

**City Council**  
**February 23, 2010**

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

Upon roll call the following members were present: Reed, Montgomery, McNally, Harple, Patson and Twardoski. Council member Boyle Barrett arrived at 7:12 PM.

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

**Finance & Public Safety:** Council member Reed stated they had a meeting on February 10<sup>th</sup> with an update from the Fire Chief regarding the status of the fire station bond and conceptual drawings regarding layout and possible design of the actual fire station. We spent a lot of time talking about the proposed Council Rules & Procedures. There were a lot of questions that we didn't have a lot of answers for. Council member Reed said I would like to recommend that we go ahead and send that back to a workshop so that we have all of the parties asking and answering questions in one shot. The Police Chief was excused so we didn't have a Police Department report.

**Streets & Utilities:** Council member Montgomery stated that they did have a meeting. Minutes were distributed electronically and hard copies provided tonight.

**Community Services & Recreation:** Council member Patson stated that they held a meeting on February 10<sup>th</sup> at 10:20 AM. They talked about the Census; packets will be mailed out on March 15<sup>th</sup>. Census workers will be available at senior centers on six different days beginning March 22<sup>nd</sup>. They will assist with filling out forms and they will also answer questions. We talked about items on Jennifer Bacon's list. First was the Relay for Life, and she is going to touch base with Penny Frame regarding a scheduling conflict. We talked about the haunted house; those representatives will be talking to us about location, and I understand they will be coming to a meeting to present a check. Overall, there are no major problems. There was some talk about the Pierce County Youth Violence Prevention Committee and some funding which will give us the ability to staff a lunch program this summer. There is one student starting under Mac next week, and the Youth Work & Mentorship Program is once again funded. We talked about some vandalism in the vicinity of Wally's Drive-in by the public restrooms. There is an issue with the security cameras maybe needing to be either reassessed for repositioning or perhaps replacement. Jennifer Bacon talked about the Employee Wellness Program and we will start getting e-mails regarding wellness. An employee wellness committee will meet before the end of this month and we need staff and Council to participate in order to be eligible for a 2% discount on medical insurance premiums. Mayor Johnson said this is for the AWC Well City Program. City Administrator Schmidt stated that the City Council also needs to adopt the support through a resolution, and we have to adopt a policy and a program as well in order to meet the eligibility criteria, and we're working on that now. Bob Olson reported on the progress of the Veterans Memorial. Donations

for that are adding up, and Bob would like to include a photograph of the Memorial Log and a brief article for the City's website. There will be a dinner and auction to raise funds for this project at the Buckley Eagles on May 1<sup>st</sup>. Our next meeting is March 10<sup>th</sup> at 9:30 AM.

Council member Randy Reed stated that there is a scheduling conflict with the next Finance & Public Safety meeting. Currently, our Committee meets on the second Wednesday, but unfortunately the second Wednesday of March has been scheduled for a Council Retreat. Their next meeting will be March 1<sup>st</sup> at 6:30 PM. Council member Boyle Barrett said on the agenda for that March meeting we will probably have Jason Schafer of the Firehouse Pub in regards to the Log Show. He contacted me to find out when the meeting was and I will notify him.

**Community & Economic Development:** Council member McNally stated they have not had a meeting since the last Council meeting.

**Planning Commission Report:** Chad McCorkle stated that the Planning Commission's last meeting was the first week in February. At that meeting they began work on the Future Street Map. We started with what we thought to be an easy section, between 112<sup>th</sup> and Hinkleman, and we had to send some questions back to the engineers and have a couple maps rearranged for us so it would be a little bit more clear. They also decided that they would all go out in their spare time and take a look to see if there is a place that seems like it would work to put in a couple new streets. Their next meeting is March 1<sup>st</sup> and they will again be working on the Future Street Map. Mr. McCorkle said he thinks that project is going to be taking up a lot of their time in the next few months. On March 2<sup>nd</sup> he and Bryan Howard are going to meet up to work on the Park Plan. We're hoping to get a list of projects to turn into the engineer to get cost estimates so we can get them back and get the Plan put back together.

