

City Council
March 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, McNally, Montgomery, Patson, Reed and Twardoski. Also in attendance was City Administrator David Schmidt.

City Administrator Schmidt stated that he would like to add the DSHS Screening Manhole Project Change Orders #1 and #2 to the agenda which will be item #17. Council member Montgomery stated he would like to move item #11 to between item #'s 16 and 17. **Council member Montgomery moved to move item #11 after item #16 on the agenda and adding item #17 the DSHS Change Orders. Council member McNally seconded the motion and the motion carried.**

Finance and Public Safety:

Council member Reed stated they had a meeting on March 7, 2011. Minutes have been provided. Police Chief Arsanto is exploring options to reduce fuel prices. City Administrator Schmidt advised the committee that the Fire Department has already spent 39% of their budget and we are just into March. The Police Department will start using www.propertyroom.com to get rid of excess material left in the police property room. Drugs and weapons will not be included in this auction site. Council member Montgomery asked what is being done with the weapons at this time. Chief Arsanto stated he wants to start a new trend in melting them down. City Administrator Schmidt informed the committee of on-going discussion with our judge and the City of Orting to provide court administration services. Under the current plan, the City would hire a court clerk and the Court Administrator would be here for the initial transition and court days. Chief Predmore updated the committee on his work with the contractor for the fire station. The Fire Department is currently shopping for the best deals on a variety of furniture and equipment for the station and as those details are more clear they will go out to bid as necessary. The Fire Chief is still working with the contractor on connection costs for the back-up generator we received from the Enumclaw Hospital. The Mayor informed the committee of changes in the ADA starting March 15th. After this date, disabled persons will be allowed to use any type of motorized vehicles on the trail. The Mayor also informed us about Orting having problems with cyclists not stopping or slowing down at the street crossings while using the trail, and we have similar problems. Orting, with the help of the Foothills Trails Association, has painted caution stripping and installed stop signs at the crossings. Council member Montgomery asked if it would behoove us to post signs so we don't have enforcement problems. City Administrator Schmidt stated right now our code doesn't allow motorized vehicles on the trail, so we need to look at revising the code to meet the laws. The next meeting will be April 11, 2011 at 6:00 PM.

Streets and Utilities:

Council member Montgomery stated they had a meeting on March 1, 2011. The minutes are included in the packet and the majority of the items are on the agenda tonight. One issue he would like to draw attention to is the first paragraph regarding the utilities discount program. He would like everyone to read this information and provide feedback. This is something that needs to be addressed but we are not sure when this will be implemented. Maybe we can have a discussion about this at the next workshop or the next Council meeting. City Administrator Schmidt stated that our discount program in the code goes from July 1st to June 30th, so he thought this would be a good time to roll the new regulations into place. He is hoping to have this ready for the next meeting. Next meeting will be March 15, 2011 at 7:00 PM at City Hall.

Community Services and Recreation:

Council member Patson stated they have not had a meeting since the last Council meeting, but they have one scheduled for March 9, 2011 at 9:30 AM and we will be starting the meeting at the Veteran's Monument.

Community and Economic Development:

Council member McNally stated they had a meeting yesterday, March 7, 2011, and he didn't have time to get the minutes done. LKQ/Walt & Vern's is doing some remodeling on their property on the highway and the Design Review Committee gave them approval to start the foundation. They gave us a conceptual design of the building; they are going to change the existing building to make the building behind flow into the existing. They will have the actual drawings by April 4, 2010, which will be their next meeting at 1:00 PM. The committee gave approval as long as they posted a 150% bond. They discussed the City Planner's hours of work and that will be included in the minutes for the next Council meeting. The next meeting will be April 4, 2010 at 1:00 PM at City Hall.

Mayor's Report:

Mayor Johnson stated that Amy Miller from the High School has asked if their debate team could give a presentation to the Council. She believes they will be coming to the next Council workshop. Mayor Johnson stated that Bob McKean has applied for the Planning Commission. **Council member Montgomery moved to approve the appointment of Bob McKean to the Planning Commission. Council member Twardoski seconded the motion and the motion carried.** Council member McNally thanked Bill Dorn, who was in the audience, for his time on the Planning Commission.

Staff Reports:

City Administrator Schmidt stated that Fae Wagner is retiring on Friday with 28 years of service. She was not able to attend tonight to receive a plaque from the City. If you get a chance, you may want to stop in and tell her thank you. She has done a great job for the City and we will be sad to see her go.

City Administrator Schmidt stated regarding the pedestrian crossing, we are currently waiting on the temperature; it has to be at a certain temperature. Regarding the realignment project, it is obligated and ready to go. We are hoping to go out for bid on March 31, 2011 for Phase I. We argued with DOT because in order to get the daminimus classification, where the construction wasn't going to be an impact, they are making us keep the trail open during construction, which will be difficult and the City is concerned about safety. We had a meeting with DOT a couple weeks ago and some of the people who sat in on the initial meeting 8 years ago were at this meeting and they said when they had the meeting 8 years ago they walked out of the room stating this would never happen, and here we are moving forward.

