

COUNCIL WORKSHOP

May 21, 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 5:36 p.m. In attendance with Mayor Young were Deputy Mayor Swatman, Councilmember Phil DeLeo, Councilmember Neil Johnson, 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, Building Official Ray Cockerham, and Debbie Ridge.

Agenda Items

Motion by Deputy Mayor Swatman, second by Councilmember Johnson, to excuse Councilmember King's absence.

Motion Carried Unanimously 6-0.

Mayor Young requested an amendment to the agenda to insert an Executive Session on potential litigation. Approved by consensus.

1. Open Discussion

Mayor Young summarized a letter he had received from the Lakeridge Christian Center. In the letter, they request that Council consider a reduction of their rental fee for Food Bank at the Youngberg building. They are requesting the reduction because of limited use of the second floor due to the condition of the building. Pastor Nils Leksen briefly reviewed the history of the Food Bank in Bonney Lake. This item was scheduled for discussion at the next council workshop, with information regarding the Food Bank operation requested from the Christian Center and rental and utility costs and more details regarding the building condition and correction costs from city staff.

Councilman Bricker asked for an update on the fluoride mailer. Mayor Young presented cost estimates from Kinko, mailing costs and costs for labels. Deputy Mayor Swatman asked about blanket mailing like the newsletters are done and whether that would be cheaper. Concern over the cost was discussed. Councilmember Johnson indicated that he would be meeting with Triss in Public Works in the morning and would work toward minimal cost and mailing as soon as possible. Another option offered was sending it with the Public Works Water Quality mailing on Friday, May 24th. Council consensus was to rely on Councilmember Johnson's experience to get the best rate situation and mail the fluoride information separate from any other item and to mail it as soon as possible.

Deputy Mayor Swatman distributed a flyer regarding the upcoming Friday, May 24th Fluoride question/answer session at the Parkland Spanaway Library. Dr Ursula Hall will be there to talk about fluoride and the implications of its use.

Mayor Young advised that the Tacoma-Pierce County Health Department is a State Agency and does have the authority to make state mandates, such as the fluoride mandate. Councilmember Johnson indicated that he knew City of Puyallup is also opposed to the mandate. Councilmember Rackley said he was not aware of any support of the mandate and wondered at the advantages of all opposing agencies getting together in their opposition action.

Deputy Mayor Swatman reported he had received a note from a resident regarding a patch job done after a water main repair in Cedarview. Public Works Director Boettcher explained that many times these repairs are done with a temporary patch allowing time for the fill material to settle and then all temporary patches are replaced with a hot mix patch at one time. He will have the public works crew verify this is a temporary patch.

Deputy Mayor Swatman distributed a report he received from Finance Director Weidenfeller regarding the Folk development in Cedarview Plaza billing and unpaid costs. He asked for information regarding the deposits and the additional fees due. Finance Director Weidenfeller explained that pre-paid fees are estimates. After a development is finished the Finance Department does an on site check of the types of businesses and determines a final cost, which in this case left an outstanding balance.

Councilmember Bricker proposed an agenda modification to move Old Business Item #4 to Item #1, before the Executive Session, as the City is paying for Mr. Peterson's time. There was consensus to approve the change.

Deputy Mayor Swatman notified that he had not received any input for the joint Planning Agency meeting. He needs that information soon to be able to prepare an agenda for the June 3 joint meeting with the Planning Agency.

2. Draft Minutes: April 16, 2002 and May 14, 2002 Council

For the May 14, 2002 the following changes were recommended.

Finance Director Weidenfeller indicated the following changes:

Page 4 item VII C line one should read: travel for **4** employees

Page 5 item VIII D paragraph 4 line two should read: Councilmember King expressed concern that a yearly COLA was **not** incorporated

Page 7 item IX H paragraph 1, parenthesis in final line should read:
Reviewed at the 5/6/02 **Finance** Committee meeting.

