

City of

COUNCIL WORKSHOP

May 7, 2002
5:30 p.m.

MINUTES



"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.

Call to Order

Mayor Young called the workshop to order at 5:35 p.m. In attendance with Mayor Young were Deputy Mayor Swatman, Councilmember Phil DeLeo, Councilmember Neil Johnson, and Councilmember Dave King; Councilmember Stephen Bricker, Councilmember Maureen Palecek, and Councilmember Jim Rackley. Staff attending were Public Works Director Seth Boettcher, Interim Planning & Community Development Director Bob Leedy, Attorney Jim Dionne, Court Administrator Kathy Seymour, and Debbie Ridge.

Agenda Items

Motion by Councilmember Rackley, seconded by Councilmember Palecek, to approve amended agenda. Councilmember Bricker added to the motion that Item 4 under New Business (discussion of Ordinance 389) be tabled to the next workshop.

Motion Carried Unanimously

1. Wellhead Protection Program (Ordinance No. 932) presentation by Gene Peterson, RH2 Engineering

Mr. Peterson distributed a Wellhead Protection Ordinance-Background and Summary sheet (copy attached). He summarized the wellhead protection requirements of the Safe Drinking Water Act and Bonney Lake's implementation programs since 1997. He complimented the work done by the Planning Agency to develop Ordinance 932. He briefly reviewed the current code and the potential difficulties should the city lose even one source because of contamination. Mr. Peterson then pointed out exhibit A of Ordinance 932, which is a map designating the "time-of-travel" zones and outlined the different zone classifications.

Mr. Peterson described this ordinance as similar to the one adopted by the City of Renton and assured that it will strengthen the city's wellhead protection. He explained that adopting this ordinance would mean more interactions with PALS. Exemptions provided in the code were discussed, especially as they relate to existing businesses. Mr. Peterson said the bulk of the ordinance addressed technical requirements for compliance.

Mayor Young reported that Planning Staff recommended a Public Hearing before adoption of the ordinance in addition to the one that was held before the Planning Agency.

Mr. Peterson noted that the “time of travel” zones were calculated by the State Department of Health, based on the size of source with a formula considering geology and hydrology in the area. There was further discussion regarding how lots that are divided by the zone lines would be handled at the more restrictive zone designation and how future development may mean an overlay amendment to change a zone for new sources. The View Royal water system that after a recent annexation serves some city residents was discussed with Public Works Director Boettcher suggesting strategies for encouraging their conformance with wellhead protection requirements. Councilmember Bricker asked that copies of all Codes incorporated in Section 10.C be supplied to Council prior to adoption.

The broad nature of Section 10.C.7 was discussed with Mr. Peterson explaining that groundwater resource management was constantly evolving, so rather than trying to foresee future management measures, this blanket clause was included. City Attorney indicated that adoption of a state statute could have an automatic amend clause. Also, a typographical error in this section was noted-correct: *quality and quality change to quality and quantity*.

Directed to set Public Hearing at the May 14, 2002 Council meeting for a date after the May 21st Workshop. Referenced codes will be supplied before the May 21st Workshop.

Mayor Young called for a recess at 6:30 p.m. The Workshop was reconvened at 6:35 p.m.

2. Open Discussion

Councilmember Bricker requested information regarding the sinkhole at 192 Ave E and Evergreen Drive. Public Works Director Boettcher indicated a leak in a service line off the main was discovered and that leak has been repaired. The road repair is scheduled for late June or early July.

Councilmember Johnson asked if the difficulties in the garbage collection due to the pick up day changes have been resolved. Mayor Young and Public Works Director Boettcher had received no new complaints and believe the worst is over.

