

**CITY COUNCIL MEETING**

**January 13, 2004  
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"*

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**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 Mark Hamilton, 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, Assistant Public Works Director Gary Leaf, Planning & Community Development Director Bob Leedy, Police Chief Bryan Jeter, Judge Jim Helbling, Court Administrator Kathy Seymour, City Attorney Jim Dionne and City Clerk Harwood Edvalson.

Election: Council Selection of Deputy Mayor

Mayor Young asked for nominations for the Council appointment of Deputy Mayor.

**Councilmember Johnson nominated Deputy Mayor Swatman to be reappointed. Councilmember Hamilton nominated Councilmember Rackley for appointment as Deputy Mayor.**

With no further nominations, Mayor Young called for a hand vote of the Council.

**Deputy Mayor Swatman was reappointed as Deputy Mayor with a majority of votes cast in favor by Deputy Mayor Swatman and Councilmembers DeLeo, Johnson and Noble.**

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

1. Announcements:

Mayor Young presented his annual "State-of-the-City" address. (At Council direction, the text of the address has been appended to the end of this document.)

2. Appointments:
  - a. Council Committee Assignments

**Councilmember Rackley moved to maintain the membership of the Council's standing committees as currently constituted. Councilmember Noble seconded the motion.**

**Motion approved 7 – 0.**

- b. PCRC Alternate Representative and Other Representative Positions

**Councilmember Rackley moved to reappoint Councilmember King as the City's alternate representative to the Pierce County Regional Council. Councilmember DeLeo seconded the motion.**

**Motion approved 7 – 0.**

Councilmember King noted that it was presumed Deputy Mayor Swatman would continue to represent the City on the Lake Tapp's Task Force. Deputy Mayor Swatman acknowledged his desire to continue.

3. Presentations:
  - a. Proclamation - Welcome Home Vietnam Veteran's Day

Mayor Young announced the designation of January 27, 2004 as Welcome Home Vietnam Veteran's Day and invited all citizens to acknowledge the contributions to the nation and community of the City's Vietnam Veterans, both at home and abroad. By show of hands, he noted the participation of three of four Vietnam veterans in the audience.

D. Agenda Modifications [A3.6.6] :

Mayor Young announced that Agenda Items IV A. – Approval of Minutes; and VI A. – AB03-290 – Resolution 1203 were pulled from the agenda.

**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]

Sharilyn Anderson, 18207 74<sup>th</sup> St. E., provided the Council an update on Lake Bonney. She referenced several professionals with which she and others had met, and their contributions to the potential understanding of the lake. She mentioned that City Engineer Woodcock had offered to arrange a meeting with

the President of the Liberty Lake Sewer and Water District. She noted that some of the City's Councilmembers were at the meeting. She said the citizens around Lake Bonney would meet again in early February to form a non-profit organization to foster a continuing cooperative relationship with the City.

Deputy Mayor Swatman thanked Ms. Anderson for hosting the meeting. He noted that the state Storm Water Management Manual is a thousand pages long and that the group's continued involvement would be needed to keep things moving forward. Councilmember Hamilton asked if the group was working with the Lake Debra Jane Homeowners. Ms. Anderson responded that they were not yet doing so simply because of the way the nature of their issues has evolved. Councilmember Rackley invited the members of the press to note that the natural areas within the City's stewardship are being carefully monitored. Councilmember King offered to put Ms. Anderson in contact with the President of the Lake Debra Jane Homeowner's Association.

Norm Coates, 8825 181<sup>st</sup> Ave. E., said that he was at the meeting where the Council discussed the cell tower. He noted that there were many times in the past 35 years he wished he had spoken up. He said he was speaking up now, saying that he disagreed with the Council's decision on the cell tower. He asked the Council to carefully consider their position and to not tilt toward the developers. He urged the Council to think of the impact on future citizens, the children.

Dan Decker, 20401 70<sup>th</sup> St. E., referenced an article in the December 14, 2003 Tacoma News Tribune, and questioned Councilmember Rackley's reference to ethics. Mr. Decker said it had been reported to him that on January 2, 2003 a City crew had been used to remove a tree that had fallen on Mayor Young's lot. He said if true, this constitutes a misappropriation of City funds, an abuse of power and a clear violation of the Mayor's oath of office. He suggested that Councilmember Rackley should lead a Council investigation of this matter.

