



BUCKLEY CITY COUNCIL AGENDA

Tuesday, July 9, 2024, at 6:00 P.M.

Multi-Purpose Center, 811 Main Street

Next Ordinance #08-24, Next Resolution #24-05, Next Agenda Bill #24-034

Or Via Zoom:

<https://us02web.zoom.us/j/83366597529?pwd=N2hMTmh5eEZ4TGpJd2dpbFp0cnkvdz09>

Call-in Number: 253-215-8782

Meeting ID: 833 6659 7529 Meeting Passcode: 863441

A. CALL TO ORDER

1. Pledge of Allegiance
2. Roll call
3. Agenda Modifications
4. Announcements, Appointments and Presentations
 - a. Joint meeting with Citizen Advisory Commission
 - i. Naming Policy
 - ii. Enhancement Policy
 - iii. Art Policy

B. PUBLIC COMMENTS - *Time Limit of Three Minutes* (Citizens wishing to speak are Encouraged to sign up at City Hall by Wednesday prior to the Council Meeting)

C. COMMITTEE REPORTS

1. Mayor's Report	Burkett
2. Planning Commission	Arsanto
3. Lodging Tax Advisory Committee	Bergerson
4. Council Member Comments & Good of the Order	

D. CONSENT AGENDA

- a. Approve Minutes of March 13, 2023, City Council Meeting
- b. Approve Minutes of March 5, 2024, City Council Study Session

E. REGULAR AGENDA

1. ORDINANCE

- a. ORD No. ___-24: Adopting the 2021 International Property Maintenance Code

2. NEW BUSINESS

- a. Adoption of the City Parks & Facility Naming Policy
- b. Adoption of the Park Enhancements Program Policy
- c. Adoption of the Public Art Policy
- d. 2024 LTAC Funding Recommendations

F. PUBLIC COMMENTS - *Time Limit of Three Minutes*

B. PUBLIC COMMENTS

C. COMMITTEE REPORTS

Lodging Tax Advisory Committee- Notes for Council

6/26/2024

LTAC met on 6/26/2024 at 1:00pm.

Those in attendance were Denise Trivelas, Carolyn Robertson Harding, Denice Bergerson, and Norma (Jean) Contreras (by phone). Courtney Brunell and Sandi Hines were also present.

Each application was rated on a point system based on the degree of tourism promotion. The applications recommended for City Council approval for the 2024 cycle are listed below.

1. **Buckley Chamber of Commerce** requested \$13,715 to purchase permanent speakers to be used during numerous downtown events. They would place the speakers on the building fronts or the City's light poles. The Buckley Chamber of Commerce is interested in gifting these speakers to the City which would involve placing the speakers on the poles, installing the main controls in the Buckley MPC and the City would then be responsible for the electricity usage and maintenance. If the City Council agrees to accept such a gift, an MOU would be required between the City of Buckley and the Buckley Chamber of Commerce. The LTAC is recommending the City Council approve this application. Buckley Chamber of Commerce will need to submit non-profit documentation before reimbursement can be finalized.
2. **Buckley Downtown Association** requested \$7,850 to purchase firepits, fuel, tables, chairs, a snow machine, snow machine fluid, street games, promotional materials, and money to pay an event planner/media consultant. The LTAC is recommending the City Council approve \$5,350 for this application. BDA will need to submit 501(c) documentation before reimbursement can be finalized.
3. **Foothills Historical Society** requested \$12,000.00 to provide exhibits and participate in multiple events downtown. The museum is open to all free of charge during normal operating hours and tours as requested by other groups, such as schools, Senior Centers, and Assisted Living facilities. The information provided by the Foothills Historical Society continues to educate their visitors about the interesting history of our area. The LTAC is recommending the City Council approve this application.
4. **Visit Rainier** requested \$12,000.00 to add the City of Buckley to their online marketing regional site. The cost would be to create the Buckley landing page (visitrainier.com/buckley). Visit Rainier would publish a multiple night itinerary and create a free downloadable custom map. They would also produce two paid social media collaborations to highlight lodging, dining, retail, events and attractions in our City. The LTAC is recommending the City Council approve this application
Additionally, Buckley Veterans Memorial for \$5,000, for electricity, administrative costs and brick supplies which was not submitted via an application but approved by Council in the 2024 annual budget.

After reviewing all applications, a motion was made and seconded to submit these five requests for City Council approval: Buckley Chamber of Commerce, Buckley Downtown Association, Foothills Historical Society, Visit Rainier and Veterans Memorial. Motion was unanimously approved.

Meeting adjourned at 3:17pm.

D. CONSENT AGENDA

City Council
March 14, 2023

Mayor Burkett called the regularly scheduled meeting to order at 6:00 PM.

Upon roll call the following members were present: Smith, Rose, Burbank, Green, Arsanto, Sundstrom, and Anderson

Also present were: City Administrator Brunell, Director of Parks & Recreation Snodgrass, Police Chief Alfano, Public Works Director Banks, Assistant Police Chief Northam, Fire Chief Skogen, Finance Assistant II Loyer and Senior Center Program Coordinator Mickleson.

Mayor Burkett asked if there were any other additions, deletions, or changes to the agenda.

Council member Smith moved to approve the agenda as presented. Council member Arsanto seconded the motion. Motion carried.

CITIZEN PARTICIPATION

Gus Sanderson – Shay Estates, Buckley, WA 98321

Gus read a letter from his wife who was unable to make the meeting. He stated that the City will be in a deficit, as the Finance Director Hines stated prior to this meeting and this pickleball would ruin our community. Shay Estates is a residential development, and all 15 residential homes would not like to see a commercial building in the middle of a residential area. Not in favor of the pickle ball court.

Steve Bergerson – Shay Estates, Buckley, WA 98321

Steve wanted to thank the council for the transparency regarding the new pickleball court. In the February meeting it was stated by Finance Director Hines that the City of Buckley will be in a deficit. As a senior citizen on a fixed income, I don't want my taxes to go up and even though it's a free building it will cost the city to maintain this building. The City needs to continue working on the current projects, and recover from the current financial situation we are in. Also, DSHS property is a no as it is close to my property.

Edward Hector –

Edward Hector stated that he is a retired Chief Executor for the biggest pickleball company. When he first got involved with pickleball 9 years ago there was roughly a million people playing pickleball around the United States and the most recent report there is roughly 8.9 million people around the United States that plays which is more than the amount of people that play football. I worked with many municipalities and projects who have implemented a building like the one you are looking at now. This

facility would attract lots of players, which would attract more people in the city to generate revenue for the City of Buckley.

Cathy Dahlquist –

Cathy stated that she is in support of the pickleball court. Cathy has the privilege to donate this facility to the City. When talked to all the businesses on Main St. all businesses were in favor of this facility, but two businesses wanted to make sure it wasn't going to be located on 410 and that they wanted to be assured the City of Buckley can afford to maintain this project when it was completed.

Gordon Hosmel –

Gordon stated that he is 79 years old and plays pickleball everyday in Bonney Lake. He is the pickleball club president with over 330 members who are always looking for an indoor place to play in the local area and an indoor facility would be a privilege to the pickleball community.

Julie Goetz – Ryan Estates

Julie stated she is with the Ryan Estates home association and lives in Ryan Estates which is right behind the Miller Park lot which is the proposed location for this facility. The association is concerned about all the extra traffic this would bring to their neighborhood and concerned about the influx of crimes that would come to this facility. Does the City have the appropriate budget to maintain this facility and all the issues that would come with this facility. They are not against pickleball they just don't want it in the Miller Park location and affect their quiet neighborhood.

Dana Gates – Enumclaw

Dana stated that she is the individual who started Enumclaw Pickleball Club 4 years ago so that she could play. The group has now grown to over 300 members from Enumclaw, Buckley, Auburn, Kent, Maple Valley, Bonney Lake, Sumner, Covington and many other neighboring cities. The group is very limited where they can meet to play and this facility with an indoor 12 court facility would be a great addition to the City of Buckley and help bring more business to the businesses in town. Dana also stated that her father Earl Hill who was a past Mayor and council member who could not attend so she read his letter in favor of this facility.

Holly Reuben – Enumclaw

Holly stated that she is a community member and a pickleball player who started playing a few years ago and her job is to try to get people to play. This is a sport that people of all ages can play.

S

cott Reuben – Enumclaw

Scott stated that he fully supports this project. He started playing with the Enumclaw Pickleball group a few years ago and plays at least 3-4 days a week and is a great sport for all ages to play. Scott hailed his time to Steve Banarow.

Steve Banarow – Enumclaw

Steve is a personal trainer and has been involved in the fitness realm in the Buckley area. He works with young children, the elderly and athletes. When he talks to his clients about what they like about working out they all mentioned they like the social aspect of being around other people. A lot of his clients love to play Pickleball because it is a sport that individuals of all ages can play, and all different levels can play together. This indoor facility would meet the needs of many individuals in this area.

Sheri Kurfurst – 181 Elsa St. Buckley, WA 98321

Sheri stated she has lived here on Elsa St. for 43 years and was asked to talk because she has a lot of years here and knows a lot of people. Sheri retired 5 years ago, and she started playing pickleball and she said it's the greatest thing. She has met so many great people with this sport and has even played in Arizona and met people she doesn't even know, and she is able to play with all different ages and her granddaughter is always asking her to play pickleball. The people saying they don't want this in their neighborhoods and community, I haven't wanted change in my neighborhood either, but it has. This would be a facility for all ages including kids.

