



BUCKLEY CITY COUNCIL MEETING AGENDA
April 28, 2020
Multi-Purpose Center, 811 Main Street
City Council Meeting
Opening 7:00 P.M.

****NOTICE: This will be a virtual meeting held via Zoom meetings.
To listen to the meeting live, please use the following information:**

Call-in Number: 253-215-8782

Meeting ID: 944 8321 4769

Call to Order
Pledge of Allegiance
Roll Call of Council Members

Next Ordinance #07-20
Next Resolution #20-010
Next Agenda Bill #AB20-046

A. Main Agenda

1. ORD No. ____-20 Land Use and Permitting Action During the COVID-19 Pandemic Pg.

B. Consent Agenda

2. A. Approve Minutes of March 24, 2020, City Council Meeting Pg.
B. Claims

C. Committee Reports

3. Mayor's Report Johnson
Cancel May 2, 2020, Study Session

Council may add and take action on other items not listed on this agenda



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CITY OF BUCKLEY MEETING LIST

April 2020

Apr. 28 7:00 PM City Council (**Virtual via Zoom**)

May 2020

May 4 7:00 PM Planning Commission (**Virtual Via Zoom**)

May 12 7:00 PM City Council (**Tentative Virtual Via Zoom**)

May 18 7:00 PM Planning Commission (**Tentative Virtual Via Zoom**)

May 26 7:00 PM City Council (**Tentative Virtual Via Zoom**)

All Committee meetings are currently cancelled unless there is an absolute need to hold one. Council and Committee meetings may be held telephonically or by the use of technology. Please check the City website at www.cityofbuckley.com for the latest updates to the City Calendar

The above meetings will be held in the Multi-Purpose Center located at 811 Main Street unless otherwise noted.
Last Revised April 23, 2020

A. MAIN AGENDA



CITY COUNCIL AGENDA BILL

City of Buckley
PO Box 1960
Buckley, WA 98321

ITEM INFORMATION			
SUBJECT: ORD No. ___-20: Land use and permitting action during the COVID-19 pandemic. Cost Impact: N/A Fund Source: N/A Timeline: N/A	Agenda Date: April 28, 2020 AB20-046		
	Department/Committee/Individual	Created	Reviewed
	Mayor Pat Johnson		
	City Administrator – Paul Weed		X
	City Attorney – Phil Olbrechts		X
	City Engineer – Dominic Miller		
	City Clerk – Treva Percival		X
	Finance Dept – Sheila Bazzar		
	Building Official – Mike Deadmond		
	Fire Dept – Chief Predmore		
	Parks & Rec Dept – Kevin Caviezel		
	Planning Dept – Leticia Wallgren	X	X
	Police Dept – Chief Arsanto		
Municipal Court – Jessica Cash			
PW/Utilities – Chris Banks			
Attachments: Ordinance			
SUMMARY STATEMENT: This ordinance will temporarily postpone expirations of land use actions & construction permits for those applications in danger of expiration during shutdown of construction and site development. This ordinance will also suspend project tolling on land use actions where regulatory reform mandates specific timing requirements for certain application types, including but not limited to, those requiring notice, hearings, or SEPA review. This ordinance also authorizes administrative interpretations and designated officials while the ordinance is in effect.			
COMMITTEE REVIEW AND RECOMMENDATION:			
RECOMMENDED ACTION: MOVE to Approve Ordinance No. 07-20 Authorizing temporary land use and construction application permit action during the COVID-19 pandemic.			
RECORD OF COUNCIL ACTION			
<i>Meeting Date</i>	<i>Action</i>	<i>Vote</i>	

CITY OF BUCKLEY, WASHINGTON

ORDINANCE NO. ____-20

AN INTERIM ORDINANCE OF THE CITY OF BUCKLEY, WASHINGTON, IN RESPONSE TO THE COVID-19 PANDEMIC TEMPORARILY POSTPONING EXPIRATION OF DEVELOPMENT APPLICATIONS AND APPROVED LAND USE ACTIONS AND CONSTRUCTION PERMITS AND TEMPORARILY TOLLING PROCEDURAL DEADLINES; AUTHORIZING ADMINISTRATIVE INTERPRETATIONS; DECLARING THIS A PUBLIC EMERGENCY ORDINANCE PURSUANT TO RCW 35A.13.190; ESTABLISHING AN EXPIRATION DATE CONSISTENT WITH RCW 36.70A.390; AND FIXING AN EFFECTIVE DATE.