### **Mayor's Report:**

Mayor Johnson stated that we received a letter from Pierce Transit telling us there is a vacancy for a position open on the Board of Commissioners for Pierce Transit. If anyone is interested, we have to have a name in by March 24<sup>th</sup>. You have to be an elected official to be on this Board, and it will be a 3-year term. If any of you are interested let us know and we will get this nomination officially done and sent off. They meet once a month in the late afternoon, I believe at 4 PM, at Pierce Transit in Tacoma.

Mayor Johnson said in the Legislature in Olympia today, the Senate and House budgets both came out. Remember there are still eighteen days left in the session and a lot can happen between now and then. But, in the Senate budget they've left in funding for Rainier School, but not for the center in Bremerton which is the smallest of the facilities and it deals strictly with children with autism. The House has none of the RHCs cut. The only scary thing that's still remaining in the Senate budget is SB 6780 which literally strips the developmentally disabled of a lot of their rights as far as where they live. This

bill allows the State to come in and move them without permission of the families or guardians. So, that will still be a big issue to be fighting for.

Mayor Johnson said on Friday she was a guest at the Family Center at Wickersham, which is run by Good Samaritan Hospital. They provide a lot of services for the indigent in the community and for families that are struggling. They are going to come in a month or so and give us a ten minute presentation about the services that they have that are available to the community. They are also putting together a packet for City Hall. So often people come in and they're having problems with their utility bill or bills in general and they're looking for some kind of help, so they're putting together a packet so we will have that readily available.

Mayor Johnson said I believe you all received an invitation for Saturday for an open house at the clothing bank here in town. She will be out of town, so she won't be able to attend, but it's amazing to see what they have there and the number of people that they serve. So, if at all possible, please take a break on Saturday to go visit.

### **Staff Reports:**

Fire Chief Predmore said that they finished the 2<sup>nd</sup> public visioning workshop last night for the conceptual design of the new fire station building. They had a couple really good comments from some of those in attendance, and we should see that final product on Thursday of this week. I imagine that much of our Public Safety meeting on March 1<sup>st</sup> will be looking at the ordinance. The ordinance has been written, and short of having the numbers that we will actually not receive until March 5 from the architects, the ordinance will be ready to come before you at the Council meeting on March 9. We have to have it filed with the County by March 12, so we're running really tight.

Fire Chief Predmore said that on March 2<sup>nd</sup> is the third annual Health Summit. Council member Montgomery is confirmed to attend, and everyone should have received an invitation. If you haven't confirmed yet, it would be great if you could do so quickly. With the Health Summit on March 2<sup>nd</sup>, we're really starting to move forward with some progress. I think that the communities that are served by the health care foundation and the newly formed health coalition are going to begin to recognize and see some benefits come out of the work that's being done. So, if any Council members are available, it is the morning of March 2<sup>nd</sup> and it ends by 12:30 or 1 PM in the afternoon. It would be great to see a few people there and have Buckley well represented

City Administrator Schmidt reported that our new gas department lead and one of the apprentices passed their welding certifications so we have one more to go.

City Administrator Schmidt said back when the Council made Bob Olson our Arts Commissioner, he set up the Veterans Memorial Project. He has since been able to accumulate quite a few donations. The Council has a line item budget in Parks for that particular department and projects, but the one thing the Council hasn't done, and it should probably be done formally, is authorize him to be able to make expenditures

