

CITY COUNCIL MEETING

**October 28, 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 7:03 p.m.

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

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

Elected officials attending were Mayor Bob Young, Deputy Mayor Dan Swatman, Councilmember Neil Johnson, Councilmember Dave King, Councilmember Cheryle Noble and Councilmember James Rackley.

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.

Councilmember King moved to excuse Councilmember DeLeo who was attending a Brownfields Conference in Portland, Oregon. Councilmember Johnson seconded the motion.

Motion approved 5 – 0.

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

1. Announcements: None.

2. Appointments:

(a) Planning Commission, Design Commission and Park Board Vacancies.

[A3.8.8]. Mayor Young announced his appointment of Dennis Poulsen to the Planning Commission, Tyler Gazeki to the Design Commission and John Ashby to the Park Board. He noted that the Planning Commission is an appointment by the Mayor and the other two require Council confirmation.

Councilmember Rackley moved to confirm the Mayor's appointments. Councilmember Johnson seconded the motion.

Deputy Mayor Swatman asked if any of the appointees were present. Mayor Young responded that although none were present, they had committed to attending meetings of their respective commissions or board.

Motion approved 5 – 0.

3. Presentations:
 - (a) Recognition for Service as Councilmember – Stephen Bricker and Maureen Palacek. Mayor Young presented plaques to these former Councilmembers for their service to the community. The audience applauded Ms. Palacek and Mr. Bricker. Deputy Mayor Swatman thanked them for their contributions.

D. Agenda Modifications [A3.6.6]

Mayor Young recognized Finance Director Weidenfeller. Director Weidenfeller asked that the Council consider moving item IX B. to be the first item of business on their agenda to allow Information Technology Coordinator McEwen the opportunity to return home earlier than would otherwise be anticipated. Councilmember King suggested that the item be dealt with as a Finance Committee Issue moving it up to item VI C. With Council consent, Mayor Young reordered the agenda as last proposed.

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 [A3.6.4]

Don Sangesand, 5616 195th PL E., said that he had come to address the Ball Park Well issue. He said that he had asked questions over the past months, but had not received answers until this evening. He expressed appreciation for the information from Deputy Mayor Swatman, but questioned why the City could not have provided it earlier. Deputy Mayor Swatman said it was new information, just recently made available.

Quinn Dahlstrom, 6527 193rd Ave. E., provided a written copy of her statement to the City Clerk. She said she appeared this evening as a Planning Commissioner. She complained that the Bonney Lake Municipal Code has not been updated in the past 10 months. She said she had regularly asked the City Clerk to update her copy of the code. She said the last answer received was that since Title 14 had been adopted, he could now update the books. She noted that the Council had changed its Policies and Procedures, that the Planning Commission operates by the same guidelines, but had not received an update.

Ms. Dahlstrom said that the Mayor had described her as a disgruntled employee. She said that perhaps she was and continued to point out that the Council's Policies and Procedure books were not updated, the BLMC was not updated and that the Commission had not been full for over six months. She said it was difficult for the Commission to make progress without a quorum. She asked if it takes a proposition to get the Mayor to do his job. She asked that he instruct the City Clerk to update the books she mentioned. She concluded by saying that she

had twice been denied her request to see her personnel folder. She said she wanted a copy of her personnel file mailed to her by the end of the week, or she would once again go to the State Auditor's Office.

Deputy Mayor Swatman asked if there was a current schedule of when the municipal code was updated. City Clerk Edvalson responded that there was an update currently in process. He added that the adoption of the Unified Development Code, a major piece of legislation, had slowed the codification process. He said there was not currently a set schedule for updates, although he anticipated doing it once more before the end of the year. He added that it was anticipated there would be an update done quarterly in 2004.

Councilmember King strongly recommended updating the municipal code quarterly, noting that although there may be additional expense, the code was changing rapidly enough that it would be prudent to update it regularly. He said he would like the Mayor to consider placing the latest ordinances on the City's website. He asked if there was a personnel file being kept on commissioners, boardmembers and Councilmembers in Bonney Lake. Finance Director Weidenfeller said that there were personnel files for these individuals. He said that Ms. Dahlstrom had been in to see her file and had been asked to make an appointment. He said he would be glad to mail Ms. Dahlstrom a copy of her file. Responding to Councilmember King's question about access, Director Weidenfeller said that employees may review their files, but need to make an appointment, so that productivity can be maintained and the files monitored while being reviewed. He said he had not heard it was a problem before now. Councilmember Johnson asked who had access to the files. He said he was nervous with multiple people having access to the file. Director Weidenfeller responded that he, Deputy City Clerk and Personnel Coordinator Cathy Harstad-Everett, Tom Reber and Debbie Crosier currently had access during the transition of responsibilities from Finance to Administrative Services. Administrative Services Coordinator Reber added that there should be at least two individuals with access in case one was absent from work. Director Weidenfeller said he hoped the transition would be complete by January.