Councilmember Johnson indicated the following changes:

Page 6 item IX B paragraph 3 Resolution 977 should add the phrase **to light up the reader board at Bonney Lake Elementary** after would cover the installation

Page 7 item IX D paragraph 3 Resolution 984 should add the sentence:
Also, Councilmember Johnson commended the work of Rebecca on her good work covering Bonney Lake.

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

Mr. Peterson delivered to Councilmember Bricker, per his request at the May 7th workshop: copy of RCW 70.105D, the Model Toxic Control Act; portions of Section 3 and Section 7 of the Uniform Plumbing Code; Article 80 Hazardous Materials and Division VI Informational Appendix VI-A from the 1997 Uniform Fire Code; a copy of the Model Toxics Control Act 2001 Annual Report from the Department of Ecology; section 3.3 Volume V Runoff Treatment BMPs; RCW Chapter 70.105 Hazardous Waste Management and a definition of underground storage facility to be added to the proposed Ordinance 932. Councilmember Bricker thanked Mr. Peterson for the information.

Mr. Peterson reported that the reference under exemptions would be changed not restricting it to dead or diseased trees. He advised of a typographical error on page 17, line 27 that should refer to paragraph "B" not "D". He further noted that on page 17, the reference to the infiltration stormwater plan was actually a huge multi-volume document and that reference would be modified to volume 3.3 of that document. He pointed out that on page 18 the phrase "emergency measures as approved by the City Council" would be added to the mitigation measures clause. Mr. Peterson verified that discussion of the ordinance and plan would continue at the next workshop after the Public Hearing on June 4. He indicated that he would be unable to attend on June 4th asking if Council would prefer to discuss the matter at the June 18th workshop. Consensus was to wait until the public hearing to see how much public input and questions were raised. At that time they would determine when the matter would return to workshop.

Mayor Young called for a recess at 6:10 p.m. to Executive Session. The Workshop was reconvened at 6:20 p.m.

Old Business

1. Res 996 (Memorandum of Deed Restriction for an Accessory Dwelling Use for property located at 20401A 70 St E (Tabled 5/14/02 meeting) and Daniel A Decker 's letter

Councilmember Rackley asked if the Council wanted to give Mr. Decker an opportunity to speak. Mayor Young recommended that Council discuss the issue before they decide. Councilmember Rackley asked why the city needs the memorandum of deed restriction. Building Official Cockerham indicated that it is a requirement of the code and that he did not know the motive behind including this requirement. Public Works Director Boettcher recalled that at the time of the adoption of the ordinance there was concern regarding many existing illegal apartments that had been bootlegged in over the years. The Council

at that time felt it was time to bring these units into compliance, while recognizing the need for affordable housing. Effort was made to be accommodating, but not provide a loophole. Councilmember DeLeo noted that at the time the code had no clause to allow ADUs. There was brief discussion regarding zoning and allowable uses.

Deputy Mayor Swatman asked why the Decker home does not qualify as an ADU. City Attorney Dionne answered that there is no primary housing unit and that the definition of an Accessory Dwelling Use is related specifically to a primary unit. Until the property has a primary unit, there can be no ADU.

Mr. Decker indicated that a final inspection on the secondary dwelling unit had occurred, but Building Official Cockerham explained that the "final" appearing on the form was actually for an inspection field report and not a final inspection for the structure. This "secondary" unit is currently the only unit on the property and is currently the primary unit.

City Attorney Dionne stated there was nothing holding up building the second residence on this property, which would then become the primary unit, allowing consideration for approval of an ADU. The building permits are issued. The ADU code ties approval of ADU units to the actual construction details of the primary residence. Until the primary residence is completed, the compliance with these construction detail requirements cannot be determined. Thus until the primary residence is finished no ADU can be permitted.

Building Official Cockerham reported that the issue that he had appeared for at this workshop was whether the Memorandum of Deed Restriction could be signed. Mr. Decker voiced his belief that no city signature was required and that he had already recorded the document. He requested some kind of grandfather clause that would assure that he had an ADU, his concern being that changes in code might occur before his primary dwelling was completed that would keep him from having a qualifying ADU. City Attorney Dionne stated there was no way to guarantee this. Councilmember Rackley confirmed that changes like that would need Council action and City Attorney Dionne said that the Deckers would receive notice if that type of action were being considered.

