

City Council
July 9, 2013

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

Upon roll call the following members were present: Tremblay, Montgomery, Rose, Irons and Howard. Also in attendance was City Administrator Schmidt. Mayor Johnson said that Council member Boyle Barrett is on her way, and Council member Leggett is in Italy. **Council member Montgomery moved to excuse Council member Leggett. Council member Tremblay seconded the motion. Motion carried.**

Mayor Johnson said we have one addition to the Agenda this evening, and it is item #14, and it is the Four Cities and CWA Substitute Water Supply Proposal. City Administrator Schmidt said we also have the transfer voucher and payroll. Mayor Johnson said also, Mr. Sundstrom has requested to speak on item #14. **Council member Howard moved to accept the amended agenda. Council member Tremblay seconded the motion. Motion carried.**

Finance & Public Safety: No Report.

Streets & Utilities: Council member Tremblay stated they have a couple items on the agenda tonight including the PSE bid and the recommendation to accept. Also, we will be having a Transportation Benefit District meeting on July 30th at which time we will be having a Public Hearing and that will be at 6:30. Also, the July 16th Streets & Utilities Meeting is cancelled due to lack of a quorum. City Administrator Schmidt stated that the Transportation Benefit Board's packet for that meeting is in your boxes at City Hall. We wanted to provide you ample time to read through the material and be prepared for that meeting. Council member Tremblay said the Minutes from their meeting are provided in this packet. Council member Irons said he will be out of state on July 30th. Council member Tremblay said to complete his report, they also talked about golf carts in the community and they decided not to act on that at this time, and then they also reviewed a proposal for an MOU between the City and the Presbyterian Church regarding parking.

Community Services & Economic Development: Council member Montgomery stated they had a meeting on the 20th of June and the Minutes are in your Council packet. If you have any questions he would be happy to answer them. Their next meeting is scheduled for July 17th at 7PM at City Hall.

Council member Boyle Barrett arrived at 7:14 PM.

Council Member Comments

Council member Howard said this is one of two weeks per year that he is on call for the department, so if he has to step out of the room to answer a phone call he will be doing that. Also, you are all in receipt of a letter from a community member. I found the letter to be humorous but also incoherent, and I am not sure what to say about it. As I thought about the intent of the message, I realized that we have a political season and an election upon us, and I am going to dismiss it as such.

Mayor's Report:

Mayor Johnson said all of you have a calendar that was given to you by the Foothills Rails to Trails Coalition, which she is a part of. They are using this as a way of getting the word out about the trail and hopefully get more people interested in getting the trail finished from Mt. Rainier to Ruston Way, and also getting the spur up here to Buckley.

Mayor Johnson stated that she and Council member Tremblay attended the AWC Conference. It was a great conference. She took a class on the effect of new insurance laws; a little scary but a lot is still left to be worked out. Council member Tremblay said there were a couple of important things to bring to the Council. One of the sessions he sat in was a very lively discussion on marijuana laws and what's going on and we had at the table the lawyers both pro and con, and folks from the Department of Licensing. The one take away he took from there is that the worst thing we can do is to do nothing and continue to extend the moratorium. So, we are going to be getting active with our Marijuana Committee and look at what we need to do as far as zoning, and as far as our regulations, so that we are in line with what happens this fall. There is still a lot of indecisiveness and uncertainty as far as what the laws mean, and federal laws versus state laws, and what that means for a lessee. New guidelines came out after the conference, but I haven't studied them yet.

Mayor Johnson said that she and Joanne attended the grand opening of the new Carbon River Ranger Station, so if you haven't been up there yet it is the old Thompson place, and they have done a marvelous job of remodeling that building. They've also built a large shop area down below. It is quite the facility now, and a real asset to the park.

Mayor Johnson said that tomorrow is a soup supper; it is here at 5 PM. They have been averaging about 70 people and it is a great event. It's a free meal; you just bring a bowl and a spoon, and that's all that's required.

Staff Reports:

City Administrator Schmidt said at the last Council meeting or the one before that, we did an ordinance making some amendments to the City's public works performance bonds and he wants to let you know that there was a grammatical error. We left the words "drainage facilities" in the title on one of the paragraphs, and it was supposed to be

“improvements.” The City Attorney thought it was minor enough that we could make the change, but we needed to let the Council know that we did that.

