

CITY COUNCIL MEETING

**September 9, 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 - Mayor Young called the meeting to order at 7:01 p.m.

A. Flag Salute - Mayor Young led the Pledge of Allegiance.

B. Roll Call [A1.3] - City Clerk Edvalson called the roll.

Attending were Mayor Bob Young and Deputy Mayor Dan Swatman, Councilmember Neil Johnson, Councilmember Dave King, and Councilmember James Rackley. Councilmember Cheryle Noble joined the meeting at the conclusion of the roll call. Councilmember Phil DeLeo joined the meeting shortly thereafter.

Staff present were Administrative Services Coordinator Tom Reber, Public Works Director Seth Boettcher, Planning & Community Development Director Bob Leedy, Police Chief Bryan Jeter, Judge Jim Helbling, City Attorney Jim Dionne, Senior Center Director JoAnne Barkley and City Clerk Harwood Edvalson.

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

1. Announcements - None
2. Appointments:

Councilmember Rackley noted the upcoming Wastewater Treatment Facility meeting on Thursday at 5:15 p.m. As the result of Councilmember Bricker's resignation from the Council, he asked if another representative should be appointed. Deputy Mayor Swatman volunteered, and was appointed without contest.

3. Presentations:

(a) - *Character First!* - Recognition of the Welsh Family. Mayor Young explained that there were a number of Council meetings where the issue of a motorcycle track off of Angeline Road that was in conflict with the residents above in Sky Island was discussed. John and Beth Welsh and their sons, Trevor and Shawn were introduced. He added that out of meetings between the Welsh Family, Code Enforcement Officer Denny Bryan and the Police Department came an agreement that speaks well of them and serves as an example of how to solve problems within the City. He read the content of the certificate and presented it to the family.

Mayor Young verbally recognized the presence of Boy Scout Kenny Yeager, who is working on his Star Rank.

D. Agenda Modifications [A3.6.6]

Deputy Mayor Swatman moved to make an agenda modification to include an Item B under the Finance Committee Issues heading of the agenda—AB03-229 – Resolution 1165. Councilmember Rackley seconded the motion.

Motion approved 6 – 0.

II. PUBLIC HEARINGS, CITIZEN COMMENTS & CORRESPONDENCE:

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

A. Public Hearings – None.

Citizen Comments [A3.6.4]

Quinn Dahlstrom, 6527 193rd Ave. E., read from a prepared statement describing some of her personal history of activism, and separate efforts as a Planning Commissioner.

Deputy Mayor Swatman asked Mayor Young to clarify whether or not the Finance Director was still in the loop of communications between the Administration and the Planning Agency. Mayor Young responded that he was not aware if that was the case. Deputy Mayor Swatman asked if there were any restrictions currently in place. He added that he could understand if there were multiple inquiries of staff that they would be directed through the supervisor. Mayor Young replied there are no restrictions, but added that in the situation described they would be routed back through the administration for a response. Deputy Mayor Swatman asked if the Finance Director was going through everyone's emails. Mayor Young responded with absolutely not.

Councilmember King asked Administrative Services Coordinator Reber and City Clerk Edvalson if a copy of the Municipal Code is out for public review in the City's business lobby. City Clerk Edvalson responded that there was not one currently out for public review, but that there are copies available for review upon request from the Clerk's Office. Councilmember DeLeo reminded Councilmember King that there had been a conscious decision to make copies available upon request, because the public had tended to remove pages from those left out for public review.

Dan Decker, PO BOX 7733, asked the Council if he could take longer than the five minutes generally allotted under this portion of the agenda. He presented copies of a prepared statement for distribution to the Council.

Councilmember King inquired as to how much time beyond the five minutes Mr. Decker felt he needed. Mr. Decker responded that he was looking at ten to fifteen minutes. Councilmember Rackley said that he felt it would be more appropriate for a Council

workshop. Mayor Young asked that comments be limited to five minutes and if further discussion was needed at a Council workshop, then the Council could go from there. He added that Mr. Decker's five minutes could start from that point. Deputy Mayor Swatman said that if Mr. Decker has a point to make that's relevant to the Council hearing it, then he could clearly run over for a couple of minutes—he didn't know about 10 or 15 minutes. He pointed out that the Council was there to hear the citizens and that a previous speaker had been over time. Mayor Young said that the target was five minutes, but not ten or fifteen.

Mr. Decker began reading from his prepared statement reviewing some of the background dealing with questions previously asked of Mayor Young and the Mayor's responses. At the conclusion of the second page, Mayor Young raised a point of order directed to the City Attorney. He stated that it appears that all of Mr. Decker's remarks are personal and pertaining to the Mayor in a personal matter. He asked if it was pertinent to City Council meeting. City Attorney Dionne replied that by the Council's own rules Mr. Decker was out-of-order if discussing personal matters and it is not directed to the Council as a whole. Mayor Young ruled that Mr. Decker was out-of-order with the item because they are personal matters.

