

CITY COUNCIL MEETING

**November 10, 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 7:00 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 Phil DeLeo, Councilmember Neil Johnson, Councilmember Dave King, Councilmember Cheryle Noble and Councilmember James Rackley.

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

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

1. Announcements: None.

2. Appointments: None.

3. Presentations: None.

D. Agenda Modifications [A3.6.6]

Mayor Young announced that AB03-276 and AB03-277 dealing with acceptance of Panorama Heights PUD Phases III & IV were pulled from the agenda, because the work had not yet been completed.

Councilmember King asked if AB03-281 – Ordinance 1010 – regarding the regular property tax levy capacity banking, was still needed if the Council set the property tax levy at \$1.60 per thousand of assessed value. Mayor Young said that if Ordinance 994 was adopted at that rate, then Ordinance 1010 would be superfluous.

II. PUBLIC HEARINGS, CITIZEN COMMENTS & CORRESPONDENCE:

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

A. Public Hearings:

1. **AB03-167 – Ordinance 994** – Revenue Sources for the 2004 Budget Including Ad Valorem Taxes.

Mayor Young opened the public hearing at 7:06 p.m.

Dan Decker, 20401 70th St. E., asked for a brief outline of the taxes, etc.

Director Weidenfeller said the Ad Valorem tax is a property tax that the Council must determine annually whether or not to levy. He said the City is allowed a total of \$3.60 per thousand with \$.50 of that reserved for the library district and \$1.50 reserved for the fire district. He said the City is left with a maximum of \$1.60 per thousand that it can levy for municipal purposes without going to the voters. He added that the Council proposed \$1,631,458 for the regular levy and \$361,325 for the Public Safety 1997 G.O. Bond levy be approved based on total assessed valuation of \$1,019,660,171.

Mr. Decker asked if this tax could be altered or modified by a referendum-initiative petition. Acting City Attorney Rorick said that he would provide a response after some research on the question. Mayor Young said a response to the question would be available by Monday, November 17.

There being no further comments, Mayor Young closed the hearing at 7:09 p.m.

2. **AB03-263** – Phase I Major Comprehensive Plan Update

Mayor Young opened the public hearing at 7:10 p.m.

Planning and Community Development Director Leedy said that Phase I was the first of two updates. He said the first deals with land use, housing, the environment, community design and character and an application by the Sumner School District on property forming a part of the Bonney Lake Elementary. He added that the second phase will deal with capital facilities planning.

Jason Plute, 4229 Lakeridge Drive E., Sumner, said that he represents the Sumner Soccer Club. He spoke in favor of the school district application. He felt that the proposed development of the property would provide for improvement to the fields at the school. He said existing facilities were limited in number and that 5 -6 teams had to share the fields for practice. He urged approval of the application.

William Noland, 19605 104th St. E., Deputy Superintendent for the Sumner School District, provided background information for the district's application. He said the Bonney Lake Elementary property comprises 13 acres with the northern 3 acres

zoned R-1. He said that the sale of a portion of the property would be used for field improvements and construction of another playfield. He said the district supports the use of the fields by the community for recreation and that the proposal was consistent with the Council's comprehensive plan goals. He said that concurrent with the proposed playfield development would be the clearing of undergrowth along the east side of the school that now provides cover for illegal uses, such as alcohol and drugs. He urged approval of the application.

Lee Orphan, 18715 80th St. E., teacher at Bonney Lake Elementary, said that the situation exists where recess and classes overlap in their use for the fields. He said that the district has always said that if you can find a way to fund the improvements, they will build them. He said this proposal will fund improvements to the educational, recreational and playground settings. He urged approval of the application.

Susan Black, 18715 80th St. E., principal at Bonney Lake Elementary, distributed pictures of vegetation growing near the school. She addressed the need to improve the safety of the physical facilities and the educational setting. She said the proposed field project will provide additional recreational space and enhance the feeling of safety and security for the students and users of the school grounds.

Councilmember King asked why the district had not already taken steps to clear some of the vegetation on the property it controls. Ms. Black responded that scouts, and other groups have periodically worked to reduce the vegetation. She said that the real problem was the area immediately below that vegetated area in the pictures. She said that kids create hide-outs and cut down trees to build forts and hang out in the area.