towards that project out of those donated funds. We've been spending a little bit here and there, but if he needs gravel or materials I think it would be better if the Council made a formal motion authorizing him to do that for that project. Council member McNally asked what line item that is. City Administrator Schmidt said it is under the Parks 135 fund; it's actually for art projects in the City. It's one specific line item and every time a donation comes in Finance Director Bazzar posts it to that as revenue. So, there is an expenditure amount in there, which was just based on a theoretical amount, but I know that Bob has received well over \$4,000 in donations. So, there is funding there for him to spend, and I would ask that the Council make the motion for him to expend donated funds, but not anything over and above that. **Council member Boyle Barrett moved to authorize the Arts Commissioner to accept donations for the Veterans Memorial and to expend such funds on the same project. Council member Patson seconded the motion.** City Administrator Schmidt said that we have to follow audit standards, and he knows that Bob has been keeping the Committee apprised. A short discussion ensued. City Administrator Schmidt said that Bob has been telling the donators that all the funds will go to the Veterans Memorial until that project is complete. Once that project is complete, those funds will then be moved to the next project. Council member Boyle Barrett said she would like to amend her motion based on the fact that he has already told people that the funds could be used outside of that specific project. **Council member Boyle Barrett moved to rescind her motion.** Bob Olson said we have to be careful with this because a lot of people have come to me and said if we donate is the City going to drain that fund or is it going to go for arts. City Administrator Schmidt said although you've made Bob the Arts Commissioner, as these projects come in and ideas come in the Council is going to want to look at each individual project and approve it before it moves forward. There is no reason why you can't make a motion at that time to expend those donations for the next project, and just do it one project at a time. That way you don't get the lines blurred between one project and another. Mayor Johnson stated that Council member Boyle Barrett has rescinded her motion. Council member Boyle Barrett asked City Administrator Schmidt if he is recommending that we keep the motion as it is. City Administrator Schmidt said I think your motion is great. Council member Boyle Barrett said then once we get to the end of this project we can figure out what our maintenance costs are and then we can roll the money forward. **Council member Boyle Barrett moved to rescind her rescind. Motion carried.** More discussion followed. Council member Boyle Barrett said she just wants to make sure that we are back to the original motion which authorizes him to collect funds and to expend them on the same project; that was the original motion. Mayor Johnson said correct. **Motion carried.**

Council member Boyle Barrett asked to make a comment. The Families First Coalition is going to be holding Youth Forums and a Community Summit this year. We have some dates set up for the Youth Forums. We did this in 2006. We went into the different schools and asked the kids about strengths of the community, their perceived weaknesses, and what ultimately came out of that was the Youth Center. So, we are looking for volunteers to be facilitators during the Youth Forums. Council member Boyle Barrett said she will be sending out an e-mail to you when we have all the times narrowed down asking if anyone is interested. Generally, it is a two to four hour commitment of time, and you have a group of roughly ten students. We do need additional volunteers so

contact me if you're interested. The Youth Forums will be held during the day, during school. It is a neat experience. In engaging the kids you get a lot more information than you can imagine.

**Bio Park, Attorney at Ogden Murphy Wallace, is here substituting for City Attorney, Phil Olbrechts.** Mr. Park stated that he was asked to inform the Mayor and the City Council that the Petition for Condemnation of Spiketon Ditch has been filed today. As far as any more substantive information, when Phil comes back he will be prepared to discuss that in Executive Session if one is requested.

### **Citizen Participation:**

**Sandy Ramsey/Tim Personious: Buckley Kiwanis/Buckley Law Enforcement Association – Co-sponsoring carnival to be held during the Buckley Log Show: Sandy Ramsey, 263 Hamilton Court, Tim Personious, Buckley PD.** Sandy said they are here today requesting the use of the city park for the carnival during the Log Show June 25 – 27. When I found out that Funtastic just can't fit us into their schedule, I went on the internet and found Davis Shows Northwest out of Oregon. They came up here and met with Tim and me on January 27<sup>th</sup>, and we showed them where the Funtastic people set up and they loved area, and he said he could put on a really great show for us. Historically, what we have done together in co-sponsoring this is we each make about \$2,000 for our clubs, and for the Kiwanis it supports the fishing derby, Christmas shows and all the other things that the Kiwanis does throughout the year; this is our biggest fund raiser. Tim stated that the Buckley Law Enforcement Association provides scholarships to local kids, they donate to Special Olympics, to the Wounded Warriors Project, to Paralyzed Veterans of America, and of course to local law enforcement families that have suffered a death, and we send out bunches of flowers when people have babies and stuff. Local groups, like the Boy Scouts and the Girl Scouts, we've donated to them, and every year we give money to the Children's Christmas Fund that the Fire Department runs. Sandy said they are going to supply four sani-cans, and one handicapped sani-can, and a 20 yard dumpster. All we have to supply is the water hookup from the Youth Center, as we have in the past, and we need to close down Jefferson Street for safety issues. They are going to start rolling in on Monday, just like the other carnival did, and they will open Friday, Saturday and Sunday, weather permitting. They are going to name the City of Buckley as insured, along with Kiwanis and Buckley Law Enforcement, and it will be a \$5 Million dollar policy. So, we're just asking the Council for permission to hold the carnival. **Council member Boyle Barrett moved to approve the carnival June 25 – 27 on River Road right-of-way, and the closure of Jefferson Street according to the information submitted. Montgomery seconded the motion.** Council member Boyle Barrett said we had a problem in the past with them coming in when the grass was really wet. Do we have a provision to prevent having all of the grass torn up this time if it has been raining prior to them arriving? Sandy and Tim said they told him about the problem we had a couple years ago and he assured them that would not be a problem. A discussion ensued regarding protecting the grass. Sandy will give them a call to see of the insurance policy will cover that. City Administrator Schmidt said you might ask them to put a sentence in the contract about fixing any damage to the grass areas. Council