WHEREAS, the World Health Organization has determined that a pandemic exists due to the global spread of a highly contagious virus commonly known as COVID-19; and

WHEREAS, a state of emergency has been declared by the federal, state, county, and municipal governments in response to the pandemic; and

WHEREAS, on March 23, 2020, Governor Jay Inslee issued Emergency Proclamation 20-25 ("Stay Home, Stay Healthy order") requiring all people in Washington State to immediately cease leaving their home or place of residence except to conduct or participate in essential activities and/or for employment in essential business services; and

WHEREAS, on March 25, 2020, Governor Inslee provided official guidance stating that construction activities are not considered essential under Proclamation 20-25, except in limited circumstances; and

WHEREAS, the pandemic and the emergency declarations and proclamations are causing delays for an indeterminate period of time in the construction, inspection, and review of development projects with an active application or permit with the City of Buckley and will cause delays with any project or permit applications filed during the state of emergency; and

WHEREAS, a number of land use and permit review statutes and municipal code provisions, including chapter 36.70B RCW and Titles 13, 16, 12, 18, 19 and 20 of the Buckley Municipal Code, impose certain time limitations and process requirements, such as public hearings, on development permit applications that are not achievable in the current emergency while complying with the Governor's proclamations; and

WHEREAS, the City Council wishes to encourage a continuation of construction activity delayed by the emergency restrictions and by the economic impacts of the

pandemic through postponement of the deadlines and expiration dates for applications and permits; and

WHEREAS, the City Council further recognizes the necessity for staff telecommuting, for City compliance with the Governor's restrictions on non-essential activities, and for prioritizing work to address the emergency conditions; and

WHEREAS, this public health and economic crisis creates a time-sensitive emergency requiring the use of an interim zoning ordinance extending development application processing and permit expiration time periods to provide additional time; and

WHEREAS, this interim ordinance is intended to be temporary until public health and economic conditions improve and the provisions of this Ordinance are procedural in nature, in that they only modify the amount of time an application or an issued permit remains viable. Accordingly, this Ordinance is exempt from the requirements of a threshold determination under the State Environmental Policy Act pursuant to WAC 197- 11-800(19) and does not require transmittal to the Washington State Department of Commerce for comment; and

WHEREAS, the City Council finds that it is in the public interest to adopt this interim Ordinance and that such Ordinance is necessary for the immediate protection of the public health, safety, property, or peace.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BUCKLEY DOES ORDAIN AS FOLLOWS:

Section 1. FINDINGS OF FACT. The Recitals set forth above are adopted as the Findings of Fact required pursuant to RCW 36.70A.390 and are also adopted as findings of fact in support of declaring an emergency for an immediate effective date as required by RCW 35A.13.190.

Section 2. EXTENSIONS OF DEVELOPMENT APPLICATIONS AND PERMITS.

A. This section relates to all development project applications and permits, including those under Titles 12, 13, 14, 16, 17, 18, 19 and 20 of the Buckley Municipal Code.

B. A permit or development approval (for example, a preliminary subdivision plat or conditional use permit application) that was active and valid as of January 1, 2020, shall not lapse, terminate, or otherwise expire prior to the expiration of this interim Ordinance, and the expiration date of the permit or development approval or time period for meeting a deadline or for performance of a condition of the permit or development approval shall be either the time currently provided by code or the expiration of this interim Ordinance, whichever date is later, unless the specific time period is required by state law and cannot be waived.

C. Any application that is currently actively processing or that is determined to be complete while this interim Ordinance is effective, will not be

lapsed, cancelled, or expired prior to the expiration of this interim Ordinance, and the time period for meeting a deadline or for performance of a condition of the application (including deadlines for obtaining permits that are ready for issuance) shall be either the time currently provided by code or the expiration of this interim Ordinance, whichever date is later, unless the specific time period is required by state law and cannot be waived.

