

CITY COUNCIL MEETING

**April 27, 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"

I. CALL TO ORDER – Mayor Young called the meeting to order at 7:02 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 Deputy Mayor Dan Swatman, Councilmember Phil DeLeo, Councilmember Mark Hamilton, Councilmember Neil Johnson, Councilmember Dave King, Councilmember Cheryle Noble and Councilmember Jim Rackley.

Staff present were Administrative Services Coordinator Don Morrison, Finance Director John Weidenfeller, Planning & Community Development Director Bob Leedy, Acting Police Lieutenant Tom Jenkins, Assistant Public Works Director Gary Leaf, City Attorney Jim Dionne, Interim Public Works Director Bill Gilbert, Judge Jim Helbling, and City Clerk Harwood Edvalson.

- C. Announcements, Appointments and Presentations [A3.6.9]
 - 1. Announcements: None.
 - 2. Appointments: None.
 - 3. Presentations: None.
- 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:

- 1. AB04-69 – Resolution 1235 – Declares As Surplus A Flatbed Truck Owned By The Public Utilities And Five Police Patrol Cars. [A3.6.12] [F4.6.3]

Councilmember King moved to modify the public hearing agenda title for AB04-69 to include the surplusing of five patrol cars. Councilmember DeLeo seconded the motion.

Mayor Young opened the hearing at 7:08 p.m.

Quinn Dahlstrom, 6527 193rd Ave. E., asked how the vehicles would be disposed of.

Director Weidenfeller explained that an estimated value had been established for the vehicles and some of the patrol cars would be sold to a domestic violence organization for \$250 per vehicle.

Daniel Decker, 20401 70th St. E., said he preferred that the vehicles be given to a non-profit organization rather than sold.

Councilmember DeLeo replied that since the City could not legally donate the cars, the Alliance Against Domestic Violence had agreed to pay the City's fair market estimated value of \$250 for those vehicles they wished to acquire.

Receiving no further public comment, Mayor Young closed the public hearing at 7:11 p.m.

B. Citizen Comments [A3.6.4]

Bob Cochran, 7606 Myers Rd., said he talked to the Mayor and Police Department about speeding occurring on Myers Rd. He said he has observed speeds well in excess of the posted limit. He added that his personal vehicles have been bumped by impatient drivers as he has been pulling in his driveway. He asked that the City do something about the speeding.

Councilmember Rackley noted that Myers Road is the Police Department's Street of the Week for traffic emphasis. Councilmember King said that the Public Safety Committee receives the printouts from the radar wagon and there have been some excessive spikes in speeds. He added that this appears to be the case all over the City. He said that the municipal court is very busy handling all the tickets issued by the police department for speeding. Judge Helbling confirmed that a significant number of citations have been issued for speeding on Myers Road.

Hans Korve, 4215 S. 216th Pl., said he had hoped to speak last week during the Council's discussion about PUDs. He said that the reason Bonney Lake didn't see any PUDs in the R-2 and R-3 zones is because there is no available land to do a PUD. He said the City's PUD ordinance is pretty good, and would be able to address the Council's concerns with PUDs if it was more internally consistent. He said the requirement for 20% open space was a little excessive. In addition, he said the requirement for a 20 ft. buffer around the PUD adds an even greater burden on the developer. He concluded by saying that he lives in a PUD with 4300 sq. ft. lots that work well for him and the other owners.

Members of the City Council had a dialog with Mr. Korve about his proposed corrections to the Bonney Lake PUD requirements.

Dan Decker, 20401 70th St. E., read the City's mission statement from the meeting agenda. He said that PUDs do not further the City's mission. Mr. Decker presented a

petition of 428 signatures to the City Clerk. The petition was a direction to the City Council to take control of the Moriarty property at 7405 W. Tapps Hwy. and add it to Allan Yorke Park.

Mr. Decker also referenced a certified letter in which he complained of not being able to get an appointment with Director Leedy. He then complained that Building Official Hight had threatened his son's life by saying, "You choose the battlefield you fight and die on." He asked the Council to make sure this type of behavior does not occur.

Deputy Mayor Swatman asked Mayor Young about the validity of Mr. Decker's claims. Mayor Young said he would have Director Leedy provide a written report by the end of the week.

Quinn Dahlstrom, 6527 193rd Ave. E., read from a prepared statement and referenced an email from Mayor Young concerning the decision to not apply for a grant from Pierce County Aging and Long Term Care this year. She asked the following questions:

- (1) In light of the fact that 60% of the folks receiving services from our Senior Center live outside of the city; should we insist that Pierce County pay more and not less each year? This decision may appear as a good idea to the other senior citizens, but isn't this taking money from our own taxpayers?
- (2) Do you anticipate that you will seek this grant in the future? (Mayor Young responded that there was a good chance the city would apply.)
- (3) Was this really a council decision or a staff decision? Council, did you consider the 60% non-resident usage when you made this decision?

Daniel Decker II, 20401 70th St. E., asked Mayor Young if he allows his staff to refuse appointments. Mayor Young responded that he allows his staff to set their own appointments. Mr. Decker complained that he has been refused an appointment with Director Leedy to move forward an issue that has been under discussion. He said that this behavior is retaliatory on behalf of Mayor Young. He said the City was interfering with his constitutional right to quiet enjoyment of his property, and constituted a taking of property. He complained of curt remarks made by the Director of Planning and Community Development and the Building Official. He asked Mayor Young if it was the city's policy to allow such remarks. Mayor Young responded that it is not addressed in the city's policy book.

Deputy Mayor Swatman asked Mr. Decker if he had been given any reasons for the inability to set appointments. Mr. Decker said no.

Councilmember King reminded the Council that pursuant to BLMC 2.04.685 (b) and for the efficient use of council meeting time, the Council or chairperson may choose not to respond to citizen comments. He observed that much time had already elapsed in the meeting and that there was still much city business to conduct.

Pat Miller, 19205 79th St. Pl. E., applauded the Council for their efforts to acquire parks

space and a community center. He felt the Council is short-sighted in not considering the maintenance and operations costs of such amenities. He reminded the Council that the proposed I-864 initiative would have an estimated impact to the City of \$450,000. (Councilmember King said the amount projected by the Association of Washington Cities is \$407, 900.) