



**BUCKLEY CITY COUNCIL MEETING AGENDA**  
**October 9, 2018**  
**Multi-Purpose Center, 811 Main Street**  
**City Council Meeting**  
**Opening 7:00 P.M.**

Call to Order  
Pledge of Allegiance  
Roll Call of Council Members

Next Ordinance #15-18  
Next Resolution #18-08  
Next Agenda Bill #AB18-083

**A. Citizen Participation**

Robert West: Marijuana Processing

*Time Limit of Three Minutes (Must sign up at City Hall by Wednesday prior to the Council Meeting)*

**B. Staff Reports**

**C. Main Agenda**

1. ORD Amending BMC 19.35 – Limiting Number of Marijuana Grow & Processing Pg. 12
2. ORD Amending BMC 6.04 Business License Code Pg. 23
3. River Avenue Improvements – Proposed Supplement No. 3 Pg. 62

**D. Consent Agenda**

Pg. 66

4. A. Approve Minutes of September 25, 2018 City Council Meeting  
Approve Minutes of October 2, 2018 City Council Study Session
- B. Claims
- C. Transfer Voucher
- D. Payroll

**E. Committee Reports**

5. Mayor's Report Johnson
6. Administration, Finance & Public Safety Tremblay
7. Transportation & Utilities B. Burkett
8. Community Services S. Burkett
9. Council Member Comments & Good of the Order

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



CITY OF BUCKLEY ♦ PO BOX 1960 ♦ BUCKLEY, WA 98321  
360-829-1921 ♦ Fax 360-829-2659 ♦ <http://www.cityofbuckley.com>

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## CITY OF BUCKLEY MEETING LIST

Oct 8	10:30 AM	Buckley Hall Board
Oct 8	7:00 PM	Planning Commission
Oct 9	9:30 AM	Admin, Finance & PS (City Hall) – <b>BUDGET</b>
Oct 9	7:00 PM	City Council
Oct 16	7:00 PM	Transportation & Utilities (City Hall) – <b>BUDGET</b>
Oct 18	1:00 PM	Community Services (City Hall) – <b>BUDGET</b>
Oct 22	7:00 PM	Planning Commission
Oct 23	9:30 AM	Admin, Finance & PS (City Hall) - <b>BUDGET</b>
Oct 23	7:00 PM	City Council
Oct 30	7:00 PM	Council Workshop – Budget Presentations

# October 2018



Sun	Mon	Tue	Wed	Thu	Fri	Sat
 <small>shutterstock - 119164633</small>	1	2 <i>7 City Council Study Session</i>	3	4	5	6
7	8 <i>10:30 Buckley Hall Board</i> <i>7 Planning Commission</i>	9 <i>9:30 Admin, Fin &amp; PS—BUDGET</i> <i>7 City Council</i>	10	11	12	13
14	15	16 <i>7 Transportation &amp; Utilities—BUDGET</i>	17	18 <i>1 Community Services—BUDGET</i>	19	20
21	22 <i>7 Planning Commission</i>	23 <i>9:30 Admin, Fin &amp; PS—BUDGET</i> <i>7 City Council</i>	24	25	26	27
28	29	30 <i>7 Council Workshop (BUDGET)</i>	31 			

Fall Meeting Schedule  
“2019”  
Budget  
Preparation

# October 2018

Sun	Mon	Tue	Wed	Thu	Fri	Sat
	1	2 <i>Council Workshop</i>	3	4	5	6
7	8	9 <i>Council Committee 9:30 AM A/F/PS Budget (2)</i>	10	11	12	13
14	15	16 <i>Committee 7:00 PM T &amp; U Budget (2)</i>	17	18 <i>Committee 1:00 PM CS Budget (2)</i>	19	20
21	22	23 <i>Council Committee 9:30 AM A/F/PS Budget (3)</i>	24	25	26	27
28	29	30 <i>Council Workshop - "1st Departmental Budget Presenta- tions"</i>	31			

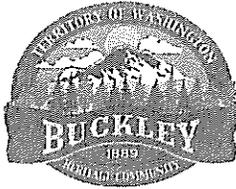
# November 2018

Sun	Mon	Tue	Wed	Thu	Fri	Sat
				1	2	3
4	5	6 <i>Council Workshop - “Final Departmental Budget Presentations”</i>	7	8	9	10
11	12	13 <i>Council-Public Hear- ings (Budget &amp; Levy)</i>	14	15	16	17
18	19	20	21	22 <i>Thanksgiving- Holiday</i>	23 <i>Thanksgiving- Holiday</i>	24
25	26	27 <i>Council - Set Proper- ty Tax—Final Budget Discussion</i>	28	29	30	

# December 2018

Sun	Mon	Tue	Wed	Thu	Fri	Sat
						1
2	3	4 <i>Council Workshop</i>	5	6	7	8
9	10	11 <i>Council— Adopt Final 2019 Budget</i>	12	13	14	15
16	17	18	19	20	21	22
23	24	25 <i>Holiday—Christmas</i>	26	27	28	29
30	31					

## A. CITIZEN PARTICIPATION



RECEIVED

SEP 28 2018

**City of Buckley**  
**Office of Administration -- Mayor Patricia Johnson**

**Citizen Participation Form**

City Council Meeting Date: 10/9/18

Name: Robert West

Organization: RTD Media LLC

Phone: 253-213-4741

Email: Doug.W.Rmm@gmail

Address: 459 Hackmann ST

City: Buckley

**I WISH TO SPEAK ON THE FOLLOWING SUBJECT(S):**

Marijuana Processing  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**PLEASE NOTE:**

This form must be submitted to City Hall (933 Main Street), Attn: City Clerk, by 5:00 PM on the Wednesday prior to the Council meeting you wish to attend.

Please include with your form **16 copies** of any written information you wish to have distributed at the Council meeting. You may wish to have additional copies available for the public audience.

As Council agendas are very full, you are asked to limit your talk/presentation to three (3) minutes.

Last Update: September 9, 2014

## B. STAFF REPORTS

## C. MAIN AGENDA

# CITY COUNCIL AGENDA BILL

City of Buckley  
PO Box 1960  
Buckley, WA 98321

ITEM INFORMATION			
<b>SUBJECT:</b>		<b>Agenda Date: October 9, 2018 AB18-083</b>	
<b>Planning commission response to moratorium ordinances 04-18 and 14-18, recommendation to approve ordinance amending Chapter 35 BMC.</b>	Department/Committee/Individual	Created	Reviewed
	Mayor Pat Johnson		
	City Administrator – Dave Schmidt		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 – Julie Bevaart		
	Planning Dept – Kathy James	X	X
	Police Dept – Chief Arsanto		
Municipal Court – Jessica Cash			
	PW/Utilities – Chris Banks		
<b>Attachments:</b> ordinance, commission report and recommendation			
<b>SUMMARY STATEMENT:</b>			
<p>The Buckley City Council passed Ordinance 04-18 on March 27, 2018, as an emergency moratorium; the ordinance was effective on the day it was passed; it was renewed August 28, 2018. The planning commission reviewed the moratorium ordinances and devised a response to the issues raised in the ordinances and two separate issues not mentioned in the initial moratorium ordinance.</p> <p>The details of the amending ordinance are in the attached commission report.</p>			
<b>COMMITTEE REVIEW AND RECOMMENDATION:</b> Planning Commission			
<b>RECOMMENDED ACTION: MOTION to Approve ORD ___ - 18 Amending BMC 19.35 Limiting the Number of Marijuana Grow &amp; Processing as Recommended by the Planning Commission.</b>			
RECORD OF COUNCIL ACTION			
<i>Meeting Date</i>	<i>Action</i>	<i>Vote</i>	

ORDINANCE NO. \_\_\_\_ -18

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BUCKLEY, PIERCE COUNTY, WASHINGTON, AMENDING THE CITY'S GENERAL REQUIREMENTS FOR MARIJUANA FACILITIES TO LIMIT THE NUMBER OF PARCELS USED FOR PRODUCING AND PROCESSING MARIJUANA; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE**

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**WHEREAS**, the state legalized recreational and medical marijuana use in the State of Washington under Chapters 69.50 RCW and 69.51a RCW, and Chapter 314 WAC; and

**WHEREAS**, the City established companion regulations through adoption of Ordinance No. 22-15 (BMC 19.35) clarifying definitions and adding extra limitations concerning recreational and medical marijuana retail, production and processing; and

**WHEREAS**, BMC 19.35 was adopted to regulate the City's marijuana facilities; and

**WHEREAS** the City contains three sites on which producing and processing marijuana occur; and

**WHEREAS** the City contains two sites on which selling marijuana occur; and

**WHEREAS** the City desires to maintain its commercial sites for retail and other uses that provide the City with a tax base; and

**WHEREAS** marijuana producing and processing facilities do not pay taxes on sales of their products; and

**WHEREAS** the City desires to prevent additional facilities from locating within the City; and

**WHEREAS** the City desires to limit the number of parcels on which marijuana facilities are located; and

**WHEREAS** the City passed Ordinance 04-18 on March 27, 2018, that placed a moratorium on the establishment of any more marijuana processing or producing sites in the City until such time the Planning Commission could review the topic and offer a recommendation; and

**WHEREAS**, a determination of non-significance was issued August 15, 2018, in accordance with the State Environmental Policy Act; and

**WHEREAS**, the request for expedited review was received August 7, 2018, by the Washington State Department of Commerce of the proposed change in development regulations under Material Identification Number (MID#) 25165; and

**WHEREAS**, the City was granted expedited review on August 22, 2018, from Washington State Department of Commerce of the proposed change in development regulations; and

**WHEREAS**, the Planning Commission conducted a public hearing on this proposal on September 10, 2018; and

**WHEREAS**, the Planning Commission considered documents and comments, and issues a recommendation to the City Council to approve the proposed ordinance;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BUCKLEY, WASHINGTON, DO ORDAIN AS FOLLOWS:**

**Section 1.** Ordinance 14-18 is hereby repealed.

**Section 2.** A new subsection is added to BMC 19.35.040 to read as follows:

19.35.040(12) Marijuana research facilities are disallowed in all zones.

**Section 3.** Section 19.35.060 of the Buckley Municipal Code is amended to read as follows:

**19.35.060 Recreational retail.**

*(1) Retail facilities shall have a separation distance of 3,000 feet, measured from the perimeter of the individual state-licensed marijuana retail store.*

*(2) The limit on parcels used for retail marijuana facilities shall be two.*

*(3) A boundary line adjustment shall not be allowed to enlarge the parcel.*

**Section 4.** Section 19.35.070 of the Buckley Municipal Code is amended to read as follows:

**19.35.070 Marijuana producing.**

(1) Industrial hemp producing and processing shall be considered an agricultural crop and be exempt from the City's marijuana regulations.

(2) Outdoor marijuana production is not allowed.

