

CITY COUNCIL MEETING

**December 10, 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 7:05 p.m. and led those in attendance in the Flag Salute.

B. Roll Call (A1.3)

In attendance with Mayor Bob Young, Deputy Mayor Dan Swatman, Council Members Stephen Bricker, Phil DeLeo, Neil Johnson, Dave King, Maureen Palecek, and Jim Rackley.

Staff members attending were: Finance Director John Weidenfeller, Public Works Director Seth Boettcher, Planning & Community Development Director Bob Leedy, Police Lt. Mike Strozyk, City Attorney Jim Dionne, Judge Jim Helbling and City Clerk Gayle Butcher.

C. Agenda Modifications, Announcements, Appointments and Presentations

1. Agenda Modifications (A3.6.6)

Mayor Young asked for Council's consideration on the following agenda modifications:

Add an Executive Session between Agenda Items VI. Unfinished Business and VII. New Business to discuss contract negotiations and personnel items.

Add Ordinance No. 980, amends Ad Valorem Tax Ordinance No. 942, to Agenda Item VIII.H.

Add professional services contract to Resolution No. 1051, Agenda Item IX.C

Add Resolution No. 1054, professional services contract with Cooperative Personnel Services, to Agenda Item IX.G

Add Resolution No. 1055, surplus police vehicle License No. 19249D to Agenda Item IX.H.

Add Resolution No. 1050, contract amendment with Dionne & Rorick, for prosecutor services.

Motion by Council Member Bricker, second by Council Member Rackley, to add the modifications as presented.

Deputy Mayor Swatman asked that Council's consideration of canceling the December 17, 2002, Agenda Item VII.A be discussed at the end of the meeting. The Makers concurred.

Motion Carried Unanimously 7-0.

2. Announcements - None (A3.6.9)
3. Appointments (A3.8.3)
4. Presentations (O3.2, O3.5.2)

Mayor Young Proclaimed December 12, 2002 as "Clyde Greenwood Day" and presented a 30-year commemorative plaque to Mr. Greenwood.

II. PUBLIC HEARINGS, CITIZEN COMMENTS & CORRESPONDENCE (A3.6.12, F4.3, F3.6)

- A. Public Hearing – None (F3.6)
- B. Citizen Comments

Dan Decker, 20401 70th Street E.

Mr. Decker noted the need for stop signs, speeding, and vehicle gross weight limits for Locust. Mr. Decker also expressed his opinion related to nonunion salaries and benefits.

- C. Correspondence - None

III. COUNCIL COMMITTEE REPORTS (A3.6.4)

- A. Finance Committee
Deputy Mayor Swatman said that the Committee reviewed Resolution Nos. 1050, 1054 and 1055 earlier this evening.
- B. Community Development Committee
Council Member Rackley said the Committee reviewed Resolutions 928 and 1051.
- C. Public Safety Committee
Council Member Bricker noted the Committee discussed a variety of traffic enforcement issues, such as radar, speed bumps, and stop signs. The Committee was also updated on the Community Service Officer testing process and the Marine Patrol Budget.

Council Member King said he was proud to announce that Chief Bryan Jeter is graduating from the FBI Academy in Virginia this Friday and Council Member King thanked Lt. Strozyk for serving in Chief Jeter's absence.

- D. Other Reports
Council Member DeLeo said that he had shopped for new Council tables and relayed the information on to Finance Director John Weidenfeller.

Council Member DeLeo noted that all Members of the Council and Mayor Young received an email from Dennis Bolton, the AFSCME Local #120 Labor Representative. Council Member DeLeo read into the record that the correspondence related to a recent AFSCME Union vote of no confidence with John Weidenfeller as Labor Relations Negotiator and that further information would be presented at the January 14, 2003 Council meeting. (Exhibit No. 1)

IV. MINUTES (A3.6.2)

- A. November 9, 2002
- B. November 12, 2002
- C. November 19, 2002

Motion by Council Member Rackley, second by Council Member Palecek, to adopt the minutes as presented.

Motion Carried Unanimously 7-0.

V. VOUCHERS AND PAYROLL (F4.9)

A. Vouchers

1. Claims:
Accounts payable checks #032959-033045 in the amount of \$255,106.16.
2. Payroll:
Payroll for November 16-30, 2002 for checks 20255-20313 including Direct Deposits and Electronic Transfers in the amount of \$267,567.77.

