

City Council
April 22, 2014

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

Upon roll call the following members were present: Tremblay, Sundstrom, Rose, Montgomery and Howard. **Council member Tremblay moved to excuse Council members Boyle Barrett and Irons. Council member Rose seconded the motion. Motion carried.** Also in attendance was City Administrator Schmidt.

Mayor Johnson asked if there are any additions, deletions or corrections to the agenda tonight. City Administrator Schmidt requested to add a Resolution declaring an emergency. **Council member Howard moved to approve the agenda as amended. Council member Rose seconded the motion. Motion carried.**

Administration & Finance: City Administrator Schmidt stated that they went over the items that are on the Agenda this evening; the Police Guild Contract and the Buckley Hall Lease. Their next meeting will be Tuesday, May 6 at 9 AM.

Transportation & Utilities: Council member Tremblay stated they met on the 15th and very briefly went over the Transportation Benefit District and the meeting we had just prior to this meeting, and their concern regarding P.O. Box collection and whether or not it is getting done. They discussed a couple of bids that are on the agenda tonight. They reviewed the bids and approved moving them on to Council. They had a discussion regarding water rights on Spiketon, and they're looking at moving that project up on our priority list. They had a little bit of discussion on the PSE contract and discussions with the City of Enumclaw, including updates from staff. They established the 6 PM time today for our TBD meeting. Their next meeting will be May 20th, 7 PM, at City Hall.

Community Services & Public Safety: Council member Rose stated they had a meeting. She has provided the minutes, and she will be happy to answer any questions.

Council member comment:

Council member Howard thanked other Council members and the Mayor for coming to the high school FFA auction last Friday night.

Mayor's Report

Mayor Johnson stated that Council member Irons was in her office today and it is with deep regret that she has to say that he is stepping down for medical reasons. Council said he has done so much for our community and they would like to come up with a special way to recognize him.

Mayor Johnson said this Saturday is Parks Appreciation Day. It starts at the Youth Center at 9 AM.

Mayor Johnson reminded everyone that we have a drug drop box at the Buckley Police Station, which is available to City of Buckley citizens and others. It's a wonderful program, and the old drugs get incinerated

Council member Rose stated for those that can't help on the 26th, some of them are baking things for the crews that show up for Parks Appreciation on Saturday.

Mayor Johnson announced that there are ladies here tonight from Relay for Life, and they have a couple proclamations for her to read.

Meghan Dietrich, American Cancer Society, Relay for Life Specialist, 1313 Broadway, Suite 100, Tacoma, WA 98402. Kristi Schaffer, 23312 102nd Street Court E, Buckley. Ms. Dietrich explained that they have two different programs: Paint the Town Purple and Relay for Life. Paint the Town Purple is decorating the town purple to get everyone excited about Relay. It is also going to be a competition with the different stores around town. They are having a plaque made that will go around town that people can vote on. The winning store gets the plaque and it will hang in their store all year long until the following year when they have to pass it on. The Boy scouts are willing to go around town and put purple ribbons around all of the light poles on Main Street and the cherry trees along 410. Relay for Life is May 31st and June 1st, a Saturday/Sunday event this year, and they moved the location to Glacier Middle School to help with security. It runs from noon to 10 AM, and this year's theme is super heroes; finish the fight against cancer! Relay for Life symbolizes a cancer patient's journey through cancer treatment. Mayor Johnson read the two proclamations: Paint the Town Purple, and Relay for Life.

Staff Reports:

Chief Arsanto said he reported at the last Council meeting on the SCORE Contract, and he was able to negotiate them down from \$130 per day to \$90 per day.

City Administrator Schmidt stated we've had 2 accidents at the Skate Park because of the conditions there. The company is no longer in business so we're having trouble finding repair material for it. We've closed the Skate Park temporarily until we can get the repairs done or come up with a recommendation to the Committee and the Council to replace the fixtures that are actually damaged.

City Administrator Schmidt said we had the 3rd Rain Barrel Workshop last night. We had about 35 people there and we're planning to have another one in September. It's been a great project; people have really embraced it, and it really helps us to get the awareness out. This is part of the public education and awareness for our NPDES Permit. Last year we gave training and barrels to 50 individuals, and this year we're shooting for 60, and it is all grant funded.

