

**CITY COUNCIL MEETING**

**March 23, 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** – Deputy Mayor Swatman called the meeting to order at 7:01 p.m.

- A. Flag Salute - Deputy Mayor Swatman led the Pledge of Allegiance.
- B. Roll Call [A1.3]

City Clerk Edvalson called the roll. Elected officials attending were Deputy Mayor Dan Swatman, Councilmember Phil DeLeo, Councilmember Mark Hamilton, Councilmember Neil Johnson, Councilmember Cheryle Noble and Councilmember Jim Rackley. Mayor Young was out-of-town on vacation.

Staff present were Finance Director John Weidenfeller, Planning & Community Development Director Bob Leedy, Police Chief Bryan Jeter, Deputy City Attorney Jeff Ganson, Interim Public Works Director Bill Gilbert, Interim Administrative Services Coordinator Don Morrison and City Clerk Harwood Edvalson.

**Councilmember Rackley moved to excuse Councilmember King who was absent on business. Councilmember Noble seconded the motion.**

**Motion approved 6 – 0.**

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

- 1. Announcements: None.
- 2. Appointments:

- a. **Administrative Services Coordinator:** Mayor Young has appointed Don Morrison as the Administrative Services Coordinator. Mayor Young recommends Council's approval of the following motion:

- AB04-65** – A Motion Of The City Council Of The City Of Bonney Lake Confirming the Mayor's Appointment of Don Morrison as the Administrative Services Coordinator. [A3.8.5]

- Councilmember Rackley moved to confirm the Mayor's appointment of Don Morrison to the position of Administrative Services Coordinator. Councilmember Hamilton seconded the motion.**

**Motion Approved 4 – 2. Deputy Mayor Swatman and Councilmember Noble voted no.**

3. **Presentations:** Planning Commission recommendations on the following proposed ordinances were made by Randy McKibbin, Planning Commission Vice Chairman:
  - a. AB04-61 – Ordinance 1025 – Creating a Design Review Process
  - b. AB04-62 – Ordinance 1026 – Accommodating Zero-Lot-Line Development in the R-2 Zone And In P.U.D.s.

Vice Chairman McKibbin said that the Commission unanimously recommended approval of Ordinance 1025 to the City Council. He said that Ordinance 1026 was also recommended on majority vote. He added that a third recommendation of the Commission to the Council is to not have a Hearing Examiner in the PUD review process. The City Council asked a few brief questions of Vice Chairman McKibbin, and thanked him for his presentation.

D. Agenda Modifications [A3.6.6] : None.

## II. PUBLIC HEARINGS, CITIZEN COMMENTS & CORRESPONDENCE:

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

A. Public Hearing:

The following ordinances were combined for the purposes of taking public comment during the hearing.

1. **AB04-46 – Ordinance 1018** – An Ordinance of the City of Bonney Lake, Pierce County, Washington, Adding A New Chapter 19.06 To The Bonney Lake Municipal Code, Relating To Parks Impact Fees. [A3.5.5] [F4.3]
2. **AB04-64 – Ordinance 1019** – An Ordinance Of The City Of Bonney Lake, Pierce County, Washington, Adopting The Phase 2 Comprehensive Plan Amendment. [F4.8] [A3.5.2]

Deputy Mayor Swatman opened the public hearing at 7:09 p.m.

Betty Erdahl, 20630 Church Lake Drive E., spoke in favor of implementing parks impact fees.

Theo Gideon, representing the Master Builder's Association of Pierce County (MBA), said that he had previously submitted a letter to the Council. He said the MBA recognizes the Council's authority to set fees. He added that the Association has questions about ongoing maintenance and operations costs. He said the proposed parks

bond was a good first step to fund parks acquisition. He invited the City to work closely with those who represent creative solutions to mitigate their development fees. He concluded by asking the Council to start their consideration of fees back at the \$600 level which was initially recommended by the Planning Commission and Park Board.

Dan Decker, 20401 70<sup>th</sup> St., said he believes impact fees are important. He said there is a need for new parks. He asked what the fee would be based on and how it would be collected. He proposed a flat fee per parcel of perhaps \$50.

Deputy Mayor Swatman said the current proposed fee is \$1500 per home based on new construction. He said the Council was currently considering a bond levy to supplement the fees for the purchase of parks.