Motion by Deputy Mayor Swatman, second by Council Member Rackley, to authorize claims and payroll as presented.

Council Member DeLeo asked why the City was purchasing water coolers for the Fire Department and Finance Director John Weidenfeller said he would research and respond.

Motion Carried Unanimously 7-0.

VI. UNFINISHED BUSINESS – None

For the organization of the minutes only, the Executive Session was conducted during this agenda location, but it is reflected under Item X.

VII. NEW BUSINESS

For the organization of the minutes only, the discussion of the December 17, 2002 workshop is reflected under this new business item even though discussion occurred at the end of the Council meeting.

- A. City Council to consider a motion to cancel the December 17, 2002 Workshop.

Motion by Council Member Bricker, second by Council Member Palecek, to cancel the workshop.

Council Members Bricker and Rackley noted they would be out of town next week. Deputy Mayor Swatman asked City Attorney Dionne whether authority to

pay the exempt personnel was in place. City Attorney Dionne noted Ordinance No. 902 was for Year 2002.

Motion Carried 5-2 with Deputy Mayor Swatman and Council Member King dissenting.

VIII. ORDINANCES

- A. Ordinance No. 955. An ordinance of the City Council of the City of Bonney Lake, Pierce County, Washington, adopting the annual budget for the Calendar Year 2003. (Reviewed 11/9/02, 11/19/02, and 12/3/02) **[F3.6]**

Motion by Council Member Bricker, second by Council Member Rackley, to adopt the ordinance as presented.

Council Member King asked if the proposed water rate increase was included in revenues. Finance Director John Weidenfeller said yes.

Council Member DeLeo asked why the budget was \$4M less than what was presented at the December 3, 2002 Workshop. In response, Public Works Director Boettcher said a double accounting of Public Works Trust Fund Loans had occurred which inflated revenue. He also noted that the City was not granted a loan for the Ballpark Well Project. Finance Director John Weidenfeller explained that this resulted in an over projection of Capital Improvement Revenue and that he had submitted a summary of this to all members of the Council by email.

Deputy Mayor Swatman said he could not support the budget because he did not believe it was a collaborative process. He suggested that the City's budget process should be similar to the process used by the City of Puyallup. While he thanked the Finance Department staff for the work, he is not comfortable that the budget adequately portrays a long-term plan for the City.

Council Member Johnson stated his objections to the budget was based on the proposed water rate increase.

Council Member King asked that Finance Director John Weidenfeller provide a summary as to how the City's Year 2003 budget is \$17M larger than the budget for Year 2002.

Council Member DeLeo said he is disappointed that the budget is not presented in layman's terms; i.e., a citizen would have to know how to read the numbers in order to find the City's vision.

Finance Director John Weidenfeller pointed out that there was no citizen input during the budget hearings and that Mayor Young's letter articulates the vision. He also reviewed the all Council requests that were included in the budget and that the budget had been extensively discussed at the workshops.

Council Member King said he was in favor of passing the budget and that there was adequate time to comment. Finance Director John Weidenfeller also pointed out that the budget is a strategic plan and can be modified.

Council Member Rackley noted he believed there was adequate opportunity to comment, and that he did not like the water budget.

Finance Director John Weidenfeller assured Council that the final budget would include graphics and narratives that would address Council Member DeLeo's concerns. Council Member DeLeo added that Council received 3 different versions and that this evening there is a difference of \$4M from the last workshop.

Council Member King agreed that the \$4m discrepancy was a glaring discrepancy that Finance Director John Weidenfeller should have caught, but Council Member King urged consideration of adopting the ordinance.

Council Member Bricker said that there were several good things in the budget and noted support for the budget even though he agreed that the \$4M was a glaring error that should have been caught.

Council Member Palecek said she was comfortable with the budget and noted her concerns with the economic shifting and development that is occurring.

Deputy Mayor Swatman agreed with Council Member Bricker that funding allocated for the projects should be spent; however, his main concern is that the spending is Mayor Young's prerogative.

Council Member Johnson concurred with Councilmember Bricker's comments related to the projects in the budget, but Council Member Johnson was uncomfortable with the water increase.

Council Member King thanked Council Member DeLeo for helping him understand the budget and that he valued Council Member DeLeo's input, but if Council did not pass the budget this evening, Council would be brought back into session and he believed that this budget could be adjusted over time.