Having read the questions, Councilmember King asked of what possible interest to the Council of the City of Bonney Lake would Mr. Decker's address be. Mr. Decker said that Mayor Young had responded on official City of Bonney Lake public letterhead. He also said the Mayor made a statement that he is willing to respond to any questions, and that any questions of a public nature are those for the record. He said he felt he had the right to speak to the record based on the Mayor's comments. He said that these questions are in the interest of all people in the City. He added that the Mayor had made these statements. He said that some of them are not known to the people, and it is of interest to the people to know who the Mayor is. He said he had the right to speak to the record on any subject to which he wishes to speak.

To bring order back to the meeting, Mayor Young, again repeated his ruling that Mr. Decker was out-of-order, that his time was up and that the topic did not pertain to the Council. Deputy Mayor Swatman asked clarification from the City Attorney as to whether the Council's policies were to accept comments only on things on the agenda. City Attorney Dionne responded, no. Deputy Mayor Swatman said he felt the policies were broadly constructed to allow the public quite a bit of leeway because of free speech. City Attorney Dionne replied that the matters have to be directed to the whole Council, not an individual. He said it was clear these comments were being directed to an individual. Deputy Mayor Swatman asked where the line was drawn between free speech and the Council's policies. City Attorney Dionne responded that the speaker was allowed to speak for five minutes, but that the reference to an individual was inappropriate.

Mr. Decker asked if he had used his entire five minutes. Mayor Young said he thought that he had.

B. Correspondence – None.

III. COUNCIL COMMITTEE REPORTS:

(A3.6.4)

A. Finance Committee

Deputy Mayor Swatman reported on the Committee's meeting. He said the Committee discussed the following issues:

1. A contract with Waldron Associates to use Steve Ladd for the Comprehensive Plan update;
2. Resolution 1144 – WVEE Program – Senior Center;
3. Resolution 1145 – RSVP Program – Senior Center;
4. Resolution 1147 – Worksource Program – Senior Center; and
5. Resolution 1165 – the item added to the evening's Council meeting.

B. Community Development Committee

Councilmember Rackley said the Committee did not meet.

C. Public Safety Committee

Councilmember DeLeo reported that the Public Safety Committee discussed the items below:

1. The Chaplain's Contract Agreement;
2. The DUI Taskforce Agreement;
3. The out-of-state travel for Chief Jeter and Detective Hubbard;
4. A presentation from Ardith DeRaad from the Alliance Against Domestic Violence;
5. Demonstration by the fire department of a portable defibrillator that they would like to place in several places around town where there are large gatherings and in all the police cars out on duty;
6. The fire department's assumption of ambulance transport services; and
7. A FEMA grant for the fire department.

D. Other Reports – None.**IV. MINUTES (A3.6.2) -**

- A. Approval of Corrected Minutes: July 22 Council Meeting, August 12 Council Meeting, August 19 Workshop, August 26 Council Meeting.

**Councilmember Rackley moved to approve the minutes all together.
Councilmember King seconded the motion.**

Councilmember Noble asked that the August 26 minutes be corrected to reflect the attendance of Councilmember Johnson.

Councilmember Rackley and Councilmember King agreed to modify the motion to

accept the amendment.

Councilmember DeLeo said that he would be abstaining from voting on the August 12 and August 26 minutes because he was not in attendance at those meetings.

**Motion approved 6 – 0, with
Councilmember DeLeo abstaining on
the minutes of August 12 & 26.**

V. VOUCHERS AND PAYROLL: (F4.9)

A. Vouchers: City Clerk Edvalson read the summary of Claims and Payroll as follows:

1. Claims:
Accounts payable checks/voucher #35141 thru 35209 in the amount of \$100,518.65.
2. Payroll:
Payroll for August 15th – August 31st for checks 21374-21431 including Direct Deposits and Electronic Transfers in the amount of \$306,586.14.

**Councilmember DeLeo moved the approval of claims and payroll as read.
Councilmember Noble seconded the motion.**

Motion approved 6 – 0.

VI. FINANCE COMMITTEE ISSUES:

A. **AB03-194 – Resolution 1146** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing An Agreement Making The Bonney Lake Senior Center A Designated Red Cross Emergency Shelter.

Mayor Young said that it had been a long time since the Center had been an approved shelter. Senior Center Director Barkley said that many of the seniors would look to the Center for assistance in an emergency and it made sense to have the added resources that being a Red Cross Site would provide.

Motion approved 6 – 0.

B. **AB03-229 – Resolution 1165** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing A Professional Services Agreement With Richard Wilson, Inc. To Complete The Telemetry Upgrade Project.

