

City Council
April 24, 2012

Mayor Johnson called the regularly scheduled meeting to order at 7:04 PM

Upon roll call the following members were present: Tremblay, Howard, Montgomery and Boyle Barrett. Council members Reed, Harple and Irons were absent. Also in attendance was City Administrator Schmidt.

Council member Montgomery moved to excuse all Council members. Council member Tremblay seconded the motion. Motion carried.

Council member Reed arrived at 7:07 PM.

City Administrator Schmidt stated that the City Attorney has asked that a second item be added for action after the Executive Session. An amended Agenda is in front of each Council member with the highlighted item on there.

Council member Montgomery moved to add item #16 to the Agenda. Council member Boyle Barrett seconded the motion. Motion carried.

Finance & Public Safety: Council member Boyle Barrett stated they have not had a meeting.

Streets & Utilities: Council member Tremblay stated they had a meeting with extensive discussion on the gas system and the survey, and they have asked for a workshop of the entire Council to go into further depth in that discussion. Also, they approved the rain garden work for Eagle Scout Josh Ramsey. They also reviewed the policy for Conservation Resource Guidelines, and suggested that it be forwarded to the Council for approval. City Administrator Schmidt said that is actually incorporated into the Administrative Personnel Policy Manual tonight as part of that resolution. Council member Tremblay said their next meeting is on the 3rd Tuesday of May at 7 PM at City Hall.

Community Services & Economic Development: Council member Montgomery stated they had a meeting last Thursday. Their main agenda item was a request from Young Life to utilize the City's Youth Activities Center free of charge. We discussed that at the committee level but did not feel comfortable making a recommendation to Council, so he would like to add that to the May workshop and have that discussion as a whole Council. Also, they made some final tweaks to the Economic Development Survey that will be going out in this month's utility billing statement, so everyone should receive a copy of that in the next week or so.

Council Comments:

Council member Howard stated that he attended the FFA dinner auction held at the high school last Friday night and had a good time. It was very nice.

Mayor's Report:

Mayor Johnson stated she attended the ceremony at the Veterans Monument on Sunday afternoon. It was very brief but very moving. It was in honor of those service men that have passed away in the last two months in Pierce County that did not receive military honors at their burial. The City was presented with a flag which will fly over the Veterans Monument for a short time, and then we will decommission it and write a short history about how we got it, and then it will be turned over to the museum.

Staff Reports:

Chief Predmore thanked everyone for attending the Fire Department open house.

City Administrator Schmidt said the realignment project paving was finished yesterday and it turned out very nice.

City Administrator Schmidt said he thinks everyone is aware of the situation at Elk Heights. The developer lost the lots back to the bank, so this is going to be an ongoing process for a long time. The City has demanded the bond from the surety to finish the improvements. I think we demanded the bond last August and we've gone through quite a process with the surety company, but it sounds like hopefully we will get a resolution to that soon. City Administrator Schmidt said he spoke to them yesterday and today and they have a teleconference on Friday with the attorney for the developer and they should have some type of a resolution, and they are supposed to give us an answer sometime next week regarding how they are going to proceed with that.

City Administrator Schmidt said the other thing he has is the parking lot closure for the Firehouse Pub Beer Garden. He has provided Council members with a copy of the application and the draft permit, which increases the fee over last year, which will be the one that is issued if the Council approves the closure of the parking lot. We are requesting and recommending that you authorize that. **Council member Montgomery moved to close the parking lot for June 23rd for the Log Show Downtown Beer Garden. Council member Boyle Barrett seconded the motion. Motion carried.**

CITIZEN PARTICIPATION

Nathan Guillot – Petition for Referendum, Measure No 74 to Revoke ESSB 6239: Nathan Guillot, 23909 Entwhistle Road E, Buckley. He is here to ask for guidance on how to present a referendum and petition to citizens who are able to vote, and obtaining signatures. He would like to set up in various places, and also if it would be reasonable

to go door to door. He is requesting an understanding of the City ordinances and how to properly present this. A short discussion ensued. Mayor Johnson said if you are on private property you need the permission of the property owner. On public property we do not have any ordinances that say you have to have a license or anything like that; however, we don't want people to feel like they're being harassed. So, if people say no and walk away, you must respect that. Chief Arsanto said if this is a religious thing, you can go door to door, but if it is anything other than that we have ordinances in the City that do not allow door to door salesmen; there is no soliciting. So, if you are not soliciting any product then you can. City Administrator Schmidt said he would like to add, don't stand out in front of City Hall or the Youth Center while people are coming in and out trying to do business. Set up a table down in the park or somewhere like that where pedestrians are walking by, or close to Main Street. Council member Howard suggested that Nathan get some advice from whatever interest he represents. Most petition organizing groups offer a pamphlet or things on their website that expressly stated in their legal opinion what is and what isn't allowable. He would suggest seeking that out. There are also other organizations that offer free legal advice on what you can and can't do. Nathan said they are looking at a deadline of June 6 for Referendum 74, so he will be out there in various places from time to time, and he thanked the Council for the opportunity to present this. City Administrator Schmidt said if you run into any problems or have any questions, please just come into City Hall and ask someone.