member Boyle Barrett asked that they be sure to have staff on site when they get ready to set up so they can direct them. City Administrator Schmidt asked Sandy to just let them know that it is major rutting that we're worried about. **Motion carried.**

**Marvin Sundstrom, 881 Sheets Road: Discussion of e-mails:** I heard nothing in committee that would have led to the lucrative contract that the City Administrator received. I requested all e-mails from July 1, 2009 to December, 2009 between the head of the Admin & Finance Committee, the City Administrator and the Mayor, and back and forth. The trail never materialized. I certainly did not expect to turn up what I have seen in several of these communications, and this one I felt worth sharing with you. I'll say no more. You all have my comments. **Attracting business:** Just after the last Council meeting I received a phone call asking me to visit a business owner. You have a copy of the correspondence this individual received. According to what I have been told, the individual was exploring the possibility of converting an existing building that had housed two different businesses previously, including Dillanos, into a 24-hour laundry mat complete with fourteen washers. If I remember correctly, the City Administrator stated that existing buildings with similar use were generally exempt from further impact fees. I was also informed by the business owner that the City of Tacoma charges a flat fee of \$500 per machine. If what I've been told is correct, and regardless of the Tacoma fee, I certainly hope some of you find these impact fees to be excessive if they are correctly computed per ordinance. And, is the ordinance so complicated that consultation with the City Engineer is required. I just find that hard to believe. In my opinion, if what is contained in this message to this business owner is correct, the City needs to revisit how they deal with business impact fees, if the City ever hopes to have a viable business community.

Council member Boyle Barrett asked to add a comment. Pierce Transit is contemplating cutting service to everything south of the Bonney Lake Park & Ride. There was a meeting down at the Bonney Lake City Council where they were told this. There are some community focus meetings going on, but it is all budget related and low ridership. This is just an FYI to the Council that this is going on. If I have anything further I'll send it along to you. Council member Montgomery said they have a survey on-line that I filled out and then they invite you to make some comments. My comment was if you are going to cut us out of the loop so to speak, then it would be great if you would come talk to us at a Council meeting and give us a presentation as to why that is.

Council member Reed said we were briefly talking about a similar item prior to the Council meeting. There have also been reductions and route changes on the Sound Transit side of the books. I'm not quite sure why Sound Transit and Pierce Transit have overlapping jurisdictions, but prior to February 7<sup>th</sup> you could catch a bus from the Bonney Lake Park & Ride and stay on a single bus to go to the City County Building in Tacoma, which was very handy if you happened to be on jury duty as I was for a couple of weeks. As of the 7<sup>th</sup>, that bus route was eliminated from Sound Transit and now it is a two or three bus event to get there. The other item that has happened recently, and I'm not exactly sure of the date, is that Pierce Transit and Sound Transit no longer recognize transfers between the two systems. The idea is that you are to participate in the ORCA

transit card, which if you are a regular bus rider works out great for you. If not, then it's really confusing and will cost you about three times as much. If you use the ORCA System, then the transfers are still available to you. Mayor Johnson said part of the problem with talking to Sound Transit about service out to here is we are not in the Sound Transit taxation area. So, complaining to Sound Transit isn't going to do us any good. Part of the reason that people don't ride the bus a lot up here is because it is not convenient. They have told us all along that once we have the realignment done and the park and ride lot there, they will consider bringing the Sound Transit bus to Buckley to coincide with the train that goes to Seattle, which would be a huge benefit.

