

**CITY COUNCIL MEETING**

*September 10, 2002  
7:00 P.M.*

**MINUTES**

*City of*



*"Where Dreams Can Soar"*

*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.*

**I. CALL TO ORDER**

A. Flag Salute

B. Roll Call (A1.3)

Deputy Mayor Dan Swatman called the meeting to order at 7:00 p.m. and led those in attendance in the Flag Salute.

In attendance with Deputy Mayor Swatman were Councilmembers Phil DeLeo, Neil Johnson, Dave King, Maureen Palecek and Jim Rackley. Mayor Bob Young and Councilmember Stephen Bricker were absent.

Staff members attending were: Public Works Director Seth Boettcher, Police Chief Bryan Jeter, (arrived after roll call), Community and Development Director Bob Leedy, City Attorney Jim Dionne, and City Clerk Gayle Butcher.

Motion by Councilmember Rackley, second by Councilmember King, to excuse Councilmember Bricker's absence.

Motion Carried Unanimously. 6-0.

C. Agenda Modifications, Announcements, Appointments and Presentations

1. Agenda Modifications (**A3.6.6**)
2. Announcements – None (**A3.6.9**)
3. Appointments - None (**A3.8.3**)
4. Presentations - (**O3.6.1.2, O3.6.5.4**)

Planning Agency Chair Steve Burnham presented a brief report on proposed Ordinance No. 931, relating to regulations of Sensitive Wetlands. He noted this was a substantial revision. Chair Burnham clarified high intensity buffer were considered those parcels greater than 1 unit per 5 acres and 15-foot setback requirements from the edge of the building to the buffer.

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

### A. Public Hearing -

Deputy Mayor Swatman opened the public hearing at 7:08 p.m. to receive public testimony on the Latecomer's Agreement with Dale Fonk.

Public Works Director Seth Boettcher presented a brief overview related to the cost recovery agreement. The latecomer agreement allows the City to provide for utility extensions installed by developers. This evening's latecomer agreement is for a pro rata share of payback to the developer for boring under SR 410 to provide a sewer extension. He noted that sewer connection requirements were relaxed last year and that connection is required when there is a failure of the septic system, sale of the home, or further property development.

#### Les Musgrave (he did not state his address)

Mr. Musgrave does not support the proposed latecomer agreement. He said the commercial development destroyed his greenbelt and has caused problems to his property, such as trespass, noise due to early morning garbage pick up time at the businesses, and fence maintenance. Mr. Musgrave believes he will not financially benefit from his two parcels because upon sale, the sewer extension fees would come due and he objects to the fees going to the developer.

#### Lois Lewis (she did not state her address)

Ms. Lewis stated she is low-income and has resided in Cedarview for 23 years. She believes the City should have protected the first residents in the area from the development. Her home is subject to early morning noise from garbage pickup and garbage items in her yard. She objects to contributing any of her personal funds to a developer.

Calvin Evans, 20610 90<sup>th</sup> ST E

Mr. Evans said his residence is behind and in the middle of the muffler and pizza shops. He believes persons should have known prior to the development that residents might have to pay the developer for sewer extension. Mr. Evans said due to the development a berm has caused his property to be flooded, and that he has spent money to install a drain system so that his septic system won't fail. He has also lost his backyard privacy and the garbage pick up noise is bothersome. Mr. Evans questions if the developer will pay him when a major rain hits and his septic system is ruined.

Steve Petridis, 9704 205<sup>th</sup> AV CT E

Mr. Petridis objected to the garbage pick up noise and traffic as a result of the development. He also noted when he wanted to cut down a few trees on his property a few years ago, the City denied him, so he does not understand how the developer was able to clear-cut the area for the commercial businesses.

Steve Burnham, 9006 189<sup>th</sup> AV CT E

Mr. Burnham noted that there was some opposition to the rezone a few years ago, but during that time, there was no mention that the rezone could result in a latecomer agreement at that time. He believes it is unusual for an agreement to come up after the commercial buildings are built. Mr. Burnham also believes that the developer has recovered all his sewer costs.