(3) Production in a residential zone shall have the following performance standards:

(a) A barrier buffer (BMC 19.29.060(2)) and may use a secondary agricultural crop outside the facility;

(b) A minimum lot size of two and one-half acres; and

(c) Structural setbacks of 50 feet from each property line.

(d) Processing may be co-located with producing facilities.

*(4) The limit on parcels used for marijuana processing shall be three.*

*(5) A boundary line adjustment shall not be allowed to enlarge the parcel.*

**Section 5.** BMC 19.35.080 is amended as follows:

**19.35.080 Marijuana processing.**

(1) Extraction of oils from the marijuana plant is to be done by nonvolatile methods, such as closed loop systems or carbon dioxide.

(2) Processing in a residential zone shall have the following performance standards:

(a) A barrier buffer (BMC 19.29.060(2)) and may use a secondary agricultural crop outside the facility;

(b) A minimum lot size of two and one-half acres; and

(c) Structural setbacks of 50 feet from each property line.

(d) Producing may be co-located with processing facilities.

(3) The limit on parcels used for marijuana processing shall be three, provided that drying, packaging, and labeling marijuana grown on site shall not for this section be considered "processing."

(4) A boundary line adjustment shall not be allowed to enlarge the parcel.

**Section 6.** That this ordinance shall be transmitted to the Washington State Department of Commerce, pursuant to RCW 36.70A.106.

**Section 7.** If any provision of this ordinance is held invalid, such invalidity shall not affect any other provision, or the applications thereof, which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are to be declared severable.

APPROVED by the Buckley City Council this 9<sup>th</sup> day of October, 2018.

\_\_\_\_\_  
MAYOR, PAT JOHNSON

ATTEST/AUTHENTICATED:

\_\_\_\_\_  
CITY CLERK, TREVA PERCIVAL

APPROVED AS TO FORM

OFFICE OF THE CITY ATTORNEY:

BY \_\_\_\_\_

# CITY OF BUCKLEY

P.O. Box 1960 ♦ Buckley, WA 98321 ♦ (360) 761-7801

<http://www.cityofbuckley.com/>; <http://www.codepublishing.com/WA/Buckley/>

## DEVELOPMENT CODE AMENDMENT



### I. Introduction.

#### **Marijuana producing and processing facilities.**

Emergency Moratorium Ordinance #04-18, passed March 27, 2018.

Expires: September 27, 2018.

Renewed: August 28, 2018.

**To.** City of Buckley Planning Commission

**From.** City Planner Kathy James

**Subject.** Staff Advisory Report: Findings, Conclusions, and Recommendations

**Hearing.** Monday, September 10, 2018

City of Buckley Multi-Purpose Center

811 Main Street

Buckley, WA 98321

- Issues.**
1. Maintaining status quo in regard to marijuana facilities while allowing business growth.
  2. Disallowing marijuana research facilities at this time, even though it was not part of the moratorium ordinance.
  3. Disallowing lots on which producing and processing occur to grow by boundary line adjustment.

### II. Basic Information.

#### A. Application information.

##### 1. Source of Request.

The Buckley City Council passed Ordinance 04-18 on March 27, 2018, as an emergency moratorium; the ordinance was effective on the day it was passed. The effects of the ordinance were the following:

- a. The ordinance placed a moratorium on new processing/producing operations without affecting businesses that have vested applications in the city.
- b. The ordinance was sent to the planning commission for its review to develop a responding ordinance that will either: continue the effects of the moratorium, modify the effects, or disallow the effects of the moratorium, and issue a recommendation on its ordinance after a public hearing.
- c. Required a public hearing to be conducted by the council to receive comment from the public concerning its choice to pass the emergency moratorium.
- d. After the public hearing with the council, the council conducted a study session to discuss the comments and provide thoughts and clarity to the intent of Ord. 04-18. Two planning commissioners were present to take comments back to the commission for discussion.

##### 2. Staff Contact.

City Planner Kathy James.

### 3. Land characteristics.

- a. Land Use.** The City of Buckley is approximately 2,276 acres and limits marijuana uses to certain zones with certain buffers that must be retained, such as 1,000 feet from any school.
- i.** Retail marijuana is allowed in the frontage overlay zone, Light Industrial (LI), General Commercial (GC), Central Commercial (CC), Historic Commercial (HC), and Neighborhood Mixed Use (NMU) zones. This use contains an addition buffer in this city, which is 3,000 feet between each retail use. Each retail use is on a large parcel, one on a 2.5972 acre parcel, and the other on a 7.7024 acre parcel, or .45 percent of the city. It should be noted that the retail uses are a small portion of each parcel.
  - ii.** Marijuana processing and producing are allowed in the Light Industrial (LI), General Commercial (GC) and, as a conditional use, in the R-20,000 zones. Producing, or growing, marijuana can be connected to producing and occur on the same parcel. Recently it came to the city's attention that the state considers drying, packaging, and/or labeling the marijuana grown on site to be "processing." Current producing and/or processing (P/P) facilities are on lots that total 7.8397 acres, or .34 percent of the city. P/P facilities may cover much of the parcels. The smallest parcel, at 1.1599 acres, has plans to cover about two thirds of the parcel with P/P uses (the other third is a storm water pond). The larger parcels contain smaller facilities.
  - iii.** In total, all marijuana uses are on lots that total 18.1393 acres, or .8 percent of the city.
- b. Terrain & Vegetation.** The city is atop the Osceola flow, which formed about 5,600 years ago during the Holocene period after an eruption of Mount Rainier. The mud is more like clay and is about 25 feet deep. It acts like a shield that prevents water infiltration into the sublayers under the hardened mud. This geology creates a drainage situation in which the following may be true:
- i.** Infiltration cannot be used as a drainage technique in Buckley; the popular rain gardens will hold water, but not infiltrate as planned because of the Osceola mud beneath the soil.
  - ii.** Rain water may percolate through the topsoil (which is shallow) and sheet flow downhill; because the city geology is relatively flat, the water often ponds in place.
  - iii.** The above condition of ponding provides an opportunity for land to develop wetland characteristics simply by not being mowed regularly.
  - iv.** The entire city is shown to be within priority habitat species designation.
- c. Neighboring Zoning.** The city contains 11 zones ranging from light industrial to low density residential (one unit/20,000 square feet of land).
- i.** The commercial zones LI & GC are typically adjacent to LI, GC, and Neighborhood Mixed Use (NMU) zones.
  - ii.** The R-20,000 zone is typically adjacent to county lands, R-8,000, other R-20,000, and in this case, the Sensitive (S) zone. The intent of the R-20,000 zone is to be a buffer between lower densities or less urban areas and higher densities or more intense uses.
  - iii.** The NMU zone is a buffer between commercial and residential zones. It is the city's most flexible zone and allows residential and commercial uses.

**d. History.**

- i. Marijuana was legalized in Washington in 2012. Statewide, I-502 passed by a majority and a majority of the city's voting residents said "yes."
- ii. The city passed a medical marijuana moratorium 2012, which was followed by a general moratorium after I-502 was approved. These moratoria were continued until 2015 because the state regulations fluctuated and Washington cities were uncertain how to proceed with their own regulations. Ordinance 22-15 was passed October 13, 2015, which created Chapter 19.35 BMC.
- iii. The city passed an interim ordinance requiring a 5,000-foot buffer between retail stores in 2014. The subsequent regulation requires a 3,000-foot buffer between retail stores.
- iv. The city passed a moratorium in 2016 because it was concerned about certain types of businesses (e.g. contractor yards and non-tax generating facilities) occupying the city's premier commercial properties in the General Commercial zone. In response, the commission created Ordinance 14-17 that created a frontage zone in which only certain uses would be allowed and did not include contractor yards or P/P facilities.
- v. The city passed a moratorium in 2018 to halt additional marijuana facilities from coming into the city. This proposal is the result of that moratorium.

**B. Ordinance description.**

**1. The proposed ordinance will do the following:**

- a. Consider the number of lots used rather than the number of facilities on a lot for restrictions. The city planning commission considered restrictions based on the size of facilities and the percentage of land used for marijuana facilities. It was determined that either possibility would be difficult to permit and/or enforce. Considering the lot rather than the facilities on the lot would allow the use to concentrate on specific areas and allow businesses to grow. If, for example, the producer that only bags his own product wanted to allow another producer to come on his site, it would be denied by the mayor when the license came to her to approve. As part of this limitation, a further restriction is to disallow boundary line adjustments to maintain the lots' sizes and percentage of the city.
- b. Limit the number of retail facilities to two, in addition to the existing buffer requirements.
- c. Limit the number of producer facilities to three.
- d. Limit the number of processor facilities to three; further it defines the term "processing" to not include growers that package their own plants. For this city, the commission desires to distinguish packaging plants grown on site as part of the growing operation.
- e. Disallow marijuana research facilities (producers or processors dedicated to researching effects and strains) at this time because it is not prepared to dedicate land to non-tax-producing uses.

**2. Ordinance will affect.**

- a. The ordinance will affect all marijuana facilities in the city.
- b. No new retail would be allowed unless one of the two existing facilities is discontinued.
- c. No new producer lot will be allowed unless one of the existing lots discontinues its use.

- d. Only one additional processor lot could be allowed, and one was in the works in March, though no building permit was submitted. (The future applicant uses ice to process his marijuana and has outgrown his facility in Seattle. The facility is to be located on a lot already used for retail marijuana.)
- e. Boundary line adjustments could not be used to “grow” a parcel in order to enlarge a facility.

**C. Noticing Information.**

Notices for legislative actions are mailed or emailed to a list of required recipients including citizens who request them, published in the city’s legal newspaper, the Enumclaw Courier Herald, and posted on the City Bulletin Boards.

**1. SEPA Determination.**

The DNS was issued August 15, 2018, with comments due by August 29, and appeals due by September 5, 2018

**2. Notice to Department of Commerce.**

The required 60-day notice was received by the state Department of Commerce August 7, 2018, under material identification number (MID#) 25165, and approved August 22, 2018.

**2. Public Hearing Notice.**

Public Hearing Notice and proposal description published in the Wednesday, August 15, 2018, official paper, which provided between 15 and 30 days between the notice and the hearing.

**III. Ordinance information.**

The ordinance proposes to modify three sections of Chapter 19.35 Buckley Municipal Code.

**A. Section 1.**

Repeals the moratorium ordinance.

**B. Section 19.35.040 General Requirements.**

**1. Existing code.**

The subsection contains 10 subsections that specify requirements for all marijuana facilities in the city, such as odor control.

**2. Proposed Code.**

The ordinance will add an additional subsection disallowing research facilities within the city. The city doesn’t contain a definition or zoning use for “research facilities;” however, the state states “a marijuana research license is required for the licensee to produce, process, or possess marijuana to conduct scientific research on marijuana and marijuana-derived products.” (<http://bls.dor.wa.gov/marijuanaresearch.aspx>.)

**C. Section 19.35.060 Recreational retail.**

**1. Existing Code.**

The existing section contains one paragraph specifying 3,000 feet between retail stores.

