

**COUNCIL WORKSHOP**

**October 7, 2003**

**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"*

**Roll Call**

Mayor Young called the workshop to order at 5:32 p.m.

Also in attendance were Deputy Mayor Dan Swatman, Councilmember Phil DeLeo, Councilmember Neil Johnson, Councilmember Dave King, Councilmember Cheryle Noble and Councilmember Jim Rackley.

Staff members attending were Administrative Services Coordinator Tom Reber, Finance Director John Weidenfeller, Planning & Community Development Director Bob Leedy, Public Works Director Seth Boettcher, Police Chief Bryan Jeter, City Attorney Jim Dionne and City Clerk Harwood Edvalson.

**Agenda Items**

1. Open Discussion – At the request of Ms. Ardith DeRaad, Mayor Young announced that Ms. DeRaad's presentation would be delayed approximately 30 minutes.

Angeline Heights PUD. Councilmember Noble said that she had received an email advising that there is one lot left that has not had the landscaping completed. She asked for additional information. Planning and Community Development Director Leedy responded that a communication just went out to the bondholder asking them to proceed with the one remaining item. He added that the trees that appeared to be dying had come back to life.

Councilmember Noble – Use of Discretionary Funds. Councilmember Noble said that she had just come from the Park Board meeting where she had discussed using her Councilmember discretionary funds to put in a sign at the dock regarding carbon monoxide poisoning in memoriam of Denise Colbert. She added that the verbiage would be provided by Barry Barquest. Mayor Young said that with the Park Board's approval it should not be a problem. Councilmember King asked if this was part of the standard campaign going on with the fire districts. Councilmember Noble responded that that was her impression. Councilmember King added that if it has not already been done, he recommends that the item be reviewed first by the City's insurance carrier to make sure the City does not increase its liability. Councilmember Noble noted that there is an existing memorial sign about life jacket usage.

Spa City Monument Sign. Councilmember King asked for an update on the non-conforming monument sign in front of Spa City. Director Leedy apologized for not having the information in hand and said he would report the information out the next morning.

Non-permitted Banner Signs. Councilmember King said that with the proliferation of campaign signs there also appeared to be an "open season" on all manner of illegal business signs. He mentioned that he had taken opportunity to invite the manager of the new Jiffy Lube location to contact City staff to discuss the use of a banner sign tied to a tree. He said he noticed it come down, but then go back up within a day or two. Director Leedy said he

had no knowledge of a permit from Jiffy Lube for the sign. He added that he was aware it had come down, but was unaware it had also gone back up. Councilmember King offered to inform staff of at least 14 additional illegal banner signs. Deputy Mayor Swatman cautioned the Councilmembers for liability concerns not to get involved in the work of the City staff.

Hearing for Cell Tower at Allan Yorke Park – Councilmember DeLeo asked about the notice for hearing on a 150 ft. tower in Allan Yorke Park. He asked if there was a variance approved on the tower, since ordinance limits the height to 100 ft. Director Leedy responded that the purpose of the hearing was to consider the request for a height in excess of 110 ft. and to locate it within one-half mile of an existing tower.

Expense of Land-use Decision Appeals. Councilmember DeLeo noted that a recent notice of mitigated determination of non-significance required an appellant to pay \$600.00 to file. He recommended that Council review the fee with an eye to revising it downward.

Schedule for David Papandrew's Report. Councilmember DeLeo asked why Mr. Papandrew's report had been removed from the current and projected agendas. Finance Director Weidenfeller responded that Mr. Papandrew had been unavailable for this evening's meeting. He added that Mr. Papandrew would be rescheduled to make his report.

Further Information on Cell Tower Hearing. Deputy Mayor Swatman asked if the cell tower in Allan Yorke Park was the one already dealt with by the Council. Director Leedy confirmed that it is the tower for which Council had already granted authorization for use of the property in the event the tower is approved and permitted.

Yard Waste Containers. Deputy Mayor Swatman suggested that the City stockpile a few of the yard waste containers provided to residents in the City. He noted that there seemed to be quite a wait for delivery of the containers. He thought that perhaps the City might offer to allow residents to pick one up from City Hall, or wait for home delivery.

Commercial Lighting – Deputy Mayor Swatman thanked Mr. Leedy and staff for their work to resolve the commercial lighting issues at the new auto parts and body shop on SR410. He said the lighting is nice, lighting the building and not everything else.

Sewer Service on SR410. Deputy Mayor Swatman said he had received contact about a sewer issue where several small businesses want to go into business but cannot afford to extend the sewer to the site, which is a distance of approximately 1.5 miles from the current end of the sewer line. He asked if some interim ordinance might be considered to allow use of existing on-site sewerage until the lines are extended. Mayor Young said he has asked John Woodcock to examine the issue and propose an interim solution for this problem. Director Boettcher urged caution to maintain the proper balance between the incentive to extend the lines and the accommodation of new business.

