

CITY COUNCIL MEETING

**September 23, 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 7:02 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, Deputy Mayor Dan Swatman, Councilmember Phil DeLeo, Councilmember Neil Johnson, Councilmember Dave King and Councilmember Cheryle Noble. Councilmember James Rackley was absent from the meeting.

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.

Deputy Mayor Swatman moved to excuse Councilmember Rackley from the meeting. Councilmember Noble seconded the motion.

Motion approved 5 – 0.

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

1. Announcements – None.

2. Appointments: Mayor Young introduced four newly appointed reserve officers for the City of Bonney Lake.

Judge James Helbling administered the oath of office to the following Police Reserve Officer Candidates:

- Christopher Alexander
- Sonya Fry
- Marcus Koehn
- Todd Morrow

After the ceremony, Deputy Mayor Swatman asked that Chief Jeter explain the reserve program. Police Chief Jeter said that the City has had the program for about 12 years. He said that reserves donate their time to the City in exchange for continued training through the City. He said that under the program the reserves must donate a minimum of 20 hours per month. He concluded by saying that many donate from 80 to 120 hours per month.

Councilmember DeLeo asked what would trigger their appointment as regular officers of the police department. Chief Jeter replied that openings and successful completion of the civil service process would make them candidates for appointment.

3. Presentations – None.

D. Agenda Modifications [A3.6.6]

Councilmember DeLeo moved to add AB03-337 to the meeting agenda as Item B under the Full Council Issues Section. Councilmember Johnson seconded the motion.

Motion approved 5 – 0.

Deputy Mayor Swatman moved to remove item VI B. from the meeting agenda. He added that the Finance Committee wished to discuss the item further before recommendation to the Council. Councilmember DeLeo seconded the motion.

Motion approved 5 – 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]

Dan Decker, PO BOX 7733, read statements from the Bonney Lake Website, and the Council Policies and Procedures. He identified various sections that he felt were not being fulfilled or appropriately enforced. At the conclusion of his allotted time, Mr. Decker asked the Council for additional time to complete his statement. He estimated there were approximately 75 additional words to his statement.

Councilmember King moved to allow Mr. Decker to complete his 75 words. Councilmember Noble seconded the motion.

Motion approved 5 – 0.

Mr. Decker concluded his reading and statements concerning the Council's Policies and Procedures.

Councilmember DeLeo said that at the last City Council meeting Mr. Decker's comments were curtailed because they were determined to not be relevant to City business. He asked the City Attorney if anything on the City website might not be considered city business. City Attorney Dionne responded that Mr. Decker's

comments were ruled out of order because of the manner in which he was speaking, not because of the subject he was addressing.

Councilmember DeLeo asked that Mr. Decker be allowed to clarify his statement. Mr. Decker said that the Council Policies and Procedures say that he can address any subject under Citizen Comments.

Louisa Smith, 20112 Church Lake Rd., expressed appreciation for the lane delineators used at Church Lake Road and Old Buckley-Sumner Highway. She asked that the City set the dates for Bonney Lake Days, so that potential vendors and participants can be contacted. Ms. Smith concluded by inviting participants at Council meetings to exhibit the appropriate decorum to maintain a good City image.

Councilmember Johnson advised Ms. Smith that the date for Bonney Lake Days in 2004 would be the third weekend in August and that the Council would formally set the date at the Oct. 7 meeting.

Daniel Decker, PO BOX 7733, asked if he could again address the Council. Mayor Young responded that he had used his time earlier and could not address the Council, again.

- B. Correspondence – None.

III. COUNCIL COMMITTEE REPORTS:

(A3.6.4)

A. Finance Committee

Deputy Mayor Swatman thanked Councilmember Johnson for filling in for Councilmember Rackley at the meeting. He said the committee's only topic was the consideration of T-span digital service that would allow for direct inward dialing and more telephone lines for the City.

- B. Community Development Committee – No Report.

C. Public Safety Committee

Councilmember DeLeo reported that the Public Safety Committee met on September 15th and discussed the Junk Vehicle Ordinance and the agreement for overtime reimbursement with the DEA.

- D. Other Reports – None.

IV. MINUTES (A3.6.2) -

- A. Approval of Corrected Minutes: September 2 Council Workshop and September 9 Council Meeting.