**2. Proposed Code.**

The proposal adds a one before the existing paragraph; and adds a Number 2 to limit the number of retail facilities in the city to two; Number 3 states that no boundary line adjustment may be used to expand a business.

**D. Section 19.35.070 Marijuana producing.**

**1. Existing Code.**

The existing section contains three subsections allowing hemp to be grown, disallowing outdoor growing, and provisions for producing in residential neighborhoods.

**2. Proposed Code.**

The proposal adds two subsections: Number 4 restricts the number of parcels used for producing within the city to three; Number 5 states a boundary line adjustment cannot be used to expand a business.

**E. Section 19.35. 080 Marijuana processing.**

**1. Existing Code.**

The existing section contains two subsections that require oil extraction to be by nonvolatile methods and requirements for siting a processing facility in a residential zone.

**2. Proposed Code.**

The proposal adds Number 3 to limit the number of parcels used within the city to three and specifies that drying, packaging and labeling marijuana grown on site is not considered “processing;” Number 4 is added and states no facility can expand its business through a boundary line adjustment.

**IV. Ordinance Criteria Review**

All development ordinances must conform to the city’s comprehensive plan; development ordinances should be internally consistent with the rest of the city’s codes. Only one section in this chapter is applicable to this code amendment.

**A. Buckley Municipal Code**

**1.a 19.52.010 Determination – Final action.**

In determining what, if any, amendments to this title are to be adopted, the city council shall give due consideration to the proper relationship of such amendments to the comprehensive plan and to this entire title, it being the intent to retain the integrity and validity of the zoning districts herein described, and to avoid any isolated spot zoning changes in the zoning map. Any amendments adopted by the council may be modified from the form in which they were advertised within the limits necessary to relate properly such amendment or amendments to this title. Final action on such modifications shall be subject to review and report of the planning commission prior to final passage by the council. (Ord. 22-08 § 1 (Exh. A), 2008; Ord. 22-05 § 1, 2005; Ord. 652 Art. 9(12), 1961).

**1.b Finding.**

1. Review of the comprehensive plan is in the next section of this report.
2. The proposal will not affect any zoning district.
3. The council may modify the ordinance subject to the final sentence in this section.

**V. Buckley Comprehensive Plan.**

**A. Element 1, Land use; goals & Policies.**

1. **Goal 1.6 The city should have different commercial uses to support the various needs of the Buckley community, increase the city’s tax base, and support the city’s small town character. *Unfortunately at this time P/P uses do not produce tax benefits for the city. The P/P uses may sell its product to local retailers, which would then supply the city with tax revenue, as apportioned by the state.***

2. **Policy 1.7.5** Intense commercial and residential development should be located on principal and minor arterials. *P/P uses are not intense, not having heavy traffic; as an ancillary use, however, a P/P use should not require a separate entry, particularly if the lot already contains a marijuana facility that generates traffic.*
3. **Policy 1.9.1** Public facilities and utilities should be located in the following priority:
  1. Maximize the efficiency of services provided; *Providing more service (water/sewer/garbage/police/fire) to several of the same uses on one lot could be considered maximizing the efficiency of services because the service provider would communicate and train one person, the land owner, about what is needed from all of the business owners on the site. This assumes that an existing owner would rent out area for additional P/P businesses.*
  2. Minimize the cost of services; and *The ordinance would have no effect on this.*
  3. Minimize impacts on the natural environment. *The ordinance would have no effect on this.*

**B. Element 2, Housing; goals and policies.**

This element contains no applicable goals or policies for this proposal.

**C. Element 3, Economic Development; goals and policies.**

1. **Policy 3.1.1** Focus on the health of existing businesses through public awareness campaigns and local business promotions. *While not educating the public about these businesses, this ordinance provides existing businesses to grow in place and expand on their existing sites. It demands the uses be centralized rather than placed in different parts of the city.*
2. **Policy 3.4.1** Jobs and businesses that are compatible with the community should be identified and programs developed to attract these jobs and/or programs to Buckley. *Compatibility was decided in previous ordinances. The city holds that because a majority of the state – and the city – approved marijuana as a legal substance, then it should be addressed as any other business. Had the citizens of the city voted against it at the time of the state-wide vote, the city may view marijuana businesses differently. The city is at a point at which having attracted these businesses, and the state changed the tax structure so these P/P businesses provide no tax revenue, the city is running out of acreage in zones that could supply a taxable use, and the city council does not want to devote any more area to non-tax generators.*
3. **Policy 3.5.1** The city’s “small-town attributes” include at least the following: walkability across town, walkability to food, pharmacy, and businesses, residential porches facing street fronts, and large picture windows in businesses along Main Street. Providing pedestrian connections should be required as part of all development because these connections will promote pedestrian traffic to the business community. *New development provides walkability because, unless waived by the city engineer and city administrator, each new building permit requires the developer to provide a sidewalk. P/P uses do not provide residential porches facing street fronts, although through design review, businesses may be required to erect a porch-like building front facing SR 410. P/P businesses will not occur on Main Street because of the proximity of schools.*
4. **Policy 3.5.2** Consider the city’s “small-town attributes” when legislating or permitting may affect one of these characteristics. *This ordinance will not affect any of these characteristics.*

5. **Goal 3.7** Ensure regulation balances economic growth with the quality of life and the environment. *As with “compatibility,” whether the use provides balance was determined with previous ordinances. We cannot now say that the use that did provide balance before no longer provides balance. P/P uses provide no economic growth for the city (i.e. taxes), but may provide employees and residents, which would increase economic growth in the city. Quality of life can be considered an opportunity to achieve basic needs, such as jobs, homes, food, and water. As with all businesses, P/P uses require employees, which could be residents. In addition, the determination was made in prior council action that the use discussed in this ordinance meets this goal.*
6. **Policy 3.7.1** Recognize and consider the economic, social, and environmental impacts upon the community of proposed legislative actions prior to formal adoption. *Impacts to economy are basically that without an ordinance of this nature, land for uses that could provide a tax base could be devoted to uses that provide no taxes. The ordinance should provide no social or environmental impacts.*
7. **Policy 3.8.3** The city should attract a diverse set of businesses to maintain a constant level of business trade. *The P/P uses are similar, but the different types of marijuana grown area quite diverse and would be sold at different places for different uses – medical and recreational uses.*

**D. Element 4, Urban design; goals and policies.**

This element contains no goal or policies pertinent to this ordinance.

**E. Element 5, Transportation goals and policies.**

This element contains no goal or policies pertinent to this ordinance.

**F. Element 6, Parks & recreation; goals and policies.**

This element contains no goal or policies pertinent to this ordinance.

**G. Element 7, Capital facilities (2005 comp plan); goals and policies.**

This element contains no goal or policies pertinent to this ordinance.

**H. Element 8, Utilities (2005 comp plan); goals and policies**

This element contains no goal or policies pertinent to this ordinance.

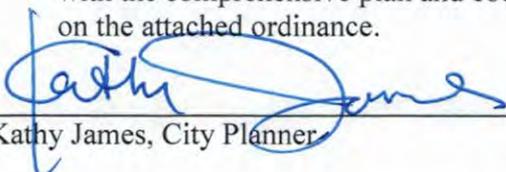
**VI. CONCLUSIONS & STAFF RECOMMENDATION.**

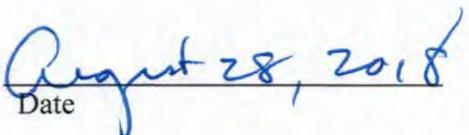
**A. Comprehensive Plan**

No sections within the comprehensive plan specifically address marijuana uses; however, the comp plan provides guidance for the city to support businesses. The proposed ordinance meets the listed goals and policies of the comprehensive plan.

**B. Buckley Municipal Code**

Based upon a review of facts and findings, staff determined that the ordinance is consistent with the comprehensive plan and code and recommends the commission conduct a hearing on the attached ordinance.

  
 \_\_\_\_\_  
 Kathy James, City Planner

  
 \_\_\_\_\_  
 Date

# CITY COUNCIL AGENDA BILL

City of Buckley  
PO Box 1960  
Buckley, WA 98321

ITEM INFORMATION			
<b>SUBJECT:</b>  <b>ORD. No. __-18: Amending BMC Chapter 6.04</b>  Cost Impact: N/A Fund Source: N/A Timeline: N/A	<b>Agenda Date: October 9, 2018 AB18-084</b>		
	Department/Committee/Individual	Created	Reviewed
	Mayor Pat Johnson		
	City Administrator – Dave Schmidt		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 – Julie Bevaart		
	Planning Dept – Kathy James		
	Police Dept – Chief Arsanto		
	Municipal Court – Jessica Cash		
PW/Utilities – Chris Banks			
<b>Attachments:</b> Ordinance, PowerPoint & Model Options			
<p>SUMMARY STATEMENT: All cities with local business license requirements must adopt model ordinance language (required by RCW 35.90) by January 1, 2019. However since we currently use the State’s Business Licensing Service, we are required to provide BLS with a 75-day notice of any changes, requiring Council to adopt the model ordinance by October 17, 2018.</p> <p>The ordinance includes a mandatory definition of “engaging in business” and a minimum threshold exemption to establish when out-of-town or transient businesses are required to be licensed.</p>			
<b>COMMITTEE REVIEW AND RECOMMENDATION:</b>			
<b>RECOMMENDED ACTION: MOTION to approve Ordinance No. __-18 Amending BMC Chapter 6.04 to comply with model ordinance language required in RCW 35.90.</b>			
RECORD OF COUNCIL ACTION			
Meeting Date	Action	Vote	

CITY OF BUCKLEY, WASHINGTON

ORDINANCE NO. \_\_\_-18

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BUCKLEY, WASHINGTON AMENDING BUCKLEY MUNICIPAL CODE CHAPTER 6.04 TO COMPLY WITH NEW MODEL ORDINANCE LANGUAGE REQUIRED IN RCW 35.90

Recitals

- A. EHB 2005 codified in Chapter 35.90 RCS adopted in 2017 requires amendment of the City's business licensing code;
- B. Model Code language has been provided to the City.

NOW THEREFORE, it is hereby ordained by the City Council of the City of Buckley, Washington as follows:

**Section 1.** Buckley Municipal Code Chapter 6.04 is hereby amended to read as follows:

Sections:

- 6.04.010 Purpose.
- 6.04.020 Definitions.
- 6.04.030 Business license required.
- 6.04.040 Businesses located outside city limits.
- 6.04.050 Exemptions.
- ~~6.04.055 Exemptions—Fee waiver. REPEALED~~
- ~~6.04.060 Application for exemption required. REPEALED~~
- 6.04.070 Applicable regulations.
- 6.04.080 Temporary business licenses.
- ~~6.04.090 Duties of city administrator. REPEALED~~
- 6.04.100 Procedure for issuance of license.
- 6.04.110 Determination of license fee.
- 6.04.120 Mailing of notices.
- 6.04.130 License fee in addition to others.
- 6.04.140 Inspections – Right of entry.
- 6.04.150 Appeals.
- 6.04.160 Enforcement and penalties.