Councilmember Rackley brought up the issue from the CDC meeting regarding an emergency situation with the public works telemetry system. Public Works Director Boettcher explained an increased problem with “ghost” calls on the current system resulting in excessive over time costs. Clear Water Controls and RH2 Engineering

have looked into the problem. They both recommend that the upgrade that was scheduled for next year be done before high summer usage begins. The Public Works Department is requesting approval to seek bids for the upgrade of the system. This upgrade was budgeted next year for \$150,000. Public Works Director Boettcher proposes that funding for the upgrade be transferred from the \$750,000 budgeted in 2002 for the Public Works Building project. That project will probably only reach the design stage this year. Then the \$150,000 budgeted for the upgrade next year could be moved to the Public Works Building project in the 2003 budget. No council action was needed, this was more an advisory note indicating that an RFP would be prepared and Public Works will return to Council with a contract.

Deputy Mayor Swatman requested a quarterly revenue report indicating his concern that soon Council would be considering next years budget and that the information is important for all funding decisions. Mayor Young reported that Finance Director Weidenfeller is not at the meeting tonight because of illness, but the request for quarterly reports will be given to him when he returns.

Deputy Mayor Swatman reported he had received an e-mail from a property owner on Elhi Rim Road concerning a culvert issue. Public Works Director Boettcher reported that the road is a private road and that Operation and Maintenance Supervisor Shannon has spoken to the property owner and explained the status.

Councilmember King asked about property being developed on the Myers Road hill. He reported that it appeared that additional land filling was being done and that this is a dangerous slope. Public Works Director Boettcher said he had looked at the site today. They do have a permit to work there, and Planning Assistant Renaud, City Engineer Woodcock and Building Official Cockerham are following up on the work being done. Public Works Director Boettcher will get back to council with a status report. The Mayor assured that the developer would comply with the applicable codes.

Deputy Mayor Swatman indicated the need for another joint workshop meeting with the Planning Agency to insure that they are apprised of Council's game plan. After checking the calendar for a 5th Tuesday, it was decided to hold the meeting on Monday, June 3, 2002 at 6:00 p.m. after the CDC meeting. This will be announced at the May 14, 2002 Council meeting. Deputy Mayor Swatman indicated he would set up an agenda.

Deputy Mayor Swatman asked for a status on the Street Sweeping Program. He is concerned about how the streets look. Mayor Young indicated they are looking into a joint-use of equipment with another city because of cash flow difficulties in the street department budget. Councilmember Rackley noted a deficit in the street fund. Deputy Mayor Swatman expressed his concern that the street sweeper that had been approved by council hasn't yet been ordered. Public Works Director Boettcher reported that sweeping of arterial streets is being done. He further indicated that using a contractor in the meantime would only deplete the budget. Without a budget

report it is was unclear exactly where funds stand. Deputy Mayor Swatman felt the approved street sweeper purchase should be a priority. Councilmember Johnson asked if Highway 410 could be swept before the next Council Workshop. Public Works Director Boettcher noted the fact remains that getting this work done means a budget impact that could effect future purchase of the sweeper.

Councilmember Johnson asked for information regarding business-licensing requirements for roadside stands, brought to his attention by the Crispy Crème Donut sale that was recently held at the U-Haul lot. He is especially concerned about traffic problems. There was further discussion regarding these type uses.

Councilmember DeLeo expressed his concern regarding the litter problem in the city and asked about city codes and policies addressing this issue. Several options were discussed, including allowing court community service workers to do litter pick-up. City Attorney Dionne will speak to the Prosecutor regarding the feasibility of this option.

3. Draft Minutes: April 23, 2002

Councilmember Rackley noted that the following should be added to Item III.B: *and items forwarded to Council.*

Old Business

1. Res 979 (City of Character-Tabled 4/16/02)

Mayor Young explained that the proposed character Training that would be provided by MarketCounsel would cost \$85 per employee. Deputy Mayor Swatman indicated that he did not know why Council was involved in this request, as it is really an administrative decision. Mayor Young noted it was merely advisory on recommendation of Finance Director Weidenfeller, so Council knew the training is also available to them. He also reported the \$85 fee is based on at least 85 employees participating. Councilmember King recommended that every city employee be allowed to participate in this caliber of training.