Mayor Young called for the vote with a show of hands.

Motion Carried 4-3 with Deputy Mayor Swatman, Council Member Johnson, and Council Member DeLeo dissenting.

- B. Ordinance No. 962. An ordinance of the City Council of the City of Bonney Lake, Pierce County, Washington, adjusting the non-union salary scale for 2003. (Reviewed at the 12/3/02 Workshop.) **[F3.6]**

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

Deputy Mayor Swatman asked City Attorney Dionne if the previous salary ordinance could remain in effect. City Attorney Dionne said the ordinance would not be in effect after 2002 and he pointed out last year's ordinance does not contain new positions. Finance Director John Weidenfeller expressed concern for the proposed enhanced benefits through the Association of Washington Cities.

Council Member DeLeo asked if Ordinance No. 962 was based upon Ordinance No. 958. Finance Director John Weidenfeller said it was based on Ordinance No. 902. Council Member DeLeo pointed out that department heads were placed on Grid 29 under Ordinance 902 and that Ordinance No. 962 places department heads on Grid 30.

Mayor Young said that Ordinance No. 962 was based upon Council's direction at last week's workshop and he was disappointed that the workshop's salary ordinance was not forwarded. He noted that staff had presented to Council what had been asked for and that he could not understand the change in direction.

Council Member King believed that once Council saw the proposal he believed that more harm was caused and that more time was needed to prepare another concept.

Motion by Council Member Rackley, second by Council Member Johnson, to table to the next available workshop.

Motion Carried 6-1 with Council Member Bricker dissenting.

Council Member DeLeo asked that Ordinance No. 902 be included in the next workshop agenda packet.

Mayor Young called for a 10-minute recess at 8:30 p.m. and he reconvened the meeting at 8:40 p.m.

Ordinance No. 962 was re-discussed with full consensus of the Council at the end of the meeting. For organization of the minutes, the discussion and Council action are noted here.

While discussing the cancellation of the December 17, 2002 Workshop, Deputy Mayor Swatman asked City Attorney Dionne whether authority to pay the exempt personnel was in place. City Attorney Dionne noted Ordinance No. 902 was for Year 2002 and that technically, there was no authority in place to authorize exempt payroll for Year 2003. Finance Director John Weidenfeller noted that without the ordinance in place, the AWC vision and dental benefits would not be implemented. Mayor Young suggested that the current exempt salary ordinance remains current and to freeze salary steps until salary policy is resolved. Mayor Young called a recess at 10:01 p.m. so that Finance Director John Weidenfeller and City Attorney Dionne could prepare an exempt salary ordinance. During the recess, Council Member DeLeo excused himself from the meeting at 10:25 p.m. Mayor Young reconvened the meeting at 10:35 p.m.

Motion by Council Member Rackley, second by Council Member Bricker, to adopt Ordinance No. 962.

Council Member Johnson noted that this version of Ordinance No. 962 Attachment "A" was modified from what had been presented to Council earlier in the evening, i.e., that the the department head grid range from 30 to 29. Finance Director John Weidenfeller said he had corrected the grid and that this version locks in the new positions, freezes salary steps and allows exempt employees to be paid in 2003.

Judge Helbling noted his salary was not noted on the grid. Finance Director John Weidenfeller said that Judge Helbling's salary was off the grid, but assured him he would receive his pay. Judge Helbling noted that the grid should reflect that

his salary stays at the Year 2002 salary (\$3,718). The Makers of the motion concurred.

Motion Carried Unanimously 6-0.

Council Member King noted that Council Member DeLeo was not present. (After this vote, meeting adjourned at 10:40 p.m.)

- C. Ordinance No. 967. An ordinance of the City Council of the City of Bonney Lake, Pierce County, Washington, approving the transfer of monies from the General Fund to the Street Fund for the City of Bonney Lake, Washington, for the Calendar Year 2002. (Reviewed at the 12/3/02 Workshop.) **[F3.6]**

Motion by Council Member Bricker, second by Council Member Palecek, to adopt the ordinance as presented.

Motion Carried Unanimously 7-0.