**6.04.010 Purpose.**

The purpose of this chapter is to regulate and ensure the legal conduct of businesses, assist in the effective administration of health, fire, building, zoning and other codes of the *eCity*, to impose

fees for revenue purposes, and to provide a means for obtaining public information and compiling statistical information on existing and new businesses in the *eCity*.

#### **6.04.020 Definitions.**

For the purposes of this chapter, the following terms, phrases, words and their derivations shall have the meanings given in this section:

~~“Business” includes all activities, occupations, pursuits or professions located and/or engaged in within the city, with the object of gain, benefit or advantage to the person engaging in the same, or to any other person or class, directly or indirectly. It also includes general contractors, home occupations, garage sales and businesses temporarily conducted within the city including but not limited to transient merchants, peddlers and vendors. It does not include, however, wholesale distributors selling products to businesses within the city unless said distributor has an office, warehouse or other business establishment located within the city. Each business location shall be deemed a separate business.~~

“City” means the *eCity* of Buckley.

“Home occupation” means any business conducted within a dwelling for which a home occupation permit is required pursuant to BMC Title 19.

“License” or “licensee,” as used generally in this chapter, means and includes respectively the words “permit” or “permittee” or the holder for any use or period of time of any similar privilege, wherever relevant to any provision of this chapter or other law or ordinance.

“Nonprofit organization” includes individual person(s), partnerships, joint ventures, societies, associations, churches, clubs, trustees, trusts or corporations; or any officers, agents, employees, factors or any kind of personal representatives of any thereof, in any capacity, acting either for himself or any other person under either personal appointment or pursuant to law who qualifies under definition of and certification by the Internal Revenue Service as nonprofit.

“Peddler” or “Solicitor.” Any person either as principal or agent, who carries goods, wares, services and merchandise, articles, things or personal property of whatever name, nature or description from house to house, place to place, or upon any street, highway or public place within the *eCity*, for sale, is defined to be a peddler within the meaning of this chapter; any person who goes from house to house, dwelling place to dwelling place or upon any street, highway or public place within the *eCity*, soliciting or taking orders for the purchase or sale of goods, wares, services or merchandise, articles, things or personal property of whatever name, nature or description to be delivered in the future, is also defined to be a peddler within the meaning of this chapter.

“Person” includes the singular and the plural and also means and includes any person, firm, corporation, association, club, partnership, society or any group of individuals acting as a unit.

“Premises” means and includes all lands, structures and places, and also any personal property which is either fixed to, or is otherwise used in connection with any such business conducted on such premises.

“Temporary business” shall mean and include all businesses of a transitory nature or fixed duration, at a fixed location on public or private property not within a permanent structure or building, including, but not limited to:

- (1) Circuses, carnivals, rodeos, fairs, or similar transient amusement or recreational activities other than adult entertainment;
- (2) Christmas tree sales lots and flower stands;
- (3) Indoor or outdoor special sales, including swap meets, parking lot sales, warehouse sales or similar activities;
- (4) Garage sales and flea markets which exceed three consecutive days in length;
- (5) Temporary stands for the sale of items such as food, toys, jewelry, goods, art, crafts, firewood; and
- (6) Any other similar use of a transitory nature or fixed duration, such as peddling or door-to-door sales as defined in this section.

“Transient business operator” (or “transient merchant”) means any person either as principal or agent who sells goods, wares, food, beverage, services or merchandise at a fixed location on public or private property not within a permanent structure or building. A permanent structure or building is one which rests on a foundation and which substantially complies with the Uniform Building Code.

“Year” means a calendar year.

**6.04.030 Business license required.**

*(1) All persons engaging in business in the City of Buckley shall first have ~~No person shall~~ transact, engage in or carry on any business, trade, profession, occupation or calling without first*

having been issued a business license unless such activity is exempt as provided in BMC 6.04.050.

~~(1) Except as authorized for seasonal sales as provided in BMC 6.04.070 and temporary businesses as provided in BMC 6.04.080, no business shall be allowed to operate within the city unless the same is at a permanent business street address location, within a permanent structure or building and otherwise in accordance with city ordinance.~~

(2) All licenses issued pursuant to the provisions of this title shall be displayed in a prominent and conspicuous location at the premises. If the person is engaged in business within the eCity and does not conduct it upon premises then he/she shall carry the license upon his/her person.

*(3) The term “engaging in business” means commencing, conducting, or continuing in business and also the exercise of corporate or franchise powers, as well as liquidating a business when the liquidators thereof hold themselves out to the public as conducting such business.*

*(4) This section sets forth examples of activities that constitute engaging in business in the City, and establishes safe harbors for certain of those activities so that a person who meets the criteria may engage in de minimus business activities in the City without having to pay a business license fee. The activities listed in this section are illustrative only and are not intended to narrow the definition of “engaging in business” in subsection (3). If an activity is not listed, whether it constitutes engaging in business in the City shall be determined by considering all the facts and circumstances and applicable law..*

*(5) Without being all inclusive, any of the following activities conducted within the City by a person, or its employee, agent, representative, independent contractor, broker or another acting on its behalf constitutes engaging in business and requires a person to register and obtain a business license.*

*(a) Owning, renting, leasing, maintaining, or having the right to use, or using, tangible personal property, tangible personal property, or real property permanently or temporarily located in the City.*

*(b) Owning, renting, leasing, using, or maintaining, an office, place of business or other establishment in the City.*

*(c) Soliciting sales.*

*(d) Making repairs or providing maintenance or service to real or tangible personal property, including warranty work and property maintenance.*

- (e) Providing technical assistance or service, including quality control, product inspections, warranty work, or similar services on or in connection with tangible personal property sold by the person or on its behalf.*
- (f) Installing, constructing, or supervising installation or construction of, real or tangible personal property.*
- (g) Soliciting, negotiation, or approving franchise, license, or other similar agreements.*
- (h) Collecting current or delinquent accounts.*
- (i) Picking up and transporting tangible personal property, solid waste, construction debris, or excavated materials.*
- (j) Providing disinfecting and pest control services, employment and labor pool services, home nursing care, janitorial services, appraising, landscape architectural services, security system services, surveying, and real estate services including the listing of homes and managing real property.*
- (k) Rendering professional services such as those provided by accountants, architects, attorneys, auctioneers, consultants, engineers, professional athletes, barbers, baseball clubs, and other sport organizations, chemists, consultants, psychologists, court reporters, dentists, doctors, detectives, laboratory operators, teachers, veterinarians.*
- (l) Meeting with customers or potential customers, even when no sales or orders are solicited at the meetings.*
- (m) Training or recruiting agents, representatives, independent contractors, brokers or others, domiciled or operating on a job in the City, acting on its behalf, or for customers or potential customers.*
- (n) Investigating, resolving, or otherwise assisting in resolving customer complaints.*
- (o) In-store stocking or manipulating products or goods, sold to and owned by a customer, regardless of where sale and delivery of the goods took place.*
- (p) Delivering goods in vehicles owned, rented, leased, used, or maintained by the person or another acting on its behalf.*

*(6) If a person, or its employee, agent, representative, independent contractor, broker or another acting on the person's behalf, engages in no other activities in or with the City but the following, it need not register and obtain a business license.*

*(a) Meeting with suppliers of goods and services as a customer.*

*(b) Meeting with government representative in their official capacity, other than those performing contracting or purchasing functions.*

*(c) Attending meetings, such as board meetings retreats, seminars, and conferences, or other meetings wherein the person does not provide training in connection with tangible personal property sold by the person or on its behalf. This provision does not apply to any board of director member or attendee engaging in business such as a member of a board of directors who attends a board meeting.*

*(d) Renting tangible or intangible property as a customer when the property is not used in the City.*

*(e) Attending but not participating in a "trade show" or "multiple vendor events." Persons participating at a trade show shall review the City's trade show or multiple vendor event ordinances.*

*(f) Conducting advertising through the mail.*

*(g) Soliciting sales by phone from a location outside the City.*

*(7) A seller located outside the City merely delivering goods into the City by means of common carrier is not required to register and obtain a business license, provided that it engages in no other business activities in the City. Such activities do not include any activity sufficient to establish nexus for purposes of applying the license fee under the law and the constitutions of the United States and the State of Washington. Nexus is presumed to continue as long as the taxpayer benefits from the activity that constituted the original nexus generating contact or subsequent contacts.*

#### **6.04.040 Businesses located outside city limits.**

Unless otherwise exempt, this chapter covers and applies to any business located outside the eCity that engages in some business activity inside the city limits of the eCity of Buckley.

#### **6.04.050 Exemptions.**

The following shall be exempt from the provisions of this chapter:

- (1) Casual or isolated sales made by persons who are not engaged in the ongoing business of selling the type of property involved; providing, that not more than four such sales events are made during any tax year.
- (2) Businesses where the sale or contract for services occurs on business premises outside of the eCity and the only event occurring within the eCity is the mere delivery of the goods or services to the customer or client by common carrier.
- (3) Minors engaged in baby-sitting, delivery of newspapers, lawn mowing, car washing, and similar activities.
- (4) Any instrumentality of the United States, sState of Washington, or any political subdivision thereof, with respect to the exercise of governmental functions.
- (5) Special events sponsored by the eCity and nonprofit community festivals including participating commercial peddlers/vendors; provided, that:
  - (a) The business does not operate within the eCity more than five consecutive days;
  - (b) The business does not operate within the eCity more than 12 days in a calendar year; and
  - (c) The business is authorized to participate in the community festival by the sponsor of the festival.
- (6) Nonprofit organizations, including but not limited to religious, civic, charitable, benevolent, nonprofit, cultural or youth organizations.
- (7) Any farmer, gardener or other person who sells, delivers or peddles any fruit, vegetables, berries, butter, eggs, fish, milk, poultry or meats or any farm produce or edibles raised, gathered, caught, produced or manufactured by such person in any place in this state
- (8) *Any person or business whose annual value of products, gross proceeds of sales or gross income of the business in the City is equal to or less than \$2,000 and who does not maintain a place of business within the City shall be exempt from the general business license requirements in this chapter.*

**6.04.055 — Exemptions — Fee waiver. REPEALED**

~~The licensing provisions of this chapter shall apply to the following persons and organizations; however, the business license fees shall be waived for:~~

~~A. Any person in business whose gross proceeds of sales or gross income from the business are less than \$1,000 per month. Such persons shall provide the city with an affidavit at the beginning of each license year, confirming the income for the prior license year. A copy of the person's~~

~~Internal Revenue Service Schedule C, Profit or Loss from Business, or other applicable federal income tax forms shall be submitted as verification.~~

~~**6.04.060—Application for exemption required. REPEALED**~~

~~Except for those minors conducting exempt activities in accordance with BMC 6.04.050 (3) and (6), any person claiming exemption from the requirements of this article shall file with the city administrator the usual registration application and an affidavit setting forth the facts sufficient to show the application of this section and their right to such exemption. Nonprofit organizations claiming exemption for a community event and/or festival shall supply to the city a list of all temporary vendors that took part in the civic event, along with the vendor's state tax identification number.~~

**6.04.070 Applicable regulations.**

(1) Agents Responsible for Obtaining License. The representatives of nonresidents who are doing business in the *eCity* shall be personally responsible for the compliance of their principals, and the businesses they represent, with this chapter.