2. Res 963, 6 Year TIP

Councilmember Johnson expressed his concern regarding the priority listing order, especially as related to pedestrian corridors. Public Works Director Boettcher explained that actual implementation depends on what grant funding is available and that priorities can easily shift. New development may mean a change in priority and funding. There was discussion regarding several of the projects. Public Works Director Boettcher reminded that placing projects on this list does not guarantee exact project completion, but acts as a placeholder as it is not a financial plan. Public Works Director Boettcher asked if the Council would be willing to adopt if B-4 provided 182 Ave as an alternate.

Approved to move to the May 14, 2002 Council Meeting. Public Works Director Boettcher expressed that there may not be time to make the requested changes before the noon May 14 deadline for submission of business items.

3. Discuss Executive Coordinator (Human Resources/Generalist/Administrator) Job Description, discussed 4/16/02

Mayor Young explained that this position was designed after research with other cities. Councilmember Palecek asked if Finance Director Weidenfeller had someone in mind for the position and Mayor Young said he did not. Councilmember Rackley asked what was the council directive regarding the City Administrator job. Deputy Mayor Swatman asked how the Deputy Clerk position was being handled. Mayor Young indicated it is being developed as a half time position. Deputy Mayor Swatman asked if anyone could apply for the executive coordinator position. Mayor Young indicated it must first be posted "in-house" for 5 days. If they have no qualified applicants it would be opened to anyone. Deputy Mayor Swatman indicated he hoped that there would be a qualified-outside applicant. Mayor Young said he didn't think anyone in-house is qualified for this position. Councilmember King noted that the position qualifications are weighted toward the Human Resource angle rather than straight administrator, more of a "Perfect City Administrator" with HR skills. Deputy Mayor Swatman commented that at least with this option there is no contract involving a severance pay clause. Mayor Young noted that the only additional cost being considered in that regard is moving expenses. Deputy Mayor Swatman expressed his concern that this position was being considered over the previously approved purchase of the street sweeper. Further discussion centered on the type of experience and qualifications that were being required. City Attorney Dionne clarified that Council could set the qualifications and give up the right of confirmation of the appointment or they could allow the administration to set the requirements and retain the right to confirm the appointment. He further explained that it is being considered as a three-phase position: coordinating departments, directing human resources and providing assistance to the Mayor. Councilmember Bricker said he believed the Mayor is now aware of the concerns regarding the qualifications. Councilmember King asked about a probationary period. City Attorney Dionne reminded that this is a non-union no-cause position. A probationary clause could negate that provision, indicating a "guarantee" after the probationary period. Deputy Mayor Swatman asked about funding for the position. Mayor Young advised that funding information would be included with the proposed ordinance. Mayor Young indicated this ordinance might not be ready in time for the May 14th Council meeting.

Deputy Mayor Swatman made a motion, considering the time, that all new business from the original agenda be tabled and that tonight only Item #4 (Res 994 Summer Sewer Treatment/Upgrade Agreement with amendments) be discussed. Councilmember Rackley seconded the motion. This was approved unanimously with the exception of the Planning Assessment Presentation with the assurance that Interim Planning & Community Development Director Leedy would quickly summarize his information for council consideration later.

Mayor Young called for a recess at 8:00 p.m. The Workshop was reconvened at 8:05 p.m.

4. Res 994 Sumner Sewer Treatment/Upgrade Agreement with amendments by City of Sumner at their May 6, 2002 meeting

Mayor Young reported that the Sumner City Council had approved the Intergovernmental Agreement for Improvements and Expansion of the Sumner Wastewater Treatment Facility (as approved by Bonney Lake Resolution No. 994) with two changes. The changes were making the term of the contract 35 years and indicating that the 5% of the O & M costs would be deposited into Sumner's General Fund and not restricted to construction of trails, parks and recreation facilities. Councilman King was disturbed about the change in the fund designation as they had previously agreed to that restriction, but he indicated he has no problem with the 35 year term. Councilmember Bricker said this would provide incentive for Bonney Lake to develop our own plant. Councilmember Johnson and King believe this should be adopted next Tuesday. Deputy Mayor Swatman said there is no reason not to pass it tonight. Motion to approve by Councilmember Rackley, second by Councilmember Palecek & Bricker.

