

City Council
October 26, 2010

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

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

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

Finance & Public Safety: Council member Reed stated they have not had a meeting since the last Council meeting.

Streets & Utilities: Council member Montgomery stated they had a budget meeting. Their next meeting will be Wednesday, November 3rd at 7 PM. This will be a budget meeting.

Community Services & Recreation: Council member Patson stated they had a meeting a month ago. She has minutes, but not with her. She will put them in everyone's mailbox.

Community & Economic Development: Council member McNally was not present. Council member Twardoski said Council member McNally called her and said their next meeting will be Monday, November 1, at 1 PM.

Mayor's Report:

Mayor Johnson stated that Congressman Reichert will be here tomorrow in his office from noon to 2 PM. For those in the audience who may not know, Congressman Reichert actually has an office here that is manned by Zach Guill one day a week from about 8 AM until 4 PM. And Congressman Reichert spends two or three brief slots of time a year here, so it is an opportunity to come in and talk to our Congressman. Zach is a disabled vet and his specialty is veteran's affairs, but you can discuss anything you want with the Congressman tomorrow.

Mayor Johnson has an e-mail from one resident on A Street about the haunted house which she will put in everyone's mailbox. So far that is the only complaint from the homeowners that we have received this year, and this isn't the usual one.

Mayor Johnson said that Council member Boyle Barrett is in charge of ad hoc committees, and we need to have a committee on what to do about the Taylor house. We have not made a decision; we sent the engineer back to the drawing board and he's got a

few more ideas, but we really need to get the ball rolling on this and make a decision because the longer it sits empty the more chance of vandalism again.

Staff Reports:

Ellen Boyd, Youth Activities Coordinator for the City of Buckley Parks & Recreation Department: She would like to invite you all to the 2nd annual dinner auction for the Youth Center. It will be November 20th at the Buckley Eagles. The dinner auction will be at 5 PM, and we are still looking for donations and would appreciate any help with that. She has donation forms and tickets for the event with her if you are interested. Mayor Johnson said she talked to Ron Callis at the Chamber of Commerce and told him that we need donations for the auction and he's going to make a notice to the business owners.

Alan Predmore, Fire Chief: Earlier this year I came to you with a request to use training funds to bring in a guest instructor and that happened this last weekend. We had all ten of our officers on the eligibility list spend five hours in training on Friday afternoon, and then we had a department-wide event Friday evening that lasted about two and a half hours. On Saturday we had the open registration, and we had about 73 people total in attendance. 26 people from our agency were able to attend the full day on Saturday and some a part of the day. Our total cost for having the instructor here was approximately \$3,300, and we brought in \$3,000 in registration fees from outside agencies, and American Medical Response sponsored the coffee breaks and snacks throughout the day on Saturday. So, our total cost for getting 26 of our people through a full day of training was less than \$340, and it was awesome training. Everyone already wants to know if we can have him back again next year.

MAIN AGENDA

ORD No. 17-10: Adopting IFC:

Chief Predmore said there is one minor change on Page 1 of the Ordinance at the 4th "whereas"; where it reads "Office of Community Trade and Economic Development" should be changed to the "Department of Commerce." The City Attorney has reviewed the ordinance and we just had more discussion about it just before this Council meeting. I won't say that we may not have more discussion on it tomorrow, but I'm still confident in bringing it forward to the Council tonight. This really is not anything significantly different in terms of what we have adopted in previous adoptions of the International Fire Code with the local amendments that we've presented. We did a little bit of cleaning up in the fire flow requirements but it didn't change the meaning of it, it just made it a little bit easier to flow through the credits that a homeowner or builder could receive in fire flow credits. The biggest thing that has probably changed in the code cycle this year relates both to the fire code and the international building code and residential code, and that is automatic sprinkler systems. We had discussion earlier in the year with the Public Safety Committee about which direction we wanted to go with that. There has been a big push to require sprinkler systems in all constructions. Some cities have adopted that.

Other cities have done nothing different than what they've done in the past; they haven't even adopted that portion of the code for residential applications, and in all of the cities that we've talked to there is a whole variety of things that have happened between doing nothing and completely making it mandatory. Chief Predmore gave a brief overview of where sprinkler systems would be required. Chief Predmore stated with the exception of those two items, there was one other item and that begins on Page 8, regarding the storage of tires. That was just changing the quantities before some of the requirements were triggered. We begin to trigger requirements if there is storage of 300 or more tires, which is consistent with what both Pierce County and most other municipalities in Pierce County have done. Those three items represent the only changes to the code that has been in effect for the past three years. **Council member Montgomery moved to approve Ordinance No. 17-10 adopting the 2009 edition of the International Fire Code with amendments. Council member Reed seconded the motion.** After a very short discussion, **motion carried.**

