I. CALL TO ORDER

A. Flag Salute

Mayor Young called the meeting to order at 7:03 p.m. and led those in attendance in the Flag Salute.

B. Roll Call (A1.3)

In attendance with Mayor Young - Deputy Mayor Swatman, Councilmembers Bricker (arrived at 8:05 p.m.), DeLeo, Johnson, King, Palecek, and Rackley. Staff members attending were: Finance Director John Weidenfeller (arrived after roll call), Public Works Director Seth Boettcher, Interim Planning & Community Development Director Bob Leedy (arrived after roll call), Police Chief Bryan Jeter, Lt. Mike Strozyk, Communications Supervisor Donna Frazier, City Attorney Jim Dionne, and City Clerk Gayle Butcher.

C. Announcements, Appointments and Presentations

1. Announcements (A3.6.9)

There will be a joint City Council/Planning Agency Meeting, Monday, June 3, 2002 at 6:00 p.m.

Chief Jeter introduced Silke Constant, Communications Dispatcher

Mayor Young read President Bush’s Declaration Related to Peace Officers' Memorial Day, May 15.

2. Appointments (A3.8.3)

Mayor Young appointed Robert G. Dalton to the vacant Civil Service position (formerly held by Allan Norwood) for a 6-year term, ending May 2008, and he requested Council confirmation

Motion by Councilmember Rackley, second by Councilmember King, to confirm the appointment.

Motion Carried 4-2 with Deputy Mayor Swatman and Councilmember Johnson dissenting.

3. Presentations - None (A3.6.4)
D. Agenda Modifications (A3.6.6)
Modifications this evening were adding employee introduction and reading of President Bush’s Declaration, moving Resolution No. 986 to “IV New Business” and subsequently removing the resolution from “IX Resolutions” and adding motion to authorize out-of-state travel to “IV New Business.”

II. PUBLIC HEARINGS, CITIZEN COMMENTS & CORRESPONDENCE
(A3.6.11, A3.6.12, A3.6.4, 3.6.5)
A. Public Hearing - None
B. Citizen Comments

Quinn Dahlstrom, 6527 193rd AV E
Ms. Dahlstrom complimented staff for their Spring Cleanup Day, May 9th.

C. Correspondence - None

III. COUNCIL COMMITTEE REPORTS
(A3.6.4)
A. Finance Committee
Deputy Mayor Swatman reviewed the agenda items discussed at this evening’s meeting.

B. Community Development Committee
Councilmember Rackley reviewed the items discussed at last week’s Community Development Committee meeting.

C. Public Safety Committee
On behalf of Chair Bricker, Councilmember DeLeo reviewed the items discussed at last week’s meeting.

D. Other Reports
Councilmember DeLeo noted he had attended AWC’s training seminar on Public Disclosure and the Open Meetings Act, and he presented an overview of the highlights that the Legislative Body, or any body authorized by ordinance, needed to know. He highlighted email requirements and potential perceptions of email in this technology age.

Mayor Young noted he had attended two recent summits, one on terrorism and on meth. He noted he would present more details at next week’s workshop.

IV. MINUTES (A3.6.2)
A. April 23, 2002 Council
Motion by Councilmember Palecek, second by Councilmember Rackley, to adopt the minutes as presented.

Motion Carried Unanimously 6-0.

V. VOUCHERS AND PAYROLL

A. Vouchers

1. Claims:

Accounts Payable checks: #031375-031493, voiding check #031375, in the amount of  $1,309,966.37. Also, manual check #031374 in the amount of $175.00

2. Payroll:

Payroll for April 16-30, 2002 for checks 19342-19399 including Direct Deposits and Electronic Transfers in the amount of $244,719.70.

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

Councilmember Rackley noted payment for purchase of the Pierce County Sewer System is in this evening’s claims run.

Motion Carried Unanimously 6-0.

VI. UNFINISHED BUSINESS

VII. NEW BUSINESS

A. Request Council set a public hearing May 28, 2002 to receive public testimony on the proposed Wellhead Protection Program as proposed by Ordinance 932. (Planning Agency PH 4/3&23/02, Planning Agency recommendation 4/23/02) [O 4.10.7]

Motion by Deputy Mayor Swatman, second by Councilmember DeLeo, to set the public hearing as presented.