Karen Boc – Enumclaw

Karen stated that she grew up in Enumclaw, moved away and came back to the Enumclaw area. A big group of individuals in the room have become my friends because of this sport. I didn't know anyone until I started playing pickleball. It is a great place to meet friends and connect with people. It is a wonderful activity and encourages this facility to come to Buckley.

John Rienzo – Enumclaw

John stated that he lives in Enumclaw and wants the citizens of Buckley to know that we are here to work with everyone to make this facility work. John retired a few years ago and this sport has got me connected with people who I can make connections with and its friendships that have grown into more than just playing a sport they love. I'm also able to play with my grandkids.

Karla Wagner – Buckley

Karla stated that a friend reached out and they needed another player for their game of pickleball which she told them she doesn't play pickleball. She ended up going and playing and now she is hooked and is playing as much as she can, and she drives up to an hour to play indoors and there is nowhere in the area that has an indoor facility to play. This is such a great community of players and would be great for the growth of Buckley.

Jim Arsanto – Buckley

Jim stated to Earl Hill that he apologizes they aren't on the same track on this but being a past Mayor and City Administrator, you will understand where I'm coming from. I do support pickleball, but my concern comes from a financial standpoint coming from someone who has submitted over 20 budgets to the City of Buckley council. There are questions that still have not been answered yet specifically pertaining to contracts, traffic impact studies and pedestrian access, all the other studies and engineering costs. Again, I'm not against pickleball but the council needs to ask more questions.

Mark Berryhill – Buckley

Mark stated that he has lived in Buckley so long that when he first moved in the Miller Park was the Miller Farm. When they put it up for sale we asked if the city would purchase the farm to make it into a park. Once the city got the property this was going to be a neighborhood park and we are still patiently waiting for this to be completed. There have been many different proposals for things to come into the park that have not taken place because this is supposed to be a park and that is what the Millers were told as well. I'm not against pickleball but the Miller Park location is not the spot for this facility.

Jack Keith – Enumclaw

Jack stated that he has been playing pickleball with all these people for about a year. I'm for this facility and it would bring lots of people to Buckley.

Connie Bender – Buckley

Connie stated that this is great, and she is glad people have found something they can do. This really comes down to money. We are trying to balance a budget now and it isn't the time to do this. I could see down the road having this happen, but Miller Park is supposed to be a neighborhood park and we need a park down there and we need to spend money on the current project which is making this into a park.

Lisa Torin – Bonney Lake

Lisa stated that she moved here two years ago from Minnesota and picked up playing pickleball two years ago as well. The city that we moved from was close to the same size as Buckley but has now grown. With growth we need places for the youth, and this would be a great facility for the youth.

Peter Hudheho – Ravensdale

Peter stated that he is a pickleball instructor. Peter can't weigh in on the financial aspect, but this hobby is a place to meet friends. I have coached 80+ adults as well as young kids. The amount of love that is in this game is shocking and it would be a great part of the Buckley community.

Ken Welsch – Enumclaw

Ken stated he has lived in Enumclaw for 30 years and comes to Buckley 5 days a week and goes to the NW Fitness and watched Buckley grow the last 30 years while driving through. I think this would be a great addition to the Buckley community and would love to see Buckley support this facility.

Lori McDonald – Enumclaw

Lori stated that she is for the facility. She has played pickleball but not hooked yet. This is a gift, and this will bring money to Buckley because this facility can host tournaments which will help the restaurants, hotels and Airbnb's.

Aileen Armstrong – Enumclaw

Aileen stated that she is in support of the pickleball facility and would like to give her time to Edward.

Edward Hector -

Edward stated that he is a snowbird now, but his last job was with pickleball. What this helped me understand is that pickleball is a multigenerational sport. Pickleball players are used to a pay to play model if the facility is of quality. The players want a hard court with good nets. This facility would build the City of Buckley's revenue over the years ahead.

Molly Klemko – Shay Estates

Molly stated that she lives in Shay Estate and wanted to thank the city for going about this project in the way they are as some projects haven't been like this in the past. I'm not against pickleball. I don't think the council has enough detailed information to make a decision on this project. I hear it's going to bring in revenue but as a taxpayer that isn't a guarantee. Another concern is we have projects that have been in the works specifically the Miller Park project that has not been started yet and we don't know what the operating costs are going to be for these projects.

Erica Witgow – Buckley

Erica stated she is not against pickleball but would like to address the locations. I would like to encourage the city to look closer at the 410 property. It has already been discussed about the Miller Park property, so I don't need to go into that again. With the number of people that this facility would attract I'm concerned about the safety and the traffic. If this is really going to be a facility for the whole community including the youth, then it needs to be in a safe walking location. A facility this large needs to accommodate all of the community.

Russ Houley – Auburn

Russ stated he is semi-retired and plays pickleball 3-5 times a week. Just this week I was playing with 16 people ranging of all ages. I live in Auburn and if you go by Game Farm Park on any sunny evening and look at the tennis courts, they are full of people playing

pickleball, at least 80 people. If you had a facility with time slots that families could play after dinner or work it would be full.

Abby Hansen – Enumclaw

Abby stated that she loves pickleball and started playing when she was a kid on her aunt and uncle's backyard sport court. About 10 years ago they moved, and I haven't played pickleball since until a few years ago a group of people formed a pickleball group in Enumclaw who would play on the outdoor tennis courts. This group ended up growing where we would rent out the Expo center. I can no longer play indoors anymore as the Expo center is only available in the morning when I'm working. With this facility I would be able to play in the evenings as well as the weekends with my children as well.

Dale Maris –

Dale stated he has a lease out at the Rainier School. This land is a rare jewel, and the facility out there would be fantastic, but I don't think a pickleball court in the middle of Eg land would be conforming as there is a clause that the state can pull the lease at anytime which is one reason why I have not put anymore money into the land. I think pickleball is the right time, but Collins is the wrong place.

Lance Stohr – Shay Estates

Lance stated he isn't against pickleball, but he is against the location. I encourage the 410 location. Make sure we listen to the voters in the community.

Arden Barden – Enumclaw

Arden stated he is a retired pastor, and a lot of churches would love to have the enthusiasm as the pickleball community has. There is quality about this pickleball group who is uplifting members of the community.

Amy Boucher – Buckley

Amy stated she is a member of the Buckley Downtown Association and as I'm listening to the enthusiasm and passion behind what this pickleball project represents it's great and a great opportunity. However, with timing and going into a deficit how can we take on another project as it's been presented. I think there is a way to make this happen but there are more questions that need to be answered first.

Jamie Bendon – Buckley

Jamie stated that he has never played pickleball but now I want to. I've been here for about 6 years now and I know there is a lot of things that would have to go into this project. If we put it anywhere it needs to be on 410.

Janet Phillips – Buckley

Janet stated that she moved here 18 years ago from Tacoma because I was tired of the shootings, drugs and litter everywhere. When I moved to Buckley, I found heaven, and I don't want my heaven to turn out like Tacoma. I miss the wildlife running through my

yard and I don't want the pickleball court next to my property because I like peace and quiet. I'm not happy about having this here.

COMMITTEE REPORTS

Admin/Finance/Public Safety

Council member Smith stated the meeting was cancelled.

Parks & Community Services:

Council member Green stated they met on March 6th and discussed what was on the agenda and talked about the staff changes.

Council Member Comments & Good of the Order:

Council member Smith stated that a group of people well organized came to address the council. Someone stated that if something is too good to be true it probably is. There were three potential city locations and most citizens who spoke were against with some for this facility. I'm happy that the mayor is going to check with legal on the public yielding their time to someone else. This is public comment, and you should bring your own ideas to speak and not yield to someone else. I'm all for bringing business to the City of Buckley but we need to pump the breaks on this.

Council member Sundstrom stated that the council hasn't heard enough or got enough information yet to make a decision. I'm all for things to help the City of Buckley but we don't have enough information. Also, there is some rumbling that we may have a revenue shortage and I want to get it on record that there will be no cuts in public safety we know what that looks like. Secondly, we need to address the money for the road fund, and we need to make sure that every function in our city is self-sufficient.

Council member Anderson stated that she was recently privileged to work with the Downtown Business Association during her role as the WRHS soccer coach to raise some money. It was awesome to be there and see the community engagement and I want to thank the association for the work they are doing to try and revitalize the City of Buckley.

Council member Arsanto stated that they were asked by Ali to look at the beer garden plan and we need to look at this so we can give her a decision.

Council member Anderson also stated that we should have a study session strictly on the pickleball project.

Council member Green also stated that he agreed with council member Anderson on setting up an additional study session to tackle this issue. We heard from a lot of Enumclaw residents, and I would like to hear from more Buckley residents, and I need some more information as well as footprints of this facility.

Council member Anderson stated she wanted to say one last comment and that was that pickleball is now in the school curriculum.

CONSENT AGENDA

Council Member Smith moved to approve the Consent Agenda. Council member Rose seconded the motion. Motion carried.

- a. Fire Vehicle 35 Replacement

STAFF REPORTS

- 1. City Administrator Update
 - a. ARPA non-profit grant application introduction
 - b. Stormwater Management Plan Introduction

CITIZEN PARTICIPATION

Dave Morell –

Dave Morell stated that he is the Pierce County Council member for the City of Buckley. All I can say about pickleball is they are a fierce group of people. I have watched games, and they just go crazy. I have Tehalah in my district and they have a very active group out there. Obviously, there is a lot of work to make sure this is right for the City of Buckley. That is not the reason why I'm here though. I've spoken with council member Green about this, but the county is looking at implementing a one tenth of 1 percent sales tax increase for affordable housing. Also, we are expanding Pierce County's economic innovation grant program to small cities, and this would be open to all small businesses in Buckley.

