

**COUNCIL WORKSHOP**

**November 18, 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**

Deputy Mayor Swatman called the workshop to order at 5:34 p.m.

Also in attendance were Councilmember Phil DeLeo, Councilmember Neil Johnson, Councilmember Dave King, Councilmember Cheryle Noble and Councilmember Jim Rackley. Mayor Young joined the meeting in progress at approximately 6:00 p.m.

Staff members attending were Administrative Services Coordinator Tom Reber, Finance Director John Weidenfeller, Asst. Public Works Director Gary Leaf, Police Lieutenant Mike Strozyk, Judge Jim Helbling, Court Administrator Kathy Seymour, Senior Center Director JoAnne Barkley and City Clerk Harwood Edvalson. Planning & Community Development Director Bob Leedy joined the meeting in progress near its conclusion.

Deputy Mayor Swatman suggested that with the Mayor expected shortly, the Council start their business with Item 2 on the agenda, the Prosecutor's report.

**Councilmember DeLeo moved to amend the agenda and take the Prosecutor's report as the first item of business. Councilmember Johnson seconded the motion.**

**Motion approved 6 – 0.**

**Agenda Items**

1. Report: Prosecutor's Handling of Domestic Violence Cases – Rachel Miller.

Ms. Rachel Miller said she would report on how domestic violence (DV) cases are handled in municipal court, how many cases the court handles, what sort of services are provided and whether or not at some point a domestic violence advocate is necessary. She said gross-misdemeanor level offenses are handled in the municipal court and other more serious crimes are handed over to the County Prosecutor's Office. She said in 2000, the police handled 48 domestic violence assaults, 128 domestic disputes and 3 domestic violence/malicious mischief (property destruction) charges. She continued that to date in 2003 there have been 58 domestic violence assaults, 123 domestic disputes and 10 DV/malicious mischief cases.

Ms. Miller said that through the municipal court they were handling a total of 39 domestic violence-related cases per year. She added that 32 were violations of orders of protection for assault and 3 malicious mischief charges. She categorized services related to domestic violence into two groups, i.e., what is being done for the victim and what is being done for the offender. She said the victims receive a pamphlet from the police officer on scene that has identification of domestic violence, counseling information, hotline numbers and address confidentiality information. Ms. Miller said they also receive an additional informational sheet and a sheet describing their rights, as well as possibly a protective order. Officers also

have the ability to refer victims to DV counseling through a grant from Good Sam. She said the prosecutor's are obligated to inform the victim of the case status and outcomes. She added that pamphlets are also available in the court room to which victims who appear in the court room are referred.

Ms. Miller said she deals more aggressively with the offenders by working into the plea agreements or sentences such things as anger management counseling, attendance at domestic violence panels and various penalties and fines as possible. She concluded her presentation by saying that although there is always a desire and room for more services, she feels the domestic violence cases are currently being adequately addressed.

Councilmember Rackley asked if there was a safe haven available to victims of domestic violence. Lieutenant Strozyk responded that there are county-wide programs available for assistance. He said that through the Pierce County Chaplain's program they can get people out of a house or situation for one or two nights while a more lasting solution is sought. Councilmember Noble noted the City's 3.9/thousand average of DV cases and asked if this is comparable with other cities of Bonney Lake's size. Ms. Miller responded that Bonney Lake's overall court case load is higher than other cities, but would get comparative information specifically for domestic violence. Councilmember King asked how many cases involved repeat offenders, and if that number was consistent with other cities. Ms. Miller said that although she did not have statistics at hand, she could only recall two with which she is currently dealing. Judge Helbling said that he can only recall two in all the years he's been with the municipal court. Councilmember Rackley asked if there were more help available in this area, what would it be. Ms. Miller responded that she feels that more help could always be given to the victims and their families in terms of information provided to help them understand their choices in making decisions.

## 2. Neighborhood Traffic Control Program

Councilmember Johnson asked for feedback from the Council on the structure of the proposed program. He suggested some corrections to the program outline provided for Council review. At Councilmember King's request, the Council discussed and agreed to a greater coordinating role for the Public Safety Committee. Councilmember Johnson agreed to provide amended language to the City Attorney for preparation of a resolution. Deputy Mayor Swatman said the issue would then be brought to the next workshop for further review.