(2) Separate License for Branch Establishments. A license shall be obtained in the manner prescribed in this chapter for each branch establishment or location of the business engaged in, as if each branch establishment or location were a separate business; provided, that warehouses and distributing plants used in connection with and incidental to a business licensed under the provisions of this chapter shall not be deemed to be separate places of business or branch establishments. Location of such warehouses and distributing plants shall be shown on the application for the business license, and must comply with the provisions of all *eCity* codes.

(3) Joint Operation. A person engaged in two or more businesses at the same location shall be required to obtain separate licenses for conducting each of the businesses.

(4) Seasonal Sales License.

(a) A seasonal sales license may be acquired for the purpose of:

- (i) Selling concessions at a concession stand at sporting events, such as softball games, baseball games and football games;
- (ii) Selling ice cream, other dairy products and related products, which do not meet the exempt status of BMC 6.04.050(7), from a motor vehicle;
- (iii) Selling seasonal perishables such as fresh fruits and vegetables, which do not meet the exempt status of BMC 6.04.050(7); and
- (iv) Selling such items such as food, toys, jewelry, goods, art and/or crafts from a temporary stand when associated and located at the *eCity* Saturday Market.

(b) In order to obtain the license for concessions, seasonal perishables, or a temporary stand located at the Saturday Market, a seasonal business license must be obtained from the ~~city administrator~~ *City Clerk*. The application shall require the applicant to provide, at a minimum, the following information:

- (i) The name of the applicant and all persons to be employed by the applicant within the *eCity*;
- (ii) The applicant's employer's business address and state tax identification number;
- (iii) The requested dates and the location of anticipated sales;
- (iv) Such other information as the ~~city administrator~~ *City Clerk* finds necessary in order to run background checks on the applicant, his agent/employees and the applicant's employer.

(c) Seasonal sales permits shall be valid for a duration not to exceed 120 days of use in a calendar year and the application shall be accompanied by a fee established by resolution of the *eCity eCouncil*.

(d) The *eCity* ~~Administrator~~ may restrict the hours of operation, the dates of operation, and the locations of operation should he find that it is necessary to do so in order to protect the public health, safety and welfare. The applicant may appeal said restrictions to the *eCity eCouncil* pursuant to the appeal process in BMC 6.04.150.

(e) It shall be a violation of this section to operate such business except within the times, dates and other restrictions placed upon the seasonal sales license.

(5) Special Event/Festival License.

(a) A special event/festival license may be acquired for the purpose of:

- (i) Conducting a one-time special event such as a carnival, community festival, outdoor affair and sales, and events of a similar nature not to exceed three consecutive calendar days per event.

(b) Special event licenses shall be issued to one individual and/or sponsoring agency and shall cover all vendors participating in the event.

(c) In order to obtain a special event license, ~~an application~~ *a City Event Application* must be submitted to the ~~city administrator~~ *City Clerk* that includes the following information:

- (i) The name of the applicant and/or sponsoring agency and a contact person;
- (ii) The applicant's and/or sponsoring agency's business address;

- (iii) A contact and business name along with state identification number for each vendor participating in the event;
- (iv) The requested dates and the location of the anticipated event;
- (v) Such other information as the *eCity Administrator* finds necessary in order to protect the public health, safety and welfare.

(d) Special event licenses shall be valid for a period not to exceed three consecutive days per event and the application shall be accompanied by a fee established by resolution of the *eCity Council*.

(e) The *eCity Administrator* may restrict the hours of operation, the dates of operation, and the locations of operation should he find that it is necessary to do so in order to protect the public health, safety and welfare. The applicant may appeal said restrictions to the *eCity Council* pursuant to the appeal process in BMC 6.04.150.

(6) Adult Business License. In addition to satisfying the requirements of this chapter, individual(s) applying for a business license to operate an adult entertainment facility as defined in BMC 6.12.030 must also satisfy all requirements specified in Chapter 6.12 BMC for the licensing and operation of such adult entertainment facility.

(7) Home Occupations. In addition to satisfying the requirements of this chapter, individual(s) applying for a business license to operate a home-based business (home occupation) from their dwelling as defined in BMC 6.04.020 and 19.32.020 must also satisfy all requirements specified in Chapter 19.32 BMC for the licensing and operation of such home occupation.

**6.04.080 Temporary business licenses.**

(1) The *eCity Administrator* shall be authorized to issue temporary business licenses for a duration not to exceed 120 days in a calendar year for any temporary or transient business as defined in BMC 6.04.020; provided, however, the *eCity Administrator* may impose restrictions upon the license for the protection of the public, where appropriate, as follows:

- (a) Hours of operation shall be limited so as to protect the public from unnecessary noise, light and traffic congestion.
- (b) The location of operations may be limited to protect the public health, safety and welfare; however, the license may be obtained only for operations within the RB, B-1, B-2, IP and P zones.

- (c) No temporary business shall be operated on any site without the express consent of the owner thereof. The applicant shall be required to provide a signed consent from the property owner prior to the issuance of a license.
- (d) Other than those business activities exempted in BMC 6.04.050(1) through ~~(7)~~(8), no peddling, solicitation or door-to-door sales shall be permitted in residential areas of the *eCity*.
- (e) In conducting the temporary business, the applicant shall comply with all state and federal laws, and all *eCity* ordinances and resolutions which are applicable to the use or the conduct thereof.
- (f) Each site occupied by a temporary business shall be kept free of debris and litter, and upon completion or removal of the temporary business, all debris, litter or other evidence of the temporary business shall be removed.
- (g) Each site occupied by a temporary business must provide or have available sufficient off-street parking and vehicular maneuvering area and access for customers. Each such site must provide safe and efficient interior circulation and ingress and egress from a public right-of-way.
- (h) In the event that a temporary business is conducted within an established parking area, no more than 25 percent of the parking spaces may be occupied by or devoted to the temporary business use.
- (i) No temporary business shall occupy or be conducted on public rights-of-way, parks or other public lands in any manner unless specifically approved by the *eCity eCouncil*. In the event that such occupation or use is authorized, the applicant shall be required to furnish liability insurance with the *eCity* as a named insured, in an amount to be determined by the *eCity Administrator* commensurate with the risk associated with the conduct of the temporary business.
- (j) All signs used in connection with any temporary business shall comply with the applicable sign regulations of the *eCity*.
- (k) All temporary businesses shall obtain, prior to the conduct of the business or occupancy of any site, all required *eCity* permits, licenses or other approvals, e.g., building permits, conditional use permits, etc.

(l) The licensee shall maintain a current state retail sales tax number on file with the eCity for the duration of the temporary business. *All applicants shall utilize the City sales tax number (2702) when filing their sales tax reports with the State for all items sold within the City.*

(m) The temporary business shall comply with all applicable standards of the county health department.

(n) No temporary business shall adversely impact the public health, safety, or convenience, or create traffic hazards or congestion, or otherwise interrupt or interfere with the normal conduct of uses and activities in the vicinity.

(o) All personnel engaged in the temporary business shall remain fully clothed at all times and shall be neat and orderly in appearance.

(p) Temporary businesses shall not use loud- speakers or other mechanical or audio devices which project sound beyond the area occupied by the temporary business. Vendors shall not yell, shout or hawk their goods or services in such a manner that sound is audible beyond the immediate premises on which the temporary business is conducted.

(q) The eCity ~~Administrator~~ may impose other regulations reasonably related to the health, safety and welfare of the citizens of the eCity before the granting of a temporary business license under this section.

(2) When the eCity ~~Administrator~~ determines that there may be excessive liability or danger to the eCity or its citizens, the eCity ~~Administrator~~ shall submit the temporary business license application to the eCity eCouncil and the eCouncil shall make final determination as to whether the temporary business license should issue.

(3) Applicants for a temporary business permit shall apply for the license as set forth in BMC 6.04.100 and shall pay the fees as set forth in BMC 6.04.110. Any licensee or affiliated entity may apply for no more than one permit in any calendar year.

**~~6.04.090 — Duties of city administrator. REPEALED~~**

~~The city administrator shall collect all license fees and shall issue licenses in the name of the city to all persons qualified under the provisions of this chapter and shall:~~

~~(1) Adopt all forms and prescribe the information to be given therein as to character and other relevant matter for all necessary papers;~~

~~(2) Submit all applications, in a proper case, to interested city officials for their endorsements thereon as to compliance by the applicant with all city ordinances and regulations which they have the duty of enforcing;~~

~~(3) Notify all applicants that they shall utilize the city sales tax number (2702) when filing their sales tax reports with the state for all items sold within the city.~~

#### **6.04.100 Procedure for issuance of license.**

~~(1) Every person required to procure a license under the provisions of any ordinance or regulation of the city shall submit an application for such license to the city administrator upon a form provided by said officer. The applicant shall be required to provide all information requested on said form and failure to do so shall be grounds for refusing to issue the business license. In addition, the city administrator, from time to time, may request from a person holding a business license that they supply to the city administrator an update of the information that was given on the original license application. Failure to supply said update as requested shall be sufficient grounds for revocation of the business license.~~

*(1) Every person required to procure a business license under the provisions of any ordinance or regulation of the City shall submit an application for such license through the Business License Services division of the Washington State Department of Revenue at <https://bls.dor.wa.gov/>.*

~~(2) The application for license shall be accompanied by the full amount of the fee chargeable for such license and said fee shall be nonrefundable.~~

*(2). Once the application has been completed online, the application is forwarded to the City for review. If approved, the City will notify Business License Services at which time, the applicant is able to print off a copy of their license and an original license will be mailed to the applicant in approximately 7-10 days.*

~~(3) The city administrator shall issue a receipt to the applicant for the money paid in advance. Such receipt shall not be construed as the approval of the city administrator for the issuance of a license; nor shall it entitle or authorize the applicant to open or maintain any business contrary to the provisions of this chapter or this code.~~

*(3). If the City denies the business license application, the applicant will be notified by the City regarding all additional information required by the City in order to approve the business license.*

~~(4) A duplicate license or a special permit shall be issued by the city administrator to replace any license previously issued, which has been lost, stolen, defaced or destroyed without any willful~~

~~conduct on the part of the licensee, upon the filing by the licensee of an affidavit attesting to such fact and the paying to the city administrator the fee of \$20.00.~~

**6.04.110 Determination of license fee.**

License fees shall be in the amounts listed within the ~~fees, fines and rates~~ *City's Taxes, Rates & Fees* schedule established by resolution of the *eCity eCouncil*.