Council member Smith moved to adjourn. Council member Anderson seconded the motion. Motion carried.

With nothing further, the meeting was adjourned at 8:06 PM.

Mayor

City Administrator

Prepared by: Kristin Loyer

**CITY COUNCIL
STUDY SESSION
March 5, 2024**

ATTENDEES: Council members Bergerson, Arsanto, Bender, Smith, Burbank and Green.

Also in attendance were City Administrator Brunell, Finance Director Hines, Public Works Director Banks, Senior Planner Farnsworth, City Engineer Miller and Deputy City Clerk Clark.

Mayor Pro Tem Smith called the regularly scheduled meeting to order at 6:00 PM.

WRHS FFA Presentation:

Mr. Miller, who is a teacher at White River High School and the students of WRHS FFA gave a wonderful presentation on different agricultural issues that relate to our community. The Council wanted the group to know what a wonderful job they did.

Comprehensive Plan Updates:

Sarah with Frameworks Consulting showed the Council a PowerPoint of the Comp Plan timeline that focuses on community vision, growth strategy and future land use strategies. The Council will have time to review this, and it can be completed by the end of 2024 with also zoning code updates. Sarah would like the Council to highlight in the handout with their guiding principles and top goals. She also gave references to other smaller cities for the 2044 outlook. Council discussed this and would like to see it brought back to another City Council Study Session.

Review of Current Development Projects:

Senior Planner Farnsworth updated everyone that most of the projects are housing developments. There will be single family homes and hundreds of townhomes to be built within the next year or so. Mr. Farnsworth also handed Council a list of all the permits that have been issued this year. Permit Tech Rohner has implemented a plan to try and make a smooth transition for applicants.

Traffic Code Revision:

City Engineer Miller gave out a memo and discussed the current code that allows for a 30% discount on street impact fees. No existing businesses pay traffic impact fees, it is only new because the traffic is not being affected and all bigger new businesses do their own traffic impact studies that are reviewed by Gray and Osborne. The Council went around the table with a discussion.

Review of Biennial Budget:

City Administrator Brunell informed everyone how last year staff took extra steps in budget planning to update the budget to every two-year timeframe. This will save staff time in the second year and many small and large cities have adopted a biennial budget. The Council will need to adopt an ordinance that is attached to the memo for review and would like to bring this forward next week at the City Council meeting.

Council Comments and Good to the Order:

Council member Arsanto wanted to check the status of the hired passport position and what the revenue vs. the expenditures are. Staff will provide this.

Council member Bender is happy that the Fire Dept. is taken care of for now but wants to make sure Police Dept. is included in the budget as well.

Council member Burbank wanted to share that she is struggling with all the growth targets we are expected to meet in our smaller city.

Council member Green asked a question regarding the biennial budget and what if the City needs a new firefighter or police officer, is there an option to be added to the budget? City Administrator Brunell let them know that yes this is always an option.

With nothing further, the Study Session was adjourned at 7:40 PM.

City Administrator

Mayor

Prepared by: Jessica Clark, Deputy City Clerk

DRAFT

E. REGULAR AGENDA



CITY COUNCIL AGENDA BILL

City of Buckley
PO Box 1960
Buckley, WA 98321

ITEM INFORMATION			
SUBJECT: ORD No. ____-24: 2021 INTERNATIONAL PROPERTY MAINTENANCE CODE AND AMENDMENTS THEREWITH TO INCLUDE REQUIREMENTS OF CHAPTER 35.80 RCW THAT ENHANCE THE CITY'S ABILITY TO ABATE DANGEROUS/UNINHABITABLE STRUCTURES	Agenda Date: July 9, 2024 AB24-034		
	Department/Committee/Individual	Created	Reviewed
	Mayor		
	City Administrator		X
	City Attorney	X	X
	City Engineer		X
	City Clerk		
	Finance Dept		
	Fire Dept		
	Parks & Recreation		
	Planning Dept		X
	Police Dept		X
	Municipal Court		
	PW/Utilities		X
Staff Contact: Courtney Brunell, City Administrator and Phil Olbrechts, City Attorney			
Attachments: Draft Ordinance and memo revised July 3, 2024			
SUMMARY STATEMENT: The adoption of the International Property Maintenance Code is intended to ensure that the city's structures are kept safe and habitable. The revised ordinance also specifies the requirements outlined in Chapter 35.80 of the Revised Code of Washington (RCW), which enhance the City's ability to address dangerous and uninhabitable structures and provide a mechanism for recovering the associated costs.			
COMMITTEE REVIEW AND RECOMMENDATION: None			
RECOMMENDED ACTION: Move to Approve Ordinance No. 08-24 to Adopt the 2021 International Property Maintenance Code			
RECORD OF COUNCIL ACTION			
Meeting Date	Action	Vote	



TO: Mayor and City Councilmembers

THROUGH: Courtney Brunell, City Administrator

DATE: June 4, 2024 Revised July 3, 2024

SUBJECT: International Property Maintenance Code

Purpose: This memo serves to inform and summarize the proposed adoption of the International Property Maintenance Code (IPMC) (2021 Edition) for the City of Buckley. The adoption of the IPMC aims to ensure our city's structures are maintained to a safe and habitable standard. This document will also highlight the specific requirements of Chapter 35.80 of the Revised Code of Washington (RCW) that enhance our ability to address dangerous and uninhabitable structures, and provide a mechanism for recouping the associated costs.

Summary of the Proposed Ordinance: The key provisions of the proposed ordinance to adopt the IPMC include:

1. **Repeal of Chapter 16.08 BMC:** The existing Chapter 16.08 of the Buckley Municipal Code (BMC) will be repealed.
2. **Adoption of New Chapter 16.08 BMC:** The new Chapter 16.08 BMC will adopt the 2021 edition of the IPMC with specific amendments to tailor the code to our local needs.
3. **Scope and Purpose (Section 101.2):** Defines the scope and purpose, emphasizing the need to address dwellings and buildings that are unsafe for habitation or other uses due to various forms of dilapidation and disrepair.
4. **Authority of Code Official (Section 104.1):** Grants the Code Official power to determine the condition of structures, administer oaths, post notices, and enter properties for inspections.
5. **Procedures for Notices and Orders (Section 107):** Specifies the process for issuing notices and orders to property owners regarding dangerous or unfit buildings, including the requirement for a hearing before the Code Official.
6. **Means of Appeal (Section 111):** Establishes the procedure for property owners to appeal decisions to the Hearing Examiner within thirty days of service.

7. **Enforcement of Orders (Section 113):** Outlines the authority of the Code Official to enforce orders, including entering properties, hiring contractors, and spending public funds for necessary work.
8. **Recovery of Expenses (Section 113.3):** Details the process for recovering the costs incurred by the city in abating dangerous or uninhabitable structures, which can be assessed against the property as a lien.

Examples: Below is a list of examples of situations that could be a concern for public health, safety, and well-being, and might need attention under the updated code and possible cleanup including abatement.

- **Dilapidated Residential Building**

Condition: A residential building with severe structural defects, including a failing roof, sagging floors, and extensive water damage leading to mold growth. Electrical systems are outdated and pose a fire risk. The property is also infested with vermin.

Action Needed: Major repairs to structural components, electrical systems, and pest eradication. If repairs are not feasible, consider demolition.

- **Fire-Damaged Home**

Condition: A single-family home severely damaged by fire. The structure is partially collapsed, and there are hazardous materials present, including asbestos. The property poses a significant danger to the neighborhood.

Action Needed: Assess structural integrity, remove hazardous materials, and either repair or demolish the remains of the building.

- **Substandard Construction**

Condition: A newly built structure that did not adhere to the required building codes. The construction is substandard with significant defects that make it unsafe for occupancy.

Action Needed: Rectify construction defects to meet code standards or demolish if the structure is deemed irreparable.

- **Uninhabitable Single-Family Residence**

Condition: A rental property with significant health and safety violations, including mold, lack of proper sanitation facilities, and severe pest infestation. The landlord has failed to address these issues despite multiple notices.

Action Needed: Order immediate repairs or tenant relocation, followed by necessary abatement actions, including possible demolition if conditions do not improve.

Summary of Proposed Abatement Process: The process for the abatement of dangerous or uninhabitable structures generally follows a series of steps, starting with the identification of the problem and culminating in the remediation or demolition of the property. Here's a detailed breakdown of the typical process:

1. Identification of Problem Structures

- Community Complaints: Residents report issues such as safety hazards or neglect.

- City Evaluation: Triggered by events like fires or through routine inspections.
- 2. Preliminary Investigation
 - Inspection: Code enforcement conducts a detailed site visit.
 - Assessment: A report is created noting code violations and hazards.
- 3. Notification and Orders
 - Issuance of Complaint: The city notifies the property owner and posts a notice on the property.
 - Details of Notice: Includes a hearing date and owner's rights to respond.
- 4. Hearing
 - Evidence Presentation: Both sides present evidence and testimony.
 - Findings and Order: The Code Official issues an order for repairs, improvements, vacating, or demolition.
- 5. Appeal Process
 - Filing an Appeal: Owners can appeal within 30 days
- 6. Enforcement of Order
 - Compliance Period: Owners are given time to comply; the city intervenes if they don't.
 - City Actions: The city may conduct repairs, secure, or demolish the property.
- 7. Cost Recovery
 - Assessment of Costs: The city calculates and assesses abatement costs as a lien.
 - Collection: The lien is added to property taxes and collected.
- 8. Final Resolution
 - Lien Resolution: Owners pay the costs, or the property may be foreclosed.
 - Property Status: The property is restored, repurposed, or redeveloped, ensuring public safety.