Dan Decker, 20401 70<sup>th</sup> Street E.

Mr. Decker believes Mr. Fonk has already recovered his sewer development fees and should be able to show where, when and how much he lost.

Eric Bauer, 20612 97<sup>th</sup> Street E.

Mr. Bauer stated the latecomer agreement should have been addressed before the buildings were built. He also explained how the development fill has now caused a drainage problem on his property. He questions, too, the impacts to Mr. Evans' property. Mr. Bauer explained all the costs associated with hooking up to sewer, and for him, he would need to invest approximately \$15,000 for a system to run up hill in order for him to connect to sewer. He was also denied hooking up to gas because the gas company would not hook up one individual. Mr. Bauer ended his comments by saying his property has not been improved at all and the contractor has not lost any money.

Councilmember King asked Public Works Director Boettcher to bring a chart showing the sewer line elevation, a topographical that relates to the properties and

sewer line, information on grinder pumps, and runoff impacts as well as redress options.

Councilmember DeLeo asked Planning and Community Development Director Leedy to research whether the developer failed to uphold the ordinance and whether the fence was adequate. Deputy Mayor Swatman added an update on the commercial light glare and what is being done to correct the situation.

Councilmember Palecek thanked the citizens for coming this evening. She noted that Deputy Mayor Swatman has had concerns with this commercial development and that he has done a good job in looking out for the residents' interests.

Ben Hanson, 5667 W Tapps Drive E.

Mr. Hanson asked whether the City's noise ordinance could alleviate the garbage pick up noise problem. Chief Jeter noted that refuse collection is exempt, but he would check to see if there is some mitigation regarding backing up to a residence.

There were no further requests to speak for or against the latecomer agreement.

Deputy Mayor Swatman closed the hearing at 7:56 p.m.

At 7:56, a 5-minute recess was requested. Deputy Mayor Swatman reconvened the meeting at 8:06 p.m.

B. Citizen Comments

Dan Decker, 20401 70<sup>th</sup> Street E.

Mr. Decker noted his concerns involving a city zip code. He presented an outline of his frustrations involving an application for an Accessory Dwelling Unit.

Councilmember King said he had read an article in the Puyallup Herald that the City of Sumner had reduced garbage rates, and he requested that the City of Bonney Lake pursue better rates when the contract was up for renewal. Deputy Mayor Swatman said that the Finance Committee is working on this issue.

C. Correspondence - None

**III. COUNCIL COMMITTEE REPORTS  
(A3.6.4)**

A. Finance Committee

Deputy Mayor Swatman said the Committee discussed traffic safety memorandum of understanding, a contract for microfilm services, an interlocal agreement for haz mat equipment and garbage rates.

B. Community Development Committee

Councilmember Rackley said the Committee did meet, but did not have any items to forward.

C. Public Safety Committee

Councilmember DeLeo said the Committee reviewed the Narcotic Task Force Agreement and the seized surplus vehicle with surplus funds going back into the Drug Fund.

D. Other Reports - None

**IV. MINUTES (A3.6.2)**

A. August 20, 2002

B. August 27, 2002

Motion by Councilmember Rackley, second by Councilmember Johnson, to adopt the minutes as presented.

Motion Carried Unanimously 6-0.

**V. VOUCHERS AND PAYROLL  
(F4.9)**

A. Vouchers

1. Claims:

Accounts payable checks #032287-032360, voiding check #032287. In the amount of \$78,926.56

2. Payroll:

Payroll for August 16 through August 31 2002 for checks 019848 – 019932 including Direct Deposits and Electronic Transfers in the amount of: \$ 259,395.15.

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

Motion Carried Unanimously 6-0.