## 3. Open Discussion

### Pierce County and Proposed Amendments to Bonney Lake Urban Growth Areas.

Mayor Young joined the workshop upon his return from a meeting of the Pierce County Council where they were considering all the County Comprehensive Plan and Urban Growth Area amendments. He reported that the County Council had just voted unanimously to approve amendments U-5, U-6, U-7 and U-8 – Fennel Creek. He added that the County wants the City to protect Fennel Creek and to discuss with them the future of the County Urban Growth Areas (CUGA) to the south of Bonney Lake. Mayor Young noted that the County also required the formation of a Fennel Creek Advisory Committee to advise the City and County on appropriate densities, zoning and environmental protection measures for this corridor. He summarized the remaining provisions adopted by the County. The City Council discussed their impressions of the County's actions, noting inconsistencies between past and current County policy. Mayor Young mentioned the interest of the Corliss family in

annexing their property in the Fennel Creek area into the City.

Donation of bike rack and bench. Assistant Public Works Director Leaf said that the Tacoma Wheelman's Bicycle Club had contacted him and expressed interest in donating a combination bike rack and bench for use in Allan Yorke Park. Council consensus was expressed to accept the donation and bring the appropriate paperwork through the Finance Committee.

Calendar of hearings. Deputy Mayor Swatman asked if a calendar could be developed for the City website that would show the dates for future public hearings. Mayor Young said that although the notices were currently displayed on the website, that the City could easily post such a calendar as well.

Public Notice for Target Store. Councilmember Noble asked if the public notices are going to reporters at the Tacoma News Tribune, the City's official newspaper. City Clerk Edvalson responded that public notices are published in the Tacoma News Tribune. She asked about the three different zones on the 51.9 acre Target parcel. Mayor Young responded that there are three different designations on the parcel and that the Target store would be located on the commercial portion.

Employee benefits. Deputy Mayor Swatman asked at what point part-time employees receive benefits. Finance Director Weidenfeller said that regular part-time employees receive pro-rated benefits from the City.

Public notices to TNT. Councilmember DeLeo clarified that Councilmember Noble's concern was that the reporter's at the Tacoma News Tribune (TNT) also receive a copy of public notices in addition to what is sent to the Legal Notice department of the paper for publication. Deputy Mayor Swatman asked that a copy be sent to a reporter at the TNT as well as to the Legal Notices section.

Meals for the Homeless. Councilmember DeLeo said he has constituents originally from the Vancouver area that have helped serve meals to the homeless on Thanksgiving. He asked if Bonney Lake provides such a service. He noted that they used to do so at the Senior Center and contacted Senior Center Director Barkley for information. She said that in recent years they have not provided a meal. Councilmember DeLeo asked the Council if this is something the City should do with donated food or monies, and if perhaps the Council would like to help serve such a meal. Councilmember King said he thought that private charities could best handle this service. Council discussed use of the Senior Center for a Christmas Holiday meal for the needy. December 23<sup>rd</sup> was selected as a date. Councilmember DeLeo said he would take the lead for the Council to organize the event. Councilmember Johnson offered to help with publicity.

Council Meeting dates for December. Councilmember Rackley asked if a schedule of meetings for December could be provided. He advised that he would be gone the entire week of Christmas. Mayor Young said that traditionally after the Council's first meeting in December, a break in meetings has been taken until the start of the New Year. Finance Director Weidenfeller said that the Council would have the final budget for consideration at the meeting of November 25. He said that absent a major change in Council direction, the budget would be adopted before Thanksgiving.

Swearing-in of Councilmembers. Councilmember King asked if new Councilmembers would

be sworn-in at the November 25 Council meeting. Mayor Young said the election will be certified on the 19<sup>th</sup> with Councilmembers DeLeo, Hamilton and Noble sworn in on the 25<sup>th</sup>. He noted that Councilmember Rackley would be sworn-in in January.