Conclusion: Adopting the IPMC, as amended, can reduce public health risks, and improve the overall quality of life for residents. The integration of Chapter 35.80 RCW enhances our enforcement capabilities and ensures we can recoup costs incurred in the abatement process.

Next Steps: June 4, 2024- Council First Review
July 9, 2024- Tentative Action

Attachments:

1. Draft Ordinance
2. Existing 16.08 BMC

CITY OF BUCKLEY

ORDINANCE NO. ___-24

AN ORDINANCE OF THE CITY OF BUCKLEY, PIERCE COUNTY, WASHINGTON ADOPTING THE 2021 INTERNATIONAL PROPERTY MAINTENANCE CODE AND AMENDMENTS THEREWITH TO INCLUDE REQUIREMENTS OF CHAPTER 35.80 RCW THAT ENHANCE THE CITY'S ABILITY TO ABATE DANGEROUS/UNINHABITABLE STRUCTURES AND RECOUP THE EXPENSES THEREWITH.

WHEREAS, Chapter 35.80 RCW provides highly effective legal tools to Washington communities to condemn dangerous buildings and structures along with measures to recoup the expenses thereof; and

WHEREAS, as a condition of implementing the condemnation authority of Chapter 35.80 RCW, RCW 35.80.030 requires the local adoption of specified condemnation procedures; and

WHEREAS, the intent of this ordinance is to adopt the required provisions of RCW 35.80.030 by integrating them into the 2021 edition of the International Property Maintenance Code;

Now, therefore, be it ordained by the council of the City of Buckley, Pierce County, Washington as follows:

Section 1: Chapter 16.08 BMC is repealed.

Section 2: A new Chapter 16.08 BMC "International Property Maintenance Code" is adopted, to provide as follows:

The International Property Maintenance Code (2021 Edition), published by the International Code Council, to be known hereafter as the "International Property Maintenance Code" or the "IPMC" is adopted by reference as if set forth in full, subject to the following amendments:

A. Section 101.2, Scope, is amended to read as follows:

101.2 Scope and Purpose.

Pursuant to chapter 35.80 of the Revised Code of Washington (RCW), the City Council finds that there can be within the City of Buckley, dwellings that are unfit for human habitation and buildings, structures, and premises or portions thereof which are unfit and/or unsafe for other uses due to dilapidation, disrepair, structural defects, unpermitted and substandard construction or modification, filth and other conditions attracting insects or vermin or likely to spread disease,

defects increasing the hazards of fire, accidents, or other calamities, or other similar conditions and violations of various building, health, and safety regulations, and/or which are vacant, unsecured, and abandoned or apparently abandoned.

Such dwellings, buildings, structures, and premises are dangerous to occupants, threaten the public health, safety, and welfare, attract and harbor vagrants and criminals, offend public values, lower the value of neighboring properties, contribute to neighborhood or community deterioration, and hamper community and economic development.

When the owners or other persons in possession or control of such properties are unwilling or unable to correct such conditions in a proper and timely manner, it is in the interest of the community for the City to intervene and correct, repair, or remove such buildings, structures, and conditions and to pursue all legal means to recover from such persons and/or properties the costs of doing so, including the costs of staff salaries and benefits, materials, contractors, and all other legally recoverable costs and expenses.

The purpose of adopting the IPMC as amended herein is to protect the public as a whole and there is no intent or purpose to protect a specific class of individuals. Nothing in the adoption of the IPMC and its amendments is intended to create any cause for liability on behalf of the City, including but not limited to failure to enforce under Washington State's judicially created public duty doctrine. The authority granted to the Code Official by the IPMC should be construed as discretionary and not mandatory. Any mandatory provisions of the IPMC requiring demolition should be construed as authorizing the securing of a structure or building from access in the alternative.

B. Section 104.1, General, is amended to read as follows:

104.1 Authority of Code Official.

The Code Official is hereby authorized to exercise such powers as may be necessary or convenient to carry out and effectuate the purposes and provisions of the IPMC. These powers shall include the following in addition to others granted in this Chapter: (a)(i) To determine which dwellings are unfit for human habitation; (ii) to determine which buildings, structures, or premises are unfit for other use; (b) to administer oaths and affirmations, examine witnesses, and receive evidence; (c) to post structures as unfit and/or dangerous for use as provided in the IPMC; and (d) to investigate the dwelling and other property conditions and to enter upon premises for the purpose of making examinations when the Code Official has reasonable ground for believing they are unfit for human habitation, or for other use; and, PROVIDED, that such entries shall be made in such manner as to cause the least possible inconvenience to the persons in possession, and to obtain an order for this purpose after submitting evidence in support of an application which is adequate to justify such an order from a court of competent jurisdiction in the event entry is denied or resisted; PROVIDED FURTHER that the Code Official may recognize and give appropriate effect to special and extenuating circumstances which, in order to do substantial justice, warrant the exercise of discretion to adjust the timeframes, standards and other provisions of this chapter. Examples of circumstances which may warrant such exercise of discretion include, without limitation, medical illness or disability affecting a property owner's ability to respond to orders or appear at hearings

and bona fide insurance coverage disputes which create a definite risk that enforcement of this chapter would unfairly result in a substantial economic loss to the property owner.

C. Section 107, Notices and Orders, is renamed "Section 107, Procedures."

D. Section 107.1, Notice to person responsible, is replaced as follows:

107.1 Inspection and Complaint.

If, after a preliminary investigation of any dwelling, building, structure, or premises, the Code Official finds that it is dangerous or unfit for human habitation or other use, he is authorized to serve either personally or by certified mail, with return receipt requested, upon all persons having any interest therein, as shown upon the records of the Pierce County Auditor, and shall post in a conspicuous place on such property and/or structure, a complaint stating in what respects such dwelling, building, structure, or premises is unfit and/or dangerous for human habitation or other use. If the whereabouts of any of such persons is unknown and the same cannot be ascertained by the Code Official in the exercise of reasonable diligence, and the Code Official makes an affidavit or declaration to that effect, then the serving of such complaint or order upon such persons may be made either by personal service or by mailing a copy of the complaint and order by certified mail, postage prepaid, return receipt requested, to each such person at the address of the structure involved in the proceedings, and mailing a copy of the complaint and order by first class mail to any address of each such person in the records of the Pierce County Treasurer-Assessor or Auditor. Such complaint shall contain a notice that a hearing will be held before the Code Official, at a place therein fixed, not less than ten days nor more than thirty days after the serving of the complaint; and that all parties in interest shall be given the right to file an answer to the complaint, to appear in person, or otherwise, and to give testimony at the time and place in the complaint. The rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the Code Official. A copy of such complaint shall also be filed with the Pierce County Auditor and such filing of the complaint or order shall have the same force and effect as other lis pendens notices provided by law.

E. Section 107.2, Form, is replaced as follows:

107.2 Findings and Order.

A. If, after the required hearing, the Code Official determines that the dwelling is dangerous or unfit for human habitation, or building or structure or premises is unfit and/or dangerous for other appropriate use, he/she shall state in writing his/her findings of fact in support of such determination, and shall issue and cause to be served upon the owners and parties in interest thereof, as provided in this section, and shall post in a conspicuous place on the property, an order that (i) requires the owners and parties in interest, within the time specified in the order, to repair, alter, or improve such dwelling, building, structure, or premises to render it fit for human habitation, or for other appropriate use, or to vacate and close the dwelling, building, structure, or premises, if such course of action is deemed proper on the basis of the standards set forth in this section; or (ii) requires the owners and parties in interest, within the time specified in the order, to remove or demolish such dwelling, building, structure, or premises, if this course of action is deemed proper

on the basis of those standards. If no appeal is filed, a copy of such order shall be filed with the Pierce County Auditor.

B. In ordering the required course of action to be taken by the owner to abate the unfit or dangerous structure, the Code Official may order the structure or a portion thereof demolished and not repaired under the following circumstances:

i. The structure is patently illegal with regard to building, zoning, or other regulations;

ii. The estimated cost to repair the structure or portion thereof is more than 50% of the value of the structure or portion thereof; or,

iii. The estimated cost to repair the structure or portion thereof is less than 50% of the value and repairing and/or securing the structure from entry would, nevertheless, cause or allow the structure to remain a hazard or public nuisance.

The value of the structure shall be as determined by the Pierce County Assessor-Treasurer. In estimating the cost of repairing the structure, the Code Official may rely upon such cost estimating publication or method the Building Official deems appropriate.

F. Section 110.1, General, is amended by the addition of the following paragraph:

In enforcement of this section, the Code Official may have the structure demolished, even if the order does not require demolition, if the estimated cost to repair the structure or portion thereof is less than 50% of the current county assessed value of the structure, the structure is abandoned or the owner is unresponsive, and repairing and/or securing the structure from entry would, nevertheless, cause or allow the structure to remain a hazard or public nuisance, continue a non-conforming use, or otherwise be an unreasonable use of public funds. Such demolition shall be the result of the issuance and service of a complaint and subsequent hearing following the same procedures as for an initial complaint governed by IPMC 107.1. Said procedures may be waived to the extent necessary, after issuance of findings of fact in support, to prevent an immediate material threat to public health and/or safety.