**VI. UNFINISHED BUSINESS - None**

**VII. NEW BUSINESS**

Councilmember DeLeo said that at the last Council meeting he had just returned from Montana that afternoon and did not have enough time to fully review Resolution No. 1021. He explained in further reviewing the credit card ordinance at last week's workshop, he took the time to review Resolution No. 1021. He expressed concern with language in Resolution No. 1021, in particular the travel provisions and removal of the guidelines regarding petty cash and purchase orders. He also pointed out that the prior resolutions were specific with meal allowances and he did not agree with the "high cost locations" language found under C.(B). Councilmember DeLeo made a motion to rescind Resolution No. 1021 and to discuss it at the next workshop. Second by Councilmember Palecek. Councilmember King noted his concern that the credit card ordinance should be balanced with the purchase and bidding resolution and asked what would be the effect of rescission. City Attorney Jim Dionne advised the motion to rescind revives Resolutions 636 and 779 in order to have purchasing policies in place. Councilmembers DeLeo and Palecek concurred to add that into the motion.

Motion Carried Unanimously 6-0.

**VIII. ORDINANCES**

- A. Ordinance No. 928. An ordinance of the City of Bonney Lake, Pierce County, Washington, amending Chapter 2.56 of the Bonney Lake Municipal Code and Ordinance No. 742, relating to credit cards. (Discussed at the 8/13/02 Finance Committee Meeting.) **[F4.8]**

Motion by Councilmember Rackley, second by Councilmember DeLeo, to table.

Motion Carried Unanimously 6-0.

**IX. RESOLUTIONS**

- A. Resolution No. 1026. A Resolution of the City Council of the City of Bonney Lake, Pierce County, Washington, authorizing the disposal of surplus property in accordance with the provisions outlined by Ordinance 872 with the proceeds being deposited into the Drug Fund as required by law. (Discussed at the 8/27/02 Finance Committee, 1984 Volkswagen Rabbit.) **[F4.14]**

Motion by Councilmember Rackley, second by Councilmember DeLeo, to authorize the resolution as presented, with the title corrections as distributed prior to the meeting.

Motion Carried Unanimously 6-0.

- B. Resolution No. 1028. A Resolution of the City Council of the City of Bonney Lake, Pierce County, Washington, authorizing the Chief of Police to sign an agreement to participate in the multi-jurisdictional DEA Tacoma Regional Narcotics Task Force for a period of one year. (Discussed at the 9/3/02 Public Safety Committee.) **[O1.10]**

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

Motion Carried Unanimously 6-0.

- C. Resolution No. 1029. A Resolution of the City Council of the City of Bonney Lake, Pierce County, Washington, declaring the intent of the City Council to adopt the right of initiative and referendum for the qualified electors of the city; providing for publication of this resolution; and providing that upon the expiration of the 90<sup>th</sup> day after the date of publication that an ordinance adopting the initiative and referendum process for the qualified electors of the city shall be presented unless a timely and sufficient referendum petition has been filed referring the question to the qualified electors of the city for approval or rejection. **[A1.1.2]**

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

Individually, Deputy Mayor Swatman, Councilmembers Rackley, Johnson and King offered thanks to Mr. Decker for the tremendous effort undertaken with the gathering signatures for the petition. Councilmember King urged that all persons

become familiar with the specific parameters of the initiative and referendum process, and that it should be exercised with maturity.

Motion Carried Unanimously 6-0.

**X. EXECUTIVE SESSION – To discuss Labor Negotiations**

Deputy Mayor Swatman called for an executive session at 8:40 p.m. to discuss labor negotiations for about 20 minutes. Deputy Mayor Swatman reconvened the meeting at 9:03 p.m. Council took no action.

**XI. ADJOURNMENT**

Motion by Councilmember Rackley, second by Councilmember Palecek, to adjourn at 9:03 p.m.

---

Dan Swatman, Deputy Mayor

---

Gayle Butcher, City Clerk