Jana Larsen, 18803 91st St. Ct. E., a local resident and employee of the school, said the school was subject to vandalism nearly every weekend. She said opening up the area would help with security. The added playfield would be used for increased academics. She said her children had been on the fields when six teams were trying to use them. She said there was a great need for the increased fields.

Mary Urback, representing the Sumner School District, addressed some of the technical aspects of the application and called the Council's attention to the City's Comprehensive Plan criteria. She described the proposed boundary line adjustment on the property, and said that the district had gone beyond the City's requirements by providing geotechnical and biological assessments of the district's proposal. She said it will meet the City's need for in-fill development under the growth management act. She added that it will also fulfill the City's goal for joint planning of recreational facilities to maximize taxpayer's dollars with school districts serving as a provider of public facilities. She said this is a win-win proposal, and more importantly completely consistent with the City's comprehensive plan and municipal code.

Councilmembers asked questions related to the market value of the property, the size of the proposed improvements, the size of the surplus property and the availability of

additional parking for parents whose children are involved in recreational activities. Mr. Noland said that there was parking at the front and side of the school. He said they felt existing parking was adequate.

Matthew Sweeney, representing Dan and Randy Jensen, said his client's property was recently denied a rezone by the Council. He said the Council's apparent intent was to redesignate the property from high density residential to medium density residential, thereby making the land-use consistent with the zoning rather than the zoning consistent with the current land-use. He said his clients oppose this reduction in density. He provided a handout including a "Sprawl Report Card" issued by 1000 Friends of Washington ranking Bonney Lake's density as 30th out of the 33 cities studied. He feels the Council's direction is contrary to its adopted housing element in the comprehensive plan. He asked when the public record would close on this matter and the Council take final action. Director Leedy responded that the Council would discuss the testimony at the next workshop and planned final action at the next Council meeting.

Mike Buchanan, 7712 188th Ave. E., said he lives just down the street from the elementary school. He said he was all for additional soccer opportunities. He said the area is limited in space for children to play. He said the parking would be adequate for the uses. He thought cleanup around the school would also benefit the community.

Cindy Miller, 18714 65th St. E., said she has two boys that have attended Bonney Lake Elementary, participate in soccer and the cub scout efforts to clean up the woods. She said the development would be a positive thing for the community.

Tonya Bennett, 8001 189th Ave. E., said her property borders the woods next to the school. She said she was all for cleaning it up. She said the parking was not being addressed well enough. She said the parents won't walk from the parking lot in the front. She said it's a really narrow street and the parking needs to be addressed. She agreed there should be a more park-like setting around the school.

Councilmember DeLeo asked if it was possible to have an access road from 188th. Mr. Noland said potentially they could and would give consideration to that proposal.

Seeing no more participants, Mayor Young closed the public hearing at 7:49 p.m.

B. Citizen Comments [A3.6.4]

Mayor Young invited Director Leedy to address the Council. Director Leedy said that a number of phone calls had been received from residents in the area of the proposed zone change for the Lake View Court duplex development. He said they were responding to a Notice of Application and a statement on the notice that comments on the application would be received until the 13th of November. He said it was simply a notice that an application has been made for a zone change. He said that if people were here to speak to that issue, notice of public

hearings will be served to the parties of record, the property owner's within 300 feet and others who request to be notified. He said, however, there is currently no public hearing scheduled.

Don Sangesand, 5616 195th PL E., said he had reviewed the Bonney Lake 2004 Summer Water Supply Potential Strategies. He asked what Bonney Lake was doing to assure that the City's water supply does not have problems with E Coli. He asked what the contingency position of the City was if Lake Tapps is drained. He said he would rather have Tacoma water with fluoride than the gunk the City gets from the Ball Park Well. He said the City had expanded the water system at great expense to its users without any thought to the fact it does not have sufficient water. He said the City seems to be managing its water system by crisis. He added that despite the City's assertions to the contrary, the Ball Park Well does not meet state water standards. He said the City's plans for continued use of the Ball Park Well were inadequate. He asked the City to do appropriate planning for its water system in the face of all the proposed development. He said he was still mad about the water he was forced to use this past summer.

