

COUNCIL WORKSHOP

**January 7, 2003
5:30 p.m.**

MINUTES



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"

Call to Order

Mayor Robert Young called the workshop to order at 5:32 p.m. In attendance with Mayor Young were Deputy Mayor Dan Swatman, Council Member Stephen Bricker, Council Member Phil DeLeo, Council Member Neil Johnson, Council Member Dave King, Council Member Maureen Palecek and Council Member Jim Rackley. Staff members attending were Finance Director John Weidenfeller, Police Chief Bryan Jeter, Police Lieutenant Michael Strozyk, Planning & Community Development Director Bob Leedy, Public Works Director Seth Boettcher (arrived after roll call), Judge James Helbling, Court Administrator Kathy Seymour (arrived after roll call), Senior Center Director Joanne Barkley, City Attorney Jim Dionne and Geri Resch.

Agenda Items

1. Orientation by Lew Liegh, Executive Director of the Washington Cities Insurance Authority (written hereafter as WCIA)

Mr Liegh introduced WCIA as the agency that insures cities against legal loss. He discussed various situations that could cause financial loss to the City. Two areas discussed: personnel and land use.

Personnel:

Mr. Liegh stated that if the Council does their job and not the Mayor's job, then the Council has no legal liability in personnel issues. The State Supreme Court states that a plaintiff employee can sue the entire chain of command if connections are found in levels of authority. Mr. Liegh went on to explain that the Council Members are not in the administrative chain and should use proper procedures such as taking their concerns to the Mayor regarding any policy or procedure concerns. He further advised that the City Council should stay within the policy making strategic role to avoid being included in litigation lawsuits. He further stated to the Council "if you choose to put yourself in the chain, then you put yourself at individual risk.

Deputy Mayor Swatman asked "How could you put yourself in the chain without being recognized by the employee as being in the chain?"

Mr. Liegh responded that the problem is you become a second type of supervision and you are conflicted with the chain and the mission and so on.

Deputy Mayor Swatman then gave a scenario: If I were to go to a employee at Public Works and tell them, "Geez, that looks really bad and I think you should do it this way, why won't you do this or I want you to do it like this," they're going to look at us, and rightly so, and say well you're a Council person . . ."

Mr. Liegh responded that you're a Councilperson and you have no authority. Mr. Liegh went on to explain that if a Council Member sees something done improperly by an employee, then that Council Member should go to the Mayor with his concerns and not that employee's department supervisor. A Council Member may also go to the City Attorney if they have any questions in their role of policy making.

Land Use.

Mr. Liegh advised the Council that they need to envision themselves in black robes. The members are in a quasi-judicial role when they review permit issues. Deputy Mayor Swatman asked Mr Liegh to explain what a quasi-judicial role is. Mr Liegh's answers that if you, the Council Member, is going to review an appeal, it would be helpful if you are unaware of the situation except for what is on record, namely, Finding of Facts and Conclusion of Law and the Hearing Examiner's/Planning Commission's written record. This makes you unbiased and able to rule on that issue. If a member stays in his quasi-judicial role, they will not be challenged on their decision. Mr. Liegh used the case of Mission Springs vs. Spokane to explain his reasoning above.

Mr. Liegh also discussed another potential area of Council misconduct: revealing information from Executive Sessions. Council Members should not leak information from Executive Sessions to personnel, and especially, to the media.

Council Member Palecek asked Mr. Liegh if the WCIA has the right to refuse cities liability coverage. His response was that the WCIA is selective and can refuse to cover certain cities.

2. Analysis on Buffers

Mayor Young introduced Jim Mitchell. Planning & Community Development Director Bob Leedy gave a short synopsis on Mr. Mitchell being present to respond to concerns and questions by the Council regarding the draft regulations and revisions to Ordinance 931, Wetland Regulations.

Mr. Mitchell reviewed with Council, 8 recent plats of residential developments and subdivisions. He discussed how many acres of the reduction from the total acreage of the site: estimated loss of lots from increase of buffers or new buffers in the subdivision.

Council Member Rackley questioned whether the 4 lots lost on Naches Terrace site were original or revised. Mr. Mitchell answered revised. Planning & Community Development Director Bob Leedy confirmed that no original lots were lost. When planned there were not any original lots, only revised ones. Council Member Palecek questioned whether or not the buffer in loss at the Appleton PUD site takes in the road as well or is the improved not a part of the buffer. Mr. Mitchell answered that the road cannot be there.

Finally, Mr. Mitchell recommended to the Council that they stay with the widths listed for buffers in the current ordinance. He also recommended that in the areas with steep slopes, not to decrease the buffers but to stay with standard. Council Member Rackley brought up the issue of whether these buffers are to be called standard. Mr. Mitchell confirmed that they are to be called "standard" and not "minimum."