Mr. Decker noted that this was the one year anniversary of the submission of a petition-of-no-confidence against Mayor Young. He noted that the document no longer exists in the City's files. In conclusion, he expressed pleasure to see that the City Clerk had directly assumed the role as the meeting's timekeeper.

Don Sangesand, 5616 195<sup>th</sup> PL E., noted that it had been previously reported that the Ball Park Well filter would not be operational until 2005. He suggested that the well be locked-out to prevent use until the filter is in place. He asked now that Mr. Boettcher was no longer with the City, who would provide the project update that he had been promised.

Mayor Young responded that someone in Public Works would provide the schedule update. Deputy Mayor Swatman suggested that what Mr. Sangesand needs is a monthly update of the Gantt chart for the filter project.

Pat Miller, 19205 79<sup>th</sup> St. Pl. E., urged attendees at Council meetings to change the image of Council meetings stating that the last year the City looked like the “Bickersons.” He urged residents to recognize that there are processes in place to resolve their concerns, but because it is a City, it takes time. He thanked the City staff for the installation of a street light near his home. He noted the long hours spent by elected officials on behalf of the City and urged an independent study of elected officials pay. He advised that if the City wants good candidates, they should be appropriately compensated. He invited residents to bring solutions when they bring forward their problems. He invited Mr. Decker to please respect the positions of the Council and Mayor. He suggested that personal attacks are inappropriate at Council meetings.

Deputy Mayor Swatman asked Mr. Miller if he would identify any particular issues for which the City was criticized last year. He added that he felt the City had come through the press quite well. Councilmember King noted that the Citizen Comment period was designed to allow citizens to address the Council, not to engage fellow citizens in debate.

Betty Erdahl, a resident of Church Lake Dr. E., noted the upcoming hearing on January 26 for a rezone. She expressed concern that there was not an evening hearing, noting that she and many of her neighbors will be at work during the 9:00 a.m. hearing. She said the proposed rezone represented traffic, water and sewer issues that should be addressed. She asked why density should be increased on the property without the City first addressing these problems. She asked that the Council consider an evening hearing to receive more input from residents.

Deputy Mayor Swatman said he liked the idea of an evening hearing, but questioned how many would actually participate. Councilmember DeLeo asked how Ms. Erdahl became aware of the hearing. She responded that she saw a posting for the hearing and asked to receive a notice. Councilmember Hamilton spoke in favor of an evening meeting to encourage citizen participation. Mayor Young suggested that the Council discuss the issue further at the next Council Workshop. Councilmember King asked that staff look into the cost of regularizing the use of evening meetings. Deputy Mayor Swatman suggested the possibility of amending the process to have the hearing examiner make recommendations to the Council rather than having final decision authority. He noted, however, that this would increase the Council’s burden. Councilmember DeLeo affirmed that the Council had discussed this issue in the past. He suggested that the Council consider a formula for Council determination as to when an evening or continued hearing is appropriate.

Patricia Brooks, 20831 60<sup>th</sup> St. E., addressed the proposed development of the 64<sup>th</sup> St. to 214<sup>th</sup> St. area. She said the property owner and surveyor had damaged their property without any contact or proposal for reparation. She expressed concern for the apparent lack of sewer and water capacity to serve the proposed development.

Keith Smith, 4706 N. Island Drive, complained that the great water he has enjoyed at this residence in the past has been degraded. He referenced a letter that he had seen stating that the water from the Ball Park Well did not meet state standards. He asked that Council stop further development until the water issues are resolved. When asked if he favored the use of fluoride in the water, he responded, no. He asked Council to turn down the proposed annexation.