Councilmember King asked about the availability of portions of the City Code to the public. Finance Director Weidenfeller said that the code was available to the public by link to the MRSC website. Councilmember King responded that the website copy of the code is only updated when the City codifies its ordinances. He strongly recommended that Planning Commissioners be afforded copies of the ordinances that they need to do their jobs during periods between code updates. Councilmember Noble said that the fact the MRSC website still shows Maureen Palacek as a Councilmember is an indication of how up-to-date the site is. She said she replaced Maureen more than six months ago.

Cynthia Clark, 9712 233 Ave. E., Buckley, WA, distributed copies and read from a letter prepared by her husband Joel Clark. He said he attended a meeting three weeks ago with Elizabeth Chamberlain and John Woodcock to discuss a

proposed development on commercial property owned by her family. He provided a brief history of and currently anticipated uses for the property, which are similar in nature to the past uses. He said they were shocked to learn that because the uses had been interrupted, those uses were no longer allowed on the property until the sewer line was extended nearly 1.3 miles, either by themselves or at some point in the future by the City. He added that this was never a topic addressed when the City approached them about annexation. He said that they had been told that they would be required to connect when the line was extended, but that new development on the property would not be contingent upon a sewer connection. He asked if a section of the municipal code addressing private wastewater disposal systems applied to their property. If not, he asked that the Council consider amending the municipal code to allow development along the corridor using a Pierce County approved septic system until the sewer line is extended a reasonable distance from the property.

Mayor Young said that he had asked staff to review the issue and make recommendations. He said that he did not yet have a report. Deputy Mayor Swatman thanked Ms. Clark for sharing her thoughts with the Council. He asked the Mayor if a code amendment would be forthcoming. Councilmember Johnson asked if staff had been helpful in their meeting. Ms. Clark responded that staff had provided contacts, and that they held no animosity toward staff. Councilmember King said that the issue had been discussed in workshop. He said he felt a solution was forthcoming, but required careful consideration so that it did not disrupt future plans for development of the corridor. Deputy Mayor Swatman asked if there were stormwater concerns as well. Ms. Clark said there was not going to be asphalt paving. He asked if the item could be placed on the next workshop agenda. Mayor Young said it will be there.

Dan Decker, PO BOX 7733, said he had noticed that when asking for information via public disclosure the answer is more often than not that the information is not available. He asked if the public works director drives a city vehicle to and from work on a daily basis. He said he would like an answer. He asked if there was a log in car 35 that he drives on a daily basis. He, again, said he would like an answer, if not today, then by mail in the next couple of days.

He referenced Article V of Chapter 2 of the municipal code complaining that the Administrative Services Coordinator (ASC) was not designated as the official timekeeper. He asked that the violation be remedied.

Mr. Decker then turned his attention to the topic of a group identified as Bonney Lake Works. He said that Councilmember's King and Rackley and Mayor Young were members of this group. Councilmember Rackley clarified that he was not a member. Mr. Decker asked the Mayor and Councilmember King to remove themselves from any discussion of the next topic because it would be a conflict of interest. He said that a recent newspaper letter from Bonney Lake Works used the word "gang bang." He read definitions of the term from the Dictionary of Slang and the American Heritage Dictionary.

Mayor Young raised a point of order to the City Attorney. City Attorney Dionne said that Mr. Decker's discussion appeared to be on issues in which the City had no business or interest. He added that this time on the agenda was intended for people to address things over which the City has authority or City business. Mr. Decker challenged the City Attorney's statements. Deputy Mayor Swatman asked the City Attorney if the statement had been made by a Councilmember as a Councilmember, if that would qualify the issue as one to be discussed at this time. City Attorney Dionne said if that's the case, then it is a political speech and has nothing to do with City business either. He added that a Councilmember may say they are a Councilmember, but still not be speaking for the City, unless the majority of the Council votes. Councilmember King and Deputy Mayor Swatman briefly discussed the representation of Councilmember King as a councilmember by the newspaper. Mayor Young advised Mr. Decker that he had one minute remaining with which to address the Council. He used the time to again object to ASC Reber acting as timekeeper.

JoAnne Barkley, 1102 182nd St. Ct. E., the City's Senior Center Director, said that she understood an issue was brought up at the Candidates Forum held at the Senior Center. She said the statements were made by a senior activist who wants to protect the Center, and that the Senior Board has given no direction that these items be addressed with the City. Deputy Mayor Swatman asked about the status of the Senior Center Board. Director Barkley responded that it is an independent board of a 501C3 organization established years ago. Deputy Mayor Swatman welcomed input from the Board. He said it could be very useful to have the opinions of an independent body on the issues before the City. Councilmember Rackley thanked the seniors for hosting the forum and allowing the Chamber to use the building to hold the forum. Councilmember Noble said that she interpreted Ms. Musgrave's comments at the forum as being those of a passionate volunteer of the Senior Center. She, too, liked the idea of the advisory board being able to come talk to the Council. Mayor Young complimented Ms. Barkley and said she was a good advocate for the seniors.