Copperfield Estates. Councilmember DeLeo said that on November 3 he brought up the question about Copperfield Estates with 3500 sq. ft. lots. He said he had been told that the City had to accept those lots because they were vested in the County. Councilmember DeLeo said he contacted Jim Dougherty of the Municipal Research & Services Center who said that if two or more lots are annexed into the City, then the City does have authority over the size of those lots. He cited cases relative to this position. Deputy City Attorney Ganson asked to see the references. He felt that it does not hold true if a project has already been permitted in the County.

Character First Brochures. Councilmember DeLeo asked why he had received a copy of this publication and how much a month the City spent on this publication. Mayor Young said he did not recall the monthly cost but said it was provided to all the City's employees. Administrative Services Coordinator Reber said he had put a copy in the Council's mailboxes thinking they may be interested. Councilmember DeLeo read the definition of November's Character Trait – Deference. He said he felt the City was showing a lack of deference by putting back on the negotiating team this year the person of whom the union gave a vote-of-no-confidence last year.

Councilmember Noble said she would also like to speak to the topic of deference. She described the circumstances for the annual taping of the holiday greetings shot by Comcast. She said the Council was not given formal notice and that the Mayor did not acknowledge her or Councilmember DeLeo in the taping. She said she felt dismissed as an elected official. Mayor Young expressed his apology for the oversight. He said the participants were positioned as requested by the camera crew and responding to a provided script, without giving it additional thought. He again apologized for the unintended slight.

Responding to Councilmember DeLeo, Mayor Young said he felt that continuity on the part of the negotiating team was important. He said that he has asked that either John or Debbie be on the team to provide that continuity. He invited Councilmember DeLeo to discuss the importance of continuity with the City Attorney. Councilmember DeLeo replied that he felt the continuity should be provided by Attorney Bruce Disend, not the City Attorney. He noted that although dealing with personnel issues was part of the City Attorney's contract, negotiating was not. He said he would refuse to sign any vouchers to pay for additional work by the City Attorney for negotiations. He also said he felt it was a conflict for the City Attorney to represent the best interests of the City when employees who are also residents of the City are members of the union. Deputy City Attorney Ganson said that as far as he is aware and in terms of professional ethics, there has never been an inconsistency between the roles of the City Attorney being general counsel for the City and bargaining for the City. He added that some City's do and some use others to represent them.

Deputy Mayor Swatman said he also felt that Mr. Weidenfeller should not be part of the negotiating team due to the vote-of-no-confidence. He acknowledged that it was clearly the Mayor's right to choose the negotiating team and the attorney to represent the City. He said he wanted to make it clear for the record that he and Councilmembers DeLeo, Johnson and Noble did not support the composition of the negotiating team.

Legislative Outreach. Councilmember Johnson distributed a handout detailing the due dates

for Councilmembers to provide input for the Council Corner newsletter. He also suggested individual and group Council pictures at the next regular Council meeting on November 25. He suggested each would have approximately 8 1/2 by 4 inches of space to use.

Radar Trailer. Director Weidenfeller said that Councilmember Rackley had inquired about possible upgrades to the radar trailer, and that he had passed on the question to Chief Jeter. Councilmember Rackley said that he had received some information and had no further questions at this time.

Remove Character First Program from Budget. Councilmember DeLeo suggested that this program be removed from next year's budget. He said he feels it is a sham and that the administration doesn't live up to it. Councilmember Noble agreed with Councilmember DeLeo on this issue.

#### 4. Proposed Lake Management Fund.

Councilmember Rackley said this program should include streams and wetlands in the description as well as testing and improvements. He said he feels the program should be comprehensive and include what the City has and what it might get—including Fennel Creek—and all the wetlands around. He said he felt it could dovetail with the storm drain program. Deputy Mayor Swatman said that the thought for this program came out of discussions with the residents on Lake Bonney. He said he wanted to make sure the City could demonstrate some dedicated funds for environmental services to look at the issues and help develop a plan. There was Council consensus to put a line item in the parks budget for \$50,000 for this purpose.

The City Council took a break at 7:07 p.m.