**6.04.120 Mailing of notices.**

Any notices required by this chapter to be mailed to any licensee or applicant shall be sent by regular mail, addressed to the address of the licensee or applicant as shown by the records of the ~~city administrator~~ *City Clerk*, or if no such address is shown, to such address as the ~~city administrator~~ *City Clerk* is able to ascertain by reasonable effort. Failure of the licensee or applicant to receive such mailed notice shall not release the licensee or applicant from any fees or penalties thereon, nor shall such failure to receive such notice extend any time limit set by the provisions of this chapter.

**6.04.130 License fee in addition to others.**

The license fee levied in this section shall be in addition to any other fees provided for in any other ordinance or chapter of this code, except as otherwise expressly provided in this chapter.

**6.04.140 Inspections – Right of entry.**

The *eCity eAdministrator* or designee, specifically including the code enforcement officer, the building official, the police department, or the fire district, are authorized to make such inspections of premises during business hours and take such action as may be required to enforce the provisions of this chapter or any other ordinance regulating businesses.

**6.04.150 Appeals.**

Any person aggrieved by a determination of the *eCity of Buckley eAdministrator* may appeal such determination to the *eCity eCouncil* pursuant to this section.

(1) An applicant or licensee under this chapter must appeal the decision for revocation, suspension, or denial within 10 days of the mailing of the notice of revocation, suspension, or denial by filing a notice of appeal with the *eCity eAdministrator*. Upon receipt by the *eCity eAdministrator* of the appeal notice, a hearing shall be held before the *eCity eCouncil*. Notice of the hearing shall be given to the appellant at least 10 days prior to the hearing. At such hearing, the appellant shall be entitled to be heard and introduce evidence on his or her own behalf.

(2) The decision by the *eCity eCouncil* shall be rendered within five days of the close of the hearing. The decision shall be in writing and shall:

- (a) Affirm the *eCity* ~~*e*~~*Administrator's* decision; or
- (b) Revise or modify the *eCity* ~~*e*~~*Administrator's* decision.

(3) The decision by the *eCity eCouncil* is final unless an appeal of the decision of the *eCity eCouncil* is filed with superior court within 21 calendar days from the date the *eCity eCouncil's* decision was personally served upon or was mailed to the appellant. The decision for suspension or revocation of a license under this chapter shall be stayed during administrative and judicial review, but refusal to issue an initial license shall not be stayed.

**6.04.160 Enforcement and penalties.**

(1) It is unlawful for any person, either directly or indirectly, to conduct any business for which a license or permit is required by any regulation or ordinance of the *eCity* without a license or permit therefore being first procured and kept in effect at all such times as required by this chapter or other regulation or ordinance of the *eCity*.

(2) Any license fee due, unpaid and delinquent under this chapter, and all penalties thereon, may be collected by civil action, which remedy shall be in addition to any and all other existing remedies and penalties provided by other sections of this code.

(3) The *eCity* ~~*e*~~*Administrator* may revoke the license issued to any licensee who shall fail to comply with any of the provisions of this chapter. Notice of such revocation shall be mailed to the licensee by the *eCity* ~~*e*~~*Administrator*, and on and after the date thereof any such licensee who continues to engage in business shall be deemed to be operating without a license and shall be subject to any or all penalties herein provided.

(4) The *eCity* ~~*e*~~*Administrator* shall revoke the business and occupation license issued to any licensee who shall fail to comply with any of the provisions of the municipal code requiring such licensee to procure and maintain any other regulatory or revenue license, and to pay taxes to the *eCity*, whether sales tax, use tax, gambling tax or other tax imposed by the *eCity* or the state upon such licensee.

**Section 2. Severability.** If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional 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 3. Effective date.** This ordinance or a summary thereof consisting of the title shall be published in the official newspaper of the City, and shall take effect and be in full force and effect five days after publication.

Introduced, passed, and approved by the Buckley City Council on this 9<sup>th</sup> day of October, 2018.

---

Mayor Pat Johnson

Attest:

---

Treva Percival, City Clerk

APPROVED AS TO FORM:

---

Phil Olbrechts, City Attorney

PUBLISHED:

EFFECTIVE:



*"Working together to  
fund Washington's future"*

# Local Business Licensing *Model Ordinance & Threshold*

## *July 2018*

# Welcome



- **Chat:** WebEx

- **Email:** [dorblspartner@dor.wa.gov](mailto:dorblspartner@dor.wa.gov)

# Agenda

- Legislation
- Model ordinance
- Deadlines
- BLS support
- Next steps



## EHB 2005 (2017)

- 2016 - Task force
- 2017 - Legislation
- 2018 - Threshold



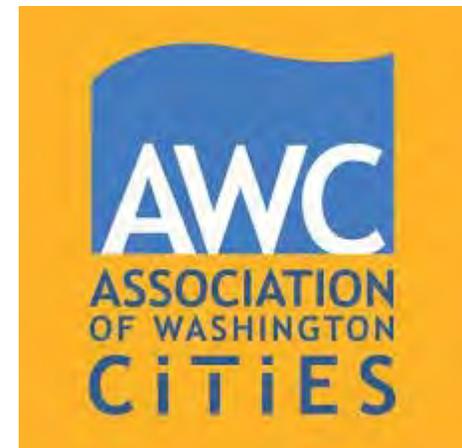


## Model business license threshold

- Uniform definition of engaging in business and business license threshold
- Workgroup completes work by July 1, 2018
- Cities approve by January 1, 2019
- Can't update language more than every four years

## Outreach & Decisions

- General business licenses, not regulatory licenses
- Cities may require "no-fee license" for those under threshold
- Does not apply to in-city business locations
- Language adapted from B&O tax model ordinance



# Threshold

- Minimum threshold of \$2000/year in-city
- Two exemption options for out-of-city
- Revisit language in 4 years



# Put it together



## Model Ordinance

**Final language:  
July 1, 2018**

## Model Ordinance – BLS cities

**Code adoption:  
Oct. 17, 2018**

*This date impacts only BLS partner cities*

# All Cities: January | 2019

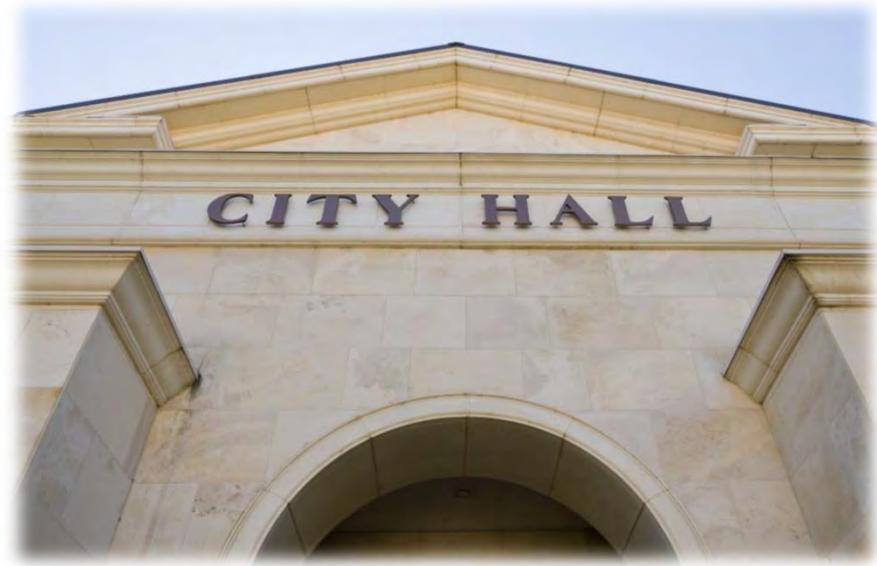


# BLS support



## What BLS needs this summer & fall

- City's minimum \$ threshold?
- Small business license?
- Reduced fee license?



# Change Request – Aug. 1 2018

Change Request Details

Project Name  
Project Manager  
Requestor

1.  
2.  
3.

Impact Analysis

Products to be modified



## BLS Partnership Services

WEB: [citypartners.dor.wa.gov](http://citypartners.dor.wa.gov)

EMAIL: [dorblspartner@dor.wa.gov](mailto:dorblspartner@dor.wa.gov)



# Questions?



**Model Business License Threshold Final Version**

**June 2018**

**Model business license threshold options: (cities would adopt one of the options)**

**1. Threshold Exemption:**

To the extent set forth in this section, the following persons and businesses shall be exempt from the registration, license and/or license fee requirements as outlined in this chapter:

- (1) Any person or business whose annual value of products, gross proceeds of sales, or gross income of the business in the city is equal to or less than \$2,000 (or higher threshold as determined by city) and who does not maintain a place of business within the city shall be exempt from the general business license requirements in this chapter. The exemption does not apply to regulatory license requirements or activities that require a specialized permit.

**2. Threshold with Fee-free License/Registration-only Option:**

For purposes of the license by this chapter, any person or business whose annual value of products, gross proceeds of sales, or gross income of the business in the city is equal to or less than \$2,000 (or higher threshold as determined by city) and who does not maintain a place of business within the city, shall submit a business license registration to the Director or designee. The threshold does not apply to regulatory license requirements or activities that require a specialized permit.

[City would list this fee-free license in its business license rates section as \$0 or no fee.]

**Engaging in business model definition:**

"Engaging in business"

(1) The term "engaging in business" means commencing, conducting, or continuing in business, and also the exercise of corporate or franchise powers, as well as liquidating a business when the liquidators thereof hold themselves out to the public as conducting such business.

(2) This section sets forth examples of activities that constitute engaging in business in the City, and establishes safe harbors for certain of those activities so that a person who meets the criteria may engage in de minimus business activities in the City without having to pay a business license fee. The activities listed in this section are illustrative only and are not intended to narrow the definition of "engaging in business" in subsection (1). If an activity is not listed, whether it constitutes engaging in business in the City shall be determined by considering all the facts and circumstances and applicable law.

(3) Without being all inclusive, any one of the following activities conducted within the City by a person, or its employee, agent, representative, independent contractor, broker or another acting on its behalf constitutes engaging in business and requires a person to register and obtain a business license.

(a) Owning, renting, leasing, maintaining, or having the right to use, or using, tangible personal property, intangible personal property, or real property permanently or temporarily located in the City.

(b) Owning, renting, leasing, using, or maintaining, an office, place of business, or other establishment in the City.

(c) Soliciting sales.

(d) Making repairs or providing maintenance or service to real or tangible personal property, including warranty work and property maintenance.

(e) Providing technical assistance or service, including quality control, product inspections, warranty work, or similar services on or in connection with tangible personal property sold by the person or on its behalf.

(f) Installing, constructing, or supervising installation or construction of, real or tangible personal property.

(g) Soliciting, negotiating, or approving franchise, license, or other similar agreements.

(h) Collecting current or delinquent accounts.