MAIN AGENDA

ORD No. 05-12: Replacing BMC 3.66 Surplus Property:

Council member Boyle Barrett moved to approve Ordinance No. 05-12 replacing Chapter 3.66 of the BMC relating to the sale of surplus property. Council member Howard seconded the motion. City Administrator Schmidt said this is a total reconstruction after thirty-two years of not being updated. A short discussion ensued. **Motion carried.**

RES No. 12-04: Amending the Personnel Policy & Procedures:

Council member Boyle Barrett moved to approve Resolution No. 12-04 amending the City's Personnel Policies and Procedures Manual Revision 9. Council member Reed seconded the motion. City Administrator Schmidt said this basically does two things. It increases the employee contributions for the hourly and exempt employees to match what an equitable level is with what the three bargaining units have agreed to, and then it incorporates the Resource Conservation Guidelines that Council member Tremblay talked about in the Utilities Committee review the other night into the Personnel Policies Manual as an administrative policy in the City. **Motion carried.**

RES No. 12-05: Designating City Representatives:

Council member Montgomery moved to approve Resolution No. 12-05 designating certain City staff as authorized representatives of the City for Presidential Disaster Declaration Number 4056-DR-WA. Council member Tremblay seconded the motion. Motion carried.

Fire Station Change Order No. 10:

Council member Montgomery moved to approve the Fire Station Construction Project Change Order No. 10 with Five Rivers Construction adding \$37,613.06 to the current contract amount. Council member Boyle Barrett seconded the motion. Motion carried.

Museum Sign Permit Approvals (No. 1 & No. 2):

City Administrator Schmidt said the code requirements aren't necessarily seeking Council approval of the sign permit so much as the authorization to put the signs on City property. That is why it has to come to City Council because the City actually owns the property where the signs are going. **Council member Montgomery moved to authorize the placement of two Museum signs on City property. Council member Boyle Barrett seconded the motion.** Council member Montgomery asked why is this coming to Council and why didn't it come to our committee meeting last week since we are the design review board as well. City Administrator Schmidt said the sign code pretty much has the criteria in it for approval, it is just the fact that it is going on to public property that means that the City has to approve the placement. Discussion ensued. **Motion carried.**

Operating Engineers Local 286 Bargaining Agreement & MOU:

Council member Boyle Barrett moved to approve the 2012-2013 Labor Agreement and MOU between the City and the Local #286 Operating Engineer's for Public Works and Clerical Employees. Council member Reed seconded the motion. City Administrator Schmidt said the bargaining unit agreement went through mediation, and these are the terms of agreement as a result of mediation. This contract has been taken to the Union and they have ratified it. In the Memorandum there are actually fourteen items which are changes within the Union contract. City Administrator Schmidt gave a brief overview of the changes. A discussion followed regarding the vacation buy back provision. City Administrator Schmidt said the goal in this contract was to ask the employees to significantly increase their contributions to health care. It ended up being a 200% increase, and in order to get the employees in the City to agree to that we had to have incentives. This is one that may or may not affect the City, but it is what we had to do to be able to get that agreement. City Administrator Schmidt said that almost every employee in the City, as a result of these contracts, and the exempt employees, if the Personnel Policy passes tonight just took a pay cut this year. Even with increases, they all took pay cuts. **Motion carried with a 4/1 vote.**

CONSENT AGENDA

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

Approve Minutes of April 10, 2012

Claim check numbers 48383 through 48452, in the amount of \$192,761.52, for the period of April 11, 2012 through April 24, 2012, are hereby approved and ordered paid this 24th day of April 2012.

City Council retreated into Executive Session at 7:43 PM, for 20 minutes, to discuss Spiketown Ditch Litigation, with action to follow. At 8:05 an additional 10 minutes was requested.

City Council reconvened the City Council Meeting at 8:14 PM.

Authorization to add third party defendant to lawsuit, Pierce County Case No. 11-2-16916-8:

Council member Tremblay moved to authorize the City Attorney to add 3rd party defendants to lawsuit, Pierce County Case No. 11-2-16916-8. Council member Montgomery seconded the motion. Motion carried.

Authorization to File Lawsuit Quieting Title to a Prescriptive Easement:

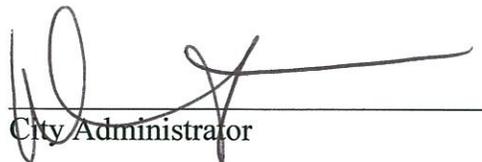
Council member Montgomery moved to authorize the Mayor and City Attorney to file a lawsuit to quiet title to an easement by prescription naming First American Title Company, Provident Funding Associates, L.P., Mortgage Electronic Registration Systems, Inc., and all other persons unknown claiming any interest in the subject property in Pierce County Superior Court. Council member Boyle Barrett seconded the motion. Motion carried.

Council member Tremblay moved to adjourn the meeting. Council member Montgomery seconded the motion. Motion carried.

With nothing further the meeting was adjourned at 8:16 PM.



Mayor



City Administrator