

CITY COUNCIL MEETING

**March 25, 2003
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 Bob Young called the meeting to order at 7:00 p.m. and led the audience in the flag salute.

B. Roll Call [A1.3]

Attending: Mayor Young, Deputy Mayor Dan Swatman and Councilmembers Stephen Bricker, Phil DeLeo, Neil Johnson, Dave King, and Jim Rackley.

Staff members attending: Finance Director John Weidenfeller, Police Chief Bryan Jeter, Planning & Community Development Director Bob Leedy, Public Works Director Seth Boettcher, Deputy City Attorney Jeff Ganson, and Pro Tem City Clerk Harwood Edvalson.

C. Announcements, Appointments and Presentations

1. Announcements [A3.6.9] – None.
2. Appointments [A3.8.3] – None.
3. Presentations [O3.6.1.2, O3.6.5.4] – None.

D. Agenda Modifications [A3.6.6] – None.

II. PUBLIC HEARINGS, CITIZEN COMMENTS & CORRESPONDENCE:

[A3.6.11, A3.6.12, A3.6.4, 3.6.5]

A. Public Hearings – None.

B. Citizen Comments

Dan Decker, 20401 70th Street E. said that he had been denied information requested through the Request for Disclosure of Public Records process. He said that the Pro Tem City Clerk had failed to provide information in some cases in excess of 30 days. He spoke of a particular request for copies of emails containing his name. He suggested the

possibility of superior court action if his requests were not met. He showed an example of a record provided him that had portions redacted.

Councilmember King asked Mr. Decker follow up questions to better understand the complaint. Councilmember Swatman asked Pro Tem City Clerk Edvalson if a record was still being kept of information provided under the Request for Disclosure of Public Record. Mr. Edvalson responded yes. Deputy Mayor Swatman also asked Deputy City Attorney Ganson for information about Mr. Decker's complaints. Mr. Ganson responded that with Mr. Decker's suggestion of potential litigation, he would recommend providing his responses in executive session.

Deputy Mayor Swatman moved to modify the agenda and add an executive session at the end of the meeting to discuss potential litigation. Councilmember King seconded the motion.

Motion approved 6 – 0.

C. Correspondence – None.

III. COUNCIL COMMITTEE REPORTS:

(A3.6.4)

A. Finance Committee

Deputy Mayor Swatman said the Finance Committee had discussed and referred the following items on for action by the full Council:

1. Resolution 1093 - A contract for forensic investigation services with the County.
2. Ordinance 986 – Deferred Compensation for Police Exempt Employees.
3. Resolution 1094 – A contract for lease of modular building. He said that Community Development and Planning Director Leedy would distribute proposed amendments to the contract.
4. Resolution 1067 – Public Safety Building repair and maintenance.
5. Resolution 1095 - Contract with Andrews, Gottlieb, Fischer & Andrews, PLLC for City Bond Attorney Services.

B. Community Development Committee

Councilmember Rackley said the Committee met, forwarded and recommended approval of the developer extension agreements on the agenda. He noted that Public Works Director Boettcher had some proposed amendments to the Lakeland Agreement.

C. Public Safety Committee

Councilmember Bricker said the Public Safety Committee had not met.

D. Other Reports

Deputy Mayor Swatman questioned the timing on the Council's receipt of Council candidate applications. He expressed displeasure with the Mayor's transmittal memo accompanying the copies. Mayor Young explained that some of the applications were delayed because they had not been properly routed to the Pro Tem City Clerk.

Councilmember DeLeo reported on a recent meeting with the Rainier Communications Commission regarding the buy-out of AT& T Broadband by Comcast. He said that as a result of the buy-out the City was in a position to negotiate a new franchise agreement. He added that soon the Commission would have a template the City could use as a base document for negotiations.

Councilmember Johnson reported that the Council's consultant had transmitted agenda information and homework for the Council to prepare for the retreat. Deputy Mayor Swatman reminded the audience that the Council retreat was an open public meeting.

Councilmember King expressed appreciation to Councilmember DeLeo for his participation on the Rainier Communications Commission. He advised that residents pay particular attention to this issue because of the continued rise in rates through the cable provider.

Councilmember King also asked for an update on the negotiations with DM Disposal. Finance Director Weidenfeller said that discussions and negotiations were continuing through the Finance Committee with DM Disposal. He anticipated the issue would soon be brought back to Council. He noted the Council had directed that staff not pass on the last tipping fee and fee increase. He said that the Refuse Fund had built up a balance to deal with this contingency for the current year until negotiations were completed.

IV. MINUTES (A3.6.2):

- A. Approval of Corrected Council Meeting and Workshop Minutes – February 11, 2003; February 25, 2003; March 4, 2003; March 11, 2003.

**Councilmember Rackley moved to approve the group of minutes as presented.
Councilmember Bricker seconded the motion.**

Motion approved 6 – 0.

V. VOUCHERS AND PAYROLL: (F4.9)

A. Vouchers

- 1. Claims:
Accounts payable checks #033733-033840 including manual checks #033733-033734 in the amount of \$ 477,418.85. (Note: Payment of check 33815

delayed.)

2. Payroll:
Payroll for March 1-15, 2003 for checks 20737 - 20789 including Direct Deposits and Electronic Transfers in the amount of: \$207,954.12.