Citizen Participation

Sandy Ramsey, PO Box 941, Sumner WA 98390, representing the Buckley Kiwanis, is here tonight to ask for permission to use City property between Jefferson and Ryan in the open space along River Ave to have the Carnival during the Buckley Log Show on June 24, 25 and 26th. They are also requesting to close Jefferson Ave as they have in the past and also use the water from the hook up at the Youth Center. The Carnival will provide their own source of power, portable toilets, a garbage dumpster as well as provide proof of insurance. Last year the entities received \$6,600 for their share of the profits. **Council member Reed moved to allow the Buckley Kiwanis and Buckley Law Enforcement use of the City property from Ryan Road north on June 24, 25, 26 as well as Jefferson Street closure. Council member Twardoski seconded the motion.** Council member Patson asked if this would be something that we would want to use our draft Events Application. Council member McNally asked if the Kiwanis would be willing to fill this out. Ms. Ramsey stated that would be fine. Council member Patson stated she would forward to the form to Ms. Ramsey. **The motion then carried.**

MAIN AGENDA

Ordinance No. 02-11: Updating the City of Buckley Detention Division "Jail" Manual

Chief Arsanto stated this is the project he started a few years ago and finished about June of last year. He brought it to committee to be reviewed and then forgot to bring it back to the full Council. The main body of the ordinance for the correction manual stayed the same, but there were some other small changes that were made such as female prisoners, amount of jail beds, work release program, etc. **Council member Reed moved to approve Ordinance No. 02-11 adopting the newly updated Detention Division Policies and Procedures Manual. Council member Montgomery seconded the motion and the motion carried.**

Contract & Hold Harmless Agreement: City of Tacoma Gun Range

Chief Arsanto stated this is a request for the City to sign the Hold Harmless Agreement in order to use the Tacoma gun range for our officers to qualify. They qualify a couple times a year. This has been reviewed by the City Attorney and is fine. **Council member Reed moved to approve the rental rate & hold harmless agreement with the City of**

Tacoma for use of their gun range. Council member Twardoski seconded the motion and the motion carried.

Resolution No. 11-02: Authorizing Material/Supply/Equipment Purchase from US Government

City Administrator Schmidt stated we cannot use the federal government or federal government contracts without having a resolution or ordinance in place authorizing this. **Council member Reed moved to approve Resolution No. 11-02 authorizing the Fire Department to purchase materials, supplies and equipment from the Federal Government or Federal Government Contracts. Council member Patson seconded the motion and the motion carried.**

Resolution No. 11-03: Amending Taxes, Rates and Fees Schedule (Misc., Sewer & Garbage Rates)

City Administrator Schmidt stated he had to add one page to this tonight for a correction that needed to be done to the garbage rates. Whatever motion is made will include these changes. **Council member Montgomery moved to approve Resolution No. 11-03 amending the City's Taxes, Rates and Fees Schedule to increase water rates and reduce natural gas rates. Council member Reed seconded the motion.** A discussion ensued regarding why the water rate increase is necessary. **Motion carried.**

Ratifying Agreement between the City and AMR – Aid Car

Council member McNally moved to ratify the agreement between the City and AMR for the Loan of an Aid Car. Council member Patson seconded the motion and the motion carried.

Scope of Work: EnCo for Spiketon Ditch Stream Analysis

Council member Reed moved to approve the scope of work for EnCo to complete a historical stream analysis of Spiketon Ditch. Council member Twardoski seconded the motion. Administrator Schmidt stated the summary explains where the attorney wants to go with this and EnCo believes there is enough historical and scientific data to support the City's argument. We have two things going on right now: (1) we have a quiet title, we are in a summary judgment in Federal Court over easements; and (2) we have a declaratory judgment in Superior Court with Fish & Wildlife over whether it is a ditch or a stream. Discussion ensued. **Motion carried with a 5-2 vote.**

Professional Services Agreement: Municipal Court Judge Contract

Council member Reed moved to approve the Professional Services Agreement for Municipal Court Judge. Council member Twardoski seconded the motion. Mayor Johnson stated there is a big movement of having all municipal court judges elected. Council member Reed stated there is a perceived negative that non elect judges would be more beholden to the municipalities that they work for than elected judges. It is a perceived problem without any corresponding facts. **Motion carried.**

DSHS Screening Manhole Project: Change Orders #1 & #2

Council member McNally moved to approve Change Orders #1 and #2 for the DSHS Screening Manhole Project. Council member Boyle Barrett seconded the motion. Motion carried.

Professional Services Agreement: City Administrator Employment Contract

Council member Reed moved to approve the City Administrator Employment Contract for the Period 2011-2013. Council member Twardoski seconded the motion. Council member McNally read a statement that was entered into the record. Discussion ensued. **Motion carried with a 4-3 vote.**

Resolution No. 11-04: Amending the 2011 Exempt & Hourly Salary Scale

Council member Reed moved to approve Resolution No. 11-04 amending the 2011 Exempt and Hourly Salary Scale. Council member Twardoski seconded the motion. City Administrator Schmidt stated that based on negotiations with the City of Orting for the Court position, there may be some adjustments made to this. Discussion ensued. **Motion carried with a 4-3 vote.**

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

Approve the minutes of the February 22, 2011 City Council meeting and March 1, 2011 (workshop) meeting.

Claim check numbers 46556 through 46668, in the amount of \$363,001.15 for the period of February 23rd through March 8, 2011; Treasurer check numbers 11013 through 11022, in the amount of \$113,062.22 for the month of February 2011, and Payroll check numbers 31329 through 31379, in the amount of \$299,654.56 for the month of February 2011 are hereby approved and ordered paid this 8th day of March 2011.

Mayor Johnson recessed the regular meeting at 9:24 PM to hold an Executive Session for approximately 15 minutes to discuss potential litigation on the UBET Trust, with no action to follow.

Mayor Johnson reconvened the regular meeting at 10:05 PM.

With nothing further the meeting was adjourned at 10:05 PM.



Mayor



City Administrator