

City Council
February 9, 2010

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

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

Mayor Johnson asked if there were any changes, additions or deletions to the agenda. There were none. Mayor Johnson stated because we have a large audience for the discussion of the Taylor property, we will move that up on the agenda.

Citizen Participation:

Paul Goldsberry, Nancy Maude, Patricia Burns – City Council’s Plans for the Taylor Property: Paul Goldsberry of 467 Mountain Circle introduced Nancy Maude of 430 Mountain Circle and Patricia Burns of 485 Rosewood Drive. They are here tonight to ask the Council if there is now or in the future a plan to use the Taylor property or house as a halfway house. Mayor Johnson stated we know that a portion of the property will be used for expansion of the Sewer Treatment Plant. Where the Taylor house sits there appears to be enough property to section off the house and another building lot that the City could sell to recoup some of the money that we spent on the Taylor property. Council member Reed has been looking for transitional housing for the homeless. There are several non-profit groups, such as Helping Hand House, that do this. Council member Reed stated that currently we have a couple of residences in the City of Buckley that are used as transitional housing. A family that finds themselves homeless will apply to an organization where there is a two-year program that they provide housing for a family, and as a part of the program the participants are required to attend training classes to make them job ready, and then they are expected to be out of that house in two years. The City of Buckley is looking at a couple problems. The first problem is we cannot leave that home unoccupied. It was unoccupied and it was significantly vandalized. Also, with vacant property you run the risk of rodent infestation. Mr. Goldsberry stated they are concerned that this property will be used for some sort of halfway house for drug users or sex offenders. They aren’t that concerned about it being used as a transitional house. Council member Reed stated there has never been a discussion about halfway houses for parolees, drug users or sex offenders. Mr. Goldsberry said he would like to hear from the Council that it would not be used for that type of use. Administrator Schmidt stated the only options the Council has talked about is demolishing the home and selling the vacant lots as building lots, making the repairs after the vandalism and selling it at a reduced rate as a fixer upper, or as transitional housing. Council member Reed stated currently everyone knows the real estate market is depressed. We could do a buyer sale and get some money out of it, but may not get what it is worth. What he suggested, which is only a suggestion, is to lease it to a program such as Helping Hand House. No decisions have been made. We are still a long way

from completing the repairs. Mr. Goldsberry asked if halfway houses would be allowed under the Buckley Code in the residential zones. Council member Reed stated actually they are, and that is a State law not a City of Buckley law. With the fact that the City owns it, we can stipulate what kind of use goes in that property. Discussion ensued. Mr. Goldsberry asked the Council if they could be assured that halfway houses would not be allowed on this property.

Nancy Maude, 430 Mountain Circle, would like to clarify the current status and make sure she understands it correctly. The current status is that the City is having estimates done on the cost of repairs, and is considering the insurance reimbursement. Then you are going to balance that before you make the decision as to what to do with the property. Is that correct? Mayor Johnson stated yes it is. There was a brief discussion about how much money is going to be spent on this and who will have to pay for it. Council member Reed stated that the Council is trying to be a good steward of the citizen's money. It was the Council's consensus that they would not be using this house as a halfway house. Mayor Johnson stated that this will probably come before the Council again, but it will be going to committee first. She asked if the three citizens want to remain as the contact people. They said yes. Mayor Johnson stated that these three citizens will be notified of any committee meetings or Council meetings where this will be discussed.

Finance and Public Safety:

Council member Reed stated that the next meeting will be February 10, 2010, at 6:00 PM.

Streets and Utilities:

Council member Montgomery stated that they have had a meeting and they have a lot of unfinished business so the minutes have not been prepared. They have another meeting on February 16, 2010, at 9:35 PM.

Community Services and Recreation:

Administrator Schmidt stated they have a meeting on February 10, 2010, at 10:15 AM

Community and Economic Development:

Council member McNally stated they had a meeting on February 3, 2010 and the minutes are included in the packet. One issue he would like to touch on is the letter they received from the School District regarding school impact fees. The City received a letter from them and in their Capital Facilities Plan they cannot justify asking the City to request impact fees for the School District on building permits. Because of this we need to change our ordinance, so that will be brought to Council at a later date. Their next meeting will be March 4, 2010, at 6:00 PM, at City Hall.