- D. Ordinance No. 976. An ordinance of the City Council of the City of Bonney Lake, Pierce, County, Washington, suspending restrictions preventing advance payment of bills prior to formal Council approval. (Reviewed at the 12/3/02 Workshop.) **[F4.9]**

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

Motion Carried 6-1 with Council Member DeLeo dissenting.

- E. Ordinance No. 977. An ordinance of the City of Bonney Lake, Pierce County, Washington, amending Chapter 2.08 of the Bonney Lake Municipal Code and Ordinance Nos. 543, 506A, 543A, 849, 851 and 862, relating to appointive offices. (Reviewed 12-3-02 Workshop) **[A3.8.5]**

Motion by Council Member Rackley, second by Council Member Bricker, to adopt the ordinance as presented.

Motion Carried 6-1 with Council Member King dissenting.

- F. Ordinance No. 978. 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, 828, and 907 relating to Water Rates. (Reviewed at the 12/3/02 Workshop.) [F4.3]

Motion by Council Member Palecek, second by Council Member King, to adopt the ordinance as presented.

Noting concern for persons on fixed income, Council Member King said he could not support the ordinance.

Council Member Bricker made a motion that Draft 4, as discussed during last week's Workshop, be brought back on to the table to discuss because Draft 4 was based upon usage. Lack of second.

Council Member King was concerned that within a year's time, another rate ordinance was being considered, but due to fluoride and other costs, he grudgingly gave his support. Council Member King further suggested no further increases unless it was of an emergency nature and wondered if any road project funding might be modified.

Council Member Rackley said that the road project budgeted for 2003 had been put off for many years. He supported that no more water increases should be considered unless it was an emergency and inflation.

Deputy Mayor Swatman believed that water rates should be held down and other projects moved around. He also believed some projects didn't need to be done and that he could possibly support Draft 3.

Council Member Johnson said he preferred to have a better understanding of the Water Fund.

Council Member DeLeo noted the Year 2003 Budget is an increase of \$17M from last year's budget. He questions the justification.

Deputy Mayor Swatman pointed out that during Voucher Review Committee that an overcharge of approximately \$32,000 to Lakeland was being refunded. He believed the connection fee ordinance is an area that should be looked at and done differently.

Public Works Director Boettcher noted that the City of Bonney Lake is in the bottom 15% of water rate systems and that the rates are just below inflation. He

said the City's water system is complicated with many springs and well protections, and it is not like most cities. Public Works Director Boettcher said the City has kept rates low and been a good steward, but some things need to be funded. He pointed out some of the projects that the rate increase would support; corrosion control, water sources, treatment of iron and magnesium, steel pipe deterioration and water storage.

Motion by Council Member Bricker, second by Council Member Palecek, to substitute Draft#4. Motion failed 2-5 with Council Members DeLeo, Johnson, King, Rackley and Swatman dissenting.

Council Member Bricker pointed out that both water rate ordinances Draft 3 and Draft 4, which is Ordinance No. 978, were designed to raise the same amount of revenue, but with different impacts. He believes Draft #3 protects families.

Mayor Young called for the vote on substituting Draft #4 for consideration.

Motion Failed 2-5 with Deputy Mayor Swatman, Council Member DeLeo, Council Member Johnson, Council Member King, and Council Member Rackley dissenting.

Mayor Young called for the vote on Ordinance No. 978.

Motion Failed 3-4 with Council Members Bricker, DeLeo, Johnson and Swatman dissenting.

Deputy Mayor Swatman requested that another discussion of water rate structure be conducted at an upcoming workshop. Council Member Rackley asked for further clarification from Public Works on impacts and Council Member Bricker asked for litigation costs.

- G. Ordinance No. 979. An ordinance of the City of Bonney Lake, Pierce County, Washington, amending Chapter 15.04 of the Bonney Lake Municipal Code, relating to Building Permits and Certificates of Occupancy. (Reviewed at the 12/3/02 Workshop) [F4.3]

Motion by Council Member Bricker, second by Council Member King, to adopt the ordinance as presented.

Motion Carried Unanimously 7-0.

- H. Ordinance No. 980. An ordinance of the City of Bonney Lake, Pierce County, Washington, amending Ordinance No. 942, relating to the annual Ad Valorem tax levy for the fiscal year 2003.

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

Motion Carried Unanimously 7-0.