(i) Picking up and transporting tangible personal property, solid waste, construction debris, or excavated materials.

(j) Providing disinfecting and pest control services, employment and labor pool services, home nursing care, janitorial services, appraising, landscape architectural services, security system services, surveying, and real estate services including the listing of homes and managing real property.

(k) Rendering professional services such as those provided by accountants, architects, attorneys, auctioneers, consultants, engineers, professional athletes, barbers, baseball clubs and other sports organizations, chemists, consultants, psychologists, court reporters, dentists, doctors, detectives, laboratory operators, teachers, veterinarians.

(l) Meeting with customers or potential customers, even when no sales or orders are solicited at the meetings.

(m) Training or recruiting agents, representatives, independent contractors, brokers or others, domiciled or operating on a job in the City, acting on its behalf, or for customers or potential customers.

(n) Investigating, resolving, or otherwise assisting in resolving customer complaints.

(o) In-store stocking or manipulating products or goods, sold to and owned by a customer, regardless of where sale and delivery of the goods took place.

(p) Delivering goods in vehicles owned, rented, leased, used, or maintained by the person or another acting on its behalf.

(4) If a person, or its employee, agent, representative, independent contractor, broker or another acting on the person's behalf, engages in no other activities in or with the City but the following, it need not register and obtain a business license.

(a) Meeting with suppliers of goods and services as a customer.

(b) Meeting with government representatives in their official capacity, other than those performing contracting or purchasing functions.

(c) Attending meetings, such as board meetings, retreats, seminars, and conferences, or other meetings wherein the person does not provide training in connection with tangible personal property sold by the person or on its behalf. This provision does not apply to any board of director member or attendee engaging in business such as a member of a board of directors who attends a board meeting.

(d) Renting tangible or intangible property as a customer when the property is not used in the City.

(e) Attending, but not participating in a "trade show" or "multiple vendor events". Persons participating at a trade show shall review the City's trade show or multiple vendor event ordinances.

(f) Conducting advertising through the mail.

(g) Soliciting sales by phone from a location outside the City.

(5) A seller located outside the City merely delivering goods into the City by means of common carrier is not required to register and obtain a business license, provided that it engages in no other business activities in the City. Such activities do not include those in subsection (4).

The City expressly intends that engaging in business include any activity sufficient to establish nexus for purposes of applying the license fee under the law and the constitutions of the United States and the State of Washington. Nexus is presumed to continue as long as the taxpayer benefits from the activity that constituted the original nexus generating contact or subsequent contacts.

# CITY COUNCIL AGENDA BILL

City of Buckley  
PO Box 1960  
Buckley, WA 98321

ITEM INFORMATION			
<b>SUBJECT:</b>  <b>Scope of Work - River Ave. Reconstruction Project Supplement #3</b>	<b>Agenda Date: October 9, 2018</b>		<b>AB18-085</b>
	Department/Committee/Individual	Created	Reviewed
	Mayor Pat Johnson		X
	City Administrator – Dave Schmidt	X	X
	City Attorney – Phil Olbrechts		X
	City Engineer – Dominic Miller	X	X
	City Clerk – Treva Percival		X
	Finance Dept – Sheila Bazzar		
	Building Official – Mike Deadmond		
	Fire Dept – Chief Predmore		
	Parks & Rec Dept – Julie Bevaart		
	Planning Dept – Kathy James		
	Police Dept – Chief Arsanto		
	Municipal Court – Jessica Cash		
	PW/Utilities – Chris Banks		X
<b>Attachments:</b> TIB Supplemental Consultant Agreement - Supplement #3			
<p>SUMMARY STATEMENT: In December 2017 the City approved the Consultant Agreement Supplement #1 for a total of \$117,040 and after bid in February 2018 approved Supplement #2 for construction management for \$105,500 resulting in a new total of \$222,540. Supplement #3 being presented for consideration is for an additional \$9,424 that if approved will result in a final total of \$231,946.</p> <p>The additional cost proposed in this supplement is for additional work performed for the Jefferson/Pearl topo survey and ramp design, for additional inspection hours that have occurred during the street light suspension and for the concrete testing performed on the red concrete that was not in the consultant’s original contract.</p> <p>Staff is requesting and recommending that the City Council approve Supplement #3.</p>			
COMMITTEE REVIEW AND RECOMMENDATION: None			
RECOMMENDED ACTION: <b>MOTION to Approve the Consultant Agreement Supplement #3 for Additional Construction Management Costs for the River Ave. Reconstruction Project for a Total Cost of \$231,946.</b>			
RECORD OF COUNCIL ACTION			
Meeting Date	Action	Vote	



Transportation Improvement Board  
**Consultant Supplemental Agreement**

Agency **City of Buckley**

Project Number **6-P-808(013)-1**

Project Name **River Avenue Improvements**

Consulting Firm **Gray & Osborne, Inc.**

Supplement Phase **Supplement No. 3 for Additional Design, Survey and Inspection**

The Local Agency of the City of Buckley desires to supplement the agreement entered into with and executed on April 3, 2017.

All provisions in the basic agreement remain in effect except as expressly modified by this supplement.

This is for non-TIB eligible work. The changes to the agreement are described as follows:

Section II, **SCOPE OF WORK**, is hereby amended to include:

**Task 27 – Additional Topographic Survey of Jefferson/Pearl Intersection**

1. The intersection pavement at Jefferson and Pearl became distressed by the construction traffic. The City desired additional design to improvement the intersection pavement. Perform topographic survey of Jefferson/Pearl intersection to the intersection east of the project limits in order to design ADA compliant curb ramps triggered by potential overlay of intersection.

**Task 28 – Design Intersection Improvements at Jefferson and Pearl**

1. Design ADA compliant curb ramps and intersection improvement and calculate quantities for proposed improvement.

**Task 29 – Field Inspection/Materials Testing**

1. Provide additional field inspection for change order work and additional inspection during the suspension for street lights, over and above the previous contract hours.
2. Provide materials testing for compression strength on the cement concrete crosswalk.

Section IV, **TIME FOR BEGINNING AND COMPLETION**, is amended to change the Completion Date

SUPPLEMENTAL COMPLETION DATE Remains the same

Section V, **PAYMENT**, shall be amended as follows as set forth in Exhibits A-2 and B-2

MAXIMUM AMOUNT PAYABLE \$231,946

If you concur with this supplement and agree to the changes as stated above, please sign and date in the appropriate spaces below.

Agency Signature	Date
Consultant Signature	Date



Transportation Improvement Board  
**Consultant Supplemental Agreement**

<b>EXHIBIT A-3</b>					
	<b>Original Agreement</b>	<b>Supplement 1</b>	<b>Supplement 2</b>	<b>Supplement 3</b>	<b>Total</b>
Direct Salary Cost	\$22,524	\$9,515	\$32,012	2,582	\$66,633
Overhead (including Payroll Additives)	\$40,543	\$17,127	\$57,622	4,648	\$119,940
Direct Non-Salary Costs	\$13,023	\$852	\$2,421	1,110	\$17,406
Fixed Fee	\$9,460	\$3,996	\$13,445	1,084	\$27,985
<b>Total</b>	<b>\$85,550</b>	<b>\$31,490</b>	<b>\$105,500</b>	<b>9,424</b>	<b>\$231,964</b>



Transportation Improvement Board  
**Consultant Supplemental Agreement**

**EXHIBIT B-3 (CONSULTANT FEE DETERMINATION SHEET - COST PLUS FIXED FEE)**

<b>Prepared by:</b> Tani Stafford, P.E.					<b>Date:</b> September 27, 2018	
<b>Project:</b> River Avenue Improvements – Additional Design, Survey and Inspection – Non-TIB Eligible						
<b>Classification</b>	<b>Manhours</b>		<b>Rate</b>		<b>Cost</b>	
Principal-In-Charge	0	X	\$35 to \$55	=	\$0	
Project Manager	6	X	\$31 to \$55	=	\$282	
Civil Engineer	16	X	\$24 to \$39	=	\$576	
AutoCAD/GIS Tech./Eng. Intern	8	X	\$15 to \$36	=	\$208	
Professional Land Surveyor	2	X	\$34 to \$42	=	\$80	
Field Survey Crew (2 Person)	4	X	\$45 to \$66	=	\$220	
Resident Inspector	32	X	\$38 to \$52	=	\$1,216	
<b>TOTAL DSC</b>					<b>\$2,582</b>	
OH Rate x DSC		180%	X	\$2,582	=	\$4,648
<b>FIXED FEE</b>						
FF Rate x DSC		42%	X	\$2,582	=	\$1,084
<b>REIMBURSABLE</b>						
	Printing, Photos, Misc. Expenses, and Mileage					\$1,110
<b>TOTAL ESTIMATED COST</b>						<b>\$9,424</b>

## D. CONSENT AGENDA

**City Council  
September 25, 2018**

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

Upon roll call the following members were present: Bender, Smith, Leggett, Wilbanks, Tremblay, and S. Burkett. Also in attendance were City Administrator Schmidt, Police Chief Arsanto, Deputy Chief Northam, Fire Chief Predmore, Deputy Fire Chief Skogen, and City Planner James.

**Council member Tremblay moved to excuse Council member B. Burkett. Council member Smith seconded the motion. Motion carried.**

Mayor Johnson asked if there were any other additions, deletions, or changes to the agenda. There were none.

**Council member S. Burkett moved to approve the agenda as presented. Council member Smith seconded the motion. Motion carried.**

**CITIZEN PARTICIPATION**

**Marvin Sundstrom – 881 Sheets Rd. Buckley, WA 98321**

Marvin Sundstrom distributed a letter to all Council members with his current concerns pertaining to the Rainier Gateway project.

**Laura Baldwin – 2244 Shay Rd., Buckley, WA 98321**

Laura Baldwin distributed a map to all Council members showing where she believes illegal hunting is taking place near her property.

**STAFF REPORTS**

City Planner James stated that the Planning has been working on the Shoreline Master Plan. City Administrator Schmidt introduced new City Clerk Treva Percival.