Dan Decker, 20401 70th St. E., commented on property near Allan Yorke Park where duplexes were currently proposed. He asked why duplexes would even be considered on wetlands. He cautioned that a development of duplexes would deteriorate over time and attract sex offenders to live next to the park. He said this was the last opportunity for the City to add substantially to the park. He said the City did not need multi-family development on this parcel. When cautioned that his time was nearly expired, Mr. Decker again took issue with Administrative Services Coordinator Reber acting as the timekeeper.

Councilmember Rackley asked Mr. Decker why he had not run for public office. Mr. Decker responded that he didn't want to interfere with such a darn good job being done.

Executive Session—At 8:03 p.m., Mayor Young asked if Council would agree by consensus to hold the planned executive session at this time in the meeting. After a five minute break and pursuant to RCW 42.30.110(1)(b)(f)(i) and RCW 42.30.140(4)(b) the Mayor announced an executive session of 25 minutes dealing with issues of property acquisition, personnel, potential litigation and labor negotiations. At 8:35 p.m. the session was extended for 15 minutes. At 8:50 p.m. the session was extended for another 10 minutes. At 9:00 p.m., the Council reconvened, but took another five-minute break. At 9:03 p.m., Deputy Mayor Swatman assumed direction of the meeting. He explained that Mayor Young had departed for an appointment.

C. Correspondence – None.

III. COUNCIL COMMITTEE REPORTS:

(A3.6.4)

A. Finance Committee

1. Deputy Mayor Swatman said that the committee met earlier in the evening, and discussed a personal services contract with Gregg Christianson for plan review. He said it was recommended to move forward to the next Council meeting. He added that there was open comment on the telemetry completion for the water system. He said it appeared the cost would be approximately \$4,000 more than had been anticipated to complete the work. He noted that it was not more than the amount of the contract, but more than had been anticipated for expenditure to get the system up and running.
- B. Community Development Committee
Councilmember Rackley reported that the Committee met last Monday and forwarded for Council consideration the Falling Waters Septic Maintenance Agreement and Updates for the Sewer and Water Comprehensive Plans by RH2.
- C. Public Safety Committee
Councilmember DeLeo said that the Public Safety Committee also met last Monday and forwarded Resolution 1119, the Memorandum of Understanding with the Washington State Traffic Commission for overtime in enforcement of DUI violations.
- D. Other Reports- None.

IV. MINUTES (A3.6.2) -

- A. Approval of Reviewed Minutes: October 21 Council Workshop and October 28 Council Meeting.

**Councilmember DeLeo moved to approve the minutes as submitted.
Councilmember Noble seconded the motion.**

Motion approved 6 – 0.

V. VOUCHERS AND PAYROLL: (F4.9)

- A. Vouchers: City Clerk Edvalson read an amended version of the summary of Claims and Payroll as follows:
 1. Claims:
Accounts payable checks/voucher #35751 thru 35910 (voiding check #35782) in the amount of \$361,994.43. Finance Director Weidenfeller corrected the City Clerk's recitation of the number, saying the correct amount was \$361,999.43.
 2. Payroll:
Payroll for October 16th - 31st for checks 21633-21688 including Direct Deposits and Electronic Transfers in the amount of \$279,311.13.

Councilmember Rackley moved the approval of the corrected claims and payroll amounts. Councilmember DeLeo seconded the motion.

Councilmember Noble asked about a voucher for Gordon's Lock Service and keys to the personnel files. She asked how many keys were made and how many existed overall. Director Weidenfeller said he thought the key was for the new Deputy City Clerk/Personnel Coordinator, but was unsure how many total keys existed.

Motion approved 6 – 0.

There was a brief discussion between Councilmembers, the City Attorney and the City Clerk regarding the participation of Deputy Mayor Swatman in the voting and the recording of his votes. Deputy Mayor Swatman agreed that his votes should be included, that an un-articulated vote should be registered as a yes, and that he would clearly articulate a no vote.