Mayor's Report:

Mayor Johnson stated that this is the first week she has not been in Olympia. She will be going again for at least one more day and will let everyone know in case anyone else wants to attend. This is a real uphill battle to keep Rainier School open.

Mayor Johnson stated that last Friday there was a ceremony to sign the water agreements with Cascade Water Alliance. They did sign the change in the language that the Council requested.

Staff Reports

Administrator Schmidt reminded everyone that the tour is tomorrow at 1:00 PM and everyone will meet at City Hall.

Chief Predmore stated he will not be here next week so if he could find out what time they would be coming to the Fire Station he can make sure someone will be there. Chief Predmore stated he would like to give a brief report on the public visioning workshop we had last Thursday and remind everybody there is another coming up on Monday, February 22, 2010. They had great participation from Fire Department personnel and their families, and we had very little participation from anyone else. He thanked Council member Twardoski for taking time to be there with us that night. A lot of decisions were not made that night but a lot of direction was given in terms of what seemed to interest people. We had about 40 people participating with about 60 things to choose from. He has a meeting with the architect firm tomorrow to see where they have gotten so far with the product that came out of the visioning workshop and then Monday, February 22nd at 6:00 PM will be the next and final public visioning workshop as far as the Fire Station conceptual design goes.

MAIN AGENDA

Mayor Johnson recessed the regularly scheduled meeting at 7:53 to hold a Public Hearing on Extending Time Limits for Subdivision Bonds.

Mayor Johnson opened the Public Hearing at 7:53 PM.

Marvin Sundstrom, 881 Sheets Road. As he asks these questions, he would like an answer. Was this discussed at any committee? Mayor Johnson stated this is actually an extension of an extension. Administrator Schmidt stated the City Council adopted an interim ordinance one year ago for six months and then renewed that ordinance for an additional six months during which time they sent it to the Planning Commission to deliberate on it and they sent forward a recommendation. The Planning Commission made a decision and sent forward their recommendation and that is what the Council is having the hearing on tonight, the Planning Commission's recommendation to implement that two-year extension to the bond permanently into the code language. Mr. Sundstrom stated having watched it drag on for numerous years, participated in and been affected by

what is now called Elk Heights, and each time they requested changes after the approval of their plan we citizens were and are told they have all their conditions frozen in place. He asked why should developers now receive different treatment than they signed on to receive. The fact that they paid lower impact fees comes to mind in watching the treatment developers receive from our present administration; it is all so interesting in itself. This will cost the tax payers of the City, so what are we going to receive in return? Mayor Johnson stated that currently, because so many developers around the county are going belly up, the bond companies themselves are going under. Neilson Meadows sent us a list of information that they need to have, and even if we pull a bond right now it might not be anything; there might not be any money there. Mr. Sundstrom stated the point he is trying to make is that these are business decisions these people make, and why should we the citizens of this City be stiffed. The last question he would ask is, is this in giving them more time a gift of public funds? We can't just give things away at the City level without getting something back. Council member Reed stated that by extending the time limits for the subdivision bonds, the City is attempting to get a better finished product. Mr. Sundstrom stated in the future we need to right the way we deal with these people a little better. We need to have City plans in place that aren't so haphazard, and we need to be sure that the bonding companies they have are solvent. City Administrator Schmidt stated this is not something unusual. Mr. Sundstrom stated he fully understands that; the only thing he is saying is that we shouldn't put ourselves in the position of having to cater to these people because to him it looks like we are just giving public money away. Council member McNally stated he abstained the last time because he didn't quite understand it all that well. He has looked into it a little bit more and he doesn't think we are necessarily giving public funds away. We still have the bond, and if they don't want to pay for it, it is going to cost a lot of money in legal fees. Mayor Johnson stated the thing we are up against too is that a lot of the bonding companies are going under. Mr. Sundstrom said he just thinks we need to be a little more cautious and make sure our ducks are in a row when dealing with developers.

Mayor Johnson closed the Public Hearing at 8:08 PM.

Mayor Johnson reconvened the City Council meeting at 8:08 PM.

Ordinance No. 02-10: Extending Time Limits for Subdivision Bonds

Administrator Schmidt stated that in the ordinance there is not a carte blanche for the extension; that is a decision that the Council makes on an individual basis on extraordinary hardship, so there are some checks and balances in there. Council member Montgomery asked if we really get to make that call. An exceptional hardship is a pretty broad term so any developer can come in and convince the Council of that.