G. Section 111, Means of Appeal, is deleted and replaced as follows:

111 Appeals.

Within thirty days from the date of service upon the owner and posting of the decision issued by the Code Official, the owner or any party in interest may file an appeal with the City Clerk for a hearing before the Hearing Examiner. An appeal is barred, and the Hearing Examiner may not grant review unless the appeal is timely filed with the City Clerk. All matters addressed by the Hearing Examiner shall be resolved by the Hearing Examiner within sixty days from the date of filing therewith and a transcript of the findings of fact of the Hearing Examiner shall be made available to the owner or other party in interest upon demand. The findings and orders of the Hearing Examiner shall be reported in the same manner and shall bear the same legal consequences as if issued by the Code Official.

Absent an injunction issued by a court of competent jurisdiction, the decision of the Hearing Examiner shall be final thirty days after issuance.

H. Section 112.4, Failure to comply, is deleted and replaced as follows:

Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of five hundred dollars (\$500.00) per day of violation subject to appeal as provided in IPMC 111. The Code Official shall issue a notice of violation for any such violation identifying the code provision in violation, a brief summary of the facts of violation, the dates of violation, the monetary penalty and the means of appeal.

I. A new section titled 113, Enforcement of Order, is added.

J. Section 113.1, Enforcement of order, is added and reads as follows:

If the owners or parties in interest, following exhaustion of his or her rights to appeal, fails to comply with the final order to repair, alter, improve, vacate, close, remove, or demolish the dwelling, building, structure, or premises, the Code Official may direct or cause such dwelling, building, structure, or premises to be repaired, altered, improved, vacated and closed, removed, or demolished. Any new order to demolish shall be the result of the issuance and service of a complaint and subsequent hearing following the same procedures as for an initial complaint governed by IPMC 107.1. Said procedures may be waived to the extent necessary, after issuance of findings of fact in support, to prevent an immediate material threat to public health and/or safety.

In the enforcement of this section, the Code Official is authorized to enter the structure and/or premises for inspection, testing, sampling, or other purposes preparatory to and in the conduct of the repairs, demolition, or other actions, to hire contractors as necessary to perform the work, and to spend public funds to complete the work.

K. Section 113.2, Sale or disposal of materials, is added and reads as follows:

Prior to removing or demolishing the dwelling, building, structure, or premises, the Code Official shall, if reasonably possible, attempt to sell the materials and/or contents of the dwelling, building, structure, or premises, and shall credit the proceeds of such sale against the cost of the removal or demolition and, if there be any balance remaining, it shall be paid to the parties entitled thereto, as determined by the Code Official, after deducting the costs incident thereto.

L. Section 113.3, Recovery of expenses, is added and reads as follows:

The amount of the cost of such repairs, alterations or improvements; or vacating and closing; or removal or demolition by the Code Official, shall be assessed against the real property upon which such cost was incurred unless such amount is previously paid. Pursuant to RCW 35.80.030(1)(h), the

amount of such costs shall constitute a lien against the property of equal rank with state, county, and municipal taxes.

For purposes of this section, the cost of vacating and closing shall include (i) the amount of relocation assistance payments that a property owner has not repaid to the City of Buckley or other local government entity that has advanced relocation assistance payments to tenants under RCW 59.18.085; (ii) all penalties and interest that accrue as a result of the failure of the property owner to timely repay the amount of these relocation assistance payments under RCW 59.18.085; and (iii) all other reasonable expenses, including but not limited to, the costs of staff time, materials, incidentals, mailing, publishing, and recording notices. Upon certification to him, by the Code Official, of the assessment amount being due and owing, the County Assessor/Treasurer shall enter the amount of such assessment upon the tax rolls against the property for the current year and the same shall become a part of the general taxes for that year to be collected at the same time and with interest at such rates and in such manner as provided for in RCW 84.56.020 for delinquent taxes, and when collected to be deposited to the credit of the general fund of the City.

M. Section 202, Definitions, add "Code Official."

"Code Official" shall mean the City's building official or other official, employee or contractor designated by the mayor.

N. Section 106.4 shall be replaced with the following:

The following shall be punishable as a misdemeanor:

1. Persons who shall violate a provision of the IPMC or fail to comply with any of the requirements thereof; or
2. Persons who erect, install, alter, repair or do work in violation of the approved construction documents or directive of the building inspector in implementation of the IPMC, or of a permit or certificate used under the provisions of the IPMC; or
3. Persons who materially deface, alter, move or remove any sign or notice issued under the IPMC or in pursuance of warning the public of a dangerous and/or unfit building or structure or any such notice/sign that prohibits occupancy or use of a building or structure. Such actions shall also include violations of IPMC 107.4.
4. Persons who occupy, use or enter upon any structure ordered and posted as vacated pursuant to the IPMC.

Each day that a violation continues after due notice has been served shall be deemed a separate offense.

Section 2: If any provision of this ordinance is in conflict with other existing ordinances or resolutions, this ordinance shall prevail as to the days of operation of City Hall.

Section 3: If any provision of this ordinance is determined to be invalid or unenforceable for any reason, the remaining provisions of this ordinance shall remain in force and affect.

PASSED and APPROVED BY THE City Council of the City of Buckley on the 9th day of July 2024.

Beau Burkett, Mayor

ATTEST:

Treva Percival, City Clerk

APPROVED AS TO FORM:

Phil Olbrechts, City Attorney

Published: _____

Effective: _____



CITY COUNCIL AGENDA BILL

City of Buckley
PO Box 1960
Buckley, WA 98321

ITEM INFORMATION						
SUBJECT: City Parks & Facility Naming Policy	Agenda Date: July 9, 2024		AB24-035			
	Department/Committee/Individual	Created	Reviewed			
	Mayor		X			
	City Administrator		X			
	City Attorney					
	City Engineer					
	City Clerk	X	X			
	Finance Dept					
	Building Official					
	Fire Dept					
	Parks & Recreation		X			
	Building & Planning					
	Police Dept					
	Municipal Court					
	PW/Utilities					
Staff Contact: Director of Parks & Recreation Snodgrass						
Attachments: Draft Policy						
SUMMARY STATEMENT: The Citizens Advisory Commission has met and reviewed a number of different City Parks & Facility Naming Policies and have by Resolution established the attached Draft policy. They are now requesting the City Council to officially adopt the City Parks and Facility Naming Policy.						
COMMITTEE REVIEW AND RECOMMENDATION: Citizens Advisory Commission Resolution 2024-01 recommending the Policy to the City Council.						
RECOMMENDED ACTION: MOVE to Approve the City Parks & Facility Naming Policy						
RECORD OF COUNCIL ACTION						
<i>Meeting Date</i>	<i>Action</i>	<i>Vote</i>				

City Parks & Facility Naming

Section 1.

A. The naming/renaming of City Parks and other City facilities shall only be in accordance with the procedures and criteria set forth below. Once adopted, name changes should occur on an exceptional basis only. Permanent naming/renaming opportunities: (1) are non-sponsorship and non-fundraising related opportunities; (2) are permanent and do not expire; and (3) are opportunities that comply with this policy.

The following criteria shall be considered:

1. The past, present and future history of the land or community should be considered. Consideration for naming and re-naming should ensure that:
 - a) It is in the best interest of the city and provides a worthy and enduring legacy for the city.
 - b) The name reflects the significance of a feature and the mission and vision of the city.
 - c) The name is appropriate to the location and remains relevant as the city grows and changes.
2. The individual or entity who has donated substantial monies or land or has been otherwise instrumental in the acquisition of the property.
3. The articulated preference of residents of the neighborhood surrounding the public facility;
4. Engender a strong, positive image.
5. Have broad public support.
6. Avoid undue commercialization of the park and/or recreational facility.

B. Outstanding Individuals

Outstanding individuals will be considered posthumously. Consideration will be given when:

- a. The person was exceptionally dedicated or demonstrated excellence in service in ways that made a significant contribution to the land, community, park, or city department; or
- b. The person risked his or her life to save or protect others.

C. The naming of historic events, culture, people and places

When a park and/or facility is associated with or located near events, people, and places of historic, cultural or social significance: consideration will be given to naming the park,

facility, etc., after such events, people and places. This history may include its founders, other historical figures, Native American heritage, local landmarks, prominent geographical locations, and natural features.

D. Gift Related Naming

A gift-related naming occurs when a donor makes a significant contribution that adds considerable value to the City of Buckley. If the city benefits from the generosity of residents, businesses and foundations, the significance of the donation may warrant consideration for requests from either the donor or another party to acknowledge such a gift by naming. Decisions regarding such recognition are made on a case-by-case basis and will take into consideration the total cost of the project, the availability of other funds and the level of financial contribution. All gift-related naming will be documented by a written donor agreement. As a guideline, the threshold for considering the naming of an asset will include one or more of the following:

Land for the majority of the park was deeded to the City by the donor.

- a. Contribution of a minimum of 60% of the capital construction costs associated with developing the park/facility.
- b. Provision of a minimum 20-year endowment for the continued maintenance, operation and/or programming of the Asset.

E. Renaming

The renaming and reconsideration of current names of parks, facilities, natural areas, etc., is allowed but discouraged. Name changes will be subject to a critical review that includes consideration of the original justification for the current name, the monetary value of prior contributors, and the rationale for changing the name. The renaming process would follow all other steps in the Naming process.