City Administrator Schmidt said the Winks were going to come to the last Council meeting to present their donation check for the haunted house, but she was sick so she came to City Hall and gave us a check for \$2,059. The Council will remember that the percentage is actually less because now there is a fixed dollar amount that they're paying for the facilities.

City Administrator Schmidt stated that in your packet you have a copy of the Guild contract. The attorneys forgot one item, so that paragraph has been added to the new copy on the desk in front of you. The change is highlighted in the new version, so you can see what the change is. Also, the WIC agreement, which is also in your packet, had a date inconsistency, so the new version in front of you has the correct dates.

City Administrator Schmidt said on Friday last week he received a phone call from the Public Works Department, and we had another land slide on the water transmission main. We have lost a large section of it, and the slide was large enough that it went down to South Prairie Creek and actually altered the flow of the creek; it's huge. This is not going to be an easy fix because we are not in a federally declared disaster, which means that there is no funding available for it, so the City will have to pick up the cost. This is the agenda item that was added tonight; declaring an emergency. We are currently operating using the Naches Well and Well #5 at Rainier School, and right now we are meeting demand. If we had a peak demand period we would be in trouble, so I think it is important that we get it fixed quickly. The emergency will authorize the Mayor and me to circumvent the bidding process. Hoffman is ready to go; they've done repairs for us up there in the past. And, they can start Monday morning, weather permitting. There is a preliminary cost estimate from the engineer, and basically the contract will be time and materials. There was a brief discussion on the status of the intertie project and bid award tonight for Charon to get started on the rehabilitation of Wells 2 and 4.

CITIZEN PARTICIPATION

Ken Carel, 13213 284th Avenue E. He stated that he is the guy who leases the farm on the north side. He just moved to Buckley two years ago. He was born and raised in Sumner. He wants to tell the Council that he really appreciates the opportunity to be here. Buckley is a great fit for him. When he needs things from the City shop guys, they come right down; they are a great bunch of people, and the town is great. He wanted to know if there is a way he could give back, and how he could give back to the City, so he would like to make a \$1,000 donation to the Youth Center. He is a licensed and bonded livestock broker, and he also raises and trains working cattle dogs, and he really appreciates the opportunity to give back. The Council thanked Mr. Carel for his generous donation.

MAIN AGENDA

Public Hearing: Extending Moratorium – Medical Marijuana Dispensaries & Collective Gardens

Mayor Johnson recessed the City Council Meeting and opened the Public Hearing at 7:30 PM.

Mayor Johnson closed the Public Hearing and reconvened the City Council Meeting at 7:32 PM.

ORD No. 04 -14: Extending Moratorium – Medical Marijuana Dispensaries & Collective Gardens

Council member Montgomery moved to approve Ordinance No. 04-14 extending the moratorium a fourth time on the establishment, location, operation, licensing, permitting, maintenance or continuation of medical marijuana collective gardens or medical marijuana dispensaries. Council member Sundstrom seconded the motion. A lengthy discussion ensued regarding reluctance to continually extending this moratorium without putting work into developing policies and procedures, direction from the State legislature, recreational use versus medical use and possibly aligning, at least as an interim solution, the recreational regulations and medical and treat them both the same. Council member Rose moved to amend the motion to state 90 days rather than six months. Council member Tremblay seconded the motion. The amended motion carried 4/1. The main motion carried 4/1.

Buckley Youth Activities Center: Buckley Bike Co-op

Council member Montgomery moved to Approve Use of 133 South Cedar Street for Buckley Bike Co-Op Program. Council member Sundstrom seconded the motion. Jenny Nicholls, 9322 229th Ave. E., Buckley, WA took the podium to answer any questions Council may have. A lengthy discussion and question/answer period ensued, primarily regarding an alternative facility for this program. Motion failed 4/1.

Agreement: 2014-2016 Police Guild Bargaining Unit Contract

Council member Howard moved to approve the 2014-2016 Labor Agreement between the City of Buckley and the Buckley Police Officers Guild. Council member Rose seconded the motion. Motion carried.

Agreement: Buckley Hall Lease to W.I.C.

Council member Montgomery moved to approve the Lease Agreement renewal between the City and WIC for use of Buckley Hall. Council member Howard seconded the motion. Motion carried.