**Councilmember Rackley moved to approve the vouchers and payroll.
Councilmember Johnson seconded the motion.**

Deputy Mayor Swatman said that the Finance Committee had delayed payment of Check 33815 in the amount of \$25,000 written to Sumner Parks and Rec. He said the Committee wanted to better understand the services rendered for that amount of money, and the number of Bonney Lake residents who've received benefit. Mayor Young said that a representative of Sumner would be invited to address the Finance Committee.

Motion approved 6 – 0.

VI. FINANCE COMMITTEE ISSUES

- A. AB03-92 – Resolution 1071 – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing The Mayor To Enter Into Contract With Real Estate Professionals And To Dispose Of Surplus Real Property At 18802 Mt. View Drive In Bonney Lake, WA 98390 In Accordance With The Provisions Outlined By Ordinance 872. [F4.6.3]

Deputy Mayor Swatman moved approval of Resolution 1071. Councilmember King provided the second.

Councilmember DeLeo asked if 'Real Estate Professionals' was a specific firm or a generic term. Mayor Young responded that it was a generic term. Deputy City Attorney Ganson said that the resolution anticipated staff contacting and retaining services without a specific contract.

Motion approved 6 – 0.

- B. AB03-109 – Resolution 1094 - A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing A Contract With Williams Scotsman, Inc. For The Lease And Set Up Of A Modular Building In The Amount Of 32,137. [03.1]

Councilmember Bricker moved to adopt Resolution 1094. Councilmember Rackley made the second.

Deputy Mayor Swatman noted that there were proposed changes to the agreement.

Deputy City Attorney Ganson distributed copies of the amended agreement and explained the changes. Councilmember King asked if Scotsman had agreed to the changes. Mr. Ganson responded that agreement would be required.

Councilmembers Bricker and Rackley agreed to amend the original motion and second to include the amended agreement.

Motion approved 6 – 0.

VII. COMMUNITY DEVELOPMENT COMMITTEE ISSUES

- A. AB03-99 – Resolution 1090 - A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing Developer Extension Agreements With Lakeland Land Development L.L.C. [A3.13.7]

Councilmember Rackley moved to approve Resolution 1090. Councilmember Johnson provided the second.

Councilmember Rackley advised Council of a staff proposed addition to Section II of the agreement. Public Works Director Boettcher explained the additions and distributed the proposed language to read:

“As additional condition to the City obligations under this agreement the developer shall:

- A. Apply for irrigation meters separate from residential meters where the irrigation serves common areas or more than one single-family residence.
- B. The applicant shall submit landscaping and irrigation plans for review and employ the best management practices available for the efficient use of water.

Councilmember Rackley moved to amend the original motion to include the proposed language. Deputy Mayor Swatman seconded the motion.

Motion to amend approved 6 – 0.

Motion to approve the amended original motion approved 6 – 0.

- B. AB03-100 – Resolution 1091 - A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing A Sewer Developer Extension Agreement With Arkansas L.L.C. For White River Estates. [A3.13.7]

Councilmember Rackley moved to approve Resolution 1091. Councilmember Johnson seconded.

Motion approved 6 – 0.

- C. AB03-101 – Resolution 1092 - A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing A Sewer And Water Developer Extension Agreement With Gary Strang For The Strang Multifamily On Bonney Lake Blvd. And 75th Street E. [A3.13.7]

Councilmember Rackley moved the approval of Resolution 1092. Deputy Mayor Swatman seconded the motion.

Councilmember King addressed questions to Public Works Director Boettcher regarding sewer and water lines on the project. He expressed concern for the protection of the lines. Mr. Boettcher responded that he would discuss the concerns with City Engineer Woodcock. Councilmember King also asked about the fees associated with the extensions. Director Boettcher responded that the ordinance was somewhat vague on the application of fees for multi-family dwellings. He said the proposed fees appeared to be the most fair application.

Motion approved 6 – 0.

VIII. PUBLIC SAFETY COMMITTEE ISSUES – None.

IX. FULL COUNCIL ISSUES

- A. AB03-108 – Appointment of Administrative Services Coordinator [A3.8.5]

Mayor Young introduced Tom Reber as his appointment to the Administrative Services Coordinator position.

Councilmember Rackley said that he felt Council would want to take more time than to confirm the appointment this evening. He added that he would like to see the Council hire Mr. Reber on a consulting basis to participate in the upcoming Council retreat. Deputy Mayor Swatman concurred with that opinion and also wanted to make sure there was understanding about the purpose of the position. He suggested that discussion should take place at the next workshop before confirmation occurred. Councilmember Johnson mentioned that he had participated in the interview of Mr. Reber and felt him an excellent candidate. He agreed that Council should take the additional time to become better acquainted with Mr. Reber.

Mayor Young summarized the Council position that Mr. Reber be hired to participate in

the Council retreat and that an action item be added to the next workshop for the confirmation of Mr. Reber.

Councilmember DeLeo invited the standing Council Committees to consider holding their meetings on the Monday prior to the April 1 meeting so that agenda items could be forwarded to the next Council meeting in a timely manner.

X. EXECUTIVE SESSION

Based on the modified agenda and pursuant to RCW 42.30.110(I) Mayor Young convened an executive session to discuss litigation for 15 minutes starting at 8:03 p.m. [A3.6.13].

A five-minute extension was announced by the Pro Tem City Clerk at 8:18 p.m.

XI. ADJOURNMENT

The Council meeting was reconvened at 8:23 p.m.

Councilmember Rackley moved to adjourn. Councilmember Bricker seconded the motion. The meeting was adjourned by common consent of the Council.

Robert Young, Mayor

Harwood T. Edvalson, Pro Tem City Clerk