The naming of physical entities is intended to be in place for the life of the specific physical entity. If, in the determination of the City Council, circumstances change so that the purpose for which the physical entity was established is significantly altered or if the physical entity is no longer needed or habitable, they will determine an appropriate way to recognize the donor's naming gift in perpetuity. If the City and the donor(s) previously established a contract that provides a practicable course of action, then that action shall be followed.

F. Moral Clause

Under circumstances that would cast a negative image upon the City (such as committing a serious crime), any naming of City-owned facilities in honor of an individual, family or group may be revoked at the discretion of the City Council.

The names of individuals or corporations or groups involved in controversial enterprises or activities that would be detrimental to the mission or image of the City should be avoided. The donation of land, facilities, or funds for the acquisition, renovation or maintenance of land or facilities, shall not constitute an obligation by the City to name the land and/or facility or any portion thereof after an individual, family or organization.

G. Modification or Relocation of Property and Names

As modifications are made to property over time, situations may occur where it is in the best interest of the city to relocate, modify, or reallocate named city property. This is to insure that the original purpose of the naming and the donor's wishes, if built with private funds, are preserved as appropriate.

Section 2:

A. Prior to City Council approval, the proposed naming information will be reviewed by the appropriate City staff and Citizens Advisory Commission who will consider names based on the criteria outlined below and with consideration of public comment. The following guidelines shall be followed for naming/renaming of City parks and other City facilities:

1. If the City Council determines that a City Park or other City facility should be named or renamed, the City shall solicit suggestions for names from private organizations and individuals. All suggestions, whether solicited or independently offered, shall be acknowledged and recorded by the City.
2. Following a review of recommendations, suggestions and public comments, the City Council shall determine the name for City parks and other City facilities.
3. There shall be a lapse of at least twelve (12) months between the date of the death of the person(s) or of the event commemorated and the final naming or renaming of the City park or City facility; or at the discretion of the City Council.

B. Naming Application Process

Any group, person, or organization may submit an application to name or re-name a public park, facility, street, natural area or significant capital asset. The application should be submitted to the City Administrator. Applications should contain the following information:

1. Name of applicant
2. Proposed name for asset
3. Background/support for proposed name
4. Demonstrated community support for proposed name. Defined at 1% of the population..
4. Identification of interested/impacted stakeholders
5. Description/Map showing location
6. If proposing to name an asset after an outstanding person, documentation of that person's community or financial contribution to the City, State or Nation's history
7. If proposing to re-name a facility, the application should also include background information on the current name and the rationale for requesting a new name

C. Naming Approval Process

City Council will be advised based on a transparent process and utilize the following steps.

The following steps will be used as guidelines for approval:

Advertise intent to name a park or facility or consider proposed names.

1. Refer completed application to appropriate staff or commission for review.
2. Take public comment, the purpose of which is to represent the broad range of demographics and interests of city residents.
3. Forward recommendation to City Council for consideration.
4. Notify the applicant of the application status once the City Council has taken action.





CITY COUNCIL AGENDA BILL

City of Buckley
PO Box 1960
Buckley, WA 98321

ITEM INFORMATION						
SUBJECT:	Agenda Date: July 9, 2024		AB24-036			
Park Enhancements Program Policy	Department/Committee/Individual	Created	Reviewed			
	Mayor		X			
	City Administrator		X			
	City Attorney					
	City Engineer					
	City Clerk	X	X			
	Finance Dept					
	Building Official					
	Fire Dept					
Cost Impact: N/A	Parks & Recreation		X			
Fund Source: N/A	Building & Planning					
Timeline: N/A	Police Dept					
	Municipal Court					
	PW/Utilities					
Staff Contact: Director of Parks & Recreation Snodgrass						
Attachments: Draft Policy						
SUMMARY STATEMENT: The Citizens Advisory Commission has met and reviewed a number of different Park Enhancements Program Policy and have by Resolution established the attached Draft policy. They are now requesting the City Council to officially adopt the Parks Enhancements Program Policy.						
COMMITTEE REVIEW AND RECOMMENDATION: Citizens Advisory Commission Resolution 2024-01 recommending the Policy to the City Council.						
RECOMMENDED ACTION: MOVE to Approve the Park Enhancements Program Policy.						
RECORD OF COUNCIL ACTION						
Meeting Date	Action	Vote				

City of Buckley Parks & Recreation

PARK ENHANCEMENTS PROGRAM POLICY

1. Purpose

The City of Buckley is fortunate to receive many donations and requests from persons to help and partner with projects that would enhance the City's parks, programs and/or facilities. This policy establishes guidelines and an equitable review process for all donations, known as enhancements, proposed to improve or enhance the City of Buckley's Parks, and Recreation Department, its programs, facilities, and/or parks. Additionally, this policy will take into consideration employee capacity and the impact of potential projects on City resources and impact on the environment.

2. Policy Statement

Approved enhancements will become the property of the City of Buckley and are subject to the laws, policies, and procedures that govern the City, its parks and departments.

Enhancements will be approved and accepted only if they will further the goals and objectives of the City as identified in the City of Buckley's Comprehensive Plan and/or Parks Recreation and Open Space Plan.

Enhancement requests that will increase labor, materials and/or maintenance costs will only be approved if the proposing party addresses the challenges associated with labor, materials and/or maintenance through a maintenance agreement, sponsorship agreement, or Memorandum of Understanding outlining the terms for support of the project.

3. Definitions

- a. **Enhancements:** Donations that complement, are compatible with existing parks, programs and facilities, and will further the goals and objectives of the City as identified in the adopted plans. Enhancements may include monetary gifts, land or property, amenities, equipment, benches, flag poles, signage, plants, and/or other special projects.
- b. **Enhancements Committee:** A staff committee led by the Parks and Recreation Director (or designee), which includes the Public Works Parks Director (or designee), and at least one additional City staff. The committee will review enhancement applications for feasibility and relevance to the goals of the City of Buckley, impact on the environment, and other guidelines in 4d. If a partner organization is involved (for example White River School District, etc.) a representative from that organization may be added to the committee for review.

- c. **Commemorative Bench:** A bench which serves to honor an historical event or the memory of a person or thing.
- d. **Person:** an individual, corporation, limited liability company, or any other legal or commercial entity.
- e. **Recognition:** the addition of a plaque or sign to an Enhancement which is not considered an advertisement (does not require a Sponsorship Agreement).
- f. **Restricted Fund:** a special revenue fund that is set up and assigned a project code through the City's financial system which allows the fund to be used for a specific purpose, and to accept donations for that purpose from multiple donors (for example, a Memorial Fund). Restricted funds can be carried over to future years of the City's budget.

4. Enhancement Requests Review Process

- a. **Application:** The requesting party must submit a City of Buckley Enhancement Request Form (**Attachment 1**) to have the project considered for approval. If the proposing party is a group with multiple members, one member will be selected as the official contact. Communications with the City must go through the designated contact.
- b. **Review:** Requests will be reviewed first for the enhancements committee for review and then presented to the Citizen's Advisory Commission for approval at which time applicants may be invited to present to the commission on the enhancement if appropriate. (for proposed land donations, please see Section 5)
 - i. Review will include costs associated with installing and ongoing maintenance of the enhancement for expected life of the enhancement and its impact on maintenance operations.
- c. After final approval by the Citizen's Advisory Commission the Enhancements Committee will provide the applicant with an intended project timeline.
- d. **Guidelines:** To be accepted, an Enhancement
 - i. Must be given with no contingencies or obligations.
 - ii. Must comply with the City of Buckley Naming Policy, if applicable.
 - iii. Requestors may indicate a preferred location for the proposed Enhancement; however, the final location is subject to approval by the Enhancements Committee. All enhancement locations must comply with relevant rules and regulations of any impacted entities at all levels of

authority.

e. Recognitions:

- i. The Enhancement Committee will include the recognition wording for a proposed Enhancement being recommended to the Citizens Advisory Commission when applicable.
- ii. All costs for approved recognitions will be incurred by the requestor including any necessary replacement costs.
- iii. All recognitions will be removed if/when the enhancement or donation is no longer serviceable or not maintained as agreed upon.

5. Benches

- a. The City will accept bench donations that are either commemorative or not commemorative. For commemorative benches, the persons or events must be/have been connected to the local community.
- b. Benches and associated costs will be paid for by the requestor, if approved.
- c. Design of benches will be consistent with other benches in the proposed location and be ordered by the City of Buckley.
- d. Invoice process: Upon completion of all listed criteria, an invoice will be generated for the requestor including the bench price, delivery costs, sales tax, concrete (if applicable), installation fees (by City staff, if applicable) and recognition (if applicable).
 - i. Ordering and installation will begin upon receipt of the full amount listed on the invoice.
 - ii. Once installation is complete, the bench will be maintained by the City of Buckley for 10 years. Beyond 10 years, the bench will be maintained until unserviceable.
 - iii. A replacement opportunity at the end of 10 years, or unserviceable will be first offered to the existing donor on record. The City will attempt to mail the plaque to the original donor.
 - City Staff will make up to 3 attempts to contact donors for contact and address information. If no contact is made the plaque will be stored for 1 year and then destroyed.

6. Trees and Plants

- a. The City will accept tree and plant donations that are in line with the landscaping plans for parks and/or Parks, Recreation and Open Space plan adopted by the City.
- b. Species selection must be approved by the City and will be reviewed for ability to thrive, maintenance costs, impacts to the selected location, and longevity of the donation.

