

CITY COUNCIL MEETING

**February 26, 2002
7:00 P.M.**

MINUTES

City of



The City of Bonney Lake's Mission is to protect the community's livable identity and scenic beauty through responsible growth planning and by providing accountable, accessible and efficient local government services.

"Where Dreams Can Soar"

I. CALL TO ORDER

A. Flag Salute

Mayor Young called the meeting to order at approximately 7:00 p.m. and led those in attendance in the pledge of allegiance.

B. Roll Call (A1.3)

In attendance with Mayor Young were Deputy Mayor Swatman, Councilmembers Bricker, DeLeo, Johnson, Palecek, and Rackley.

Staff Members attending were Interim Planning & Community Development Director Bob Leedy, Police Chief Bryan Jeter, Police Lt. Mike Strozek, City Attorney James Dionne, Public Works Director Seth Boettcher, and City Clerk Gayle Butcher.

Motion by Councilmember Rackley, second by Councilmember Palecek, to excuse Councilmember King's work-related absence this evening.

Motion Carried 5-1 with Deputy Mayor Swatman voting no.

C. Announcements and Appointments and Presentations

1. Announcements (A3.6.9)
2. Appointments - None (A3.8.3)
3. Presentations - (A3.6.4)

Jennifer Whipkey of the Greater Bonney Lake Historical Society presented an overview of the newly incorporated Historical Society. Mayor Young presented Ms. Whipkey with some historical records of the City for the Society to review and catalog.

D. Agenda Modifications (A3.6.6)

Deputy Mayor Swatman moved, second by Councilmember Bricker, to pull VII.C from the agenda, to move Item VII.D to IX.E, and to add IX.F.

Motion Carried Unanimously 7-0.

II. PUBLIC HEARINGS, CITIZEN COMMENTS & CORRESPONDENCE
(A3.6.11, A3.6.12, A3.6.4, 3.6.5)

A. Public Hearings

1. To receive public testimony on the Willowbrook Latecomer Agreement.

Mayor Young opened the hearing at 7:15 p.m.

Public Works Director Boettcher presented a background report.

Paul Cyr, Baghausen Engineering, 18215 72nd Avenue South, Kent

Mr. Cyr is here this evening on behalf of his client. He urged Council to look deeper into the proposed latecomer agreement since the City's current agreement with Willowbrook does not expire until July 8, 2002.

Deputy Mayor Swatman asked Mr. Cyr what he expected Council to do, and Mr. Cyr asked that Council defer to their City Attorney, as Mr. Cyr believes there are some legal issues that need to be looked at more closely.

Brian Bernecker, 18221 102nd St. Court E.

Mr. Bernecker expressed concern that the Willowbrook Latecomer Agreement letter was deceptive as it leads one to believe the only cost involved is \$742 for the cost of sewer and is not clear that there are also a variety of connection charges, too.

There were no further comments and Mayor Young closed the public hearing at 7:34 p.m. Public Works Director Boettcher would provide a copy of the notice letter to each member of the City Council.

2. To receive public testimony on the 3% pass-through tipping fee increase by D. M. Disposal with an anticipated effective date of March 31, 2002.

Brian Bernecker, 18221 102nd St. Court E.

Mr. Bernecker expressed concern that city residents pay more for garbage than county residents did because of how the city then bills for this service.

Councilmember Bricker noted that the county customers paid more for water service than city customers did.

Dwight McFarland, 9815 Angeline Road

Mr. McFarland noted he picks up garbage near his home and requests the City clean up the road from the trash that is accumulating from the new development.

B. Citizen Comments

Bob Harding, 7515 Locust Avenue Extension

Mr. Harding is representing the Kiwanis Club this evening. He noted the Kiwanis Club wants to bring back the 4th of July Bonney Lake Days celebration, and he urged support.

Dale Hildt, 9803 193rd

Mr. Hildt expressed concern with the construction noise that would occur with the Wal Mart Construction. He asked that the City modify the construction time since he needs to be up at 4:00 a.m.

Council noted that a noise ordinance had recently been adopted and staff would look into the new code regulations.

Tony Dalgarne, 6302 207th Avenue E.

Mr. Dalgarne addressed Council on the 1999 Folk Rezone issues, particularly with the notification process. He also pointed out the access easement does not allow access to a mobile home in the area and that the Fire District would not have access should a fire erupt.

Brian Bernecker, 18221 102nd St. Court E.

