

**City Council**  
**November 8, 2011**

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

Upon roll call the following members were present: Boyle Barrett, Harple, Montgomery, Patson and Twardoski. Also in attendance was City Administrator David Schmidt.

Mayor Johnson asked if there are any additions or corrections to the agenda. Mayor Johnson stated there may be one for the Fire Station Construction, Change Order No. 6. Mayor Johnson asked if the Council would like to hold the Public Hearing prior to the committee reports because there are several people in the audience that may like to speak. **Council member Montgomery moved to place the Public Hearing first on the agenda prior to the committee reports. Council member Harple seconded the motion and the motion carried.**

City Administrator Schmidt stated that an amended budget was passed out to the Council and public. We found a \$21,000 error in the formula for the budget so that correction has been made. The 2012 Budget proposes to expend \$17,098,078 with revenues of \$20,896,685 leaving a projected ending fund balance of \$3,798,607. The budget as presented to the Council and the public proposes to maintain all current services and operations in the City at their present levels except for a reduction in hours at the Youth Center. The jail is currently proposed to stay open at full operations based on revenue. We lost \$186,000 in guaranteed contracts, which has the jail operating at a significant loss. He would like to caution the Council that many of the numbers in this budget have factors that are at risk. There are state initiatives, county initiatives, and the Governor's budget cuts, all of which could impact the budget significantly, so we may be back looking at this in a month or two. Mayor Johnson stated that part of what the City Administrator is alluding to is that the Governor wants to take away from cities and counties the alcohol tax we receive. We also lost 300 in population in the last census, and all our revenues coming from the State are based on population. The County's 911 tax could literally close our dispatch center in a couple years.

Mayor Johnson recessed the regular meeting at 7:10 PM to hold two Public Hearings. Mayor Johnson explained the Public Hearing process. City Administrator Schmidt stated the Council is not considering adoption of the budget tonight, this is simply the Public Hearing. We will go back and deliberate, possibly make slight adjustments, and then at the first meeting in December it will come before the Council for adoption.

**Public Hearing – 2012 Proposed Budget**

**Mayor Johnson opened the Public Hearing on the 2012 Proposed Budget at 7:10 PM.**

**Marvin Sundstrom, 881 Sheets Road.** Mr. Sundstrom voiced his concerns on the cost of healthcare for employees, the split of street and stormwater and increase in fees, Elk Meadows Ditch, the Spiketon Ditch lawsuit, Council compensation, utility supervisor and lead positions, last year's budget and year end project shortages, untimely expenses at this time for communications upgrade, Multi-purpose Center remodel, shop remodel, hook up into Tacoma Water, administration and utility fund split on front office personnel, 10-hour day production, utility funds to dispatch, and potential jail closing costs.

**Lorna Anderson, 150 Monte Vista Street.** She would like clarification about the jail. Her understanding is that the jail will stay open for 2012, but if things change it could close in the next couple months. City Administrator Schmidt stated that the budget as presented keeps the jail open, but that is contingent on revenues coming in to support it. We don't have any guaranteed contracts with cities that guarantees bed space and actual revenue coming in each month; it is based on first come first served, and if cities don't use us and the revenue doesn't come in to support it, Council may need to consider closure in January or February.

**Kim Trimble, 461 Spiketon Road.** He would like to talk about jail. He works for the Department of Corrections in Tacoma and will probably be unemployed due to budget cuts that are coming up. Knowing that this is coming and that they will be cutting community corrections again letting people out early with no supervision, we are going to need that jail space because it is going to get crazy out there. He would urge the Council to really carefully study and try to keep this jail available.

**Mayor Johnson closed the Public Hearing at 7:25 PM.**

#### **Public Hearing – 2012 Property Tax & EMS Levy**

City Administrator Schmidt stated that this is a combined Public Hearing for the Regular and Emergency Medical Services ad valorem tax. City Administrator Schmidt stated for the regular property tax the dollar amount of the increase over the actual levy amount from the previous year shall be \$7,063.67, which is a percentage of .936% from the previous year. This increase is exclusive of additional revenue resulting from new construction, improvement to property, newly constructed wind turbines, any increase in the value of state assessed property, and annexations that have occurred and refunds made. For the EMS levy the dollar amount of the increase over the actual levy amount from the previous year shall be \$1,929.54, which is a percentage increase of 1% from the previous year. This increase is exclusive of additional revenue resulting from new construction, improvement to property, newly constructed wind turbines, any increase in the value of state assessed property, any annexations that have occurred and refunds made. The actual levy amount is 101% for the EMS levy, but because it is a junior tax it is set at a threshold of 50 cents per 1,000 so that is measured against the assessed valuation.

