

**CITY COUNCIL MEETING**

**August 12, 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"*

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**I. CALL TO ORDER** - Mayor Young called the meeting to order at 7:03 p.m.

- A. Flag Salute - Mayor Young led the Pledge of Allegiance.
- B. Roll Call [A1.3] - Pro Tem City Clerk Edvalson called the roll.

Attending were Mayor Bob Young and Deputy Mayor Dan Swatman, Councilmember Dave King, Councilmember Cheryle Noble and Councilmember James Rackley. Councilmember Phil DeLeo and Councilmember Neil Johnson were absent.

Staff present were Administrative Services Coordinator Tom Reber, Planning & Community Development Director Bob Leedy, Police Chief Bryan Jeter, Judge Jim Helbling, City Engineer John Woodcock, Senior Center Director JoAnne Barkley, Deputy City Attorney Jeff Ganson and Pro Tem City Clerk Harwood Edvalson.

**Deputy Mayor Swatman moved to excuse Councilmember Johnson and Councilmember DeLeo. Councilmember Rackley seconded the motion.**

**Motion approved 4 – 0.**

**C. Announcements and Appointments and Presentations** [A3.6.9]

**1. Announcements:**

Mayor Young announced that the City was going to proceed and accept the grant that had been authorized many months ago for the School Resource Officer. He asked Council for a motion to activate the grant and move ahead with the program.

**Councilmember Rackley moved the motion proposed by Mayor Young. Deputy Mayor Swatman seconded the motion.**

Councilmember King asked why, if the grant was authorized, a motion was needed at this time. Mayor Young and Police Chief Jeter explained that the motion was just to accept the grant— to activate it.

**Motion approved 4 – 0.**

Mayor Young also announced that signatures had been obtained from the Police Guild on the labor agreements.

2. Agenda Modifications[A3.6.6]:

**Councilmember Rackley moved to remove AB03-176 - Ordinance 1000 from the agenda. Councilmember King seconded the motion.**

**Motion approved 4 – 0.**

3. Appointments – None.

4. Presentation:

Mixed-Use Developments and Senior Housing – Suzanne Martin, Supportive Housing Association. Ms. Martin introduced herself as a developer for 20 years that works with a non-profit corporation and an adjunct faculty member of the University of Washington, Seattle Campus. She said that she had just finished a field study of mixed use housing in the Netherlands, Paris and London with a focus on senior housing projects. She added that this experience had helped her develop some best practices for senior housing development.

Ms. Martin discussed the following principles:

- a. Involve the community—educate them;
- b. Have a local development committee;
- c. Think of the project as a public/private enterprise;
- d. Understand the consumers; and
- e. Put effort into the details.

She said there were multiple sources of funding for senior housing, such as HOME Funds, 2060 Funds, the Community Reinvestment Act, bond financing, HUD 202 Funds and tax credits from the Washington State Finance Commission.

Councilmember King asked if Ms. Martin had produced a bibliography of sources that would provide the Council a greater background on senior housing needs, design, planning, etc. Ms. Martin said that she appreciated the suggestion and would develop such a document. Deputy Mayor Swatman asked if she could identify any early roadblocks of which Bonney Lake should be aware. Ms. Martin suggested that senior housing be part of the City's response to growth management, that it be integrated into the City's comprehensive plan. When asked if special zoning was required to meet senior housing needs, she said that multi-family zoning was generally adequate to address this development type. Councilmember Noble said that she had talked to a number of seniors from across the community and believes this is a real need in the City. Mayor Young and the Council expressed appreciation for the information presented by Ms. Martin.

**II. PUBLIC HEARINGS, CITIZEN COMMENTS & CORRESPONDENCE:**

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

**A. Public Hearings:**

1. AB03-181 – Resolution 1136 – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing A Latecomer Agreement With Angeline Road Properties For The Ashton Woods Development For The Extension Of Sewer. [A3.13.5]

Mayor Young opened the public hearing at 7:22 p.m. City Engineer John Woodcock explained that the sewer extension was from Willowbrook south at a cost of approximately \$500,000. He said the estimated future cost per home is \$550 in this 345 acre, 930 residential equivalent development.

No one signed-up to speak at the public hearing. When the audience was offered an opportunity to participate, no one came forward to speak. Mayor Young declared that the public hearing would be continued and the record kept open until the final construction costs were known. He said at that time, the hearing would be reconvened for additional public comment.