C. Correspondence – None.

III. COUNCIL COMMITTEE REPORTS:

(A3.6.4)

A. Finance Committee

Deputy Mayor Swatman said that the committee met earlier in the evening, and welcomed public attendance. He said the following issues were discussed:

1. Resolution 1166 – An agreement consolidating the City's alarm monitoring with Mountain Alarm – to be moved on to the next Council meeting;
2. Resolution 1195 – a contract Beth Jensen for review of the Senior Center – to be an action item at the next workshop;

3. Resolution 1194 – A grant application in association with Tapps Island – He noted that Tapps Island was not ready to look at the possibilities at this time, that the grant will not be pursued;
4. Resolution 1190 – dealing with surplus City property.

B. Community Development Committee

Councilmember Rackley reported that the Committee met on October 20 and forwarded the developer extension agreement, acceptance of the transportation update and acceptance of the intersection improvements to this Council meeting.

C. Public Safety Committee

Councilmember King said that the Public Safety Committee did not hold their optional second meeting of the month.

D. Other Reports- None.

IV. MINUTES (A3.6.2) -

- A. Approval of Corrected Minutes: October 7 Council Workshop and October 14 Council Meeting.

Councilmember Noble identified an additional correction to the minutes of October 7. She asked that Barry Barquest's name, Battalion Chief with East Pierce County Fire and Rescue, be correctly identified.

**Councilmember King moved to approve corrected minutes as amended.
Councilmember Rackley 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 #35497 thru 35750, voiding check #35505, 35623, and 35680, in the amount of \$1,600,328.00.
2. Payroll:
Payroll for October 1st - 15th for checks 21549-21596 including Direct Deposits and Electronic Transfers in the amount of \$207,166.86.

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

Motion approved 5 – 0.

VI. FINANCE COMMITTEE ISSUES:

- A. **AB03-252 – Resolution 1179** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing An Agreement With United Employees Benefit Trust As Agreed To By The City Council In Labor Agreements, Resolutions And Ordinances. [A3.11.2.6]

Councilmember Rackley moved approval of Resolution 1179. Councilmember Noble seconded the motion.

Motion approved 5 – 0.

- B. **AB03-348 – Resolution 1181** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing An Agreement With The Department Of General Administration Of The State Of Washington For The Selling Of Surplus Property. [A3.13.3.3]

Deputy Mayor Swatman moved to approve Resolution 1181. Councilmember Rackley seconded the motion.

Councilmember King asked for clarification of the term GSA used in the staff report and if this was the entity with which the agreement was contemplated. City Clerk Edvalson responded that the agreement and resolution identified the Department of General Administration for the State of Washington. Director Boettcher concurred that the State agency was the correct one, not the Federal agency generally understood by the term of GSA. Councilmember King stated that although the agreement and resolution were consistent, the staff report and agenda bill should have been corrected before coming before the Council. Mayor Young concurred.

Motion approved 5 – 0.

- C. **AB03-338 – Resolution 1175** – A Resolution Of The City Council Of The City Of Bonney Lake Pierce County Washington, Authorizing A Two Year Contract With Databar Incorporated For The Outsourcing Of Utility Statements. [F9.1]

Councilmember Rackley moved to approve Resolution 1175. Councilmember Johnson seconded the motion.

Councilmember Johnson asked about the wording of the out-clause. City Attorney Dionne said that the entity would have to breach the agreement, but that the City's options had been preserved. Deputy Mayor Swatman asked when the first run of the new bill format would occur. IT Director McEwen said it would probably occur in December. Councilmember Johnson asked when the first newsletter would be issued through the new billing and mailing system. Mayor Young said he thought it would probably be in January.

Motion approved 5 – 0.

VII. COMMUNITY DEVELOPMENT COMMITTEE ISSUES:

- A. **AB03-259 – Resolution 1187** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing A Water Developers Extension Agreement With Robert Fairweather/Quinn Chin For The Fairweather Cove Plat. [A3.13.7]

Councilmember Rackley moved to approve Resolution 1187. Councilmember Johnson seconded the motion.

Councilmember King asked about the purpose for incorporation of 12 inch mains into the project. Director Boettcher said that the City gets a redundant loop in the area to bolster the water system.