Administrator Schmidt said the language states that the City "may" so the Council does have the final say. In this case it protects the City's interest; we are not doing this for the developer, we are doing this for the City. **Council member Reed moved to approve Ordinance No. 02-10 amending BMC 18.16.020(6) extending time limits for subdivision bonds. Council member Twardoski seconded the motion.** Council

member Montgomery asked how this is better than revisiting the issue and giving subsequent extensions. Council member Reed stated this is the tool for developers to come and state their case. If we don't pass this then we just go for the bond. **The motion then carried.**

Lease Agreement: WIC Use of Buckley Hall

Administrator Schmidt said that the document he has passed out tonight is the copy that both attorneys have agreed upon. There is one small concern and that is under item #28. This is a provision that Multi-Care put in about the use of the Lessor. The City's concern is that WIC is not a City-sponsored program, so if they use the City of Buckley to preface WIC then it all of the sudden becomes the City of Buckley WIC Program and they were concerned that the Council would be concerned about that. **Council member Reed moved to approve the Lease Agreement between the City and WIC for the use of Buckley Hall as amended. Council member Montgomery seconded the motion.** Mayor Johnson gave a brief history of the WIC Program and how long it has been in the City. Discussion ensued. **Council member Reed moved to amend the motion to strike the first two lines of Section 28. Council member Montgomery seconded the motion.** Council member Reed stated what this does is it at least requires the City to be notified in what manner that our name is being used. **The amended motion carried. The original motion then carried.**

Parker Ag Biosolids Agreement

Council member McNally moved to approve the agreement between the City of Buckley and Parker Ag for the transport and disposal of biosolids. Council member Reed seconded the motion. Administrator Schmidt stated they will leave their trailer at our dewatering building and once it is full they will come pick it up and haul it to Eastern Washington. **Motion carried.**

Proclamation: Pierce County Reads

Council member Montgomery moved to approve Proclamation supporting Pierce County Library READS. Council member Twardoski seconded the motion and the motion carried.

Furnace Replacement at City Hall

Administrator Schmidt stated before a motion is made, Council member McNally brought up that it should be the installation of a new furnace and insulate the duct work, and that is correct. **Council member McNally moved to approve installation of a new furnace and duct work insulation at City Hall for a cost not to exceed \$15,419.90. Council member Montgomery seconded the motion.** Council member Harple stated that his concern is based on the economic times we are going through right now, and justifying the spending of \$15,000 versus the \$500 for a motor. To him it is a lot of money to justify. Mayor Johnson stated a year ago we had the same problem at the museum which we received a grant for. What we noticed with the heating bills at the museum, which is old and has no insulation and old windows, is when the furnace was

replaced it became one cheapest buildings to heat. Sometimes when you start repairing, which we have had several over the last few years, you are putting repair on repair on repair and you reach a point where it is time to replace it. Discussion ensued. Council member Harple asked why we did not get bids. Mayor Johnson stated because it was considered an emergency. Council member McNally said when he was polled he was under the impression that we were getting all new duct work. Administrator Schmidt stated he would get in touch with the contractor tomorrow and verify that. The contractor stated we will receive a direct 15% cost savings because of the efficiency of the unit, and then with the insulation of the duct work it could be another 15%. **Motion carried.**

Federal Way Jail Contract

This will be postponed until the next meeting; the information was not available.

Arts Commissioner Bob Olson stated he doesn't know how many people have seen the pole but it is up and looks great. The Eagles is having a dinner, dance and auction on May 1, 2010 for a fundraiser. All the letters got carved today. Administrator Schmidt stated that Mr. Olson has some additional plans and ideas that he wants to run by the Council committee, so he is on the agenda for the Community Services Committee meeting tomorrow.

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

Approve the minutes of the January 26, 2010 City Council meeting.

Claim check numbers 44714 through 44838, in the amount of \$526,625.80, for the period of January 27 through February 9, 2010; Payroll check numbers 30436 through 30487, in the amount of \$304,403.10 for the month of January, 2010; and Treasurer check numbers 10776 through 10789, in the amount of \$28,028.38 for the month of January 2010 are hereby approved and ordered paid this 9th day of February 2010.

With nothing further the meeting was adjourned at 8:58 PM.



Mayor



City Administrator