After additional discussion reviewing the need for a primary residence before ADU qualifications can be considered, Building Official Cockerham asked for a determination as to whether the memorandum of deed restriction could be signed. City Attorney Dionne specified that the memorandum of deed restriction could not be signed until the second unit is constructed.

2. Ord 389, Garbage Service

Councilmember Bricker presented Ordinance 389 stating that as a result of a neighbor asking about burying a pet on his property, he had obtained a copy of this ordinance and noted that several sections were out dated. City Attorney Dionne indicated he would determine amendments to this 1973 ordinance through the City Clerk's office and return with a recommendation.

Mayor Young called for a recess at 6:55 p.m. The Workshop was reconvened at 7:07 p.m.

Motion by Councilmember DeLeo, second by Councilmember Bricker, to amend the agenda to move New Business Item #1 to be considered next by the Council.

Motion Carried Unanimously 6-0

3. Building/Planning Issue Related to 188 Ave E (Requested by Councilmember Bricker)

Mr. Skinner resides at 7701 188 Ave E and his concern is regarding the lot next to his at 7521 188 Ave E. He reported the lot was illegally clear cut in 1988. At that time fines were levied and mitigating measures were established by the planning department. As of yet none of the mitigation issues have been addressed and recently a building permit was issued for the property. In addition, at least 150 yards of fill has been distributed on the property. Councilmember Rackley confirmed that the property was often covered with water in the winter. Building Official Cockerham reported that a stop work order has been issued on the building because of a question of base flood elevation. The stream through the property is the overflow from Lake Bonney Lake.

Councilmember Palecek determined that she could not participate in the discussion of this situation because she is too close to the issue.

Discussion regarding the FEMA flood maps and ways to change the designations with culvert followed. Building Official told the Council that the owner had been required to do a survey to determine how much of the property was in the flood plain, because it is difficult to determine exact lots from the general flood plain maps. He noted that a potential flood plain problem is usually a deterrent to mortgage lenders. His recommendation is to keep the stop work order in place and give the owner 6 months to change the flood elevation. Randy Douglas from 7525 188 Ave E indicated that the illegal tree cutting actually occurred in 1998, not 1988 and that as a result of the filling done on the lot his basement flooded, taking out his heating system.

Councilmember Bricker indicated that the letters from the city were very specific regarding what the owner needs to do to comply with the mitigation requirements. He expressed his hope that a mechanism be in place to avoid this type of oversight. Councilmember Rackley asked why the fines were not paid.

Mayor Young indicated this issue would be turned over to the Code Enforcement Officer to work with the Building Department allowing no further building activity until it is taken care of and a report is returned to Council.

Mr. Skinner noted that the Department of Ecology would be reviewing the flood plain designation in July or August and wanted to know if it could be postponed to a winter month. Councilmember Rackley indicated that their determination takes into

consideration the type of fauna on the property and that they should be able to determine the winter flood levels that way.

4. Street Funding continued discussion from 3/2/02 budget workshop

Finance Director Weidenfeller advised that the Public Works and Finance staff prepared this Power Point presentation. He noted that it did not call for a decision by Council, but provides additional information to consider in deciding how to deal with the budget deficit in the street fund.

Public Works Director Boettcher explained street funding issues to be addressed, and providing some options for resolving the deficit. He presented an outline of a typical annual street budget and some details on pending Capital Projects. The costs of street lighting and the eventual need for a policy regarding street lighting was discussed, as was the extent of snow and ice removal, and the process for repair of potholes.

Councilmember Rackley expressed that this information is great but that he preferred to have an explanation of exactly where the street fund is in trouble. Public Works Director Boettcher said it was lack of revenue. Assistant Public Works Director Leaf noted several places where there has been loss of revenues, property taxes, etc. Also, noted was that the cash balance at the end of the year was actually less than was known at budget time. In answer to why a known budget deficit was not corrected at budget time, Public Works Director Boettcher answered that there wasn't time to deal with it and get the budget in on time.

