree missing. Does anyone know about that? City Administrator Schmidt stated he would check with the Public Works department to see what happened to it.

MAIN AGENDA

Mayor Johnson recessed the regularly scheduled meeting at 7:50 PM to hold the Public Hearing on the Six Year Transportation Improvement Plan.

Mayor Johnson opened the Public Hearing at 7:50 PM.

City Administrator Schmidt stated this is something we are required to do annually and turn into the Washington State Department of Transportation and Puget Sound Regional Council in order to be able to go for grant funding.

There was no one to speak on the Public Hearing.

Mayor Johnson closed the Public Hearing at 7:51 PM.

Mayor Johnson reconvened the regularly scheduled meeting at 7:52 PM.

Ordinance No. 14-10: EMS Levy to Ballot

Council member Montgomery moved to approve Ordinance No. 14-10 placing the EMS Levy on the ballot of the November 2010 General Election. Council member Patson seconded the motion and the motion carried.

Resolution No. 10-09: Adopting the 2011-2016 STIP

Council member Montgomery moved to adopt Resolution No. 10-09 adopting the updated Six Year Transportation Improvement Plan. Council member Boyle Barrett seconded the motion. Council member Reed asked about item No. 3, Hinkleman Road Resurfacing Phase I. City Administrator Schmidt stated that is the section that Interwest Development has agreed to pay for with the agreement they had with the Council. That was supposed to be done this summer, but he thinks it may have been delayed due to the stroke of Joe Kessell, the owner of Interwest. We are holding a bond for that. Council member Boyle Barrett asked about the River Avenue Pedestrian Improvements; is that the portion from the Youth Center to Jefferson. City Administrator Schmidt stated yes. Council member McNally stated if that is going to be done by someone else, should that be on this list. City Administrator Schmidt stated the only reason it is on the list is because it hasn't been done yet so we just carried it forward. **The motion then carried.**

Resolution No. 10-10: Declaring City Property as Surplus

Council member McNally moved to approve Resolution No. 10-10 declaring City Vehicles as surplus and authorizing their sale. Council member Boyle Barrett seconded the motion. Council member McNally stated with the donation of the other vehicles to the Arts Commission, it may be something to think about with these and maybe donating them to another fund like maybe the museum. Council member Reed asked if we are required on seized property to reapply that to the police budget. City Administrator Schmidt stated yes, and a certain percentage goes to the State. Council member Harple stated without the Police Department's approval we can't do that right now. Council member Reed asked if this money goes back into the general fund. City Administrator Schmidt stated no it goes into revenue for surplus equipment. **The motion then carried.**

Scope of Work: Fire Station Survey (G & O)

Council member Boyle Barrett moved to approve the Scope of Work for Gray & Osborne to complete survey work for the Fire Station Construction. Council member McNally seconded the motion. Council member McNally stated he thought at the last Council meeting it was \$2,500 - \$3,000. City Administrator Schmidt stated it was between \$2,500 and \$3,600 depending on how long it would take. He is not sure how long it took them, but they will only bill us for the amount of time it took. **The motion then carried.**

Resource Conservation Manager – Cost Update

City Administrator Schmidt stated there is no action to be taken on this. When we approved the Interlocal Agreement between us, Bonney Lake, Sumner and Sumner School District the committee made the recommendation but there were no hard numbers. They now have those numbers, so this is just an update on the numbers.