There being no further public comments, Deputy Mayor Swatman closed the public hearing at 7:20 p.m.

B. Citizen Comments [A3.6.4]

Betty Erdahl, 20630 Church Lake Dr. E., addressed public notices. She said she has been in contact with the City Clerk about required posting of notices. She encouraged a greater radius for notices. Addressing zero-lot-lines, she said she was for single family-owned units. She also expressed concern for the elimination of the 6,000 sq. ft. minimum lot size in the PUD – R-2 Zone. She reminded Council that a similar proposal was denied in the past by the Council. She said her concern was for density and traffic. She enquired about the potential applicability of Shoreline Regulations to this ordinance.

Ms. Erdahl expressed hope that the revenues from the Allan Yorke Park boat launch are used for the maintenance of Allan Yorke Park. Referring to the proposal for a new city hall, Ms. Erdahl said she hoped there would be a vote for city hall. She added that if part of the financing is by bonds, then a vote on the bond issue will give a good indication of public support.

Quinn Dahlstrom, 6527 193<sup>rd</sup> Ave. E., appeared as a Planning Commissioner, but said she did not speak on behalf of the Commission. She referenced the purchase of the new city hall property and asked where the \$10 Million projected for construction would come from. She also asked if the citizens would have the chance to vote on the project. She reminded Council that both the Planning Commission and Design Commission endorsed the top of the hill where the Public Safety Building and other public facilities are located to be the City's downtown. She said that Pierce Transit has studied and planned for the City's downtown to be at the top of the hill as well.

Wayne Potter, Barghausen Consulting Engineers, Inc., representing Euro-Way Homes, urged Council support for the proposed annexation. He said they have done a great deal of preliminary work and are excited to bring a quality subdivision into the City.

Don Sangesand, 5616 195<sup>th</sup> PL E., asked the Council a series of questions regarding the potential use of Ball Park Well this summer, the Mayor's vacation to Hawaii, the Councilmembers who voted against the site for the proposed city hall and those who voted against the salary commission. He expressed anger that he had been forced to use Ball Park Well water in the past, and encouraged action to prevent its future unfiltered use. He also urged the Council to not move rapidly on the construction of a city hall without the vote of the people.

Deputy Mayor Swatman responded that the use of the Ball Park Well may be required this summer in response to high demand in the event of a hot, dry summer. He added that the alternative would be an emergency use of Tacoma water.

Deputy Mayor Swatman said he had voted against the purchase of the property for city hall because he felt there was a better location. Deputy Mayor Swatman and Councilmember DeLeo said they voted against the Salary Commission Ordinance. Councilmember DeLeo commented on the recent purchase of property for city hall. He said that the City was presented with an option to get two parcels for the price that would normally be paid for one. He said he deeply feels the need for a community center. He added that it is a great location for two buildings side-by-side and a unique opportunity in the City.

Dan Decker, 20401 70<sup>th</sup> St. E., asked the Council for immediate response to his questions. He first asked if it is legal for any city employee to use city property for personal use. Several Councilmembers responded no. His next asked if it is cause for dismissal if a city employee uses city property for personal use. Deputy Mayor Swatman responded that it depends on the degree of use. He stated that a minor breach would probably not warrant dismissal. Mr. Decker said that he believes Mayor Young has used city property for personal use. He mentioned instances where he believes city letterhead, mailing and possibly other related expenses were used for the Mayor's personal interest. In support of his claim, he referenced the Council's meeting minutes from August 26, September 9, and September 26 of 2003, as well as February 10, 2004. Mr. Decker also referenced a copy of a letter Mayor Young received from the Insurance Commissioner. Mr. Decker charged that the Mayor has lied. He asked that the Council move forward with an investigation of these charges post haste.

Louisa Smith, 20112 Church Lake Rd., said that five minutes to address the Council is not enough. She informed the Council and audience that she had tickets for the Sumner Boosters Event. She also encouraged the Council to put the new city hall construction to a vote of the people. She concluded by suggesting that the City, and now the County, has wasted enough money investigating the Mayor and the tree removal issue. She agreed that if the Mayor did use City people, then that would be wrong, but added that the whole discussion really sounds like a campaign issue.