VI. FINANCE COMMITTEE ISSUES:

- A. **AB03-262 – Resolution 1190** – 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 approval of Resolution 1190. Councilmember Rackley seconded the motion.

Councilmember King said he recalled that the last time City property was declared surplus there were un-interruptible power supplies on the list. He asked if the number being disposed of was correct. Director Weidenfeller said that the number was correct to the best of his knowledge.

Motion approved 6 – 0.

- B. **AB03-330 – Resolution 1166** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing The Mayor To Sign A Contract With Mountain Alarm To Install And Maintain Security Systems At The Senior Center, City Hall, City Hall Annex, Public Works Administration Office, And Public Safety Building. [O4.4]

Councilmember Johnson moved to approve Resolution 1166. Councilmember DeLeo seconded the motion.

Councilmember DeLeo asked how long the company had been in business and if references had been obtained. Public Works Director Boettcher said that his deputy had handled the details and he did not know about references. He said the company already handled the Senior Center contract and was a local company. Councilmember Noble clarified that there would, therefore, be no installation charge for the Senior Center.

Motion approved 6 – 0.

VII. COMMUNITY DEVELOPMENT COMMITTEE ISSUES:

- A. **AB03-257 – Resolution 1185** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing A Septic Maintenance Agreement With The Falling Water Development. [04.5.1]

Councilmember Rackley moved to approve Resolution 1185. Councilmember Johnson seconded the motion.

Councilmember Johnson asked when construction would start and the final phase completed. Director Boettcher said he anticipated Phase I to start next spring or summer. He did not know when the projected build-out would be. He added that the proposed agreement was for the first phase only. Deputy Mayor Swatman asked why the term was limited to 5 years. He expressed concern that the homeowner's could step out of the agreement and leave their septic systems to deteriorate. Director Boettcher said that five years seemed an appropriate initial step. He said it would not bind future Council's to an agreement that they may not want to continue. He said the developer has a great incentive for this septic maintenance agreement to be transferred to a sewer system. Deputy Mayor Swatman asked if the homeowner's would be paying the current monthly sewer service fee. Director Boettcher said yes.

Councilmember DeLeo asked why the City would be willing to obligate itself to fund design features not required by the guidelines or regulations. Deputy Mayor Swatman said that the same concern had been addressed at the Community Development Committee (CDC) meeting. He said the developer may not want to pay for additional upgrades or features beyond what was required. He used a telemetry system as an example. Director Boettcher said he did not anticipate the City would want any expensive upgrades to the system, but there maybe some minor costs that would enhance the City's ability to monitor and maintain the system. Councilmember DeLeo said he would support a clause that shares the cost between the City and the developer. Councilmember DeLeo referenced a portion of the agreement that says that if any portion of the system must be replaced, then the City would pay for the replacement. Director Boettcher explained that the City would collect the annual maintenance money to do that, so it should be the City's cost.

Councilmember Noble said that when the issue was reviewed in the CDC meeting, Exhibit A and B were not included. Director Boettcher explained that those were the description of the area being served and the legal description of the drainfield. He said the agreement was reworked to reference a specific phase of the development, and that the future design and construction of the system would provide the basis for the legal description that is covered by the agreement. Councilmember Noble stated that representatives of Falling Waters came to a City Council meeting to make a presentation. She asked the City Clerk if this issue was ever brought to a Council Workshop. City Clerk Edvalson and Councilmembers confirmed that the presentation had occurred at a

Council workshop, although the specifics of the agreement had not been discussed. Deputy Mayor Swatman responded that it had appropriately been considered at the CDC meeting.

Councilmember Rackley asked if the connection fees were to be part of the agreement. Director Boettcher said that by paying the system development charges they would have pre-purchased the sewer capacity. Acting City Attorney Rorick clarified an issue raised by Councilmember King by stating that the agreement contemplated that if the agreement were to expire in the future and another entity to assume maintenance, then the City would have the right to examine the records and seek relief from the Courts if the City felt there was an imminent threat to its public water supply. Councilmember DeLeo confirmed that there would be no future connection fee if a sewer system were installed. Deputy Mayor Swatman said there would be no need because the septic system will be developed like a sewer system and easily connected to any future system.