Mayor Young indicated there were two major projects that needed to be considered at this time and suggested that they look at the Locust Avenue/Old Sumner Buckley Hwy project as an example. He advised that this project had cost over-runs, such as the cost of right-of-way and a low original engineer estimate and not having some of the funding sources they thought they would have available. Public Works Director Boettcher reported that this project has been postponed for so long that they must decide whether to proceed or return the \$30,000 grant. He recommended straightening the intersection but leaving the light to be installed as a separate project later, reporting that the TIB prefers the City choose this option to reduce the scope of the project. The city could then apply later for a grant for the light. Several possible funding options were discussed for funding for the straightening project. These options included loans, and storm water funds for storm portions of the project. Councilmember Bricker confirmed that if the bid comes in lower including the light could still be done. He indicated his opinion that the project must be done.

Public Works Director Boettcher noted that the deposits for the Walmart project should be available as access at Walmart is already developed. He pointed out that the Walmart project is different than Albertson's because Albertson's had all the residential area traffic from the south and did not have the 2 right-in, right-out accesses that Walmart will have. Councilmember Rackley was concerned that using these funds for the Locust Ave Buckley Hwy project could create a problem for the future at the Walmart site. Mayor Young assured him that Walmart funds would not be used for anything else without Council approval.

Public Works Director Boettcher noted that the South Prairie Road project is being done with Pierce County. Monies have been budgeted for this entire project. Pierce County is administering the grant and the city is committed to a 15% matching funds. Only the design portion of the project will be completed this year, with a \$62,000 matching fund amount for the city. It is likely there will be new developer mitigation fees to use next year for the city's share of the construction phase of the project. This option does rely on the developer's follow through on proposed development projects. Councilmember Rackley asked if the mitigation fees don't come in, can the project be postponed. Mayor Young indicated they would then have to look at that matching fund issue next year.

Deputy Mayor Swatman asked about the roundabout that had been proposed and approved for South Prairie Road. Public Works Director Boettcher explained that it was dependent on parties in that area and they did not follow through. City Engineer Woodcock had recommended that U-Turns be allowed as an alternative.

Assistant Public Works Director Leaf recommended that the South Tapps Overlay be dropped as another way to ease the street budget deficit. Public Works Director Boettcher said he hoped this presentation had given the Council a sense of the flexibility within the street budget. Mayor Young said it explains the shortfall and the decision to wait on the street sweeper purchase. Finance Director Weidenfeller asked if Council wanted to continue this discussion at the next workshop.

Councilmember Palacek asked about the status of the Highway 410 study. Public Works Director Boettcher said it was near completion. Mayor Young explained that the State is working only on right-of-way acquisition this year. The study is so we can say what we need.

Deputy Mayor Swatman asked what the next step is. Mayor Young said he believed the Council had made their thought clear from their comments. Public Works Director Boettcher asked for confirmation that Council was authorizing reducing the scope of the Locust Ave/Old Buckley Hwy project and proceeding to calling for bids. He indicated that the first step is obtaining approval for the reduction of the scope of the project for the TIB grant. Public Works Director Boettcher and Finance Director Weidenfeller confirmed that Council was authorizing Public Works to proceed with the Locust Realignment.

Mayor Young called for a recess at 8:28 p.m. The Workshop was reconvened at 8:33 p.m.

Draft Ordinance 936 relating to Executive Director/Human Resources Director and Ordinance 953 related to adding Executive Coordinator/HR Generalist to Non-Union Salary Grid

Finance Director distributed information regarding the changes as requested by Council. Deputy Mayor Swatman expressed his concern that if there is no money in the street fund, where is there funding for this new position. Finance Director Weidenfeller indicated their proposal would use the Contingency fund. Deputy Mayor Swatman asked

how we could realistically justify funding some things and not others. Mayor Young indicated the Contingency fund was set aside for this type of use. Finance Director Weidenfeller said the city is a \$33 million corporation and needs proper management. He noted that only \$66,000 would be used in 2002 for this position. He explained the process he used to determine the wage needed to bring in someone to do the job that needs to be done. Deputy Mayor Swatman asked about the placement on the step scale. Finance Director Weidenfeller replied that the Mayor had the authority to place at the step he sees fit.