Councilmember King noted that Planning Agency public hearings had been conducted with limited public response, and he expressed concern that another public hearing was being conducted. Deputy Mayor Swatman concurred with Councilmember King’s concern. Mayor Young noted staff wanted to conduct another hearing to make sure every effort to notify had been done.

Motion Carried Unanimously 6-0.
B. Resolution No. 986. A Resolution of the City Council of the City of Bonney Lake, Pierce County, Washington, authorizing an agreement for future insurance services and coverage with Washington Cities Insurance Authority (WCIA). (Reviewed at the 8/21/01, and 4/16/02 Council Workshops.) \[F 4.18\]

Motion by Councilmember Rackley, second by Councilmember King, to authorize the resolution as presented.

Motion Carried Unanimously 6-0.

C. Motion to authorize out-of-state travel for 4 employees from Building, Finance and Planning to Oregon City to view and discuss Permitting System by Eden Systems as first element of the City’s Financial Upgrade.

Motion by Deputy Mayor Swatman, second by Councilmember Palecek, to authorize out-of-state travel as presented.

Motion Carried Unanimously 6-0.

VIII. ORDINANCES

A. Ordinance No. 935. An Ordinance of the City of Bonney Lake, Pierce County, Washington, amending Chapter 5.10.020A of the Bonney Lake Municipal Code reducing the tax on bingo and raffles from 10% to 5% as allowed by RCW 9.46.110.1 (3)(a). (Reviewed at the 4/23/02 Finance Committee meeting.) \[F6.1\]

Motion by Deputy Mayor Swatman, second by Councilmember DeLeo, to adopt the ordinance as presented.

Motion Carried Unanimously 6-0.

B. Ordinance No. 907. An Ordinance of the City of Bonney Lake, Pierce County, Washington, amending Chapter 13.04 of the Bonney Lake Municipal Code and Ordinance Nos. 588, 692A, 763, and 828 relating to water rates. (Reviewed at the 4/15/02 Community Development Committee meeting.) \[F4.3\]

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

Motion by Deputy Mayor Swatman, second by Councilmember Palecek, to amend the language by changing references to usage and changing the verbiage to availability.

Motion Carried Unanimously 6-0.
Deputy Mayor Swatman noted Councilmember Bricker was expected to arrive this evening and that Councilmember Bricker wanted to be present during deliberations for Ordinance 907 and 916. Deputy Mayor Swatman requested Ordinance No. 907 tabled to this evening’s agenda just prior to Executive Session, to give Councilmember Bricker an opportunity to arrive.

Motion Carried Unanimously 6-0.

C. Ordinance No. 916. An Ordinance of the City of Bonney Lake, Pierce County, Washington, amending Chapter 13.12 of the Bonney Lake Municipal Code and Ordinance Nos. 571C, 692, 692A and 828, relating to sewer rates (Reviewed at the 4/15/02 Community Development Committee meeting.) [F4.3]

Motion by Deputy Mayor Swatman, second by Councilmember Palecek, to table this ordinance to just prior to this evening’s agenda Executive Session, to give Councilmember Bricker an opportunity to participate in deliberations.

Motion Carried Unanimously 6-0.

D. Ordinance No. 953. An Ordinance of the City of Bonney Lake, Pierce County, Washington, adjusting the non-union salary scale for 2002 with respect to cost-of-living, comparable equity, performance merit, and other compensation adjustments to include the new Executive Coordinator position. (Reviewed at the 5/7/02 Council Workshop.) [A 4.3.1]

Motion by Councilmember Rackley, second by Councilmember Palecek, to table the ordinance to next week’s workshop.

City Attorney Dionne distributed a draft ordinance that created a Salary Grid #29 Department Head position for Executive Director/Human Resources Director that he believed met the request of Council.

Motion Carried Unanimously 6-0.

