

COUNCIL WORKSHOP

September 17, 2002
5:30 p.m.

Draft Minutes



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"

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 Bricker, Councilmember DeLeo, Councilmember Johnson, Councilmember King, Councilmember Palecek, and Councilmember Rackley. Staff members attending were Finance Director John Weidenfeller, Planning & Community Development Director Bob Leedy, Public Works Director Seth Boettcher, Assistant Public Works Director Gary Leaf (arrived after roll call), Senior Center Director JoAnne Knecht, Deputy City Attorney Jeff Ganson (arrived after roll call), and City Clerk Gayle Butcher.

Agenda Items

1. Ordinance 931 Discussion, Jim Mitchell available for presentation questions

Director Leedy commented briefly on the proposed ordinance regulating wetlands. He introduced Jim Mitchell, who is under contract with the City to develop the wetland regulations.

Jim Mitchell noted proposed Ordinance No. 931 is a substantial revision to the current code. The mandate given to him was to 1) review procedures for construction of single family residential units on wetlands, 2) reasonable use exceptions, 3) coordinate with other jurisdictions so that there is some consistency with neighboring regulations, 4) define regulations for a low-quality wetland, and 5) to develop the wetlands ordinance with the best available science.

A review of the 4 types of buffer regulations between habitats and developments were reviewed. Mr. Mitchell noted that Thurston County has the same type of restrictive regulations as is being proposed for the City of Bonney Lake. While discussing buffers, Deputy Mayor Swatman noted it was difficult to understand the impact of the proposed buffers without a map. Director Leedy noted staff would review and make a recommendation to Council on the proposed ordinance. Deputy Mayor Swatman was concerned that staff had not made such recommendations during the Planning Agency review period.

Council asked for further explanation on what types of issues would trigger the 4 categories and how a wetland specialist determined wetlands if the specialist could not actually inspect the site. Councilmember Rackley asked for a wetland inventory to date. Director Leedy said his staff would need to have additional time to develop potential delineation.

In concluding the discussion, Councilmember King thanked Mr. Mitchell and the planning staff for the work today and noted how important it is to identify wetlands in areas to protect the environment and yet to allow reasonable development.

2. Open Discussion

Finance Director John Weidenfeller apologized to members of the Council for the errors on their paychecks. He explained the problem and said the pay tables have been corrected.

Public Works Director Boettcher distributed copies of the response to SEPA only to Council. He thanked the attorney team at Dionne & Rorick for their professional response related to treatment of water with fluoride.

Councilmember Bricker thanked Public Works for paving the 193rd sinkhole.

In referring to a memo, Councilmember King asked why the City opted to save \$10,000 by installing a 2-inch overlay versus a 3-inch repair as a result of a waterline installation. Public Works Director Boettcher explained the parameters of excavating and repairing the road.

Councilmember DeLeo asked Public Works Director Boettcher if staff was aware of a sinkhole in front of City Hall, and Public Works Director Boettcher said yes.

Councilmember Johnson said that he had received a phone call from Gunther Reis regarding flu shots for employees. Finance Director John Weidenfeller explained the City did not pay for the flu shots last year as it had done in the past. Council discussed the merits of flu shots versus employees taking sick leave when the flu season strikes. Council consensus was to provide flu shots to employees and Finance Director John Weidenfeller would prepare the resolution. Senior Center Director Knecht noted the seniors are taken care of under the Good Samaritan program.

Councilmember Johnson noted he had done an informal traffic study and urged that Council determine what is acceptable in terms of speeding as well as enforcement. Councilmember Bricker believes that the Citizen Radar Program needed to be better promoted, and that more than one traffic emphasis patrol needed to occur. Deputy Mayor Swatman suggested that Council consider an additional traffic officer during budget discussions. Councilmember Johnson added that a 3-way stop is needed at Locust.

Deputy Mayor Swatman reviewed an email from Mr. Ellis related to pit fires. Deputy City Attorney Ganson said Council could adopt codes that go beyond Fire District 22's codes, but the policy could not conflict with Fire District 22's codes. Councilmember Bricker reviewed pit fire regulations and Councilmember King noted the Fire District is responsive to all calls.

Mayor Young distributed a letter he had just received from Mr. Jeffrey D. Laveson, attorney representing Dale Fonk. He noted Mr. Laveson is here this evening. Deputy City Attorney Jeff Ganson stated it is his understanding that Mr. Fonk did not receive written notice of the public hearing and he wants the public hearing re-opened so that Mr. Fonk may present comments. Deputy City Ganson noted that a public hearing is not required for the latecomer's agreement and that it was up to the Council if the public hearing is to be continued.

Councilmember Bricker suggested that Mr. Fonk present his comments at next week's Council meeting under "Citizen Comments." Deputy Mayor Swatman said it was his understanding that through a phone conversation with Public Works, Mr. Fonk was verbally

notified of the public hearing. Deputy Mayor Swatman further noted that the public hearing was properly advertised. It was noted that while Mr. Fonk was verbally notified of the public hearing, Mr. Fonk did not have enough time to be present.