Councilmember King moved to approve the corrected minutes. Councilmember Johnson seconded the motion.

Motion approved 5 – 0.

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 #35210 thru 35324 voiding check #35257 due to two page remittance in the amount of \$431,702.90.
2. Payroll:
Payroll for September 1st -15th for checks 21432-21485 including Direct Deposits and Electronic Transfers in the amount of \$231,923.04.

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

Motion approved 5 – 0.

VI. FINANCE COMMITTEE ISSUES:

- A. **AB03-221 – Ordinance 1004** – An Ordinance Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Accepting Donations For National Night Out, Senior Center, City Hall Annex Building And Bonney Lake Days In Accordance With The Provisions Outlined By Ordinance 937. [F4.6.7]

Councilmember Noble moved adoption of Ordinance 1004. Deputy Mayor Swatman seconded the motion.

Motion approved 5 – 0.

- B. Pulled from Agenda. (See minutes under Agenda Modifications – page 2.)

- C. **AB03-192 – Resolution 1144** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing A Work Site Agreement With Washington Women’s Employment & Education (WWE) For The Bonney Lake Senior Center. [A3.22.14]

Deputy Mayor Swatman moved to approve Resolution 1144. Councilmember DeLeo seconded the motion.

Councilmember King asked if the participants in the program would receive the equivalent of minimum wage. He also asked clarification on the source of funding. Senior Center Director Barkley confirmed that the participants would be receiving minimum wage and would be funded from sources other than the City of Bonney Lake. Deputy Mayor Swatman noted that all of the proposed agreements for the Senior Center were programs already in existence.

Motion approved 5 – 0.

- D. **AB03-193 – Resolution 1145** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing A Contract With The Tacoma – Pierce County Retired And Senior Volunteer Program. [A3.22.14]

Deputy Mayor Swatman moved to approve Resolution 1145. Councilmember Johnson seconded the motion.

Councilmember Noble offered commendation to the Senior Center Director for making these programs available in the community.

Motion approved 5 – 0.

- E. **AB03-195 – Resolution 1147** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing A Host Agency Agreement With Worksource Pierce For The Older Worker Program. [A3.22.14]

Councilmember Noble moved to approve Resolution 1147. Councilmember Johnson seconded the motion.

Motion approved 5 – 0.

- F. **AB03-220** – A Motion Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing Submission Of An Application to the WA State Dept. of Community, Trade and Economic Development (CTED) For A Grant Totaling \$30,000 For Completion Of The 2004 Comprehensive Plan Major Update. [F5.2.9]

Councilmember DeLeo moved to approve submission of the grant application. Councilmember Johnson seconded the motion.

Councilmember Noble asked if the item went to the Finance Committee. Mayor Young responded that it went on Sept. 9 to the Committee. Councilmember Johnson noted that the agenda bill number for this motion and the one associated with Resolution 1164 had been transposed. City Clerk Edvalson said that the numbering would be corrected for the record.

Motion approved 5 – 0.

- G. **AB03-219 – Resolution 1164** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County Washington, Authorizing A Contract With Waldron Associates For Consultant Services To Assist With Completion Of 2004 Comprehensive Plan Update. [03.1]

Councilmember King moved to approve Resolution 1164. Councilmember Johnson seconded the motion.

Motion approved 5 – 0.

- H. **AB03-223 – Resolution 1167** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing The Disposal Of Surplus Property In Accordance With The Provisions Outlined By Ordinance 872. [F4.6.3]

Councilmember Johnson moved to approve Resolution 1167. Councilmember DeLeo seconded the motion.

Councilmember Noble asked for a brief explanation of the process for disposal of the property. Finance Director Weidenfeller explained that items are normally sent out for auction. He said that a previous effort to dispose of surplus property by using in-house staff was too time intensive. He further described the process for determining the surplus items and their valuation. Councilmember King asked about the disposal of uninterruptible power supply (UPS) units and asked if replacement batteries were available. Deputy Mayor Swatman confirmed that most of the UPS units did have replaceable batteries. Finance Director Weidenfeller suggested that the items be removed from the motion for further evaluation.