Motion carried with Councilmember Johnson and Bricker opposed.

New Business

1. Assessment Presentation by Interim Planning & Community Development Director

Interim Planning & Community Development Director Leedy distributed a Planning & Community Development Department Assessment. He explained that he was not prepared to give an power point presentation, but that he would supply additional information in council baskets or by e-mail. Mayor Young indicated that he supported the recommendations fully. Interim Planning & Community Development Director Leedy asserted that Assistant Planner Renaud is a highly qualified and skilled manager and that the offer of a 3-month leave of absence would benefit the city. He is a part of a good, solid planning team and a top quality employee. He came to the city straight from his military service and needs family leave time. Councilmember King reported that he has heard the highest praise from constituents regarding the current planning staff and endorses the proposal.

2. Discuss Ordinance 909-Change to Sewer Code addressing billing apartment houses & mobile home parks.

Deputy Mayor Swatman suggested that the city stay out of the billing of individual units of multi-family complexes. The proposed code was written containing the clause, which allows owners to request that tenants be billed individually. Councilmember Rackley suggested that the entire line in 13.12.082E that gives the owners the option to request tenants be billed by the city individually be removed from the proposed ordinance.

3. Discuss authorizing Mayor to sign Public Works Trust Fund Loan application for the BallPark Well Water Quality Treatment Facility.
4. Discuss authorizing Mayor to sign Public Works Trust Fund Loan application for the Spring Sources Water Quality Treatment Facility.

Mayor Young reported that a new component of Public Works Trust Fund Loans requires that the legislative body approve the application before the application for the loan is submitted to the state. Motion by Councilmember Bricker, second by Councilmember King to authorize Public Works Trust Fund Loan applications for the BallPark Well Water Quality Treatment Facility and the Spring Sources Water Quality Treatment Facility.

Executive Session

Mayor Young adjourned the meeting at 8:53 to a 15-minute executive session to discuss potential litigation. The meeting was reconvened at 9:10 p.m.

Motion by Councilmember Bricker and seconded by Councilmember Rackley that the staff be directed to prepare a letter and ordinance per example of Mt. View/Edgewood Water Co.

Councilmember King explained that an April 26, 2002 letter from the Pierce County Health Department required that the city return a letter of consent to participate in the fluoridation project, by a May 22, 2002 deadline. The concern of staff and council is that this does not allow time to poll citizens to determine their level of support. The letter also indicates a cost of approximately \$12,000 per well or source, which is at odds with the Public Works Department estimated cost of up to \$70,000 per source. The action of the Pierce County Health Department means insufficient funding for this mandate.

The Mountain View-Edgewood Water Company has sent a letter notifying their customers of this pending action and asking for citizen input. Council directed city staff to draft a like letter with information specific to the City of Bonney Lake for city customers.

The letter from the Pierce County Health Department further invited the city to send a representative to a May 8, 2002 work group meeting. Council believes the potential impacts are extensive and that currently no city representative adequately understands all dimensions of this issue.

Councilmember Bricker corrected that the letter is a letter of intent and indicates a funding program.

RH2 is preparing cost information.

Deputy Mayor Swatman distributed, as exhibits to enter into the record, an e-mail from Jeff Green, an attorney from San Diego working with a national organization fighting fluoridation programs, which provides a sample ordinance for consideration. Also a copy of a news release by City of Edgewood, Washington regarding the issue and a copy of the ordinance they adopted. (Copies are attached.)

City Attorney Dionne will take a look at the ordinances, draft a letter for customer distributions and report back to the council.

The motion was approved unanimously.

There being no further business to discuss, Workshop adjourned at 9:18 p.m.

Bob Young, Mayor

Debbie Ridge