#### 5. Phase I Major Comprehensive Plan Amendments.

The Council reconvened at 7:20 p.m. With Planning and Community Development Director Leedy still at the meeting with the County, Mayor Young invited Special Projects Planner Ladd to update the Council. Planner Ladd said that there was nothing from a procedural standpoint keeping the Council from taking final action on the proposed amendments. He added that since the time the major amendment language was developed and presented, there are a few minor things that have come to light. He suggested the following changes:

- a. Designate the downtown area as a "town center" which may qualify the area for some TEA21 funds; and
- b. Correct an error in the previous comprehensive plan map that currently shows the Victor Falls Elementary as a residential designation rather than public facilities; and
- c. Show the proposed UGAs and their proposed land-uses on the updated Comprehensive Plan map; and
- d. Change the spelling of "Easttown" to Easttown.

Deputy Mayor Swatman asked if the Council could receive a full-color copy of the proposed amendments before their final consideration. Councilmember DeLeo asked if

the specifics about the Fennel Creek advisory committee would be spelled out by the next meeting. Deputy Mayor Swatman noted that the proposed RC-5 designation was the least dense that the City has other than public facilities.

Planner Ladd said that the planning department has been working with the Design Commission to develop an ordinance that would make design review a legal requirement. He said that upon adoption of the Comprehensive Plan, the Council could then consider the design review ordinance. He also mentioned a letter from the State criticizing the City for its lack of density.

Councilmember Noble said she has reviewed the minutes of the Planning Commission and the testimonies from the public hearings and has a problem with the proposed amendment for Bonney Lake Elementary, which is in her ward. She said that the proposal to sell off a portion of the land to a developer to clear the trees and make a soccer field is a terrible trade. Deputy Mayor Swatman asked if there was some overarching concern that had not been addressed by the School District since the public hearings. He said he understood the District had worked with a lot of the people to mitigate their concerns. Planner Ladd said that the current proposed map shows the School District's request as it now stands. He added that the Planning Commission was not able to take a position on the proposed amendment. Councilmembers DeLeo and Johnson voiced favor for the proposal. Councilmembers Noble and King voiced disapproval for the amendment. Councilmember King addressed concerns for traffic and parking associated with the additional soccer field.

Councilmember DeLeo asked Ms. Urback in the audience and representing the School District, if the School District would entertain an offer from the City to acquire the property for more open space, perhaps a City park. Ms. Urback said that she imagined the School District would entertain an appropriate offer based on fair market value. She said that without the Comprehensive Plan change, determining value might be problematic. Councilmember King said he was not opposed to another soccer field in the City. To conclude the discussion, Mayor Young suggested that the proposed amendment be left in the plan and be considered down the road as its brought forward for zone changes and the lot adjustment.

Councilmember Johnson asked if someone had responded back to a letter from Sharon Gain indicating whether or not the Mayor had any personal interest in the property. Mayor Young said that he had not seen the letter, but has no personal interest in the land.

Councilmember King said that he took exception with the State telling the people of Bonney Lake exactly how much property they can put a house on. Mayor Young said that with the assistance of Director Leedy, he would prepare a response to the State's letter. He said he felt they were dealing with some incorrect information. Mayor Young said this item would be moved forward for Council action.

6. AB03-283 – Ordinance 1009 – Park Board Modifications.

Deputy Mayor Swatman said that these recommendations came out of the Council retreat. He expressed appreciation for ASC Reber addressing the issues. He said it adds two new members to the park board and changes the focus to strategic planning. Councilmember DeLeo said that although tangential, he wanted to inform the Council that there are 60 acres available to the east of the City that's available. He said he spoke with Jan Wolcott who expressed interest in working with the City to develop a regional park if the City

chooses to pursue it. Council decided to discuss it further during executive session. Mayor Young said that the Park Board Ordinance would be moved forward.