**Motion approved 5 – 1.
Councilmember Noble voted no.**

- B. **AB03-269 – Resolution 1193** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing An Agreement With RH2 For The Update Of The Comprehensive Sewer System Plan. [04.14.1]

Councilmember Rackley moved to approve Resolution 1193. Councilmember King seconded the motion.

Motion approve 6 – 0.

- C. **AB03-346 – Resolution 1189** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing An Agreement With RH2 For The Update Of The Comprehensive Water System Plan. [04.10.1]

Councilmember King moved to approve Resolution 1189. Councilmember Rackley seconded the motion.

Motion approved 6 – 0.

- D. **AB03-268 – Resolution 1192** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing An Intergovernmental Agreement With The Washington Department Of Natural Resources For Improvements To The Elhi Creek Culvert. [04.7.1]

Councilmember Rackley moved to approve Resolution 1192. Councilmember Johnson seconded the motion.

Councilmember King thanked the citizens who have so long waited for the improvement. Deputy Mayor Swatman said that he was worried because it might seem that the City was just fixing a private driveway. He said the homeowner created the problem some years ago, and now wanted the City to help fix the problem. He hoped there would be no environmental fall-out from the work performed on the stream.

Motion approved 5 – 1. Deputy Mayor Swatman voted no.

- E. **AB03-276** – A Motion Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Approving And Accepting The Final Plat For The Panorama Heights, Phase 3, PUD. [03.7.2] This item was pulled from the agenda at the beginning of the meeting.
- F. **AB03-277** – A Motion Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Approving And Accepting The Final Plat For The Panorama Heights, Phase 4, PUD. [03.7.2] This item was pulled from the agenda at the beginning of the meeting.

VIII. PUBLIC SAFETY COMMITTEE ISSUES:

- A. **AB03-279 – Resolution 1199** – A Resolution Of The City Council Of The City Of Bonney Lake Pierce County Washington, Authorizing A Memorandum of Understanding with Washington Traffic Safety Commission for A One-Year Period (October 1, 2003 – September 30, 2004). [01.10]

Councilmember Noble moved to approve Resolution 1199. Councilmember DeLeo seconded the motion.

Motion approved 6 – 0.

IX. FULL COUNCIL ISSUES:

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

- A. **AB03-167 – Ordinance 994** – An Ordinance Of The City Of Bonney Lake, Pierce County, Washington, Setting The Annual Ad Valorem Tax Levy For Fiscal Year 2004. [Request for suspension of rules requiring two readings before adoption.] [F3.7]

Councilmember DeLeo moved to suspend the rules requiring two readings of Ordinance 994 due to time constraints for adoption. Councilmember Johnson seconded the motion.

Motion approved 6 – 0.

Councilmember DeLeo moved to adopt Ordinance 994 at the rate of \$1.60 per thousand of assessed valuation. Councilmember Noble seconded the motion.

**Motion approved 5 – 1.
Councilmember King voted no.**

- B. **AB03-281 – Ordinance 1010** – An Ordinance Of The City Of Bonney Lake, Pierce County, Washington, Regarding Regular Property Tax Levy Capacity Banking. [Request for suspension of rules requiring two readings before adoption.] [F3.7]
Councilmember Rackley moved to remove Ordinance 1010 from the agenda. Councilmember DeLeo seconded the motion.

Motion approved 6 – 0.

- C. **AB03-275 – Resolution 1197** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing A Purchase And Sale Agreement With Elbert Jennison For Property Located At 11701 119th St. Ct. E. As Part Of The Victor Falls Protection Efforts.

Councilmember Rackley moved to approve Resolution 1197. Councilmember DeLeo seconded the motion.

Motion approved 6 – 0.

- X. **EXECUTIVE SESSION** – The Council held an executive session earlier in the meeting.

XI. **ADJOURNMENT**

At 9:43 p.m., Councilmember Johnson moved to adjourn the Council meeting. Councilmember King seconded the motion.

Motion approved 6 – 0.

Harwood T. Edvalson, City Clerk

Robert Young, Mayor