Deputy Mayor Swatman noted he was pleased with continuing discussion and believed a good solution would be worked out. Councilmember King questioned whether a yearly COLA was incorporated into the non-union salary grid. Councilmember DeLeo stated that for years he has pointed out that the yearly COLA is being incorporated into the non-union salary grid and that it should not be incorporated into the salary grid.

IX. RESOLUTIONS

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

A brief discussion was held related to the amendment of the 184th project into the TIP.

Motion Carried Unanimously 6-0.

B. Resolution No. 987. A Resolution of the City Council of the City of Bonney Lake, Pierce County, Washington, awarding the bid and authorizing an agreement for the 188th Ave. E. Water Main Project to James Guess. (Reviewed at the 5/6/02 Community Development & Planning Committee meeting.) [A3.12.4]

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

A brief discussion was held related to a conduit installation to light up the reader board. Public Works Director Seth Boettcher explained a change order process and contingency would cover the installation.

Motion Carried Unanimously 6-0.

At 8:05 p.m. Councilmember Bricker arrived. Councilmember Rackley requested a recess. Mayor Young reconvened the meeting at 8:21 p.m.

C. Resolution No. 978. A Resolution of the City Council of the City of Bonney Lake, Pierce County, Washington, designating and appointing the City Clerk and/or Deputy City Clerk as agents of the City of Bonney Lake to receive claims for damages under the provisions of RCW 4.96.020. (Reviewed at the 4/9/02 Finance Committee meeting.) [A3.12.4]

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

Motion Carried Unanimously 7-0.

D. Resolution No. 984. A Resolution of the City Council of the City of Bonney Lake, Pierce County, Washington, designating the Tacoma News Tribune as the sole source official newspaper for a period of one year, beginning May 22, 2002. (Reviewed at the 4/9/02 Finance Committee meeting.) [A3.20.8]

Motion by Councilmember Rackley, second by Councilmember Palecek, to adopt the resolution as presented.
A brief discussion related to criteria (daily publication) and publication requirements was held. Councilmember Johnson commended the Puyallup Herald for Rebecca’s good work on covering the City of Bonney Lake.

Motion Carried Unanimously 7-0.

E. Resolution No. 988. A Resolution of the City Council of the City of Bonney Lake, Pierce County, Washington, authorizing the Mayor to sign a contract to renew the QWest CPE Data Maintenance Agreement for Router Maintenance of our internet Wide Area Network T-1 equipment. (Reviewed at the 4/9/02 Finance Committee Meeting) [A2.1]

Motion by Councilmember King, second by Councilmember Johnson, to adopt the resolution as presented.

Motion Carried Unanimously 7-0.

F. Resolution No. 990. A Resolution of the City Council of the City of Bonney Lake, Pierce County, Washington, authorizing a contract with Home I/O (Pamela Kongslie) for the Concession Stand at Allan Yorke Park for a term of May 1, 2002 to April 30, 2003. (Reviewed at the 5/6/02 Community Development & Planning Committee Meeting.) [O5.6]

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

Motion Carried Unanimously 7-0.

G. Resolution No. 992. A Resolution of the City Council of the City of Bonney Lake, Pierce County, Washington, authorizing an agreement with the Sumner School District to partially fund the Sumner Family Center Coordinator’s position for the period of January 1, 2002 – December 31, 2002. (Reviewed at the 4/23/02 Finance Committee Meeting.) [O5.7]

Motion by Councilmember DeLeo, second by Deputy Mayor Swatman, to adopt the resolution as presented.

Motion Carried Unanimously 7-0.

H. Resolution No. 993. A Resolution of the City Council of the City of Bonney Lake, Pierce County, Washington, authorizing a Federal Equitable Sharing Agreement with the Department of the Treasury for the period of three years (October 1, 2002 – September 30, 2005). This is required to allow the Police Dept. to receive money from the Federal asset seizures through our narcotic detective’s work with the Tacoma DEA Task force. (Reviewed at the 5/6/02 Finance Committee Committee meeting.) [O10.1]
Motion by Councilmember Bricker, second by Councilmember Rackley, to adopt the resolution as presented.