Deputy Mayor Swatman asked the City Attorney if the City was required to do developer extension agreements. City Attorney Dionne said the issue was subject to debate. Deputy Mayor Swatman asked why the Council should consider extending its system when it has current water issues. Director Boettcher said that would be a change in Council policy and have the effect of stopping development. Councilmember Johnson agreed that the Council should make decisions on the water issues before continuing with business as usual. City Attorney Dionne pointed out that the developer could continue without an agreement with the City for payback of his investment. Councilmember Noble asked how many homes were in the development. Director Boettcher said he thought it was forty. The Council considered the length of time before the water would flow in the development and the potential for impacts to development if they postponed a decision. Deputy Mayor Swatman suggested that the Council wait and think about it some more. He proposed that it be placed on the next workshop agenda as an action item.

Councilmember Rackley moved to table Resolution 1187 until the next workshop. Councilmember Johnson seconded the motion.

**Motion approved 4 – 1.
Councilmember King voted no.**

- B. **AB03-261 – Resolution 1188** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County Washington, Accepting W&H Pacific's Work In Preparing A Transportation System Plan Update. [03.1]

Councilmember Rackley moved to approve Resolution 1188. Councilmember Johnson seconded the motion.

Director Boettcher said this was a housekeeping item required to close out a Public Works Trust Fund Loan.

Motion approve 5 – 0.

- C. **AB03-260** – A Motion Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Accepting the Sumner/Buckley Highway Improvements Constructed by JJ Sprague Construction. [04.12.5]

Councilmember Rackley moved to accept the improvements constructed by JJ Sprague Construction. Councilmember Noble seconded the motion.

Councilmember Noble said she has a problem with the right turn arrows going west from Locust to Sumner Buckley Highway. She said it is confusing for a lot of citizens. Director Boettcher said he checked with the traffic people on the issue. He said in the State of Washington, that unless otherwise signed, a person can stop and then go on a red arrow. Deputy Mayor Swatman asked if a sign could be placed that would say it was okay to make a turn on the red arrow. Councilmember King asked if the contract included language requiring a sign. He said, if not, then the resolution should be adopted and the issue addressed by the Public Safety Committee. He added that he had received requests that a flashing light be considered during low traffic times.

Motion approved 5 – 0.

Councilmember Rackley moved that the Council take a 5-minute break. Councilmember King seconded the motion.

Motion approved 5 – 0.

VIII. PUBLIC SAFETY COMMITTEE ISSUES – None.

IX. FULL COUNCIL ISSUES:

Mayor Young called the meeting back to order at 8:31 p.m.

- A. **AB03-335 – Ordinance 1007** – An Ordinance Of The Bonney Lake City Council Repealing Chapter 8.12 Of The Bonney Lake Municipal Code, “Junked Motor Vehicles”, And Portions Of Ordinance Nos. 518 And 518a, And Enacting A New Chapter 8.12 Of The Bonney Lake Municipal Code, “Public Nuisance Vehicles – Prohibited Activities – Penalties – Removal”, And Setting An Effective Date. [A3.5.5]

Councilmember Rackley moved to adopt Ordinance 1007. Councilmember King seconded the motion.

Councilmember King recommended that the ordinance be amended to correct an error occurring in a section title. He said that Section 8.12.140 in the Table of Contents should have the words “and liens” removed. With that change he recommended adoption of the ordinance. Mayor Young concurred that the proposed change was an administrative correction and needed no amendment of the motion.

**Motion approved 4 – 1.
Councilmember Noble voted no.**

- B. **AB03-263** – A Motion Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Setting A Public Hearing During the Council Meeting For November 10, 2003, On Phase I Of The 2004 Comprehensive Plan Update. [03.5.2]

Councilmember Rackley moved to set the date of the public hearing for November 10, 2003. Councilmember Johnson seconded the motion.

Motion approved 5 – 0.

- C. **AB03-265** – A Motion Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Designating November 3, 2003 As The Date Of The First Council Workshop In November And November 10, 2003 As Date Of The First Council Meeting In November. [A1.1.2]

Councilmember Noble moved to designate November 3, 2003 as the date of the first council workshop in November and November 10, 2003 as date of the first council meeting in November. Councilmember Johnson seconded the motion.

Councilmember Johnson confirmed that the time of the workshop should be 7:00 p.m. to allow for the Council committees to meet.

Motion approved 5 – 0.

- X. **EXECUTIVE SESSION** - Pursuant to RCW 42.30.110(1)(b)(i) and RCW 42.30.140(4)(b) Mayor Young said the Council would be going into executive session to deal with matters of property acquisition, labor negotiations and personnel matters. He estimated 30 minutes for the session. The session was extended for twenty minutes

XI. **ADJOURNMENT**

At 9:35 p.m., Councilmember Rackley moved to adjourn the Council meeting. Deputy Mayor Swatman seconded the motion.

Motion approved 5 – 0.

Harwood T. Edvalson, City Clerk

Robert Young, Mayor