Councilmember Noble said that money's not the issue, but that breaking the law is. She said that elected officials take an oath of office to uphold the law. She added that it's a public trust issue, and that you can't put a dollar value on trust. Councilmember DeLeo said he feels it is a big issue of integrity for the leader of this City. He said he feels there is a clear effort to cover-up the truth on the tree removal incident, and feels the Mayor is trying to deceive the Council and public. He also referenced the City's "Character First" program and implied the Mayor shouldn't be the leader of such a program.

Changing subjects, Deputy Mayor Swatman referenced the City Hall construction and pointed out that the City Council often spends upwards of Ten Million Dollars for such things as water or sewer facilities. He added that the public doesn't ask to vote on all water and sewer increases. He agreed that a lot of public input was needed on the city hall issue, but added that there is some reasonable line between voting on everything and allowing the elected officials to make decisions on behalf of the public.

Councilmember Johnson asked when the City would actually start paying for the new property. Director Weidenfeller said it was dependent on the contract. He said a \$50,000 promissory note would soon be done. He estimated that it would be about 6 months before an additional payment would be made. He affirmed the condition that if the City doesn't do anything with the property within five years, then it could be repurchased by the seller.

C. Correspondence – None.

### III. COUNCIL COMMITTEE REPORTS:

(A3.6.4)

A. Finance Committee

Deputy Mayor Swatman reported that the Committee met earlier in the evening at 5:30 p.m. in a meeting open to the public. He said they discussed the purchase of public works vehicles, and sent the item forward to the next Council meeting. A second item was the surplus of city vehicles. He said that would go forward to the next meeting as well. Deputy Mayor Swatman reported that the Utility Billing Module for the Eden Finance Systems was still a work in progress and hoped that the new billing system would start in the next month or so. He said that discussion of a vehicle use policy was placed on hold. He concluded that the Sumner School District Interlocal agreement for youth recreation was passed on for Council approval.

- B. Community Development Committee  
Councilmember Rackley said the Committee met on March 15 and moved forward for Council approval the acceptance of painting work by Feller Bros. on the Public Safety Building. He said the Committee decided to postpone discussion of the city street lighting until they had received the results of the November election.
- C. Public Safety Committee  
Councilmember DeLeo said the Committee did not meet since the last Council meeting .
- D. Other Reports  
Deputy Mayor Swatman explained that an extended review and approval process with the State was required for some of the ordinances the Council had discussed at the last workshop. Councilmember Rackley asked if the additional public noticing requirement proposed in one of the ordinances would be a problem for the planning staff. Director Leedy said he did not feel the relative additional cost would be significant. Councilmember Rackley suggested that the increased notice area be implemented administratively. Deputy City Attorney Ganson said that Council can't direct staff, but that it might be discussed at the next workshop where a yes or no response could be given. He said that otherwise an interim ordinance could be adopted allowing for the increased public notice until the comment from the State is received on the regular proposed ordinance.

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

- A. Approval Of Meeting Minutes: March 2 Workshop and March 9 Council Meeting.

**Councilmember Rackley moved to approve the minutes as a whole with no further corrections. Councilmember Noble seconded the motion.**

**Motion approved 6 – 0.**

#### V. VOUCHERS AND PAYROLL: (F4.9)

- A. Vouchers – City Clerk Edvalson read the claims and payroll as follows stating that the claims were modified from those originally presented in the agenda:

- Claims: Accounts payable checks/voucher #36848 thru 36857 and 36859 thru 36966 and wire transfer #23926 and #621620 (voiding check # 36858) in the amount of \$624,990.52.
- Payroll: Payroll for March 1-15, 2004 for checks 22192-22243, including Deposits and Electronic Transfers in the amount of \$204,883.43.

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

**Motion approved 6 – 0.**

**At 8:09 p.m., Councilmember Rackley moved that the Council take a five minute break. Councilmember Noble seconded the motion.**

**Motion approved 6 – 0.**

Deputy Mayor Swatman reconvened the meeting at 8:17 p.m.