D. Application processing deadlines and timelines relating to project permit applications processed under Title 20 BMC, including but not limited to requirements for issuing a notice of decision, are suspended and will be tolled while the Governor's emergency proclamations are in effect

Section 3. STATE LAW. The Council recognizes that in addition to the City's local ordinances and regulations there are associated state statutory deadlines and timelines in Chapters 36.70A, 36.708, 43.21C, 58.17, and 90.58 RCW, among others, which the Council does not have the authority to waive or extend. If the Governor issues an emergency proclamation or other order providing relief from state statutory deadlines and other requirements for development projects, the Council authorizes the Planning Director, Public Works Director, Building Official, and/or Fire Chief, as applicable, to implement or adopt any available measures or relief from those statutory deadlines and requirements provided such interpretations are temporary and consistent with the intent and purpose of this Ordinance.

Section 4. DIRECTOR INTERPRETATIONS. Council further authorizes the Planning Director, Public Works Director, Building Official, and/or Fire Chief, as applicable, to issue temporary procedural interpretations to address deadlines or other requirements related to development activities that were not specifically addressed in this Ordinance, provided such interpretations are temporary and consistent with the intent and purpose of this Ordinance.

Section 5. PUBLIC HEARING. Pursuant to RCW 36.70A.390, a public hearing on the interim official controls established by this Ordinance shall be held within sixty (60) days of the adoption of this Ordinance to hear and consider public comment.

Section 6. EFFECTIVE DATE. Due to the reasons identified in the whereas clauses, this ordinance is hereby designated as a Public Emergency Ordinance necessary for the protection of public health, safety, public property or the public peace and upon approval by at least a majority plus one of the whole membership of the City Council shall be immediately effective upon adoption

Section 7. EXPIRATION. The City Council adopts this interim regulation under the authority of RCW 36.70A.390. Therefore, the interim controls adopted herein shall be in effect for a period of six (6) months from the effective date of this Ordinance and shall automatically expire after a period of six months, unless extended as provided by statute

or otherwise superseded by action of Council, whichever occurs first. Because this is an interim ordinance only, it shall not be codified.

Section 8. SEVERABILITY. If any section, sentence, clause, or phrase of this ordinance should be held to be invalid by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause, or phrase of this ordinance.

Section 9. CORRECTIONS. The City Clerk is authorized to make necessary corrections to this ordinance including, but not limited to, the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers, and any references thereto.

This ordinance was adopted by the City Council of the City of Buckley, Washington, at a regular meeting on the 28th day of April, 2020.

Pat Johnson, Mayor

Attest:

Treva Percival, City Clerk

APPROVED AS TO FORM:

Phil Olbrechts, City Attorney

PUBLISHED: _____
EFFECTIVE: _____

B. CONSENT AGENDA

**City Council
March 24, 2020**

Mayor Johnson called the regularly scheduled meeting to order at 7:01 PM.

Upon roll call the following members were present: Smith, Rose, Burbank, Wilbanks, and Sundstrom. Also present were: City Administrator Schmidt, City Attorney Olbrecht, Fire Chief Predmore, Asst. Fire Chief Skogen, Police Chief Arsanto, Public Works Director Banks, and City Clerk Percival.

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

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

CITIZEN PARTICIPATION

None.

STAFF REPORTS

Police Chief Arsanto shared that we currently have one gentleman in the academy and they are on a 14-day quarantine so once the academy resumes, he will return.

Fire Chief Predmore gave an in depth update regarding COVID-19 and the Emergency Proclamation that the Mayor signed. Staff will be working to develop an Incident Action Plan.

Oath of Office – New Council member James Morem

Mayor Johns administered the Oath of Office to new Council member James Morem after which, he took his place at the table.

MAIN AGENDA

ORD No. 04-20 Adopting a New 2020 Phase II NPDES Stormwater Management Program

Council member Wilbanks moved to Approve ORD No. 04-20 Adopting a New 2020 Phase II NPDES Stormwater Management Program. Council member Sundstrom seconded the motion. Upon roll call vote, motion carried 6/0.