Ball Park Well Improvements. Deputy Mayor Swatman asked for an update of the Ball Park Well Improvements. Director Boettcher said that he was in discussion on water supply issues with the Mayor. Mayor Young said they would be bringing forward the options for water supply and where the City would be going with this issue. Mayor Young also provided an update of the Lake Tapps situation. He said that Puget Sound Energy would be selling its water rights, water and land to Cascade Water Alliance. He said the Department of Ecology (DOE) had already given them the water right. He added that Auburn, Buckley and the Muckleshoots were appealing the decision. He said that Auburn and Buckley were appealing

saying that DOE had already given them the water right for the area. He said that as Auburn, Bonney Lake and Buckley continue to grow, there may be no more water rights to be acquired. He said the Council should be aware of the situation. He added that there would be future discussion of the issue.

Deputy Mayor Swatman said that he would provide several pages from the meeting's minutes to the Council. He said that PSE would need a special permit by January 15 to continue to divert water to keep the lake filled. He said the appeals may block issuance of this permit to take water from the river. Councilmember Rackley asked if there was a possibility of negotiation with Cascade Water Alliance. Deputy Mayor Swatman expressed the opinion that they would only consider the City joining them. Otherwise, discussion would not be welcomed. Councilmember King said that in the short term the City's issue may be more of a storage capacity issue that is in process of being corrected.

Water Committee. Councilmember Rackley reminded the Council that he was the only surviving member of the Water Committee. He asked if the Council would like to reconstitute the Committee. There was consensus to add Councilmember Johnson and Deputy Mayor Swatman to fill out the Committee.

Wastewater Treatment Facility Meeting. Councilmember Rackley said that on October 1, there was a meeting of this group. He said he would be putting a copy of the 2004 budget in the Council's mailboxes. Councilmember Johnson pointed out that Fife was having budget issues with their new system. He asked if the group the City participates with anticipates meeting their budget. Councilmember Rackley said they appeared to be squeezing the dollars and pennies out of the project.

National Sign Plaza Company. Councilmember Johnson asked when this topic would be coming back to the Council for update. Director Leedy said that he did not recall the date, but that it was on the projected agenda for a report.

2. Review of Minutes – September 16 Workshop and September 23 Council Mtg.

Councilmember Johnson noted that a correction to add Councilmember Noble back on the agenda for September 23 had already been distributed to Council. Councilmember Noble asked that the minutes for September 16 regarding the issue of speed limit signs on Evergreen should say that she received a phone call not an email, and that it was not a member of the homeowner's association, but a resident. She said it ended up later with her being surrounded by citizens and talking with the Mountain Vista Homeowner's Association. She also said that she had recommended two speed limit signs be installed, and then use of the radar trailer for education to be followed by enforcement.

3. AB03-342 – Resolution 1178 – Agreement for Dispatch Services with City of Sumner.

Finance Director Weidenfeller referred to the agreement distributed earlier in the evening. He said the City of Sumner had required two small changes. One is found on page 2, Item B – for personnel. The second was Item 6 – regarding termination of the agreement and unemployment insurance for employees hired from the City of Bonney Lake. Because it is an action item, Mayor Young asked for a motion to open the discussion on this resolution. **Councilmember Rackley moved to approve Resolution 1178. Councilmember Johnson seconded the motion.**

Councilmember Johnson asked if the Sumner Facility would be ready. Police Chief Jeter said the facility would be ready for start of service on October 13 at 5:00 a.m. Councilmember Rackley asked if the equipment was similar to Bonney Lake's. Mayor Young responded that the equipment is the same. Deputy Mayor Swatman asked why the agreement was limited to four years. City Attorney Dionne said the limitation was there to facilitate changing conditions and circumstances over time. There was a discussion about the provision to reopen the agreement for significant changes. Councilmember King said that with the ability in the agreement for either party to terminate the agreement it was not worth the effort to try and establish a definition of "significant" in the agreement.

Councilmember Rackley asked what the cost to the City would be if the agreement was terminated within three years. Chief Jeter said that the City would retain its equipment and radio frequencies, antennas, etc. He said that 95% of the costs are in personnel, not equipment. Director Weidenfeller said there are others entities interested in providing dispatch service to the City if the Sumner agreement does not work out. He added, however, that staff is committed to making this current effort work.