Deputy Mayor Swatman again questioned the priorities of purchasing versus hiring, especially as it related to the street sweeper. Mayor Young asked Council to say what they desired so they can move forward on this issue. He asked each Councilmember individually to give their decision.

Councilmember Rackley wants to see the issue at workshop one more time, so he can feel good about it. Councilmember Johnson said he is having a tough time considering that other departments are under-funded. His feeling is that there may be other priorities and other items that need to be addressed by the contingency fund.

Finance Director Weidenfeller confirmed that how monies from the Contingency fund are used is a Council decision. He expressed his concern regarding continuity should the Mayor be elected to the County Council and a new Mayor come on board in January.

Councilmember Bricker believed the item should be tabled for consideration after having a chance to scrutinize the contingency fund. He wondered if it should not just be tabled until September when it could be considered as part of the 2003 budget.

Deputy Mayor Swatman responded that Councilmember Bricker had an interesting point and that after the primary election they may have a better idea of which way to go. He expressed difficulty in approving this position when he must face unemployed constituents. He noted his appreciation to the Mayor for this proposal at a lower salary level.

Councilmember Palecek wants to look over this proposal and the financial situation and to go through the contingency fund before deciding. She noted that she did not see the position as presented as a problem.

Councilmember DeLeo said he wanted to look at the contingency fund. He noted there was still no plan for the Deputy Clerk position. Mayor Young answered that is was dependent on what happens with this position because of the Human Resource aspects. Finance Director Weidenfeller said the plan is for a Deputy City Clerk and to do away with the project hire position, increasing the hours to 20 per week.

Councilmember DeLeo asked why the position was being funded at the high end of the scale. Finance Director Weidenfeller said that he had plugged it in at a higher rate deciding it would be easier to hire at a lower rate than to place it at a low rate and have to offer an applicant a higher rate. Councilmember Rackley noted that it would be based on a qualified applicant and what they would accept as a wage. Finance Director

Weidenfeller noted that he had to have a figure to project an amount for Council approval.

Councilmember Palecek asked why a full time human resource position was not offered to Ray Luevanos before he left if this was the direction they were heading. Mayor Young indicated that Ray did not have the qualifications for the other duties listed under this position.

Councilmember Rackley stated that approval of this issue was a matter of timing with the budget shortfall fresh in their minds. Mayor Young gave his observation that he did not believe there would be any negative from the public toward the Council if they decided to approve this position. Deputy Mayor Swatman asked how hiring for this position would change Finance Director Weidenfeller's workload and whether this would mean the city no longer needed CPA assistance. Finance Director Weidenfeller said it would allow him to concentrate on financial duties, but that the CPA is only working on specific items. He noted that there is currently finance department accounting work that is not getting done.

Ordinance 909 Billings

Deputy Mayor Swatman said he believed this issue had been covered. Finance Director Weidenfeller said he had not listened to the minutes and was unclear as to the exact wish of the Council. Deputy Mayor Swatman asked for clarification regarding the accuracy of the rates included in this ordinance. City Attorney Dionne will confirm the figures used are correct, amend the text and the ordinance with the corrected rate figures will be presented at the next meeting.

New Business

1. Mayor's Report on Terrorist Summit and Meth Summit

Mayor Young advised that Terrorism is not going away and the solution is to work together with other cities and counties. Mutual aid plans are essential. A terrorism early warning system is in place in Pierce County. The Police Chief receives briefings and terrorism will be incorporated into city and county emergency management plans.

Finance Director Weidenfeller asked if any Councilmember was interested in attending the Team Building Training offered at City of University Place. The cost is \$260 per person. It has not been scheduled for an exact date and several Councilmembers expressed their difficulty in deciding without knowing when it will be offered. Finance Director Weidenfeller will attempt to get the exact dates and e-mail that information to Council.

There being no further business to discuss, Workshop adjourned at 9:00 p.m.