**VI. FINANCE COMMITTEE ISSUES:** None.

**VII. COMMUNITY DEVELOPMENT COMMITTEE ISSUES:**

- A. **AB04-47** – A Motion Of The City Council Of The City Of Bonney Lake Accepting The Work Performed By Feller Bros. Painting, Inc. For The Public Safety Building And Authorizing The Release Of Retainage Once Contract Closeout Documents And Requirements Are Met. [04.4.3]

**Councilmember Rackley moved to approve the motion to accept the work performed by Feller Bros. Painting, Inc. and authorize the release of retainage once contract closeout documents and requirements are met. Councilmember Noble seconded the motion.**

**Motion approved 6 – 0.**

**VIII. PUBLIC SAFETY COMMITTEE ISSUES:** None.

**IX. FULL COUNCIL ISSUES:**

- A. **AB04-64 – Ordinance 1019** – An Ordinance Of The City Of Bonney Lake, Pierce County, Washington, Adopting the Phase 2 Comprehensive Plan Amendment. [03.5.2]

**Councilmember Rackley moved to waive the Council Policies and Procedures and consider Ordinance 1019. Councilmember Noble seconded the motion.**

**Motion approved 6 – 0.**

**Councilmember Johnson moved to adopt Ordinance 1019. Councilmember Rackley seconded the motion.**

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

- B. **AB04-46 – Ordinance 1018** – An Ordinance of the City of Bonney Lake, Pierce County, Washington, Adding A New Chapter 19.06 To The Bonney Lake Municipal Code, Relating To Parks Impact Fees. [F4.3] [A3.5.5]

**Councilmember Rackley moved to adopt Ordinance 1018. Councilmember Johnson seconded the motion.**

Dan Decker and Theo Gideon waived their opportunities to address the Council on the issue.

**Motion approved 6 – 0.**

- C. **AB04-43 – Ordinance 1021** – An Ordinance Of The City Of Bonney Lake, Pierce County, Washington, Amending Ordinance No. 997 And The Annual Budget For The Calendar Year 2004. [F3.7]

**Councilmember Rackley Moved to adopt Ordinance 1021. Councilmember Noble seconded the motion.**

**Motion approved 6 – 0.**

- D. **AB04-60 – Resolution 1237** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing The Mayor To Purchase Additional Patrol Cars. [F4.6.2]

**Councilmember Rackley moved to approve Resolution 1237. Councilmember Johnson seconded the motion.**

Dan Decker, 20401 70<sup>th</sup> St. E., asked for clarification on the number of patrol cars being purchased. Director Weidenfeller responded that the resolution authorized the Mayor to purchase two additional patrol cars.

The City Council discussed the number of patrol cars purchased this year and encouraged the Mayor to purchase the two additional patrol cars to replace the rebuilt vehicles in the fleet. Police Chief Jeter said that with the two additional cars, all but one of the rebuilds would be replaced. He said the remaining rebuilt car would be used as a pool car.

**Motion approved 6 – 0.**

- E. **AB04-40** – Discussion with Applicants – 10% Annexation Petition for the 33-Acre Bohemian Estates Tract. [O3.2.2]

The City Council received a brief introduction of the topic from Director Leedy noting that this petition and proposed annexation was essentially the same that the Council had considered and rejected earlier in the year. Deputy Mayor Swatman asked about the process for this evening's meeting. Deputy City Attorney Ganson said that the discussion could be interactive with the petitioners. He added that the Council would ultimately need to determine whether or not to authorize the circulation of the 50% petition, but that no action was required of the Council this evening.

Associate Planner Mayfield-Porter distributed new information received subsequent to the printed staff report. She said staff has been made aware of another 5-acre parcel in the area that may be interested in annexation. She added that there is little new information about the proposed Bohemian Estates annexation since the last time it was considered by Council. Associate Planner Mayfield-Porter reviewed the annexation alternatives proposed by staff in the Council packet report.

Deputy Mayor Swatman asked the petitioner's representative to comment on the potential to develop the project in the County with a utilities extension agreement with the City. Wayne Potter, Barghausen Consulting Engineers, Inc., said development in that manner was definitely possible. He added that he didn't see it as a problem, but would like to discuss the issue further. Associate Planner Mayfield-Porter said that the City gives up some control over the project and potential collection of fees if the project is developed in the County. Councilmember Rackley said he would like to study and discuss the issues more at the next workshop.

**Councilmember Rackley moved to table the discussion to the next workshop.  
Councilmember DeLeo seconded the motion.**

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

**X. EXECUTIVE SESSION – None.**

**XI. ADJOURNMENT**

**At 8:50 p.m., Councilmember Johnson moved that the meeting be adjourned.  
Councilmember DeLeo seconded the motion.**

**Motion approved 6 – 0.**

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Harwood T. Edvalson, City Clerk

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Dan Swatman, Deputy Mayor