Councilmember DeLeo asked if the Bonney Lake facility would be operational in the event of an emergency in the valley. Chief Jeter responded that the Bonney Lake Comm. Center would be the emergency backup and easily made operational. Councilmember DeLeo said there was a lengthy discussion about the concept of "safe havens" at the last Public Safety Committee meeting. He said the Committee was considering the recommendation that Sumner dispatch be able to trigger the unlatching of the exterior door to the Bonney Lake Police Department through a videophone, so that victims of domestic violence would have a safe place to go until a police officer could respond. Councilmember King said the Committee also agreed that the actual cost may not be too great with current technology. Councilmember Noble said she thought the concept is important. She added that in the current society there is an expectation that if you make it to a police facility you're safe.

Deputy Mayor Swatman asked where the savings from the program go. Director Weidenfeller said the Mayor's proposed budget includes two more police officers and a records clerk. He said that would take a substantial portion of the funds saved by implementing this dispatch agreement.

**Motion approved 6 – 0.**

4. AB03-349 – Authorization for Payment of Retainage to James A. Guess, Inc., for the Edwards Road Project.

Public Works Director Boettcher said the request was to pay the retainage on the project, which has been built and accepted. He said the five Tuesdays in September and the fact that the approval was held in queues for review placed the payment of this obligation behind schedule. Director Weidenfeller said that the request was simply authorization to release the check a week ahead of normal.

**Councilmember Rackley moved to authorize release of the retainage. Councilmember Johnson seconded the motion.**

Deputy Mayor Swatman asked for clarification of the payment process. Director Weidenfeller provided an explanation. Councilmember DeLeo asked why payment was held up. Director Boettcher said that there were delays in the approval process within Public Works. Director

Weidenfeller said that with implementation of the new Eden software there is still an ongoing smoothing-out process. Employees are still reviewing and improving processes and procedures.

**Motion approved 4 – 2. Voting no were Deputy Mayor Swatman and Councilmember DeLeo.**

5. AB03-341 – Setting the days for Bonney Lake Days in 2004.

Councilmember Johnson asked that staff make sure that the entire park is reserved for Bonney Lake Days. Mayor Young said it would be. He said the item would be moved forward to the next meeting. Councilmember DeLeo asked if there were totals on the 2003 event. Administrative Services Director Reber responded that there were not yet totals. He said, however, that the net costs were between five and ten thousand dollars.

6. AB03-343 – Future Annexations.

Director's Leedy and Boettcher presented information and responded to Council's questions on four potential areas of annexation. Director Leedy said the four annexation areas were included in a 2001 effort to annex areas into the City. He said annexation area number one was stalled over a difficulty with the legal description and never made it to the ballot. He said a recent communication from the Lakeview Terrace subdivision indicates that their homeowner's association will be submitting a petition for annexation. He added that with the other annexations, it was difficult to forecast the cost/benefit results of further efforts to annex a larger portion of the area. Director Boettcher said staff was looking for authorization to proceed with the petition method for annexation of the larger area, with a fall back position of the Lakeview Terrace portion if there is significant opposition to the larger piece. The City Council discussed the pros and cons of this proposed annexation effort. There was consensus to support the approach articulated by Director Boettcher.

Director Leedy described Annexation Area 3. He said a developer is interested in proceeding with annexation because of the need for utilities. He described several potential areas that could be included in the annexation. He said that a major property owner in the area, Puget Sound Energy, is not interested in participating in annexation at this time. He said the staff analysis is that the effort to annex the entire area would fall short of the required percentage of resident's approval. There was consensus to wait for the opportunity to review the proposed development before supporting annexation.

Director Leedy presented the background on Annexation Area 5B along Fennel Creek. He said he did not believe there was property owner support for annexation. Although 80% of the area is bounded by City limits, he said staff did not recommend proceeding with efforts to annex this area. There was consensus to not consider annexation of this area at this time.

At 6:47 p.m., Mayor Young excused himself briefly from the meeting and asked Deputy Mayor Swatman to chair the meeting in his absence.

The next area discussed was Annexation Area 7. Director Boettcher explained that two developments in this area had signed agreements to support annexation. He recommended an attempt at annexing the whole area with a fall back position of moving the annexation line north of the parcels that front Rhodes Lake Road. Council consensus was to try for the full

annexation with the petition method with the staff proposed fall back as necessary.

**Councilmember Rackley moved that Council take a five-minute break. Councilmember Noble seconded the motion.**

**Motion approved 6 – 0.**

7. Presentation: Alliance Against Domestic Violence (AADV) – Ardith DeRaad, President.

Mayor Young reconvened the meeting at 7:10 p.m. He introduced Ms. DeRaad. She expressed appreciation for the accommodation shown her in allowing her to appear later on the agenda. She explained that 95% of the victims of domestic violence are women. She added, however, that domestic violence against men is probably the most under-reported type of domestic violence. She said that AADV has a twenty-member Board representing a broad spectrum of community and business representatives. She said the mission of AADV is to coordinate a community response to stop domestic violence. She said that a major effort of the organization is to provide education to over 54,000 students in the area. She added that the Alliance provides grants for health services to victims of domestic violence and working vehicles from those donated to the organization. She said one of their current programs was a Domestic Violence Panel similar to the DUI Panels used by the courts. Ms. DeRaad showed two videos showing the impacts of domestic violence on society and the need for community support to stop the cycle of violence and abuse.