Deputy Mayor Swatman asked about the existence of a letter. Councilmember King said this was a reference to an old letter that he also had seen. He said there was perhaps a misunderstanding of the term quality. He added that the Ball Park Well water meets state health standards, although its aesthetics may not be acceptable in its color and mineral content. He said he agrees that the City should not pump the Ball Park Well. Councilmember Johnson asked Mr. Smith if the City should focus on serving residents inside the City's boundaries or those outside. Mr. Smith said the City should focus on those within. He encouraged the City to deny the annexation or any development until the water issues are solved.

Peg Stecky, 4810 Aqua Drive E., said the water this past summer was bad. She said she felt that perhaps fast-track building permits were not advantageous to the City. She said she favored the small town atmosphere she knew when she first moved to Bonney Lake.

Mike Kennedy, 4826 N. Island Drive, expressed amazement that he had been asked to conserve the summer's brown water. He note that those on Tapps Island appeared to be wasting water, while he had to drink the brown water. He said the continued development in the City has had a negative impact on their community's private park. He asked that the Council not annex the Bohemian Estates.

Judge James Helbling, with a professional address on S. Yakima in Tacoma, expressed appreciation to Councilmember King for acknowledging his contribution to of vacation time to Bob Lyons who is battling cancer. He noted that many others had similarly donated time including, Chief Jeter, Kathy Seymour, Donna Frazier and others.

Councilmember Noble expressed appreciation for all the citizens coming forward to speak about water. She said she hears the concerns. She said she is uncomfortable with all the "probablys," "maybes," and "hopefullys," And that despite being a Councilmember, she doesn't feel she has all the facts she needs yet to make a decision. She again thanked the audience for voicing their concerns.

Councilmember King apologized to Judge Helbling and others for not having mentioned their contributions as well during the Council's discussion of an action to compensate Judge Helbling for a portion of his excess vacation time.

Councilmember DeLeo noted that he is the only elected official drinking the brown water. He held up a brown pen, saying the color was representative of the water's color. He said the residents of Ward 5 will vouch for the problems posed by this water.

Peggy Cook, 6339 S. Island Dr., noted that her water's been brown. She said she was against the proposed annexation across from the access to Inlet Island. She expressed concerns for traffic, density and utilities.

With Council's consent, Mayor Young announced a ten minute break.

C. Correspondence – None.

### III. COUNCIL COMMITTEE REPORTS:

(A3.6.4)

A. Finance Committee

Deputy Mayor Swatman reported that the Committee did not meet this evening.

B. Community Development Committee

Councilmember Rackley said the Committee met on January 5th. He said the Committee had one item on the agenda recommending the renovations at the Senior Center.

C. Public Safety Committee

Councilmember DeLeo said that the Public Safety Committee also met on the 5th. He said the Committee had two items on the agenda this evening. He expressed appreciation to Sumner Police Chief Wilson for addressing the topic of cameras at the Public Safety Building.

D. Other Reports

Councilmember Johnson noted that on January 9, he and Councilmembers DeLeo and Noble along with Mayor Young toured the Eatonville Senior Center. He said the trip was interesting, and that although the Mayor was unavailable to visit Sumner's Senior Center the rest of the group enjoyed a tour of the center.

Deputy Mayor Swatman expressed a concern for the "Skyrock" or "Skystone" at Naches Terrace. He noted that the Hearing Examiner only required a gate to preserve the archeological artifact. He said that current development would include the construction of two homes that would block the stone from many of its observed alignments. The City Council briefly discussed the issue requesting a briefing at the next workshop.

### IV. MINUTES (A3.6.2) -

- A. Removed from the agenda. (See Item – I D. – Agenda Modification.)

**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 #36110 thru 36258 and wire transfer #510806, in the total amount of \$1,111,151.96; and
- \* Accounts payable checks/voucher #36259 thru 36351, voiding check #36305, in the total amount of \$167,390.83; and
- \* Accounts payable checks/voucher #36352 thru 36398 and wire transfer #538946, voiding check #36386, in the total amount of \$611,481.41.

2. Payroll:

- Payroll for December 15-31st 2003, for checks 21919-21981 including Direct Deposits and Electronic Transfers in the amount of \$296,329.90.
- Payroll for December 1-15<sup>th</sup> 2003, for checks 21866-21918 including Direct Deposits and Electronic Transfers in the amount of \$210,247.05.