Motion Carried Unanimously 7-0.

I. Resolution No. 996. A Resolution of the City Council of the City of Bonney Lake, Pierce County, Washington, a memorandum of deed restriction for an accessory dwelling use for the property located at 20401A 70 Street East (Tax Parcel #303700-145-0; Church Lake Waterfront Tracts, Division #1, Lot 145 granted by Nancy Roseberry-Daniel Decker). (Reviewed at the 5/6/02 Community Development Committee meeting.) [O 1.7]

Motion by Councilmember DeLeo, second by Councilmember King to adopt the resolution as presented.
Councilmember King noted his confusion with the documents. He asked for clarification regarding the current dwelling being classified as an Accessory Dwelling Unit (ADU) while another structure was to be built nearby. Public Works Director Boettcher explained the matter. City Attorney Dionne recommended City Council not pass the resolution since an ADU must be a percentage of a main dwelling unit, in other words, there is no “first” dwelling unit to designate the current building as a “second, ADU” dwelling unit. Councilmember Bricker questioned whether the ADU concept was requested in an effort to avoid paying developer fees.

Motion by Councilmember Rackley, second by Councilmember Bricker, to table the resolution for continued clarification at the next workshop.

Motion Carried Unanimously 7-0.

J. Resolution No. 997. A Resolution of the City Council of the City of Bonney Lake, Pierce County, Washington, authorizing an agreement with the Fife Police Department for providing Jail Facilities for male prisoners on an “as-needed” basis for a period of time continuing until December 31, 2010. (Reviewed at the 5/6/02 Public Safety Committee meeting.) [O 1.7]

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

Motion Carried Unanimously 7-0.

Tabled Ordinance Nos. 907 & 916 as noted above:


Mayor Young noted the motion to adopt remained on the floor.
Councilmember Bricker expressed his concern with the rate ordinance. Councilmember King presented his perspective of the economies of scale that have been presented and questioned whether there was sufficient justification to change the standard 1,000 CF rate. Councilmember Rackley noted there was no rate increase last year.

Mayor Young called for the vote

Motion Carried 4-3 with Deputy Mayor Swatman, Councilmember Bricker and Councilmember Johnson dissenting.


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

Motion by Deputy Mayor Swatman, second by Councilmember Rackley, to amend usage verbiage to availability.

Motion Carried Unanimously 7-0.

A brief Council discussion was held and Mayor Young requested a call for the vote.

Motion Carried 4-3 with Deputy Mayor Swatman, Councilmember Bricker, and Councilmember Johnson dissenting.

X. EXECUTIVE SESSION –

Mayor Young called for an executive session at 8:50 p.m. to discuss potential litigation and property acquisition, with discussion approximately 30 minutes. At 9:20 p.m. it was noted another 30 minutes would be required. Mayor Young reconvened the meeting at 9:40 p.m.

Motion by Councilmember Rackley, second by Councilmember DeLeo, to authorize Mayor Young to sign a letter of intent with a statement that it is under protest regarding the Tacoma/Pierce County Funding Program for treatment of water with fluoride.

A brief discussion regarding not only an opposition to fluoride, but also the treatment being an unfunded mandate was held.

Mayor Young called for vote.

Motion Carried 4-3 with Deputy Mayor Swatman, Councilmember Bricker and Councilmember Johnson dissenting.
Motion by Councilmember DeLeo, second by Councilmember Rackley, to authorize the Public Works Director to proceed with negotiations regarding the Fonk Latecomers Agreement.

A roll call vote was conducted: Deputy Mayor Swatman (no); Councilmember Palecek (yes); Councilmember Bricker (no); Councilmember DeLeo (yes); Councilmember Johnson (no); Councilmember King (yes); Councilmember Rackley (yes).

Motion carried 4-3.

XI. ADJOURNMENT

There being no further business to come before the Council, Motion by Councilmember Rackley, second by Councilmember King, to adjourn at 9:45 p.m.

_____________________________________  _____________________________________
Bob Young, Mayor                          Gayle Butcher, City Clerk