Councilmember King moved to amend the approval of Resolution 1167 to remove items 3 -6, the UPS units. Councilmember Johnson seconded the motion.

Motion approved 5 – 0.

Amended Main Motion approved 5 – 0.

VII. COMMUNITY DEVELOPMENT COMMITTEE ISSUES:

- A. **AB03-332 – Resolution 1172** – A Resolution Of The City Council Of The City Of Bonney Lake Pierce County Washington, Authorizing A Settlement Agreement And Release With Clearwater Controls & Automation (Pacific Keystone) For The Telemetry (SCADA) Improvements Project. [04.3]

Councilmember DeLeo moved to approve Resolution 1172. Councilmember Johnson seconded the motion.

Deputy Mayor Swatman reminded Council that this was a reduction in the original contract and that the City was saving money by terminating the original contract.

Motion approved 5 – 0.

VIII. PUBLIC SAFETY COMMITTEE ISSUES:

- A. **AB03-335** – A Motion Of The City Council Of The City Of Bonney Lake Pierce County Washington, Setting A Public Hearing On October 14, 2003 During The Regular Council Meeting To Receive Public Input Regarding Proposed Ordinance 1007 (Junk Vehicles). [A3.6.12]

Councilmember DeLeo moved to set a public hearing on proposed Ordinance 1007 for October 14, 2003. Councilmember Noble seconded the motion.

Motion approved 5 – 0.

- B. **AB03-333 – Resolution 1173** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing The Chief Of Police To Sign An Agreement To Receive Overtime Reimbursement From The DEA For The 2004 Fiscal Year (October 1, 2003 – September 30, 2004). [O1.10]

Councilmember DeLeo moved to approve Resolution 1173. Councilmember Johnson seconded the motion.

Motion approved 5 – 0.

IX. FULL COUNCIL ISSUES:

- A. **AB03-331 – Ordinance 1006** – An Ordinance Of The City Of Bonney Lake, Pierce County, Washington, Amending Chapter 2.04 Of The Bonney Lake Municipal Code And Ordinance Nos. 890 And 985, Relating To Council Policies And Procedures. [A3.5.5]

Councilmember Johnson moved to adopt Ordinance 1006. Councilmember King seconded the motion.

Councilmember DeLeo moved to amend the language in Section 1, page 1, at the end of the first paragraph where it mentions all speakers, by adding following words, “addressing an agenda item.” Deputy Mayor Swatman seconded the motion.

Motion approved 5 – 0.

Amended Main Motion approved 5 – 0.

- C. **AB03-337** – A Motion Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Ratifying the Mayor’s Execution of Resolution 1174.

Councilmember DeLeo moved to approve the motion as read. Deputy Mayor Swatman seconded the motion.

Deputy Mayor Swatman explained the situation behind the need for the motion. He noted that the County reversed their legal opinion which required a resolution calling for placing Proposition No. 1 on the November ballot. He asked if the language used in the resolution was the same as the ballot title submitted by the City Attorney. He raised the issue that the City's legal staff is under the direction of the Mayor, that the Mayor is on record as opposed to the Proposition, yet the Attorney is the one who is charged with submitting the ballot title. Mayor Young noted that the City Attorney is statutorily charged with producing the ballot title. City Attorney Dionne said he felt it important to clarify that he works for the City of Bonney Lake, not the Mayor and not the Council, but the City as a corporate entity.

Councilmember King said he supported the motion, but disagreed philosophically with Pierce County and their interpretation of the law requiring the City to have such a resolution in this instance. Mayor Young asked that, for the concern of all, the Council approve the motion.

Motion approved 5 – 0.

X. EXECUTIVE SESSION:

Mayor Young announced that pursuant to RCW 42.30.110(b)(c)(C) the City Council will recess to an executive session after a five minute break to discuss the acquisition or sale of real estate and contract negotiations. He said the session would last 25 minutes.

The executive session was extended at 8:30 p.m. for another ten minutes.

XI. ADJOURNMENT

At 8:44 p.m., Councilmember DeLeo moved to adjourn the Council meeting. Councilmember Johnson seconded the motion.

Motion approved 5 – 0.

Harwood T. Edvalson, Pro Tem City Clerk

Robert Young, Mayor