- c. All costs associated with the planting, administrative work, and planned maintenance, such as scheduled deep fertilization. Will be invoiced to the requestor.
- d. The City is not responsible for replacement of any donations in this category after one year of planting unless otherwise outlined in an agreement. This includes acts of weather, disease, or vandalism.
- e. No commemorative plaques will be permitted on or around plantings due to the impact on maintenance operations.

7. Permant Structures & Small Features

- a. The City will accept donations of permanent structures and small features when they follow the plans for parks and/or the Parks, Recreation and Open Space plan adopted by the City.
- b. Associated costs for the enhancements will be paid by the requestor, if approved.
- c. Individual contracts can be developed based on the scope and size of the planned donation and should include building and ongoing maintenance costs.
 - i. Minimum maintenance for all structures and features is ten (10) years. Beyond 10 years, or the contractually agreed time, the enhancement may become unserviceable and removed.
- d. A replacement opportunity will be made to donors after 10 years, or when the feature becomes unserviceable, it will be first offered to the existing donor on record.
- e. Commemorative plaques can be placed on enhancements if they do not impact long term maintenance operations.
- f. The City will attempt to mail the plaque is to the original donor.
 - City Staff will make up to 3 attempts to contact donors for contact and address information. If no contact is made the plaque will be stored for 1 year and then destroyed.

8. Monetary Gifts and Donations

- a. Monetary gifts or donations may be given by any person and are not subject to the Enhancement Request Review. Monetary gifts are not associated with a specific project, facility or program unless specified by the donor. Non-specific donations will be designated at the discretion of the Parks and Recreation Director (or designee).

- b. Monetary gifts that are given with specifications will be reviewed and approved by the Parks and Recreation Director (or designee). The decisions will be reported to Citizens Advisory Commission at the next available meeting. Fund balances should be designated as restricted (see 3f).

9. Public Art

Buckley City Council retains final authority on the selection and placement of all art to be located in City-owned properties within Buckley per **Council Policy # Public Art Policy**. Public art proposed in a City park or facility may go before Citizens Advisory Commission for a recommendation to City Council.

DATE OF ADOPTION:

Related Department Policies:

Public Art Policy
Naming Rights Policy



CITY COUNCIL AGENDA BILL

City of Buckley
PO Box 1960
Buckley, WA 98321

ITEM INFORMATION						
SUBJECT:	Agenda Date: July 9, 2024		AB24-037			
Public Art & Murals Policy	Department/Committee/Individual	Created	Reviewed			
	Mayor		X			
	City Administrator		X			
	City Attorney					
	City Engineer					
	City Clerk	X	X			
	Finance Dept					
	Building Official					
	Fire Dept					
	Parks & Recreation		X			
	Building & Planning					
	Police Dept					
	Municipal Court					
	PW/Utilities					
Cost Impact: N/A						
Fund Source: N/A						
Timeline: N/A						
Staff Contact: Director of Parks & Recreation Snodgrass						
Attachments: Draft Policy						
SUMMARY STATEMENT: The Citizens Advisory Commission has met and reviewed a number of different Public Art & Murals policies and have by Resolution established the attached Draft policy. They are now requesting the City Council to officially adopt the Public Art & Murals Policy.						
COMMITTEE REVIEW AND RECOMMENDATION: Citizens Advisory Commission Resolution 2024-01 recommending the Policy to the City Council.						
RECOMMENDED ACTION: MOVE to Approve the Public Art & Murals Policy.						
RECORD OF COUNCIL ACTION						
Meeting Date	Action	Vote				

Public Art:

Section 1 Purpose:

The purpose of this policy is to provide a process for selecting and installing public artwork that creates a sense of community identity and character; reflects the City's history, heritage, values, and culture; makes the community more livable and enjoyable; and, celebrates the value, benefit, and contribution of art to our society.

Public art is art that is intended for public viewing in public spaces, whether indoors or outdoors, and is accessible to all. It can be found on public or private property, regardless of how it was funded. Public art can take many forms, including paintings, murals and sculptures. It can also be functional, decorative, or ornamental, and may serve a purpose, express a theme, or commemorate a person, place, or thing.

This chapter enacts a process and procedure for the installation of art and murals on public and private property with the following objectives:

- A. The design, construction, installation, repair, and maintenance of such displays will not interfere with traffic safety or otherwise endanger public safety;
- B. The regulations will provide reasonable protection to the visual environment by controlling the size, height, spacing, and locations of such displays;
- C. The regulations will not permit commercial advertising in order to prevent the proliferation of signage; and
- D. The public will enjoy the aesthetic benefits of displays in numbers and sizes that are reasonably and appropriately regulated.
- E. Pieces of art enrich our community, promote art appreciation, and enhance the aesthetics of our City.
- F. It is the intent of this policy that all art placed in the public rights-of-way, or placed on City-owned property be tasteful, non-controversial, and non-offensive.

Section 2 General Provisions:

1. City staff maintain a catalogue existing art pieces, which identify the artist, the location of the art piece and the purchase cost. The catalogue includes a map representing the locations of existing pieces.
2. City staff maintain a map representing the locations of existing art pieces.

3. City staff develop a list identifying locations to place art pieces over a six-year period and provide revisions to the list as pieces of art are completed.
4. The City solicits for art pieces pursuant to City purchasing policies. The Community Relations Committee performs the initial review on solicitations and recommend art pieces for approval by the Council.
5. The Council review and approve the final purchase and placement of the art installation.

6. Selections of public art should accomplish one or more of the following objectives:

- a. Define City boundaries or entryways into the community
- b. Create a sense of community, identity, and character
- c. Reflect the City's history, heritage, community values and culture
- d. Provide interactive opportunities for the general public
- e. Provide a pleasing living, working, and playing environment
- f. Enhance economic development and attract visitors
- g. Be sustainable through maintenance and operation costs
- h. Create opportunities for civic engagement
- i. Evoke a sense of fun.

7. Themes for public art should reflect one or more of the following ideas:

- j. The natural beauty of the City, as reflected in our surroundings to nature.
- k. The history of our community as reflected through indigenous heritage, logging industry, railroad, or other topics of local importance.
- l. Contain interactive elements to engage the public.
- m. Promote belonging and community pride.

8. Public art should be placed at the following locations to compliment or enhance the surroundings:

- n. Medians on arterial streets identifying entrances into the City
- o. Activity hubs such as business districts, commerce centers, and residential areas
- p. Roundabouts or traffic devices to compliment or enhance the natural landscaping of trees, shrubbery and bushes
- q. City-owned civic buildings and grounds.
- r. Parks, trails, and publicly owned spaces
- s. Utility structures maintained by the City to include, but not limited to, utility boxes, poles, sidewalks, and maintenance hole covers

1.

Section 2 Permit required:

It is unlawful for any person, firm, or corporation to erect, construct, maintain, move, alter, change, place, suspend, or attach any mural within the City without first obtaining a permit, except that those in utility, public service and residential zoning.

Section 3 Procedure:

A. ***City-owned property & public rights-of-way:*** The Council retains final authority on the selection and placement of all art to be located in public rights-of-way and city-owned properties within Buckley.

B. **Private Property:** An application for a public art or mural permit(s) shall be submitted to the City Administrator or Designee to be reviewed for compliance with this chapter. The application shall include:

1. Applicable fees set forth in the adopted City fee schedule;
2. Signature by the owner of the property upon which the mural will be located.

B. Applications for public art or mural permits shall contain the information required by the City Administrator or Designee, including but not limited to:

1. Scaled, color illustration of the proposed mural with a description of the materials and their locations designated on the mural drawing;
2. Photographs of the proposed location of the mural;
3. Photographs of the streetscape representing the proposed mural superimposed to scale to show the relationship to the immediate streetscape;
4. Written explanation of imagery concept(s), including but not limited to:
 - a. Description of how the artwork enhances the aesthetic experience within the City through scale, color, material, and texture;
 - b. Description of how the mural portrays historical, environmental, geographical or cultural features of the City of Buckley or the proposed site, as well as the mural's relationship to the existing architecture, natural geography and cultural landscape of the site;
5. Written explanation of the wall surface and cladding, its suitability to receive the proposed materials, and the potential impact to historic materials, where relevant;
6. Written explanation of the estimated life expectancy for the materials used; and
7. Artist's portfolio of mural work, including but not limited to examples of prior projects comparable to the proposed mural design.

C. All applications for public art or murals to be located within the historic preservation overlay district shall be submitted by the City Administrator or Designee and forwarded to the public art review committee to review for consistency with their policies and goals and the criteria.

D. The City Administrator or Designee administrator shall prepare and forward to the City council a staff report summarizing the relevant facts pertaining to the application, property, structure, streetscape or neighborhood; outlining the applicable code; setting forth comments from adjacent

property owners,; and containing a recommendation for action by the council. City council shall then make a final determination as to whether to approve, modify or deny the application.

G. An appeal of the council's decision on the application for a mural permit(s) shall be under the State Land Use Petition Act (LUPA).

Section 4 Approval criteria.