RES No. 20-08 Ratification of Emergency Proclamation

Council member Burbank moved to Approve Resolution No. 20-08 Ratification of Emergency Proclamation. Council member Smith seconded the motion. Motion carried.

RES No. 20-09 Amend the Personnel Policy – Revision #23

Council member Rose moved to Approve Resolution No. 20-09 Amending the Personnel Policy – Revision #23. Council member Smith seconded the motion. Motion carried.

Bid Award: 2020 Utilities Project

Council member Smith moved to Approve Award of Bid Schedules A, B & C of the 2020 Utilities Project to Rodarte Construction, Inc. for the Low Bid Price of \$1,870,464.20. Council member Wilbanks seconded the motion. Motion carried.

ORD No. 05-20 Amending BMC 2.04.010 Allowing the Change of Location for Council Meetings During Times of Emergency

Council member Wilbanks moved to Approve Ordinance No. 05-20 Amending BMC 2.04.010 to Authorize the City Council to Change the Location of City Council Meetings as Necessary in Times of Emergency, Temporarily Changing the City Council Meeting Location to the City of Buckley Fire Station. Council member Rose seconded the motion. Upon roll call vote, motion carried 6/0.

CONSENT AGENDA

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

Claim check numbers 61214 through 61249 in the amount of \$330,490.72 for the period of March 11, 2020, through March 24, 2020, are hereby approved and ordered paid this 24th day of March 2020.

COMMITTEE REPORTS

Mayor's Report:

Mayor Johnson appointed Alisha Yonan to the Planning Commission. Mayor Johnson also stated that two of the other candidates that were not chosen for the vacant Council seat have expressed an interest in serving on Planning Commission. Currently, we only have one vacant spot left on Planning Commission so we will be looking at amending our Code to allow for an alternate on the Planning Commission.

She also shared that she has been calling seniors in our community on the weekends just to check in and make sure they are doing ok.

Mayor Johnson reported that the Chamber has reached out to the City to get a list of businesses in the City to be able to discuss options with them.

Mayor Johnson recommended to Council that we cancel study sessions until we are out of the pandemic. Council discussed and thought it would be better to take it one month at a time.

Council member Smith moved to Cancel the Study Session scheduled for April 7, 2020. Council member Wilbanks seconded the motion. Motion carried.

Mayor Johnson presented City Administrator Schmidt with his retirement plaque and thanked him for all the work he has done for the City over the last 19 years.

Administration, Finance & Public Safety:

Council member Smith stated that the Committee met last Wednesday. The Court reported that the judge has closed the court and hearings are currently postponed until after April 23rd. The Fire Department shared that they are looking at a waiver of L&I training requirements. City Hall is currently closed to the public. He also reminded everyone to be tracking everything on the Form 214 for any purchases related to the COVID-19 pandemic as these may be reimbursable. The Police Station lobby is closed to the public. They have no further meetings scheduled at this time.

Transportation & Utilities:

Council member Wilbanks shared that the Committee met last week and reviewed agenda items 1 – 4 from tonight’s agenda. They also reviewed the Short-Term Telemetry Project. They have no further meetings scheduled at this time.

Community Services:

Council member Rose shared that the Committee didn’t meet in March and they have no further meetings scheduled at this time.

Council Member Comments & Good of the Order:

Council member Smith shared that in the week leading up to the schools shutting down, the Fire Department came to the schools to help with getting all of the chromebooks ready for students. He said that there were at least 7 volunteers at any given time and

this was not paid time for them, they were just volunteering to help. He wanted to give them a huge Thank You!

Councilmember Wilbanks stated his appreciation to the leaders in the City for caring about our employees and ensuring their safety.

Councilmember Sundstrom shared some remarks regarding the establishment of Council Committees and how he feels that the older system would better suit the needs of the City. He would like this to be an item of discussion at the next Council meeting.

Councilmember Rose stated that she felt that a study session would be a more appropriate place for that discussion. Councilmember Wilbanks and Smith agreed.

This will be an item on the first study session that is held once open public meetings are allowed.

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

With nothing further the meeting was adjourned at _____ PM.

Mayor

City Administrator

C. COMMITTEE REPORTS