**Mayor Johnson opened the Public Hearing on the 2012 Property Tax & EMS Levy at 7:26 PM.**

**Mayor Johnson closed the Public Hearing at 7:27 PM.**

**Mayor Johnson reconvened the regularly scheduled meeting at 7:27 PM.**

**Finance and Public Safety:**

Council member Boyle Barrett stated that the Admin & Finance Committee met last night. The Firehouse Pub was in attendance to talk about doing a February Brew Fest. They have been provided our community event permit, so that will be forwarded to the department heads. The committee recommended 2-1 that we take Chief Predmore's Change Orders to discuss tonight. **Council member Boyle Barrett moved to add the Fire Construction Change Order to the agenda. Council member Patson seconded the motion.** Council member Montgomery stated it is a lot to digest; is this pressing? Council member Boyle Barrett stated it is not crucial but it helps to keep things flowing. Council member Harple stated he voiced his concerns last night at the meeting because we have discussed this in the past about bringing things that were not emergencies to Council agendas when the Council has not had time to review it. It's not that he doesn't trust what the Chief is telling him is correct, but he has concerns about the size of this and not having a chance to ask questions and go through it. He was under the understanding that there was nothing pressing and that it could wait until the next meeting. **The motion then carried with a 3-2 vote.** This will be added as Item #18 on tonight's agenda. Council member Boyle Barrett stated there are two other items on tonight's agenda from the Fire Department, and they also talked about the budget at their meeting. Their next meeting will be November 28, 2011 at 5:00 PM if there are no conflicts.

**Streets and Utilities:**

Council member Montgomery stated they have a meeting tomorrow night at 7:00 PM at City Hall.

**Community Services and Recreation:**

Council member Patson stated they will be having a meeting on November 15, 2011 at 4:00 PM at City Hall.

**Community and Economic Development:**

Council member Boyle Barrett stated they have not had a meeting and do not have one scheduled at this time.

**Mayor's Report:**

Mayor Johnson stated we have received an invitation from the School District; they are conducting tours of all the schools on Monday starting at 7:30 AM at the Superintendent's Office.

Mayor Johnson stated that she spent two hours on Friday with Speaker of House Frank Chop touring Rainier School. One thing she always stresses when speaking regarding Rainier School is don't cut an RHC until you visit it and find out what is going on, how the people are being cared for and what all is involved in closing down such a facility. The impact to the City if Rainier School closes would be tremendous.

**Staff Reports:**

City Administrator Schmidt updated the Council and public on the Realignment Project. The first lift will be done by the end of this week. They are hoping to get the second lift on 112<sup>th</sup> and Ryan Road and possibly where it curves around and connects to Pearl; however, WSDOT, because of the performance criteria under State's specifications, will not allow the paving of SR165 this late in the season. So, for the winter it will remain with a drop off at the SR165 intersection and then in the spring Johansen will come back and finish it. The storm drain line is moving more water than has ever been moved in that area.

Council member Montgomery asked if there was any news from Ecology or the Attorney General's Office about a possible settlement on Spiketon. Administrator Schmidt stated no they have been working with the Attorney getting the agreement drafted, and on Tuesday he and the Mayor will be in Seattle all day for mediation on the other issue.

**MAIN AGENDA**

**Ordinance No. 10-11: 2012 Property Tax Levy Certification**

City Administrator Schmidt read the Ordinance by Title. **Council member Montgomery moved to Adopt Ordinance 10-11 adopting the 2012 Property Tax Levy. Council member Boyle Barrett seconded the motion and the motion carried.**

**Ordinance No. 11-11: EMS Levy Certification**

City Administrator Schmidt read the Ordinance by Title. **Council member Boyle Barrett moved to adopt Ordinance No. 11-11 setting the 2012 EMS Tax Levy. Council member Montgomery seconded the motion and the motion carried.**