Public Art & Murals shall substantially comply with all the criteria and requirements provided below:

A. Murals:

1. No part of a mural shall exceed the height of the structure to which it is tiled, painted or affixed.
2. No part of a mural shall extend more than six inches from the plane of the wall upon which it is tiled, painted or affixed.
3. No part of the mural shall contain logos, slogans or advertising messages of any kind.
4. No signs containing logos, slogans or advertising messages shall be affixed in, on or abutting the mural surface area.
5. No mural shall consist of or contain electrical or mechanical components or changing images, including but not limited to moving structural elements, flashing or sequential lights or other automated methods that result in movement, the appearance of movement or changing of mural image or message.
6. No mural shall be arranged or permanently illuminated in a manner that will produce light intensity of greater than three "foot-candles above ambient lighting." Lighted murals visible from nearby residences shall have reasonably soft illumination or be shielded in such a way to prevent undue brightness or glare. The light directed on any mural shall be shaded, shielded or directed to reduce glare and adverse effects upon drivers or pedestrians in an unreasonable degree. Illumination shall be turned off and back on not more than once every 24 hours.
7. All mural(s) shall be compatible with the existing architecture and area surrounding the proposed site and shall not obstruct or obscure the significant architectural elements of historic structures and sites.
8. All mural(s) shall have a wall surface suitable to receive the materials proposed. The proposed materials shall not cause unreasonable permanent damage to historic cladding and should be appropriate for long-term use on the wall surface.
9. All mural(s) shall enhance the aesthetic experience within the City through scale, color, material, and texture.
10. All mural(s) shall directly or indirectly portray, through artistic expression, the natural environment, historical, environmental and/or cultural features of the City or proposed site.

B. Other Public Art Installations: The Applicant shall be required to obtain all other required land use, building and public works department permits prior to public art installation.

- a. No art installation shall be permanently illuminated in a manner that will produce light intensity of greater than three "foot-candles above ambient lighting." Lighted art installations visible from nearby residences shall have reasonably soft illumination or be shielded in such a way to prevent undue brightness or glare. The light directed on any public art piece shall be shaded, shielded or directed to reduce glare and adverse effects upon drivers or pedestrians in an unreasonable degree. Illumination shall be turned off and back on not more than once every 24 hours.

- b. All public art shall directly or indirectly portray, through artistic expression, the natural environment, historical, environmental and/or cultural features of the City or proposed site.

Section 5 Installation and construction.

Any public art installation or mural, as constructed or created, shall not substantially deviate from the design as approved under this chapter.

A. Murals (s) shall be completed within 12 months of approval of the mural permit.

1.. Owner(s) of the property on which a mural is permitted shall preserve the integrity of the property by limiting repairs, modification, and renovation without prior authorization by the City or a waiver thereof.

2.. Owner(s) of the property on which a mural is permitted previously encumbered with historic preservation covenants shall amend the structure's existing historic preservation covenant to include the relevant details and installation of the mural. The amended covenant agreement shall provide that the mural will be installed and maintained at all times in full compliance with this chapter and remain in force for a minimum of two years or as long as the mural exists.

Section 6 Maintenance.

Public Art installations and Mural(s) shall be in good repair. The ultimate liability and responsibility for all public art pieces and murals rest with the applicant and property owner. Those parties shall be responsible to see that the public art piece is in compliance with this chapter and has received a valid permit. If the City finds that any such art installation regulated by this chapter is in disrepair, the property owners shall be given written notice for correction and/or violation.

A. If the property owners fail to repair the art installation within 60 days after notice, that art installation may be removed at the expense of the property owner and the permit for the art installation shall be terminated.

B. If the property owner removes the art installation they shall restore the structure to a condition consistent with the remainder of the structure.



CITY COUNCIL AGENDA BILL

City of Buckley
PO Box 1960
Buckley, WA 98321

ITEM INFORMATION			
SUBJECT:		Agenda Date: July 9, 2024	
Lodging Tax Advisory Committee 2024		AB24-038	
Funding Recommendations		Department/Committee/Individual	Created
		Mayor	
		City Administrator	X
		City Attorney	
		City Engineer	
		City Clerk	X
		Finance Dept	X
		Building Official	
		Fire Dept	
		Parks & Recreation	
		Building & Planning	
		Police Dept	
		Municipal Court	
		PW/Utilities	
Staff Contact: Sandi Hines, Finance Director			
Attachments: Memo			
SUMMARY STATEMENT: The Lodging Tax Advisory Committee (LTAC) met during April-June to create a lodging tax application and then review subsequent applications submitted by community organizations wishing to receive funding from the City's lodging tax revenues. The attached memo describes the process in more detail, provides a summary of each organization's request, and the formal recommendations of the LTAC to the Council for approval.			
COMMITTEE REVIEW AND RECOMMENDATION: LTAC Committee June 26, 2024			
RECOMMENDED ACTION: MOVE to Approve the Lodging Tax Advisory Committee 2024 Funding Recommendations.			
RECORD OF COUNCIL ACTION			
Meeting Date	Action	Vote	



Memo

To: Mayor and City Council
From: Sandi Hines, Finance Director
Date: July 9, 2024
Re: 2024 LTAC Funding Recommendations

Purpose: The purpose of this memo is to provide the City Council with the Lodging Tax Advisory Committee's (LTAC) 2024 funding recommendations.

Background: The City is required to have a Lodging Tax Advisory Committee (LTAC) since our population has exceeded 5,000. The Committee is made up of 2 members from businesses that collect the lodging tax in the City and 2 members from organizations that would be eligible to receive lodging tax dollars. One Councilmember serves as the committee chair. The Committee's purpose is to vet applications from organizations that wish to apply to receive a portion of the City's lodging tax revenue and make recommendations to the City Council.

The City's lodging tax revenue is receipted and accounted for in Fund 136 Visitor Promotion & Development. The 2024 beginning fund balance was \$310,035 and budgeted revenue for 2024 is \$64,000. There is no requirement of how much the Council must fund in applications each year and it was agreed by the Committee that for this initial 2024 cycle, no more than the budgeted amount of \$64,000 should be recommended. The Committee discussed staying within the expected revenue budget each year unless a large project/event applied that may draw upon the fund balance. At the time of the last meeting, revenue figures were known through May 2024. As of May 2024, the City had collected \$20,782, or 32 percent of the budget. However, lodging tax is seasonal and the City will collect more in the second half of the year. For reference, as of May 2023, the City had collected \$21,035, or 31 percent of the year end total collections of \$67,610. The remaining \$46,575, or 69 percent, was collected June – December 2023. It is estimated that 2024 will end the year with similar total collections around \$65,000-67,000.

Process: The LTAC met on April 17th as its initial meeting and reviewed the roles and responsibilities of the committee, available funding, and several lodging tax applications from other jurisdictions to create a City of Buckley lodging tax application. The Committee met again on May 15th to review the draft Buckley lodging tax application, make final revisions, and determine the 2024 funding cycle timelines.

The 2024 lodging tax application period was posted to the City website and other social media avenues on June 3rd with all applications due by Friday, June 14th. The City received five applications. The following list provides a short summary of each organization's funding request.

- **Foothills Historical Society** (in cooperation with the City of Buckley) – funding would be used to maintain the Museum by funding communication and utility costs, insurance, repairs and maintenance, and supplies. Funding request of \$12,000.

- **Visit Rainier** – funding would be used for establishing a Buckley specific page on the Visit Rainier website that would list and showcase restaurants, lodging establishments, events, and attractions in the city of Buckley. Funding request of \$12,000.
- **Enumclaw Expo & Event Association** – funding would be used for radio and social media advertising, print marketing, and geo fencing of events at the Enumclaw Expo Center. Funding request of \$15,000.
- **Buckley Chamber of Commerce** – funding would be used to purchase and install a permanent speaker system along Main Street that could be used for City and community events. Funding request of \$13,715.
- **Buckley Downtown Association** – funding would be used for the purchase of fire pits, giant yard games, and corn hole boards to use at community events. Also, bistro tables and chairs for more community seating and a snow machine. In addition, the funding would be used for promotional materials for community events and to hire a media consultant. Funding request of \$7,850.
- **Veteran's Memorial** - An application was inadvertently not submitted for the Veteran's Memorial along the Foothills trail by the City but was orally discussed at the meeting. The utility costs and maintenance of the Veteran's Memorial has been a long-standing practice of the City and the Committee agreed that funding for the memorial could be considered even without a formal application for this cycle. Funding request of \$5,000.

Recommendations: The LTAC discussed and scored each application on several factors, including:

- Whether the event/project is in the City of Buckley
- If the organization partners with other local stakeholders
- Promotes City tourism
- Can provide attributable lodging stays with the city
- Facilitates expansion of overnight lodging within the city
- Organization projects the event/project to be self-sustaining in the future
- If the organization is a non-profit organization

The LTAC is recommending the following funding packages for the Council's consideration and approval:

- Foothills Historical Society – Request \$12,000. **Recommended Funding \$12,000.**
- Visit Rainier – Request \$12,000. **Recommended Funding \$12,000.**
- Enumclaw Expo & Event Association - Request \$15,000. **Recommended Funding \$0.**
- Buckley Chamber of Commerce - Request \$13,715. **Recommended Funding \$13,715.**
- Buckley Downtown Association - Request \$7,850. **Recommended Funding \$5,380.**
- Buckley Veteran's Memorial – No request. **Recommended Funding \$5,000**

Total Funding Requests = \$60,565. Total Funding Recommendations = \$48,095

The City Council has the following options:

- Approve each recommendation as the LTAC has presented;
- Approve some but not all the LTAC recommendations;
- Recommend an organization be funded at a different amount than recommended by the LTAC; however, the new amount must go back to the LTAC for discussion and a new recommendation.

The City Council is not allowed to approve funding for any organization other than those recommended by the LTAC. All approved funding requests will be brought back to the Council as a formal budget adjustment this summer.