Mayor Young asked the Council if they are ready to move forward. Council Member Rackley stated "Yes" and others nodded "Yes."

3. Open Discussion

Council Member Bricker asked when the SRO position is going to be filled. Mayor Young answered that subject being discussed with the Police Chief and has no time frame right now.

Council Member Bricker asked about the construction of a covered storage shed at the Public Safety Building. Mayor Young answered that nothing brought forward yet.

Council Member Swatman asked Council Member Rackley about the issue of street lights which was brought to the floor from a citizen at last public meeting. Council Member Rackley stated that he has a map of the area but has not yet determined who is responsible for which lights. Some are the City's and the citizens own some. He is still looking into that matter.

Council Member Swatman asked about when a thoroughfare would be made through Sky Island. Mayor Young responded that the approval for Street of Dreams is moving forward and the representative for Panarama Heights is talking to the representative of Sky Island on this issue. Negotiations between developers are ongoing.

Council Member Palecek advised the council the Rainier Communications Commission position will be opening and if no one is interested, she would be happy to stay on in that position.

Council Member King wanted to know if there have been any communications regarding the parks initiative. Mayor Young stated that there have been none at this time. He stated that it might be awhile because of the shifting of the County Council.

3. Draft Minutes:

Council Members Swatman and Bricker brought to attention changes to the minutes dated November 26, 2002, and December 10, 2002. No changes were found in December 3, 2002, minutes. Mayor Young approved the changes.

Old Business

1.) Ordinance No. 969, Initiative & Referendum Discussion

Mayor Young advised that commentary passed and City also required doing so. There was discussion as to time period of becoming effective: 30 days vs 5 days. Mayor Young advised that would become administratively effective in 30 days unless emergency situation or specific exemptions applied. Then it will be brought to the Council.

City Attorney Dionne advised the Council that if not passed by the Council, the court can issue a mandate forcing Council to pass an ordinance passed by the citizens.

2.) Ordinance No. 962/Ordinance 981, Non-union Salary & Benefits

Discussions were held of all 3 options provided to Council regarding non-union salaries. These discussions included COLA vs merit increases, AWC's listed salaries and City's listed salaries on the high end of scale, City's job descriptions vs AWC's job descriptions, and why the City of Aberdeen was used in the salary survey. Finance Director John Weidenfeller explained that the City of Aberdeen shares common

characteristics with City of Bonney Lake and also that all salary outcomes listed are in favor of the employee.

Council Member King recommended that language be added stating “Any current non-union employee whose current salary upon entry into this pay system is above the highest step will remain at that level of pay until such time as . . . (interrupted himself at this time with the statement that this language was in the original document proposed to Council at workshop in November 2002). Mayor Young states that this language not being included is an oversight. Further discussions on differences in salaries with and without COLA’s and steps were held.

Council Member Rackley requested a short recess. Mayor Young approved and called for recess at 7:18 p.m. and reconvened the meeting at 7:30 p.m.

Further discussions continued on various scenarios on all 3 options.

Council consensus was to bring forward Ordinance 981, Option 2, with amendments to include Police Chief and Lieutenant having a choice of medical providers. Council also selected Option 2 of the non-union salary grid with a 2.2% COLA and 2 % between steps.

New Business

1. Revision to the Planning Commission Residency Discussion

Planning & Community Development Director Bob Leedy forwarded a draft ordinance to the Council for consideration of appointment with limitations to the Planning Commission.

Deputy Mayor Swatman asked for verification of how many vacancies are on the planning commission, as the Council was not aware of any vacancy or upcoming vacancy. Both Mayor Young and Planning & Community Development Director Bob Leedy verified there are two vacancies at this time. The Commission has been functioning with a 6 member for several months.

Council Member King concurred with Deputy Mayor Swatman to seek people who live within the City’s UGA.

Council consensus is to appoint someone who lives within the City’s UGA.

2. Council Committee Assignments for 2003

Deputy Mayor Swatman made a motion to have an agenda item for motion to keep the same committees. All approved. Ad Hoc committee membership to also remain the same.

3. Year 2004 Comprehensive Plan Update: Natural Environment, Land Use, Housing and Capital Facilities Plan and Utilities Elements

Planning & Community Development Director Bob Leedy encouraged Council to review latest version of comp plan and forward any opinions they may have to the Planning Commission.

4. Executive Session

Recessed at 8:07 p.m. for Executive Session related to personnel performance and labor negotiations.

Reconvened from Executive Session at 8:11 p.m

Mayor Young adjourned the Workshop at 8:11 p.m

Bob Young, Mayor

Geri Resch, Clerk