Bid Award: Wells 2 & 4 Rehabilitation

Council member Rose moved to award the Wells 2 & 4 Rehabilitation Project to Charon Drilling, Inc. for the bid price of \$34,959.60. Council member Tremblay seconded the motion. Motion carried.

Bid Award: PW Shop Fencing

Council member Rose moved to award the PW Shop Yard Fence Installation Project to Crown Fence & Deck for the bid price of \$ 46,428.48. Council member Tremblay seconded the motion. City Administrator Schmidt explained the need for possibly adding another short section of barrier fence by the retention pond at the Fire Station, due to a hazard situation. The cost of that fence is not included here, so if the Council awards this project, we may come back for a change order to add just that small section of fence to create a safety barrier at the Fire Station. Discussion ensued. **Motion carried.**

Agreement – King County Lab Testing Services

Council member Rose moved to approve renewal of the Agreement with King County for Lab Testing Services. Council member Howard seconded the motion. City Administrator Schmidt said this is an annual renewal. **Motion carried.**

Contract – City of Buckley Drinking Water Improvements

Council member Tremblay made a motion that we approve item #16, the City of Buckley Drinking Water Improvements. Council member Montgomery seconded the motion. City Administrator Schmidt said this is the legislative appropriation that Senator Roach got for the City of Buckley to do the stream crossing. The City Engineer asked me to inform the Council that while the geo tech was up there doing the damage assessment on the recent slide, he looked at the stream crossing project and he has some concerns that under their original scope of work, where we prepared the cost estimate and made the request to the state, the geo tech had talked about doing two bore tests, but because of the slide potential and the issues we've been having up there, now he's more concerned that we should do four. They are about \$20,000 apiece, so we're talking a significant part of the budget. What the City Engineer has recommended is to go ahead and have the Council enter into the agreement, let them start doing some of the preliminary engineering, and see if it is really necessary to do the four or not. The City Engineer just wanted the Council to be aware that there may need to be more money put on top of this to be able to address some of the geological hazards up there. A short discussion ensued. **Motion carried.**

Purchase: Public Utility Easement for Stormwater Conveyance (560 N. McNeely St.)

Council member Rose recused herself. **Council member Tremblay moved to authorize the purchase of public utility easement for stormwater conveyance at 560 N. McNeely Street. Council member Howard seconded the motion. Motion carried.**

Agreement: Settlement of Elk Hts. Performance Bond Claim with ICW

Council member Montgomery moved to approve the Agreement between the City and the ICW concerning Elk Heights Performance Bond. Council member Howard seconded the motion. City Administrator Schmidt said if Council approves this, ICW will write the City a check for \$435,000.00 within the next ten days. **Motion carried.**

Resolution No. 14-04: Declaring Emergency

Council member Sundstrom moved to approve Resolution No. 14-04 declaring an emergency. Council member Tremblay seconded the motion. City Administrator Schmidt said he wants to caution the Council; this is a preliminary damage assessment, and it is a very quick and dirty cost estimate. We do not know what it is going to cost until we start getting into it. The contract with Hoffman will probably be a time and material contract that we can monitor as we go along. There is no federal emergency management money out there right now that can help, so we are going to have to foot the whole nickel. And, there is no temporary fix we can do; there is no band aid. This is bad enough that we have to go in and do the permanent fix now. Discussion ensued. **Motion carried.**

CONSENT AGENDA

Council member Montgomery moved for approval of the Consent Agenda. Council member Rose seconded the motion. Motion carried.

Approve Minutes of April 8, 2014 City Council Meeting

Claim check numbers 51405 through 51433, in the amount of \$51,052.25, for the period of April 9, 2014 through April 22, 2014, are hereby approved and ordered paid this 22nd day of April 2014.

Council retreated into Executive Session at 8:30 PM, for approximately 30 minutes, to discuss potential litigation (Natural Gas Contract), with no action to follow. At 9 PM Council requested an additional 15 minutes. At 9:18 the Council requested an additional 10 minutes.

Council returned from Executive Session and reconvened the City Council meeting at 9:25 PM. City Administrator Schmidt informed the City Clerk that there will be a Special City Council Meeting next Tuesday, April 29, at 7 PM, to discuss the Natural Gas litigation, and to also include an Executive Session.

Council member Howard moved to adjourn the meeting. Council member Montgomery seconded the motion. Motion carried.

With nothing further the meeting was adjourned at 9:25 PM.



Mayor



City Administrator