7. Remaining Department Budgets from Nov. 8 Special Meeting.

Finance Director Weidenfeller presented the budget for the remaining funds. Councilmember King asked that language referring to the Contingency Fund as a new fund be removed. Deputy Mayor Swatman said that the Contingency Fund was created to hold funds until approved positions are filled. He noted that the funds for new positions this year were not put in this fund. Deputy Mayor Swatman and Councilmembers Rackley, Johnson and King supported maintaining the fund balance as it is, making a budget amendment later in the year for its use as needed. Director Weidenfeller reviewed the Cumulative Reserve Fund, the Eden Systems Upgrade fund, the Insurance fund, the Debt Service Funds for LID #11 and 12 and the LID Guaranty Fund. He offered to send the Council a revised schedule for implementation of the approved Eden Systems modules.

8. AB03-169 – Ordinance 995 – City Fees Update.

ASC Reber said that the fees in Section 3.90 of the Municipal Code covers the miscellaneous fees for the City. He said that the fees for the color maps should be increased to \$4, \$6, \$12 and \$24 respectively. Deputy Mayor Swatman suggested that the wording be changed to reflect that they are plotter maps or Color GIS Maps. He added that he did not feel the Council would want to charge the maximum fee of \$.15 per page for regular copies of documents. Councilmembers Noble and Johnson agreed that the fee was too high. Mayor Young said the time involved in supplying copies warrants the increase. Councilmember DeLeo suggested a compromise of \$.10 for regular and legal size copies and \$.15 for 11x17 inch copies. There was also consensus to set the Clerk's certification at \$2 per certification. Council discussed in detail the proposed fees for use of the Senior Center. They agreed that the standard rental rate be accepted as proposed for \$50/hr. eliminating the block rate. There was consensus for a block rate for in-town charitable organizations of \$20 for up to four hours. Time in excess of the four hours would be billed at an hourly rate of \$20/hr. Out-of-town charitable organizations would be charged the standard rental rate of \$50/hr.

Council took a break at 8:49 p.m. and reconvened at 9:00 p.m. The City Council reprised their discussion regarding miscellaneous fees. The City Council concluded there should be a \$2 charge for notary services.

9. AB03-172 – Ordinance 998 – Year 2004 Non-union salaries & benefits.

Director Weidenfeller said the proposal was to increase the non-union salaries by 1.8% across the board as a CPI cost-of-living increase. He said there were no other substantial changes in the ordinance. Deputy Mayor Swatman expressed concern for the use of cost-of-living increases coupled with merit step increases during the year. Councilmember Noble asked why the Senior Center Director salary was comparable to the payroll clerk. Director Weidenfeller explained that all the salaries were based on a comparison with other cities in the region. Councilmember DeLeo suggested that although comparable cities were selected, the City may not have used comparable positions with respect to the Senior Center Director's position.

**Councilmember DeLeo moved to table further discussion until after the executive session. Councilmember Noble seconded the motion.**

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

- 10. AB03-171 – Ordinance 997 – Budget Year 2004.

Finance Director Weidenfeller reported that the only change to date of which he was aware was the need to add \$50,000 to the General Fund pursuant to the Council’s earlier discussion. Councilmember Johnson asked if there was a \$25,000 appropriation for the Neighborhood Traffic Control program. There was general consensus to add a line item for this item in the Contingency Fund.

- 11. Review of Minutes.

Councilmember Noble asked that page 4 of the November 3 minutes under the heading of “Saturday budget meeting,” be amended to identify Councilmember Johnson as the speaker. She also asked that language describing her reference to officer safety be clarified.

- 12. Executive Session.

Mayor Young announced that pursuant to RCW 42.30.110(1)(b) and RCW 42.140(4)(a) the Council would hold a twenty minute executive session to consider matters related to property acquisition and labor negotiations. Council extended the session for an additional 30 minutes at 9:40 p.m. and reconvened the meeting at 10:10 p.m.

After the executive session, Council discussed further the proposed ordinance addressing non-union salaries and benefits. There were proposals to reduce the City match for deferred compensation and to increase the amount of the employee share of health benefits.

**Due to the lateness of the hour, Councilmember Rackley moved to table the discussion to the December 2 Council Workshop. Councilmember King seconded the motion.**

**Motion approved 6 – 0.**

- 13. Adjournment.

**The Council adjourned by common consent at 10:15 p.m.**