Councilmember DeLeo thanked Ms. DeRaad and Councilmember Noble for arranging the presentation. He mentioned that Councilmembers Noble and Johnson and himself recently attended a luncheon in support of AADV. He said that Councilmember Johnson had suggested a policy by Council to donate surplus police and other City vehicles for use by AADV. Councilmember Johnson asked questions about the City's surplus property program. Director Weidenfeller provided answers and offered to have staff look at the legal implications of the proposed donations. Councilmember DeLeo asked Ms. DeRaad if they could use other types of donations. Ms. DeRaad identified such items as soap, shampoo, diapers, etc. that would assist victims and children who are frequently displaced without the opportunity to take personal items with them as they flee. She expressed appreciation for the time and attention of the Council.

8. AB03-334 – Jensen Rezone Appeal

Director Leedy gave a brief history of this rezone application. He said it had been to the Hearing Examiner for a decision, who had denied the rezone. He said the official record on the item is available for review from the City Clerk. He reminded Council that consideration of this issue had to be based on the record established at the Examiner's hearing. Mayor Young read the six options available to the City Council as outlined in the agenda bill. City Attorney Dionne said the specific motion for Council consideration would be included in the agenda bill for the next meeting. He reminded Council to base their decision solely on the record, that they could not conduct any personal investigation, and could have no ex-parte contacts.

9. AB03-345 – Falling Waters Drainfield Maintenance Options

Director Boettcher described this proposed development as a vested plat in the County of between 900 – 1000 lots. He said it is served by Tacoma Water and is proposed for septic

systems for wastewater treatment. He said that meetings with the developer and the City brought resolution to the Bonney Lake water recharge issues. He said the developer agreed to keep the septic drainfields out of the recharge area.

Director Boettcher said the developer had identified two options for dealing with septic treatment. He suggested that Council hear a description of the options and then consider the implications. He introduced Mr. David Ray.

David Ray, a registered sanitarian and soils engineer with thirty-five years experience dealing with wastewater disposal, outlined the two proposed options. He said the first proposal used a septic system for approximately every seven units, with spaghetti lines throughout the development accessing the individual properties. He said this proposal was the system they had originally proposed for the development and would be monitored by the homeowner association.

He said the second option involved the installation of dryline sanitary sewers to convey the effluent. He said this option involved fewer, but somewhat larger drainfields. He said it would also require State Health Department review and approval. He added that the second part of this option is the proposal that the City of Bonney Lake be contracted to provide management and maintenance of the system. He said this would include billing and an opportunity for the City to charge a management and maintenance fee. He concluded that this would provide the City the opportunity to monitor the ongoing integrity of the system. He said it was a cheaper approach for the developer, an opportunity for the City to get a foot in the door if the area were ever served with sewer, and was a more environmentally friendly approach than the first approved option.

Director Boettcher said he favored this second option. He said he liked the potential to provide educational information through the sewer billing and the ability to have control over the quality of maintenance for the system.

The City Council discussed the implications of these options with staff and Mr. Ray. Councilmember DeLeo asked City Attorney Dionne, if by entering into an agreement the City would be precluded from suing, or taking legal action when the developer's dry up the City's water source. City Attorney Dionne responded no. He added that the City would not be holding the developer's harmless for damages they cause. Mayor Young summarized the consensus opinion that staff should move forward with discussions around option two.

**Deputy Mayor Swatman moved to table Agenda Items 10 & 11, Elected Officials Compensation and School Impact Fees. Councilmember Johnson seconded the motion.**

Mayor Young reminded the Council that action was required before the election if they intended for it to take effect for those elected in November.

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

## 12. Executive Session

Pursuant to RCW 42.30.110(1)(b)(i) and RCW 42.30.140(4)(b), Mayor Young announced that the Council would meet in executive session for 30 minutes to consider issues dealing with property acquisition, potential litigation and labor negotiations, and personnel issues.

He said the Council would take a short break and then convene in executive session for approximately 45 minutes. The executive session started at about 8:35 p.m. It was extended for another 20 minutes at 9:20 p.m.

13. Adjournment

**Mayor Young adjourned the Council meeting with the common consent of the Council at 9:29 p.m.**

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Harwood T. Edvalson, City Clerk

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Robert Young, Mayor