RES No. 10-11: Affirming Pierce County's Adoption of Ordinance No. 2010-51:

Council member Montgomery moved to approve Resolution No. 10-11 affirming Pierce County's approval of three applications for open space tax credit. Council member Harple seconded the motion. Council member Montgomery asked if this is different than a conservation easement. City Administrator Schmidt stated it is an open space tax credit. A certain amount of credits are given based on the County's evaluation on the point system that they have. You will see in the paperwork on the calculation of their taxes, it is reduced by that number of points. **Motion carried.**

Standard & Poor's Ratings Services Agreement:

Council member Montgomery moved to approve the Standard & Poor's Service Agreement for bond rating. Council member Twardoski seconded the motion. City Administrator Schmidt said this is basically just a letter of understanding that we are agreeing to their terms and conditions for them to conduct our rating analysis to set the bond rating for the fire station bonds. If the Council approves this then we can move forward and we can determine what our rating is. City Attorney Olbrechts stated that legally speaking this is a pretty atrocious agreement. It limits damages to seven times the fee, which is about \$42,000, and if you have a claim you have to file in New York City and abide by New York City law. Normally, this kind of contract really wouldn't be in the best interest of the City, but I understand in this case it's Standard & Poor's and there is probably not any other comparable rating service, so I don't think the City has any negotiation leverage here, and you don't have much recourse if they give you a bad rating. **Motion carried.**

Sewer Operating Agreement between the City and DSHS:

Council member Montgomery moved to approve the Interlocal Sewer Operating Agreement between the City and DSHS. Council member Patson seconded the motion. Council member Montgomery asked a question about the period of performance. At the City level they talked about the set fee of \$10,185 a month whether or not there is any flow coming out of Rainier School, and I am assuming that stops after 30 years. City Administrator Schmidt said when the initial draft went to DSHS, it did not have a termination. That was actually recommended by the City Attorney for the City's protection long term. City Attorney Olbrechts said it definitely benefits the City to have some out. Following a short discussion, **motion carried.**

City Attorney Contract:

Council member Montgomery moved to approve the City Attorney Services Contract. Council member Twardoski seconded the motion. Mayor Johnson said the City Attorney is going out on his own. City Attorney Olbrechts said it's like 80% economics and 20% I don't want to commute two hours every day to my office anymore. A lot of my clients are small cities or they are hearing examiner clients and the rates I can charge for those kinds of clients just don't work in a Seattle office. They're charging over \$200 per hour and I'm \$165, and that is pretty much what I'm charging for most of my city attorney contracts. I think from the perspective of the City, you are not going to notice any difference in service. My firm is still going to be the backup; they're still going to be the associates doing a lot of the research for litigation, and there are 40 attorneys in the firm, and they all have different areas of expertise and it's really helpful to be able to draw on that whenever you need it. So, you have the benefits and economics of the sole practitioner and then the expertise of a big firm, so I think overall it works pretty well. Mayor Johnson said I think we've used about every arm of Ogden, Murphy, Wallace. City Administrator Schmidt said we try to stay away from the \$200 an hour stuff, and I believe our contract states that they can't charge us for over three hours at that rate without prior notification. So, we have some safeguards in there so we don't bill up a high amount of money. A short discussion ensued. **Motion carried.**

FEMA Hazard Mitigation Grant Agreement (Raw Water Transmission Main):

Council member Montgomery moved to authorize the Mayor to execute the Washington State Military Department Mitigation Grant Agreement and directing staff to proceed with the project. Council member Twardoski seconded the motion. City Administrator Schmidt said this is a hazard mitigation grant that Chief Predmore and Gray & Osborne put together two years ago. We were approved and then the legislature froze funding, and then just this summer they re-released the funding and so we were awarded the grant to replace over 2,000 lineal feet of transmission main in some of the most vulnerable areas. Just so the Council is aware, FEMA money and DEM money is reimbursable, and that means that although our out of pocket cost will only be \$140,000 in the end, we still have to have that cash flow to be able to keep that contract going. Chief Predmore gave a short review of the project. Discussion ensued regarding this

project, the terms and conditions of FEMA funding and how this will impact other City projects. **Motion carried.**

CONSENT AGENDA

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

Approve Minutes of October 12, 2010
Approve Minutes of October 19, 2010

Claim check numbers 45933 through 45958, in the amount of \$ 25,946.32, for the period of October 12 through October 26, 2010, are hereby approved and ordered paid this 26th day of October 2010.

A very short discussion ensued regarding the Public Hearing scheduled for November 9 regarding levy certification on property tax and EMS.

With nothing further the meeting was adjourned at 7:45 PM.



Mayor



City Administrator