**B. Citizen Comments [A3.6.4]**

Don Sangesand, 5616 195<sup>th</sup> PL E., complained that he felt there was misinformation being provided about the water system and water quality. He said the water from the Ball Park Well was brown, stinks and leaves sludge in the bathtub. He was amazed that there are still people sprinkling and irrigating, new businesses being developed and permitted while he is forced to have water of such poor quality. He said his invalid wife was unable to use her Jacuzzi tub, that their dishwasher and tub were stained. He complained that the extreme conditions requiring the use of the Ball Park Well and the bad water he is forced to endure is the result of the City's lack of long-range planning. He suggested using Tacoma water for a portion of the city's customers, and shutting down the Ball Park Well in order to provide cleaner water to him and his neighbors.

Deputy Mayor Swatman expressed regret for the situation and asked if City Staff had developed a plan to reduce the current use of the Ball Park Well. Mayor Young apologized that comments in the City Newsletter could be misinterpreted to say that the City has plenty of water. He said the City does not. He clarified the statements to mean that residents have conserved to help the City's position, and that if they had not, the City would be out of water, with mandatory restrictions in place. He said rather than require mandatory restrictions, the decision was made to utilize the Ball Park Well. He added that the City applied last year for the funds necessary to further develop the well and add a filtration plant—about \$3.8 Million. He said the City is moving ahead, but a project of this magnitude will take until next summer to complete. He said this is the least rainfall the City's received since 1958. Coupled with the draining of the lake, it makes for a

shortfall of water. He added that the City is working through the Lake Tapps Task Force to maintain water in the lake.

Councilmember Noble said that she felt the current state of water coming from the Ball Park Well is unacceptable. She referenced proposed Resolution 1155 dealing with the emergency intertie with Tapps Island. Councilmember King said that he had visited Mr. Sangesand's home, and expressed regret that the Council was now playing catch-up for decisions not made some time ago. To clarify the situation for citizens, he said it was important to remember that Bonney Lake has a service area that is larger than its municipal limits. He noted that those outside the City generally pay more for the use of the water. He said that he was completely dissatisfied with the quality of the water from the Ball Park Well. He expressed regret that the residents in his Ward on 195<sup>th</sup> Ave. were particularly hard hit by the water situation. He said the Council would try to move along a solution to the problem as quickly as possible. Deputy Mayor Swatman added that the issue is not going away, it will not be buried. He asked the Mayor and staff to study ways in which the Ball Park Well could be used less. Mayor Young responded that the staff had been given direction to use the Ball Park Well as little as possible, drawing more from other wells, and that they were working on a solution.

Mike Bowen, 7202 194<sup>th</sup> Ave. E., #1, complained about the graffiti that Wendy Mayhew had complained of last month. He said he had observed no change, and would like to have a committee formed. He offered to chair the committee if no one else would step forward to clean things up in the woods of Allan Yorke Park. He feels that if the youth see that the adults are watching and care, then they'll show more respect for the property.

Mayor Young noted that the Public Works Department had recently made two sweeps through the area. Administrative Services Coordinator Reber added that during Bonney Lake Days, the Pierce County Cadets would be doing a periodic patrol of the area. Mayor Young said that he had assigned Public Works to make recommendations as to what could be done to make the area less attractive to abusive activities. Deputy Mayor Swatman said that the Park Board should be involved in providing solutions. He asked the Mayor to communicate this as an item for their attention. Councilmember King said that Lake Jane Estates had had similar problems, and that a volunteer effort had been successful in cleaning up some of the areas.

Pat Miller, 19205 79<sup>th</sup> St. PL E, asked the Council to consider that if the City had a 20% reduction in water usage coming from voluntary conservation, then perhaps the use of the Ball Park Well could be eliminated with mandatory conservation enacted.

Councilmember Rackley asked if the Tacoma Water intertie could be opened to get the City through this period. Assistant Director Leaf said it was technically possible. Mayor Young said he would address this possibility with Staff. Deputy Mayor Swatman said that the information provided to Council was insufficient and the overall topic should be looked at even harder by the Community Development Committee. He assured the interested residents that this would remain at the top of Council's list of important items. Mayor Young said it would be the topic of discussion at a future workshop.