**Councilmember Johnson moved the approval of the claims and payroll as read. Councilmember DeLeo seconded the motion.**

**Motion approved 7 – 0.**

**VI. FINANCE COMMITTEE ISSUES:**

- A. **AB03-290 – Resolution 1203** – A Resolution Of The City Of Bonney Lake, Pierce County, Washington, Accepting The Donation Of A Bike Rack/Bench At Allan Yorke Park. [F4.6.7]

This item was pulled from the agenda. (See Item ID. – Agenda Modifications.)

**VII. COMMUNITY DEVELOPMENT COMMITTEE ISSUES:**

- A. **AB04-04 – Resolution 1213** - A Resolution Of The City Of Bonney Lake, Pierce County, Washington, Authorizing A Contract With The Environmentalists For Renovations At The Senior Center. [F5.3.4]

**Councilmember Rackley moved to approve Resolution 1213. Councilmember Noble seconded the motion.**

Mayor Young explained that the improvements under this contractor included carpeting

and tile. Responding to Council's questions, Councilmember Rackley explained that the existing tile would be appropriately inspected before removal and that all the alternates listed in the contract would be included in the scope of work.

**Motion approved 7 – 0.**

#### **VIII. PUBLIC SAFETY COMMITTEE ISSUES:**

- A. **AB04-08 – Resolution 1215** – A Resolution Of The City Of Bonney Lake, Pierce County, Washington, Authorizing The Mayor And Police Chief To Apply For A Grant With The Washington Association of Sheriffs and Police Chiefs (Public Safety Building Cameras and Monitoring). [F4.6.7]

**Councilmember Johnson moved to approve Resolution 1215. Councilmember King seconded the motion.**

**Motion approved 7 – 0.**

- B. **AB04-09 – Resolution 1216** – A Resolution Of The City Of Bonney Lake, Pierce County, Washington, Authorizing the Mayor to Sign an Addendum to the Yakima Jail Contract. [O1.7]

**Councilmember Johnson moved to approve Resolution 1216. Councilmember Noble seconded the motion.**

**Motion approved 7 – 0.**

#### **IX. FULL COUNCIL ISSUES:**

- A. **AB03-282** – A Motion Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Setting January 20 As The Date To Discuss The 10% Petition To Commence Annexation Proceedings For The 33-Acre Bohemian Estates Tract. [O3.2.2] Deputy Mayor Swatman left the Council Chambers.

**Councilmember Rackley moved to set January 20 as the date to discuss the 10% petition to commence annexation proceedings for the 33-Acre Bohemian Estates Tract. Councilmember King seconded the motion.**

Director Leedy explained that by state law, the Council must meet and discuss this valid petition. Deputy Mayor Swatman noted that this was not a public hearing, and that the proponents should be prepared to discuss their plans in detail. He also expressed appreciation for the good background information provided by staff. Director Leedy noted that Shannon Mayfield-Porter, now on contract with the City for annexation work, had prepared the information.

**Motion approved 7 – 0.**

- X. EXECUTIVE SESSION** – Mayor Young announced that pursuant to RCW 42.30.110(1)(b)(c)(g)(i), the City Council will hold an executive session to discuss issues dealing with property disposal, property acquisition, employee performance, and potential litigation. He announced the session would last approximately 15 minutes. The session commenced at 9:07 p.m. At 9:12 p.m., the Council reconvened in open session, announcing to the public that the Executive Session had concluded.

**Councilmember King moved to amend the agenda to consider a motion to accept a property purchase offer. Councilmember Johnson seconded the motion.**

**Motion approved 7 – 0.**

**Councilmember King moved to empower the Mayor to accept an offer to purchase the City’s property at 18802 Mountain View Drive. Councilmember Johnson seconded the motion.**

**Motion approved 7 – 0.**

**XI. ADJOURNMENT**

**At 9:13 p.m., Councilmember Johnson moved to adjourn the meeting. Councilmember Noble seconded the motion.**

**Motion approved 7 – 0.**

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Harwood T. Edvalson, City Clerk

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Robert Young, Mayor