City Administrator Schmidt said since the Utilities Committee is not meeting in July, we have a Public Hearing scheduled for the 23rd for the annual update of the Six Year Transportation Plan. I don't think there are any surprises on there, so it's probably nothing that needs to be worried about. It's just a matter of moving projects forward that we've had on the list for a long time. As far as I know we haven't added anything new to it. Now that we've got funding for Phase II, that will be a high priority in moving forward. I just wanted the Utilities Committee to know that will be coming to the next Council meeting.

City Administrator Schmidt announced that the City's Administrative Assistant, Cindy Winston, turned in her resignation today. He and the Mayor will be talking with the Admin Committee and looking at how to move forward with that position. City Administrator Schmidt said she will be here through July 19th.

Chief Arsanto said log show weekend went very well this year; it was a successful weekend. It's been business as normal, we're two officers down now; Kevin Goss is going to Gig Harbor and another officer is taking medical retirement.

Chief Predmore said if you see a lot of different fire vehicles from different agencies running around town on Saturday, we have a certification test going on that day.

City Planner Kathy Thompson stated that the Planning Commission will conduct a Public Hearing on the Taylor property rezone on July 22nd. Also, she attended the AWC Conference, and she attended the growth management and marijuana sessions as well.

Citizen Participation

Marvin Sundstrom: 881 Sheets Road, Buckley. Since you had your workshop last week I went through the packet and looked at a lot of things that were in there and I also have a file on various water rights around the City, and correspondence I've had with the Department of Ecology. The City Attorney makes some very good recommendations, and one of those is this is not a good deal. Mr. Sundstrom presented highlights from his research, and ended saying that spending money on CWA water makes money for a pipeline look like petty cash, and buying this water makes very little sense to this tax payer. He stated he will have his report done by Thursday of this week and you guys can pick it up and take a look at it.

MAIN AGENDA

RES No. 13-05: Advising Acceptance of PSE Bid for Gas Utility Sale

Council member Tremblay said he would like to make a recommendation that we approve Resolution No. 13-05 advising the acceptance of the PSE bid for gas utility sale. Council member Howard seconded the motion. Council member Tremblay said

we discussed the bid with the PSE representatives who are here tonight at the Utilities Meeting, and we feel pretty good about where we are with this process. An immediate benefit would be a reduction to the citizens' rates of about 10%, and it would add some security to our budgets. It also prevents us from having to look at significant infrastructure improvements down the road. Bottom line is I feel we will be providing a better service at a lower cost to the community in doing this. Council member Montgomery thanked PSE for their offer but stated he still doesn't know personally if he is sold on going down this road. However, he thinks the process we are going through is the one we have to go through; it is democracy in action; the voters need to have their say. A lengthy discussion ensued. **Motion carried.**

PSE representative Gary Nomenson spoke briefly and answered questions from the Council. City Administrator Schmidt said that acceptance or approval of the resolution and these ordinances will just start the process. We will have to turn in the ballot information, and the Council will have to select the pro and con response, and we will also begin trying to obtain the easements that we need, there is an integrity inspection by their engineers, and leak detection on the entire system. So, we will be working on those additional steps as we get to the general election in November. So, if the voters in the community vote in favor, we can move forward with the purchase and sale agreement and make the transfer as easy as possible.

ORD No. 08 -13: Accepting PSE Bid for Purchase of Gas Utility

Mayor Johnson said we have to have a motion for Ordinance No. 08-13 accepting the PSE bid for purchase of the gas utility. **Council member Tremblay said okay, I'll make that one. Council member Howard seconded the motion. Motion carried.**

ORD No. 09-13: Directing Election for the Sale of Gas Utility to PSE

Council member Tremblay made a motion for ordinance number 09-13 directing the election for the sale of gas utility to PSE. Council member Irons seconded the motion. City Administrator Schmidt said in response to Council member Montgomery's question about doing an adjustment for the mitigation measures, it is on page 2 of 3, under the ballot measure language. If you look at section 3 below that it says that the City Administrator and City Attorney are authorized to make such minor adjustments to the wording of such proposition, so we can tweak that a little bit to make sure we're transparent to the public as far as what's going forward. The ballot measure language has to be in to the County Auditor by August 6th. So, we have some time in between now and then to possibly nail down what those costs may be, and we can put a solid figure in there at that point. Discussion ensued. **Motion carried.**

ORD No. 10-13: Amending Title 19 BMC Relating to Site Plan Reviews

Council member Tremblay stated Ordinance No. 10-13 amending Title 19 of Buckley Municipal Code relating to the site plan reviews, I make a motion that we approve that. Council member Howard said that is 19 and 20. Council member Montgomery seconded the motion. Council member Montgomery thanked the