Dan Decker, 20401 70<sup>th</sup> St. E., said he had some questions to ask the Mayor about his autobiography on the internet. He asked of what college in Vancouver, WA the Mayor was a graduate. Mayor Young responded that he attended Western Pentecostal Bible College. Mayor Young asked what these questions had to do with the affairs of the City, and offered to respond to personal questions individually. Mr. Decker said that he had the right to address the Council on the topic of his choosing, and suggested that it was the Mayor's prerogative to decline response to any question.

Councilmember Rackley asked if there was anything for the good of the order that would come out of this line of questions. Councilmember King asked how many questions Mr. Decker had, and if Mr. Decker was implying that any public official was telling untruths with regard to public statements, or that the Mayor is making untruthful public statements. Mr. Decker said he had not more than seven questions, and that he thought it was for the good of the order to clear up some of the vagueness in the Mayor's statements, that he was trying to get them resolved.

Mayor Young invited Mr. Decker to read his questions. Mr. Decker posed the following questions:

- 1) You say you have a major in Biblical studies—what does that mean to have a major in biblical studies?
- 2) Is the college you attended accredited in the State of Washington by State Colleges—State and Universities of Seattle Washington?
- 3) When you say you have a major in Biblical studies, does that mean you have a bachelor's degree, an associate's degree, or does that mean you have a certificate?

Mayor Young said he would be glad to answer those questions to Mr. Decker personally, and at Mr. Decker's request, said he would provide them in writing. Mr. Decker asked how many officers were working in Bonney Lake. Chief Jeter responded that there were 21 officers budgeted with 19 currently on staff. Mayor Young added that one officer was on administrative leave and another had moved away. He added that recruitment and selection was proceeding for that vacancy. Mr. Decker said that there were several shifts understaffed, that it was his personal opinion that what is going on in the City right now is inappropriate.

Louisa Smith, 20112 Church Lake Road E., spoke about the approaching dedication of the Kobelin Memorial Skate Park and efforts to bring family members back to town for the dedication. She invited additional contributions to assist with that effort.

Mike Bowen, 7202 194<sup>th</sup> Ave. E., #1, asked about the youth center with which Mr. Kobelin had been associated. Mayor Young explained that the City had donated property, but when nothing further happened, it reverted back to the City. He said the skate park had been an outgrowth of that effort, but that a youth center was not part of the City's current plans.

- C. Correspondence – None.

### III. COUNCIL COMMITTEE REPORTS:

(A3.6.4)

A. Finance Committee

Deputy Mayor Swatman reported that the Committee met earlier in the evening. He said they discussed the following items of business:

1. The use of Steve Ladd to do work on the Comprehensive Plan and on the Park Strategic Plan—to bring more work in-house rather than by consultant; and
2. AB03-213, Resolution 1160, before Council on the Public Works Trust Fund loan for water quality on Grainger Springs and Victor Falls for \$1.17 Million—a 20 year loan at .5% interest; and
3. The current Microflex Contract—an external firm that audits the business license and sales tax receipts of the City; and
4. The School Resource Officer.

B. Community Development Committee

Councilmember Rackley said that the Committee met on August 4. He said there were five items on the Council Meeting's agenda, including the Amendment to the Emergency Intertie Agreement with Tapps Island. He said they recommend the approval of all five items at this meeting.

C. Public Safety Committee

Councilmember King reported that the Public Safety Committee met on August 4. But because he was not in attendance, he was unable to comment on the business of the Committee. He noted that the other two members who had been present at the Committee meeting were not in attendance tonight.

D. Other Reports – None.

### IV. MINUTES (A3.6.2) -

- A. Approval of Corrected Council Minutes from the February 4, 2003 Council Workshop.

**Councilmember Rackley moved to approve the minutes as presented.  
Councilmember King seconded the motion.**

**Motion approved 4 – 0.**

**V. VOUCHERS AND PAYROLL:** (F4.9)

A. Vouchers – Pro Tem City Clerk Edvalson read a description of the claims revised from the original agenda as follows:

1. Claims:

Accounts payable checks #34893 thru 34901 and 34903 thru 35040 voiding checks #34894, 34927 and 34929, in the amount of \$ 811,491.98.