## **MAIN AGENDA**

### **Ordinance No. 03-10: Amending Stormwater Regulations Chapters 14.28 – 14.40 BMC.**

**Council member Montgomery moved to approve Ordinance No. 03-10 Amending the City Stormwater Regulations 14.28 – 14.40 to Comply with Phase II NPDES Permit. Council member Patson seconded the motion.** Council member Harple said he was curious about 14.28.155, Payment of Fees. Where it talks about surface water management utility service charge is due and payable at the office of the City Administrator by the 15<sup>th</sup> of every month, and if payment is not received by the 20<sup>th</sup> of the month following the due date, the account shall become delinquent. So, what payment is this? Council member Twardoski said it is the regular utility that you get every month. Council member Harple said that is what he thought, but it doesn't coincide with our billing now because our billing now has a ten day grace period. This doesn't coincide with what is on the back of the City bill. A lengthy discussion ensued. **Council member Harple moved to amend the motion to change that to ten days to match. Council member Montgomery seconded the motion.** City Administrator Schmidt said just to make sure we're on board with the Utility Billing Clerk and what everything is, I would suggest it being a subsequent amendment. More discussion ensued. **The Amended Motion carried.** Council member Boyle Barrett said you have now just changed the stormwater time frame, so are we going to tax the Utility Committee with going in and changing the rest of the utilities? Council member Montgomery stated that the Utilities Committee is going to have to go in and look at all of them May 1<sup>st</sup> after the software update is made. Council member Boyle Barrett asked then how is Devon going to update the software? You have one utility that now has a ten day grace period versus the others. More discussion followed. **Main Motion carried. Council Member McNally recused himself.**

**ORD No. 04-10: Amending Sewer Pretreatment Regulations Chapter 14.06 BMC**  
**Council member Montgomery moved to approve Ordinance No. 04-10 Amending the City's Sewer Use Regulations 14.06 to Comply with Updates in State and Federal Law and Requests by Department of Ecology. Council member Reed seconded the motion. Motion carried.**

**ORD No. 05-10: Repealing the WRSD School Impact Fee**

**Council member Reed moved to approve Ordinance Amending the White River School District Impact Fee under BMC 3.50.050. Council member Montgomery seconded the motion. Motion carried.**

**RES No. 10-03: Taxes, Rates & Fees Schedule (Revision #9)**

Mayor Johnson said this includes the impact fee for the White River School District and a couple other charges on garbage rates. **Council member Montgomery moved to approve Resolution 10-03 Amending the City's Taxes, Rates and Fees Schedule. Council member Reed seconded the motion.** City Attorney Park asked are we having an increase in the actual rate of garbage service here. City Administrator Schmidt said no. City Attorney Park said so for the record there is no rate increase for the rate payer. City Administrator Schmidt said that is correct. **Motion carried.**

**Scope of Work: Heath Leak Detection**

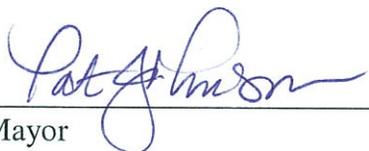
**Council member Montgomery moved to approve the Scope of Work for Heath to Conduct Leak Detection of the Natural Gas System. Council member Boyle Barrett seconded the motion.** Council member McNally said he thought we were going to postpone this until development started, the second pressure increase. City Administrator Schmidt said that the department has always been proceeding with doing the other incremental increase. We have to have it done by March 9; that's the deadline, otherwise it would cost us another \$6K basically. A short discussion ensued. **Motion carried.**

**CONSENT AGENDA**

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

Approve Minutes of February 9, 2010

**With nothing further the meeting was adjourned at 8:25 PM.**

  
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Mayor

  
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City Administrator