Planning Commission and City Planner Thompson for ferreting out all the inconsistencies in the code and making it all complimentary. **Motion carried.**

Agreement – Parking Lot Use Between the City & Community Presbyterian Church

Council member Boyle Barrett moved to approve the Parking Lot Use Agreement between the City and Community Presbyterian Church. Council member Rose seconded the motion. Council member Irons recused himself as he is a member of the Community Presbyterian Church. City Administrator Schmidt said there has been discussion over the use of that parking lot for many, many years, and we have talked about having a formal agreement to protect everyone's liability, and addressing the use of the lot, and this is an opportunity. The church lot is in need of repaving, which really impacts the City's liability as well. As long as we allow residents to use it that are visiting the Multipurpose Center we have a degree of liability there. A short discussion ensued. **Motion carried.**

Agreement – Fire Chief Employment Contract

Council member Boyle Barrett moved to approve the Fire Chief's Employment Contract. Council member Rose seconded the motion. Council member Boyle Barrett said this came before committee and went forward with committee approval. Council member Montgomery said he still has a problem with comp time. Discussion continued. **Motion carried 5/1.**

Consultant Scope – City Ag Land Wetland Assessment

Council member Boyle Barrett moved to approve the Scope of Work for EnCo to complete a Wetland Assessment of the City Ag Land. Council member Rose seconded the motion. City Administrator Schmidt said he thought it was best to get them out there on site to do an assessment to figure out where we stood before it impacted the City's investment. His fear was if for some reason, because of the expedited timeline, the National Guard did not come in, and there was a wetland report that delineated six acres out of the twenty as wetlands that was on agricultural property and was already tilled and in crops, it could impact the City's use of that property long term. I thought in order to protect our interest we should go ahead and do an assessment that would rebut that. A short discussion ensued. **Motion carried.**

Four Cities & CWA Substitute Water Supply Proposal

City Administrator Schmidt said he would like to interject before a motion is made because you will see in the motion that there has been no amount specified as far as making a purchase, and I would like to call the Council's attention to a memorandum by the City Engineer that he just sent to us today that has some of the details that the Council had asked for at the workshop. **Council member Montgomery moved to postpone the Four Cities and Cascade Water Alliance Substitute Water Supply because if memory serves the offer is good until the 23rd, and we have a Council meeting on the**

23rd, and I'd just like a chance to review the information. Council member Tremblay seconded the motion. Council member Tremblay said this is a tough one and those who were at our Utilities meeting, we all feel uncomfortable when there is an offer that is given to you with a deadline and take it or leave it. We always look at those very carefully, and I appreciate pushing it to the deadline because it is a huge sum of money, and it's almost an insurance policy type thing, and you have to look at return on investment, other options and risk assessment. There is a lot that goes into this and the letter from the Attorney covers a lot of the points that we discussed, and I think we all need to read through and get comfortable, not only if we do this, but if we do this how much do we need and how much can we afford. City Administrator Schmidt said if Council chooses to postpone, and you need any additional information other than what is provided in your packet, just let me know and I'll provide you with whatever I can. Discussion continued. **Motion carried.**

CONSENT AGENDA

Council member Boyle Barrett moved for approval of the Consent Agenda. Council member Montgomery seconded the motion. Motion carried.

Approve Minutes of June 11, 2013.

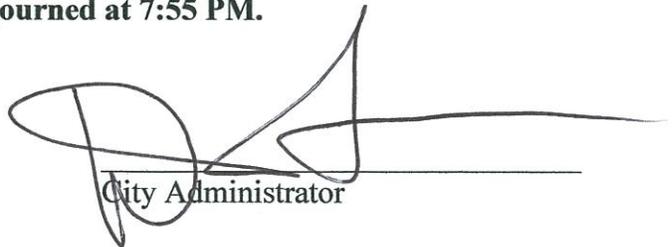
Claim check numbers 50220 through 50244 for the period of June 10, 2013 through June 25, 2013, in the amount of \$90,930.74 are hereby ratified and approved. Claim check numbers 50245 through 50340, for the period of June 26, 2013 through July 9, 2013, in the amount of \$436,097.13; Payroll check numbers 33369 through 33500, in the amount of \$200,625.92, for the month of June 2013; and Treasurer check numbers 11446 through 11449, in the amount of \$14,864.22 are hereby approved and ordered paid this 9th day of July 2013.

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

With nothing further the meeting was adjourned at 7:55 PM.



Mayor



City Administrator