IX. RESOLUTIONS

- A. Resolution No. 928. A resolution of the City Council of the City of Bonney Lake, Pierce County, Washington, authorizing a latecomer's agreement with Willowbrook. (Reviewed at the 11/5/02 Community Development Committee meeting.) [A3.13.5]

Motion by Council Member Rackley, second by Council Member Johnson, to adopt the resolution as presented.

Motion Carried Unanimously 7-0.

- B. Resolution No. 1048. A resolution of the City Council of the City of Bonney Lake, Pierce County, Washington, amending the City's contract with Murray Disposal to authorize the solid waste utility to temporarily absorb a 4.3% rate increase from Murray Disposal. This requires a contract amendment, which is attached. (Reviewed at the 12/3/02 Workshop) [F4.3]

A brief discussion was held regarding contract negotiations, rates and outsourcing.

Motion by Council Member Palecek, second by Council Member Bricker, to adopt the resolution as presented

Motion Carried 6-1 with Council Member Johnson dissenting.

- C. Resolution No. 1051. A resolution of the City Council of the City of Bonney Lake, Pierce County, Washington, authorizing a contract with RH2 for Grainger and Victor Falls Springs water quality treatment designs. (Reviewed at the 12/2/02 Community Development Workshop) [Project 2024, O4.10.2]

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

Motion Carried 6-1 with Deputy Mayor Swatman dissenting.

- D. Resolution No. 1052. A resolution of the City Council of The City of Bonney Lake, Pierce County, Washington, authorizing a purchase and sale agreement between the City of Bonney Lake and Ludvik & Marie Stribny for property located at 18802 Mountain View Drive, Bonney Lake, WA 98390 for the Locust Avenue Intersection Improvement Project. [PW# PW045 022, O4.12.5]

Motion by Council Member Bricker, second by Council Member King, to adopt the resolution as presented.

Motion Carried Unanimously 7-0.

- E. Resolution No. 1043. A resolution of the City Council of The City of Bonney Lake, Pierce County, Washington, authorizing a 48-month lease agreement with Copiers Northwest, Inc. for a Canon I/R 6000 copier and 48-month full service and supply maintenance agreement. (Reviewed at the 11/26/02 Finance Committee) [F2.6]

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

Motion Carried Unanimously 7-0.

- F. Resolution No. 1053. A resolution of the City Council of The City of Bonney Lake, Pierce County, Washington, authorizing a purchase and sale agreement between the City of Bonney Lake and Linda Youngberg for a portion of Parcel #5640001231 and Ruth Reed for a portion of Parcel #5640001300 and authorizing relocation assistance vouchers and moving expense agreements for Bonney Lake Barber Shop and Flying Feet Computers and authorizing a real property voucher for Linda Youngberg for the Locust Avenue Intersection Improvement Project [PW #PW045 022, O4.12.5]

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

Motion Carried Unanimously 7-0.

- G. Resolution No. 1054. A resolution of the City Council of The City of Bonney Lake, Pierce County, Washington, authorizing the signing of a contract with Cooperative Personnel Services for the purpose of providing Civil Service written test materials for vacancies in the Police Department.

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

Motion Carried Unanimously 7-0.

- H. Resolution No. 1055. A resolution of the City Council of The City of Bonney Lake, Pierce County, Washington, authorizing the surplus of a 1992 Chevrolet Caprice Police patrol vehicle Washington license No. 12949D and placing the proceeds into the General Fund.

Motion by Council Member Bricker, second by Council Member King, to adopt the resolution as presented.

Motion Carried Unanimously 7-0.

- I. Resolution No. 1050. A resolution of the City Council of The City of Bonney Lake, Pierce County, Washington, authorizing a contract amendment with Dionne & Rorick for criminal court prosecution services.

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

Motion Carried Unanimously 7-0.

- X. EXECUTIVE SESSION** (During the meeting the Executive Session was conducted after “Old Business”.)

- A. Mayor Young called for an Executive Session at 7:28 p.m. for approximately 15 minutes to discuss contract negotiations and personnel items. Mayor Young reconvened the meeting at 7:43 p.m. Council took no action.

- XI. ADJOURNMENT**

After discussing another version of Ordinance No. 962 and the cancellation of the December 17, 2002 workshop, the meeting was adjourned at 10:40 p.m. (Refer to Agenda Items VII.A and VIII.B.)

Bob Young, Mayor

Gayle Butcher, City Clerk