Mr. Bernecker noted his concern for increased traffic on SR 410 and with City Codes restricting first floor square footage. Council responded that an ordinance had recently been adopted amending the first floor square footage restrictions.

Laura VanHuizen, 6210 207th Avenue E.

Ms. VanHuizen noted she is having a surveyor come to her home tomorrow to check discrepancies and asked whether a stop work order could be issued.

City Attorney James Dionne responded that in reviewing the material, he does not believe any material or relevant error has occurred, i.e., the property is zoned R-2 and there were three opportunities of notice to contest the rezone. City Attorney James Dionne said he was meeting with the representative of the residents.

C. Correspondence - None

III. COUNCIL COMMITTEE REPORTS

(A3.6.4)

A. Finance Committee

Deputy Mayor Swatman said the Committee met earlier this evening and reviewed issues related to deferred compensation, position postings, and this evening's agenda modification related to an agreement with the City of Fife to use a police motorcycle for training purposes.

B. Community Development Committee

Councilmember Rackley noted the Committee met last week, and two items are on this evening's agenda.

C. Public Safety Committee

Councilmember Bricker stated the Committee did not meet.

D. Other Reports

Public Works Director Boettcher briefed Council on the issue of not pursuing a buy-down related to purchase of Pierce County Sewer. He urged for Council's support to treat all customers (residents of the City and the County) the same; i.e., not exempting County customers from paying the utility tax.

Motion by Deputy Mayor Swatman, second by Councilmember Palecek, to support the administrative recommendation.

Motion Carried Unanimously 6-0.

Mayor Young noted that next week's workshop agenda is short so that persons could attend their caucus meetings.

IV. MINUTES (A3.6.2)

A. January 29, 2002 Joint Council/Planning Agency

B. February 11, 2002 Council

Motion by Councilmember DeLeo, second by Councilmember Palecek, to approve the minutes as presented. Councilmember Bricker requested a wording change on the February 11, 2002 minutes, page 3, as follows: "city-~~leased~~ engines."

Motion Carried Unanimously 6-0.

V. VOUCHERS AND PAYROLL (F4.9)

A. Vouchers

1. Claims:

Accounts payable checks #030788-030885, voiding check #030788 in the amount of \$279,864.22.

2. Payroll:
Payroll for February 1-15, 2002 for checks 019034 - 19089 including Direct Deposits and Electronic Transfers in the amount of \$ 175,224.40.

Motion by Councilmember Rackley, second by Councilmember Palecek, to authorize claims and payroll as presented.

Motion Carried Unanimously 6-0.

VI. UNFINISHED BUSINESS

Motion by Deputy Mayor Swatman, second by Councilmember Rackley, to rules to consider Ordinance No. 925.

Motion Carried Unanimously 6-0.

- A. Ordinance No. 925. An ordinance of the City of Bonney Lake, Pierce County, Washington, amending Chapters 8.04, 13.04, 13.12, and 15.14 of the Bonney Lake Municipal Code and Ordinance Nos. 389, 389A, 389B, 389D, 622, 622A, 622B, 622C, 588, 692, 692A, 763, 736, 803, and 828 related to Utility Rates. [F4.3].

Motion by Councilmember Rackley, second by Councilmember Palecek, to adopt Ordinance No. 925 as presented.

A brief discussion was held related to the necessity of conducting the public hearing, the legal notice process, and effective date of the 3% pass-through increase.

Motion Carried Unanimously 6-0.

VII. NEW BUSINESS

- A. Request the City Council to authorize the Public Works Department to go to bid for the Driftwood Drive Water Main (176th) Project (Project #PW034010). [O4.10.2]

Motion by Councilmember Bricker, second by Councilmember Palecek, to authorize the bid as requested.

Motion Carried Unanimously 6-0.

- B. Request that the City Council accept the Notice of Completion (NOC) and authorize release of retainage related to the HVAC system at the Senior Center. [O4.4.2]

Motion by Councilmember Palecek, second by Councilmember Rackley, to accept the NOC and release the retainage as presented.

Motion Carried Unanimously 6-0.

- C. Request the City Council set a public hearing for March 12, 2002 to receive public testimony on Annexation Area #5. [O3.2]

This item was pulled from consideration under agenda modifications.

- D. Request the City Council authorize the purchase of 3 police vehicles for the new police officers. [F4.6.2]

This item was moved to Agenda Item IX.E under agenda modifications.