**MAIN AGENDA**

**ORD No. -18: Amending General Requirements for Marijuana Facilities**

**Council member Bender moved to Postpone Amending BMC 19.35 Limiting the Number of Marijuana Grow and Processing as Recommended by the Planning Commission to the October 9, 2018, meeting so further clarification can be provided. Council member Smith seconded the motion. Motion carried.**

**RES No. 18-07: Approving Fee Waiver Schedule for MPC and YAC**

**Council member S. Burkett moved to Approve Resolution 18-07 Approving Fee Waiver Schedule for MPC and YAC. Council member Smith seconded the motion. Motion carried.**

**Agreement – Planning Consultant Services**

**Council member Tremblay moved to Approve the Agreement with Sound Municipal Consultants for On-Call Planning Services and Authorize the Project to Review and Update the City Sign Code. Council member Smith seconded the motion. Motion carried.**

**Purchase Agreement – Fire Truck:**

**Council member Tremblay moved to Authorize the Mayor to Execute the Purchase Contract between the City of Buckley and Spartan Motors, Inc. for the purchase of a new fire engine in an amount not to exceed \$438,419, not including the cost of state sales tax and licensing.. Council member Smith seconded the motion. Motion carried.**

**SAFER Grant Acceptance – Fire Department:**

**Council member Tremblay moved to Authorize the Fire Chief to accept the 217 FEMA SAFER Grant Award in the amount of \$300,000. Council member S. Burkett seconded the motion. Motion carried.**

**CONSENT AGENDA**

**Council Member S. Burkett moved to approve the Consent Agenda. Council member Smith seconded the motion. Motion carried.**

Approve Minutes of August 28, 2018

Claim check numbers 58830 through 58913 in the amount of \$276,628.33, for the period of August 29, 2018, through September 11, 2018; Claim check numbers 58914 through 58945 in the amount of \$490,392.84, for the period of September 12, 2018, through September 25, 2018; Payroll check numbers 37383 through 37430 in the amount of \$88,135.13 and ACH/EFT Payroll in the amount of \$315,921.91 for the month of August; Treasurer check numbers 12096 through 12102, in the amount of \$3,066.00, and ACH/EFT payments in the amount of \$15,767.61 are hereby approved and ordered paid this 25<sup>th</sup> day of September 2018.

**COMMITTEE REPORTS**

**Mayor’s Report:**

Mayor Johnson reported that she will be in an AWC meeting all day on Friday.

**Administration, Finance & Public Safety:**

Council Member Tremblay stated that they had reviewed tonight’s agenda and also the salary schedule and staffing for 2019. He shared a brief overview of the PRCR Engagement 101 presentation.

**Transportation & Utilities:**

None.

**Community Services:**

Council member S. Burkett shared that the committee had approved the landscape design for the new bakery. Julie Bevaart's last day will be October 31<sup>st</sup>. Approximately 85 citizens showed up for Beautify Buckley. Nielson Construction has completed their work on Buckley Hall. Merry on Main is working to get all of Main Street lit up for the holidays.

**Council Member Comments & Good of the Order:**

None.

**Council member Leggett moved to adjourn. Council member Bender seconded the motion. Motion carried.**

**With nothing further the meeting was adjourned at 8:13 PM.**

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Mayor

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City Administrator

**CITY COUNCIL  
STUDY SESSION**

**October 2, 2018**

**ATTENDEES:** Councilmembers Bender, Smith, Tremblay, S. Burkett, Leggett, B. Burkett, Smith and Wilbanks, City Administrator Schmidt, Utility Superintendent Banks, and Mayor Johnson.

Mayor Pro Tem Tremblay called the Study Session to order at 7:00 PM.

Mayor Pro Tem Tremblay stated that rather than specifically discussing the Rainier Gateway Sub-area plan, he asked each Council member to share their ten-year vision for the City. After a lengthy discussion, Council will keep this discussion going in the future.

City Administrator Schmidt informed the Council that there may be an opportunity for the City to partner with PSE and Tollhouse in an energy project. More discussion will continue on this subject in the future.

Mayor Pro Tem Tremblay adjourned the study session at 8:35 PM.

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City Administrator Dave Schmidt

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Mayor Pat Johnson

	CITY OF BUCKLEY			TRANSFER VOUCHER	
			<b>30-Sep-18</b>		
<b>From Fund #</b>	<b>NAME</b>	<b>AMOUNT</b>		<b>To Fund #</b>	
				<b>NAME</b>	
	Bars Number				Bars Number
1	General Fund	\$ 292,785.81		Payroll Fund	
		\$ 95,614.26		Claims Fund	
	597.00.40	\$ 100.00	430	Utility Equip Res	397.00.60
	597.00.65	\$ 416.00	2	Contingency Reserve Fund	397.00.10 St Merge
3	GF Cumulative Reserve				
	597.00.30	\$ 9,253.38	1	G F Investment Interest	397.00.45 St Merge
4	Cemetery			Claims Fund	
	597.00.00	\$ 83.00	430	Utility Equipment Reserve	397.00.20
	597.00.50.30		1	GF Insurance Portion	397.60.80 St Merge
7	P D Maintenance Reserve			Payroll Fund	
		\$ 53,711.34		Claims Fund	
8	Railroad ROW	\$ 1,849.39		Payroll Fund	
				Claims Fund	
	597.00.50.30		1	GF Insurance Portion	397.60.80 St Merge
	597.00.00.46	\$ 83.00	430	Utility Equipment Reserve	397.00.70
30	Fire Equipment & EMS Reserve			Payroll Fund	
				Claims Fund	
35	Park Construction			Payroll Fund	
				Claims Fund	
	597.10.00.10	\$ 218.09	1	G F Investment Interest	397.00.40 St Merge
	597.10.10.10	\$ 2,778.00	307	Cap Imp Trailhead Parking	397.10.40
	597.10.20	\$ 223.00	430	Utility Equipment Reserve	397.00.75
101	Street Operations	\$ 6,245.55		Payroll Fund	
		\$ 5,669.11		Claims Fund	
	597.00.00		430	Utility Equipment Reserve	397.00.10
	597.50.00.30		1	GF Insurance Portion	397.60.82
	597.20.00		1	GF Administration	397.60.20
	597.30.00		102	Street Capital Improvement	397.00.10.50
	597.50.00.70		1	GF Dispatch	397.60.22
102	Street Capital Improvement			Payroll Fund	
		\$ 45,526.29		Claims Fund	
	597.10.00.30		1	GF Investment Interest	397.00.40
	597.10.00.31	\$ 4,225.00	1	GF Project Administration	397.60.95

From Fund #	NAME	AMOUNT	To Fund #	NAME	Bars Number
102	Street Capital Improvement				
	597.10.00.32	\$ 2,778.00	307	Cap Imp Trailhead Parking	397.10.80.60
	597.10.00.33	\$ 1,112.00	430	Utility Equipment Reserve	397.00.80
103	Tranportation Benefit District	\$ 20.00		Claims Fund	
	597.00.00	\$ 4,167.00	101	City Street	397.42
	597.30.48	\$ 6,792.00	101	City Street	397.20.10
105	EMS	\$ 8,732.67		Payroll Fund	
		\$ 8,494.60		Claims Fund	
	597.90.00	\$ 500.00	030/131	Fire Equip/EMS Res	131-397
	597.90.00.40	\$ 125.00	30	Fire/EMS Bunker Gear	397.10.10
109	Criminal Justice			Payroll Fund	
		\$ 2,231.81		Claims Fund	
	597.10.00.20	\$ 4,167.00	7	PD Maintenance Reserve	397.00.00
134	Fire Station Construction			Payroll Fund	
				Claims Fund	
	597.10.00.30	\$ 86.42	202	FS Bond Investment Interest	397.00.40
136	Visitor Promo			Payroll Fund	
		\$ 552.40		Claims Fund	
	597.10.00.10	\$ 156.61	1	GF Investment Interest	397.00.40
	597.51.00.30		1	GF Insurance Portion	397.60.90
	597.52.00.60		1	GF Brick Sales Administration	397.60.91
202	Fire Station Construction Bond			Claims Fund	
307	Capital Improvement			Payroll Fund	
		\$ (30,558.47)		Claims Fund	
	597.10.00.10	\$ 437.06	1	GF Investment Interest	397.00.40
	597.10.00.31	\$ 530.00	1	GF Project Administration	397.60.99
	597.00.20.00		102	St CIP - River Avenue	397.00.20
308	Comp Plan Cap Imp	\$ 9,563.05		Payroll Fund	
				Claims Fund	
	597.10.30	\$ 5,556.00	307	Cap Imp - PW Admin Bldg	397.10.80.50
	597.10.20		102	St CIP - River Avenue	397.10.40
401	Natural Gas Operations			Claims	
	6% tax 533.10.54	\$ 42.38	1	GF Business Tax	316.43
	597.00.00.70		1	GF Gas System Sale	397.60.93

From Fund #	NAME	AMOUNT	To Fund #	NAME
	Bars Number			Bars Number
402	Water Sewer Operations	\$ 83,868.42		Payroll Fund
		\$ (39,064.95)		Claims Fund
	10% tax W 534.10.54	\$ 11,689.87	1	GF Business Tax 316.42
	10% tax S 535.10.54	\$ 16,088.69	1	GF Business Tax 316.44
	597.00.00.50	\$ 542.00	1	GF Dispatch 397.00.60
	597.00.00.51	\$ 6,768.00	1	GF Admin Water 397.60.10
	597.00.00.52	\$ 8,363.00	1	GF Admin Sewer 397.60.10
	W 597.00.00.53		1	GF Insurance Portion 397.60.60
	S 597.00.00.55		1	GF Insurance Portion 397.60.60
	597.00.00.70	\$ 69,874.00	405	Sewer Imp Fund 397.00.00 St Merge
	597.00.00.80	\$ 20,105.00	406	Water Imp Fund 397.00.00 St Merge
	597.00.00.40	\$ 2,084.00	430	Utility Equipment Reserve 397.00.40
	597.00.00.90	\$ 5,556.00	307	Cap Imp - PW Admin Bldg 397.10.60
403	Solid Waste	\$ 77,449.64		Claims Fund
	10% tax 537.10.54	\$ 9,286.02	1	GF Business Tax 316.45
	597.00.00.10	\$ 5,112.00	1	GF Administration 397.60.40
	597.00.00.55		1	GF Insurance Portion 397.60.83
405	Sewer Ext & Replacement			Payroll Fund
		\$ 124,207.93		Claims Fund
	597.10.00.31	\$ 729.00	1	GF Project Administration 397.60.96
	597.10.00.32	\$ 4,445.00	307	Cap Imp - PW Admin Bldg 397.10.80.70
	597.10.00.33	\$ 2,778.00	430	Utility Equipment Reserve 397.00.85
406	Water Line Replacement & Ext			Payroll Fund
		\$ 266,415.65		Claims Fund
	597.10.00.31	\$ 1,264.00	1	GF Project Administration 397.60.97
	597.10.00.32	\$ 2,778.00	307	Cap Imp - PW Admin Bldg 397.10.80.80
	597.10.00.40	\$ 2,778.00	430	Utility Equipment Reserve 397.00.90
407	Storm Drain Operation & Maint	\$ 17,034.91		Payroll Fund
		\$ (5,809.15)		Claims Fund
	10 % tax 531.30.44.01	\$ 4,489.00	1	GF Business Tax 316.48
	597.00.00	\$ 1,250.00	430	Utility Equipment Reserve 397.00.50
	597.00.00.10	\$ -	408	Storm Drain Cap 397.00.30 St Merge
	597.00.00.20	\$ 6,190.00	1	GF Admin 397.60.40.10
	597.00.00.53		1	GF Insurance Portion 397.60.71
	597.00.00.57	\$ 42.00	1	GF Dispatch 397.60.21



## E. COMMITTEE REPORTS