During Council discussion, it was pointed out that the citizen comments appeared to be centered on the development and its impacts versus comments relating to the latecomer agreement. Public Works Director Seth Boettcher said that 2 lots would need a pump to connect to sewer and that he believed that any infiltration problems were a civil matter between the homeowner and the developer.

Mayor Young requested feedback from each member of the Council whether or not to proceed with another public hearing. Majority consensus of the Council was not to reopen the public hearing.

Speaking from the audience, Mr. Laveson said he did not want Council to proceed with misinformation. He said that Mr. Fonk called the Public Works Department on the day of the hearing, and that is how he became aware of the hearing. Mr. Laveson urged Council to reopen the hearing.

Councilmember King said that he was of the opinion that the City staff needs to discuss the use of certified mail in the future notifications.

Mayor Young called for a 5-minute recess at 7:00 p.m. Mayor Young reconvened the meeting at 7:09 p.m.

3. Draft Minutes: September 10, 2002

Councilmember King corrected the spelling of “recession” to “rescission” on page 6.

Old Business

1. Skateboard Park Discussion

Assistant Public Works Director Gary Leaf presented a brief overview of donations. Councilmember Rackley said that there were not sufficient funds to build the 15,000 square foot park and the City should proceed with the original 10,000 square foot park. Mayor Young urged Council to authorize the bid and proceed with the building of the park.

Deputy Mayor Swatman suggested the extra \$68,000 come from the Contingency Fund. Councilmember Bricker said he wanted to fully fund a signal at Locust next year and he urged the use of the Contingency Fund for that purpose. A lively Council discussion ensued regarding the Skateboard Park and the Locust Signal as both of these projects were of utmost priority. Majority of Council provided assurances to Councilmember Bricker that the funding of the Locust Signal is a priority for next year’s budget. Mayor Young called for Council direction and the majority of Council wanted to build the 15,000 square foot Skateboard Park, use \$60,000 from the Contingency Fund and the remaining \$78,000 to come from Council’s discretionary funds. The awarding of the construction contract for the Skateboard Park is moved forward to next week’s Council agenda.

2. Discuss Accessory Dwelling Unit (ADU) Amendment Language

Planning and Community Development Director Leedy presented a staff report on a Council-proposed language amendment to the Accessory Dwelling Unit ordinance. Upon hearing staff comments, it was pointed out the intent of the proposed language was to fix a perceived problem and that Councilmember Palecek had not received any feedback from staff until now. She noted her concern that the tenor of the comments was condescending. Councilmember Bricker pointed out that for the past few months, staff has resurrected an old habit of distributing information at the workshop. He reminded staff that the Council's policy is to have the reports included in the agenda that is distributed to Council on Friday's.

Deputy City Attorney Ganson said a waiver provision was an administrative issue. He added he did not believe Council's intent was to process Accessory Dwelling Unit permits. Council requested that Deputy City Attorney Ganson draft the appropriate language for the next workshop.

3. Accessory Dwelling Unit (ADU) Sewer Connection

Deputy Mayor Swatman asked where in the code did it say that an ADU was to be hooked up to a separate water and sewer connection. Public Works Director Boettcher noted it is part of water and sewer development charges. Deputy City Attorney Ganson noted fees are paid at the time of the building permit application. Deputy City Attorney Ganson further cautioned Council that it was not appropriate to discuss a single situation. Councilmember Bricker said hypothetically, what Council is talking about, a general instance, where there's an existing dwelling that's going to be converted into an ADU when the person is going to be building a new primary residence. Deputy City Attorney Ganson said the situation is turning one dwelling unit into two and it takes a building permit to do that. He further emphasized that he believes the code supports collection of system development (SDC) charges for that situation, but it is a policy question for the Council to address. Deputy City Attorney Ganson indicated the code could be clearer and that it is an issue that the Council probably should discuss; such as, 1) in which cases is it appropriate to collect an additional SDC for an ADU, 2) collect additional SDC's for all ADUs? 3) collect SDC's for some. Public Works Director Boettcher added that an ADU could impact capacity just as much as a primary dwelling, and that an SDC is to help mitigate the impact of additional dwelling units having use of the sewers.

Council discussed the original intent of an ADU, which was to provide living accommodations for an elderly family member. Deputy City Attorney Ganson would carry the intent into the proposed ADU language amendment.

4. Sign Code Report

Planning and Community Development Director Leedy said staff is working on a systematic approach, which includes talking with Chamber of Commerce representatives, and to develop a concerted effort of enforcement options among planning, police and public work staff. He will have an outline available in a couple of weeks. Councilmember King encouraged a meaningful sign code adjustment that would include enforcement penalties and weekend enforcement.

New Business

1. Garbage Rates

Public Works Director Boettcher stated the contract was being reviewed.

Finance Director John Weidenfeller asked that discussion of Rescinded Resolution No. 1021 (purchasing and bidding) and Ordinance No. 928 (credit card) be done next year. Deputy Mayor Swatman and Councilmember King concurred and there were no objections stated by other members of the Council.

Motion by Deputy Mayor Swatman, second by Councilmember Bricker, to table discussion on agenda items, garbage call issues and Title 14, public notice. Motion Carried Unanimously.

Mayor Young adjourned the workshop at 8:10 p.m.

Bob Young, Mayor

Gayle Butcher, City Clerk