2. Payroll:

Payroll for July 16-31<sup>st</sup> for checks 21249-21313 including Direct Deposits and Electronic Transfers in the amount of \$248,266.77.  
(Voiding checks 21247, 21248)

**Correction:**

Payroll for July 1-15 for checks 21188-21246 including Direct Deposits and Electronic Transfers in the amount of: \$217,631.86. (Voiding check 21187)

**Deputy Mayor Swatman moved the approval of claims and payroll as read. Councilmember Rackley seconded the motion.**

**Motion approved 4 – 0.**

**VI. FINANCE COMMITTEE ISSUES – None.**

**VII. COMMUNITY DEVELOPMENT COMMITTEE ISSUES**

A. **AB03-133 – Ordinance 988** – An Ordinance Of The City Of Bonney Lake, Washington, Amending Title 14 Through 19 Of The Bonney Lake Municipal Code, Clarifying And Streamlining Permit Processes, Eliminating Conflicts And Duplications, And Integrating Titles 14 Through 19 As A Unified Development Code. [O3.4]

**Councilmember Rackley moved to adopt Ordinance 988. Councilmember King seconded the motion.**

Deputy Mayor Swatman said that the ordinance’s accessory dwelling unit (ADU) provisions do not adequately address the future housing needs of the City. He expressed concern that people would be forced out of their homes, or encouraged to short plat their properties in order to maintain their primary residence. He said the Planning Commission recommended allowing this as a conditional use in residential zones. He said he could otherwise support the ordinance.

Councilmember King said it was his understanding that the proposed ordinance was not changing the ADU portion of the current code, that the Planning Commission recommendation had been discussed, but the Council majority had decided to reject that language. He said his constituents were very clear that they did not favor even a conditional use ADU in the R-1A zone. He concluded by encouraging Deputy Mayor Swatman's support for the proposed ordinance, noting that adjustments could be made in the future.

Councilmember Noble said that her discussions with residents across the City in various types of housing indicate that they support retaining the residential zones as they are currently. Deputy Mayor Swatman said the Council should compare this to the water situation, that the Council should be planning now for the future. Councilmember King said that senior housing will be an issue, but the solution will not be ADUs in R-1 zones. He called for a vote on the issue.

Mayor Young reminded the Council that under its policies an ordinance takes four votes to approve it.

**Councilmember Rackley moved to table the item until the next regular Council meeting. Councilmember King seconded the motion.**

**Motion approved 3-1. Deputy Mayor Swatman voted no.**

**Councilmember Rackley moved to take a 10 minute recess. Deputy Mayor Swatman seconded the motion. By common consent, Council took a recess.**

- B. **AB03-202 – Resolution 1153** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing A Bilateral Compliance Agreement Between The City Of Bonney Lake And Washington State Department Of Health. [04.10.1]

**Councilmember Rackley moved to approve Resolution 1153. Councilmember King seconded the motion.**

**Motion approved 4 – 0.**

- C. **AB03-204 – Resolution 1155** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing An Amendment To The Emergency Intertie Agreement Between The City Of Bonney Lake And Tapps Island Water Maintenance Company. [04.10.1]

**Councilmember Rackley moved to approve Resolution 1155. Deputy Mayor Swatman seconded the motion.**

Deputy Mayor Swatman said this ordinance gets at the core of the issue of providing water outside of the City while those inside the City suffer from poor quality water. He

said he had a problem with the emergency definition in the agreement and that it should be strengthened. He said many lawns on Tapps Island are still green despite a water emergency. Councilmember Rackley said one of the incentives to reduce water usage under this agreement is the increasing rate structure for repeated use of the emergency intertie.

Councilmember King said this agreement was a tremendous step forward from the old agreement. He suggested that with the City's current water situation, it would be better to adopt the new intertie agreement and look at it again later as the City's water system is modified. Councilmember Noble said the agreement would not take effect for 60 days, and that a delay to further discuss and define an emergency would not make that much of a difference. Deputy City Attorney Ganson said that the proposed resolution included direction to Staff to give 60 days notice of termination on the existing agreement. If Lake Tapps did not approve the new agreement, they would only be able to enjoy the provisions of the existing agreement for another 60 days.