Deputy Mayor Swatman moved to approve Resolution 1165. Councilmember Johnson seconded the motion.

Mayor Young reported that the Company doing the City's telemetry installation has been

slowly going out of business. Responding to questions and comments from Councilmember King, Public Works Director Boettcher said that the prior company no longer had the staff to complete the project. He added that if the City tried to pursue a legal remedy, the effort would be more costly and time consuming than the settlement agreement reached with the original company, Clearwater Controls. Deputy Mayor Swatman clarified that the \$22,000 reduction from Clearwater Controls in cost to the City was a negotiated settlement and not reflective of the greater value received by the City. He added that the system was still viable and of great use to the City.

Motion approved 6 – 0.

VII. COMMUNITY DEVELOPMENT COMMITTEE ISSUES – None.

VIII. PUBLIC SAFETY COMMITTEE ISSUES:

- A. **AB03-224 – Resolution 1168** – A Resolution Of The City Council Of The City Of Bonney Lake Pierce County Washington, Authorizing Out of State Travel (Chief Jeter).

Councilmember Noble moved to approve Resolution 1168. Councilmember Johnson seconded the motion.

Deputy Mayor Swatman asked for additional information on the purpose for the Police Chief's travel. Police Chief Jeter explained that this was a seminar on protecting children from predation occurring through the Internet. He said it would provide more detailed information than currently available through State training. Responding to Councilmember DeLeo's question about how dissemination of the information would be made to the public, Chief Jeter said a likely route would be through the Department's Citizens Academy, as well as through the Neighborhood Watch and other public safety programs. Councilmember Noble said that as a mother of two teens, she felt this information to be of vital importance.

Motion approved 6 – 0.

- B. **AB03-225 – Resolution 1169** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington Authorizing An Interlocal Agreement And Mutual Aid Agreement With All Other Law Enforcement Agencies Within Pierce County To Participate In A Multi-Jurisdictional DUI Task Force For A Two-Year Period (January 1, 2004 – December 31, 2005).

Councilmember King moved to approve Resolution 1169. Councilmember DeLeo seconded the motion.

Councilmember DeLeo noted that this agreement was similar to those signed in years past, but that it was now for a two year term instead of one.

Motion approved 6 – 0.

- C. **AB03-226 – Resolution 1170** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington Authorizing An Agreement With Volunteer Police Chaplain Arthur Sphar For The Period Of Four Years from September 15, 2003 – September 15, 2007.

Councilmember Rackley Moved to approve Resolution 1170. Councilmember Noble seconded the motion.

Councilmember DeLeo explained that the City has had an agreement for services from Chaplain Sphar since Councilmember DeLeo was first on the Council. He said the only difference was that this was a four year agreement.

Motion approved 6 – 0.

- D. **AB03-228 – Resolution 1171** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington Authorizing Out of State Travel (Detective Hubbard).

Councilmember Noble Moved to approve Resolution 1171. Councilmember DeLeo seconded the motion.

Motion approved 6 – 0.

IX. FULL COUNCIL ISSUES:

- A. **AB03-227 – A Motion** of the City Council of the City of Bonney Lake designating November 12 as the alternate date for the 1st Council meeting in November due to the Veteran’s Day holiday.

Councilmember Rackley moved to designate November 12 as the alternate date for the first Council meeting in November. Councilmember Noble seconded the motion.

Mayor Young informed the Council that this proposed action would place the meeting on a Wednesday. He added that a different date was needed for the Council meeting due to the Veteran’s Day holiday.

Motion approved 6 – 0.

X. EXECUTIVE SESSION:

Mayor Young announced that pursuant to RCW 42.30.110(b)(c)(i) the City Council will recess to an executive session to discuss the acquisition or sale of real estate and potential litigation. He said the session would last 20 minutes. At the conclusion of 20 minutes, an extension was announced for another 10 minutes.

After the executive session, Deputy Mayor Swatman moved to add Resolution 1162 to the evening's agenda. Councilmember DeLeo seconded the motion.

Motion approved 6 – 0.

Mayor Young read the title of Resolution 1162 – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington Authorizing a lease agreement with Melvain Donyes and/or Carl Cartner for the lease of the property at 9004 184th Ave. E. He said the motion should include the addition of Condition #11, i.e., The Lessee shall use the building for the commercial purpose of retail sales of coffee , non-alcoholic beverages and books. This use shall not change during the term of the lease without the prior written approval of the City.

Councilmember DeLeo made a motion to approve Resolution 1162 with language as stated by the Mayor. Councilmember Johnson seconded the motion.

Motion approved 6 – 0.

XI. ADJOURNMENT

Mayor Young adjourned the meeting by common consent of the Council at 8:16 p.m.

Harwood T. Edvalson, Pro Tem City Clerk

Robert Young, Mayor