Change Order #1: Trans Main Repair

Council member Boyle Barrett moved to approve the Water Transmission Main Repair Project – Change Order #1. Council member Twardoski seconded the motion. City Administrator Schmidt stated that we haven't received final word from FEMA yet, so if Council makes a motion to approve this change order it should be under the condition of FEMA approval. **Council member Boyle Barrett rescinded her motion. Council member Twardoski rescinded her second. Council member Reed moved to approve the Water Transmission Main Repair Project – Change Order #1 contingent on FEMA approval of said Change Order. Council member Montgomery seconded the motion.** Chief Predmore stated his concern with having the Council approve the Change Order without it being subject to FEMA's approval is that the Change Order has been submitted to the State Department of Emergency Management for approval from both and he actually hasn't seen that approval. The federal regulations based upon how the funds are distributed is if there is a change order we actually approved without FEMA having approved the change order then it is not just the amount of the change order that can be denied by FEMA but FEMA can withdraw all funding from the entire project. He has no reason to believe it won't be approved; we just need to make sure it gets approved by FEMA first. **The motion then carried.**

Change Order #1: Sewer Conveyance Line

Council member Montgomery moved to approve the Sewer Conveyance Line Project – Change Order #1. Council member Boyle Barrett seconded the motion. City Administrator Schmidt stated there have been discussions with staff, our City Engineer and the consulting engineer. Staff and the City Engineer have done the investigation and we brought a geo-tech out to review the project and look at the sections that are in question. They talked about doing some core samples to try to determine if there was compaction in the deeper trench section to see if the City had any argument with the contractor. The geo-tech came back with a cost estimate of \$12,000 to do that. At that point we thought the contractor is willing to fix the problem for \$46,000 and we can spend \$12,000 for a geo-tech to be able to do the samples and possibly find out that they didn't do anything wrong. He and the Mayor talked with our City Engineer and it is our recommendation that we expeditiously go ahead and do this. If we want to go back against the consulting engineer or the contractor at that point we could pursue whatever legal measures are at our disposal. Right now we have roadway failures and we have trench sections that are settling and it is our opinion we need to go fix it and be done with it. It looks like the main problem is in the consulting engineer's decision to allow the contractor to use native material for backfill instead of putting in additional crushed base course. In the original contract documents the crushed base course was estimated to be

3,600 ton, and the contractor had already use 17, 000 ton when they decided to use the native material. All the compaction reports indicate that they met compaction and met the bid specifications for that. This is a dilemma, which is why we have been taking our time trying to evaluate where the problem is and who it falls on. Mayor Johnson stated they also questioned staff on this and they all felt that Johansen had done the best they could do with the material they had. City Administrator Schmidt stated that Johansen had requested several times to be able to use crushed rock base. Council member Harple stated so basically the contractor recommended not using the native backfill. City Administrator Schmidt stated the contractor was concerned with using native backfill and asked the inspectors, who are our staff, permission to put in crushed base and our staff referred it to the consulting engineer because they didn't have the ability to make that call, and the consulting engineer on the project authorized the use of native backfill. Discussion ensued. Council member Reed stated he thinks we need to approve this change order and get the problem fixed, and he also thinks we need to have some discussions with the project engineer and say they have to stand behind their work and decisions and at least pay for some of this. Council member Harple asked how much we paid this consulting engineer. City Administrator Schmidt stated it was about \$250,000, but that was for design and construction. Council member Montgomery stated one of his concerns is it was stated that the engineer in their design estimated 3,600 tons of backfill and it ended up being over 17,000 tons and at that point they decided to start using the native backfill. It appears to him that is a pretty major design flaw right there. Also we did discuss this in committee and he believes that Johansen's original bid was double this we are seeing tonight. City Administrator Schmidt stated they had two options. One option was patching on Collins Road and removing one lane of McNeely, or doing the complete grind and overlay on Collins. He, the Mayor and the City Engineer decided going with the patch would be better; it may not look as good but it will fix the problem. Attorney Olbrechts recommended that any discussion about fault should be discussed in executive session. **The motion then carried.**

Foothills Trail Exercise Station:

Council member Montgomery moved to approve the Foothills Trail Fitness Stations Project. Council member Harple seconded the motion and the motion carried.

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

Approve the minutes of the July 13, 2010 City Council meeting.

The Council convened into Executive Session at 8:35 PM for approximately 15 minutes to discuss Spiketown Ditch litigation, with no action.

With nothing further the meeting was adjourned at 9:15 PM.



Mayor



City Administrator