**Ordinance No. 12-11: Allowing Historic Wall Signs in the Downtown Historic District**

**Council member Montgomery moved to adopt Ordinance No. 12-11 amending the City's sign code BMC 19.30 to allow historic wall signs in the Historic District. Council member Patson seconded the motion.** City Administrator Schmidt stated that the Council adopted an emergency ordinance last year with a sunset provision, but it expired before the coffee shop was able to do anything with their mural. It went back to the Planning Commission and they held a Public Hearing and have gone through SEPA. One concern that Council member Boyle Barrett had prior to the meeting was clarifying that this is only for walls that are visible from Highway 410, which would preclude some of the buildings at the east end of Main Street. If the Council wants to modify this ordinance it should go back to Planning Commission, or this ordinance could be adopted

and then sent back to the Planning Commission because it is a significant enough change that it would have to go through the entire process again. Council member Montgomery stated his recommendation would be to adopt it in its current form and then send it back to the Planning Commission. **The motion then carried.**

**Resolution No. 11-13: Surplus and Trade of Property**

**Council member Montgomery moved to approve Resolution NO. 11-13 declaring surplus property and authorizing the surplus property to be traded for value. Council member Harple seconded the motion.** Chief Predmore explained to the Council and public why this is happening. **The motion then carried.**

**River Avenue Overlay Project – CO #1 & Final Acceptance**

**Council member Montgomery moved to approve Change Order #1 for the River Avenue Overlay Project and accept the project as complete. Council member Boyle Barrett seconded the motion.** City Administrator Schmidt stated this contract was awarded by the Council in July. During the project, River Avenue from Park to Main had a lot more alligator cracks than they anticipated, and there were also sub-grade issues as well. Instead of digging out the whole street and reconstructing it, they used paving fabric to add support to provide the structural integrity. TIB agreed to pay the additional charges, with the City paying their 5%. **The motion then carried.**

**Scope of Work – Addendum to Fire Station Geo Tech Services**

**Council member Boyle Barrett moved to authorize the addendum for geo technical services related to the new fire station project in an amount not to exceed \$2,250. Council member Montgomery seconded the motion.** Chief Predmore explained how this came about with the keystone wall. **The motion then carried.**

**SR410 & Mason Avenue Pedestrian Crossing Project – Final Acceptance**

**Council member Boyle Barrett moved to accept the SR410 & Mason Avenue pedestrian crossing project as complete. Council member Patson seconded the motion and the motion carried.**

**Waste Water Treatment Plant – Equipment Purchase**

**Council member Boyle Barrett moved to approve the WWTP Supervisor to purchase the new lawn mower listed from Washington Tractor for \$4,479.82. Council member Twardoski seconded the motion.** Council member Harple stated when reading through this and then looking at the picture, it appears this is more abuse than actual wear and tear. He asked how much lawn there actually is to mow. Discussion ensued. **The motion then carried with a 4-1 vote.**

**Realignment Project – Change Order No. 3**

**Council member Boyle Barrett moved to approve Change Order #3 for the Realignment Project for a cost of \$16,704. Council member Patson seconded the motion.** City Administrator Schmidt stated this is for five items, and one item is actually a credit. He then explained what all items were. **The motion then carried.**

**Fire Station Construction Project Change Order No. 6**

**Council member Boyle Barrett moved to approve the Fire Station Construction project Change Order No. 6 with Five Rivers Construction adding \$78,522.39 and 13 days to the current contract amounts. Council member Montgomery seconded the motion.** Chief Predmore explained to Council the timing of this and how the process works for payments. He then explained all the items within this change order. Discussion ensued. **The motion then carried.**

**Council member Boyle Barrett moved to approve the consent agenda. Council member Twardoski seconded the motion and the motion carried.**

Approve the minutes of the October 24, 2011 City Council meeting.

Claim check numbers 47579 through 47681, in the amount of \$1,063,861.26, for the period of October 28, 2011 through November 8, 2011; Payroll check numbers 31886 through 31956, in the amount of \$314,933.35 for the month of October 2011; and Treasurer check numbers 11146 through 11163, in the amount of \$31,616.08 are hereby approved and ordered paid this 8<sup>th</sup> day of November 2011.

With nothing further the meeting was adjourned at 8:12 PM.

  
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Mayor

  
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City Administrator