**Motion approved 3 – 2. Deputy Mayor Swatman and Councilmember Noble voted no. Mayor Young broke the tie by voting yes.**

- D. **AB03-205 – Resolution 1156** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing An Agreement With RH2 For Services During Construction For The Lake Bonney Roadway Improvements Project. [04.10.2] [04.8.2]

**Councilmember Rackley moved to approve Resolution 1156. Councilmember Noble seconded the motion.**

**Motion approved 4 – 0.**

- E. **AB03-206 – Resolution 1157** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing A Reciprocal Maintenance Agreement Between The City Of Bonney Lake And Washington State Department Of Transportation. [04.14.11]

**Councilmember Rackley moved to approve Resolution 1157. Councilmember Noble seconded the motion.**

**Motion approved 4 – 0.**

Mayor Young noted that the question had been raised about why the City was working on SR410. He said that the City was obligated to maintain a portion of the highway, and that agreement required certain kinds of equipment.

**VIII. PUBLIC SAFETY COMMITTEE ISSUES – None.****IX. FULL COUNCIL ISSUES:**

- A. **AB03-176 – Ordinance 1000** – An Ordinance Of The City Of Bonney Lake, Pierce County, Washington, Amending Ordinance No. 981, Relating To The Non-Union Salary Scale. [A4.3.3]

**Tabled (See page 2 – Agenda Modifications).**

- B. **AB03-191 – Ordinance 1002** – An Ordinance Of The City of Bonney Lake, Washington, Amending Title 18 Of The Bonney Lake Municipal Code and Ordinance Nos. 740 and 952 Making Municipal Offices A Conditional Use In The R-1(A), R-1, and R-2 Zones. [O3.6.1.2]

**Councilmember King moved to adopt Ordinance 1002. Councilmember Rackley seconded the motion.**

Deputy Mayor Swatman said that although the conditional use hearing is before the Hearing Examiner, the Council would have already considered and approved the location prior to the application being filed.

**Motion failed 3 – 1. Councilmember Noble voted no.**

Responding to the Mayor's inquiry about the failed motion, Deputy City Attorney Ganson said that the Council could reconsider the subject or bring it up for discussion at a future meeting.

- C. **AB03-198 – Resolution 1149** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington Authorizing Out Of State Travel For Councilmember Deleo. [A4.7]

**Councilmember Swatman moved to approve Resolution 1149. Councilmember Noble seconded the motion.**

Mayor Young questioned the utility of this conference for Bonney Lake, but deferred the decision to the Council. Deputy Mayor Swatman said he agreed, that there are no "Brownfields" in Bonney Lake, but that Councilmember DeLeo had secured special hotel rates and that with no registration cost to the conference there would be little impact to the City. He said that Councilmember DeLeo would probably make some valuable contacts with vendors, conference attendees, etc., that may benefit the City.

**Motion approved 4 – 0.**

- D. **AB03-199 – Resolution 1150** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington – Authorizing The Mayor To Sign A Lease Agreement With Cingular Wireless To Locate A Cell Tower In Allan Yorke Park. [04.4.11.4]

**Councilmember Rackley moved to approve Resolution 1150. Deputy Mayor Swatman seconded the motion.**

Deputy Mayor Swatman reminded Council that the Park Board recommends that the revenues from the tower be specifically used to augment parks maintenance. Councilmember King urged passage of the resolution, but cautioned that the 30-year life expectancy of this lease should not be counted on for revenue for more than 10 years. He was pleased to see that the terms included returning the property to its original form once the tower is removed.

**Motion approved 4 – 0.**

- E. **AB03-211 – Resolution 1159** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing The Use Of Special Purchasing Procedures For The 2003 Bonney Lake Days Celebration. [F4.8]

**Motion approved 4 – 0.**

Administrative Services Coordinator Reber distributed a packet of information to the Council about the celebration including a sign-up sheet to staff the City booth.

- F. **AB03-213 – Resolution 1160** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing The Mayor To Sign A Public Works Trust Fund Loan Agreement For Two Water Quality Projects. [F4.12.19]

**Councilmember Rackley moved to approve Resolution 1160. Deputy Mayor Swatman seconded the motion.**

Deputy Mayor Swatman and Councilmember Rackley commented on the previous resolution. They congratulated Administrative Services Coordinator Reber for his excellent work with the organizing committee. Mayor Young mentioned the hard work of Councilmember Johnson as well.

**Motion approved 4 – 0.**

- X. **EXECUTIVE SESSION** – None.

- XI. **ADJOURNMENT**

**Councilmember Rackley moved to adjourn the meeting. Deputy Mayor Swatman seconded the motion. The meeting was adjourned at 9:10 p.m.**

**Motion approved 4 – 0.**

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Harwood T. Edvalson, Pro Tem City Clerk

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Robert Young, Mayor