VIII. ORDINANCES

- A. Ordinance No. 918. An Ordinance of the City of Bonney Lake, Pierce County, Washington, amending chapter 10.12 of the Bonney Lake Municipal Code and Ordinance No. 503A relating to the speed limit of State Highway 410. (Reviewed at December 17 and 28th Community Development Committee meeting). [O1.8.6]

Motion by Councilmember Palecek, second by Councilmember DeLeo, to adopt the ordinance as presented.

Motion Carried Unanimously 6-0.

- B. Ordinance No. 923. An Ordinance of the City of Bonney Lake, Pierce County, Washington, amending Chapter 1.12 and Ordinance Nos. 388, 556, 648 and 816 relating to redistricting Council Ward boundaries. (Reviewed at January 15, 2002 Workshop, public hearing conducted January 8, 2002). [A1.1.3]

Motion by Councilmember Rackley, second by Councilmember Swatman, to adopt the ordinance as presented.

Motion Carried Unanimously 6-0.

IX. RESOLUTIONS

- A. Resolution No. 961. A Resolution of the City Council of the City of Bonney Lake, Pierce County, Washington, authorizing an agreement with the Shea Group for an Access and Operation Study on SR410 between 214th Avenue E. and 234th Avenue E. (Reviewed at the February 11, 2002 Finance Committee.) [04.8.1]

Motion by Councilmember Palecek, second by Councilmember Swatman, to adopt the resolution as presented.

Motion Carried Unanimously 6-0.

- B. Resolution No. 962. A Resolution of the City Council of the City of Bonney Lake, Pierce County, Washington, authorizing an agreement with the Transpo Group for travel demand model and traffic impact fee. (Reviewed at the February 11, 2002 Finance Committee.) [04.8.1]

Motion by Councilmember Swatman, second by Councilmember Palecek, to adopt the resolution as presented.

Motion Carried Unanimously 6-0.

- C. Resolution No. 964. A Resolution of the City Council of the City of Bonney Lake, Pierce County, Washington, authorizing an agreement with Utility Services Associates for leak detection services. (Reviewed at the February 19, 2002 Community Development Committee meeting.) [04.10.1]

Motion by Councilmember Rackley, second by Councilmember Palecek, to adopt the resolution as presented.

Motion Carried Unanimously 6-0.

- D. Resolution No. 966. A Resolution of the City Council of the City of Bonney Lake, Pierce County, Washington, authorizing the Chief of Police to sign an agreement with Pierce County for the Boating Safety Program revenues. (Reviewed at the February 11, 2002 Finance Committee.) [01.8.13]

Motion by Councilmember Palecek, second by Councilmember Bricker, to adopt the resolution as presented.

Motion Carried Unanimously 6-0.

- E. Resolution No. 968. A Resolution of the City Council of the City of Bonney Lake, Pierce County, Washington, authorizing the Police Department to purchase three (3) police vehicles for the new police officers in the 2002 Budget. (Reviewed at the February 11, 2002 Finance Committee.) [F4.6.2]

Motion by Councilmember Bricker, second by Councilmember Rackley, to adopt the resolution as presented.

Motion Carried Unanimously 6-0.

Motion by Councilmember Swatman, second by Councilmember Rackley, to suspend the rules to consider Resolution No. 969, which was added to the agenda under agenda modifications.

Motion Carried Unanimously 6-0.

- F. Resolution No. 969. A Resolution of the City Council of the City of Bonney Lake, Pierce County, Washington, entering into an interlocal agreement with the City of Fife Police Department for the temporary loan and use of a police motorcycle. (Reviewed at the February 26, 2002 Finance Committee.) [F4.6.2]

Motion by Councilmember Rackley, second by Councilmember Swatman, to adopt the resolution as presented.

Councilmember DeLeo asked about the cost of the motorcycle loan. Chief Jeter responded approximately \$300 for lodging, plus fuel and cost of covering the motorcycle on the city's insurance for the period of the use.

Motion Carried Unanimously 6-0.

X. EXECUTIVE SESSION (A3.6.13)

At 8:30 p.m., Mayor Young announced an executive session, for approximately 15 minutes, to discuss potential property acquisition. Mayor Young reconvened the meeting at 8:40 p.m.

Motion by Councilmember Rackley, second by Councilmember Johnson, to authorize the Mayor to sign a purchase agreement with Virgil Fox for the View Royal Water System.

Motion Carried Unanimously 6-0.

XI. ADJOURNMENT

Motion by Councilmember Bricker, second by Councilmember Palecek, to adjourn at 8:41 p.m.

Bob Young, Mayor

Gayle Butcher, City Clerk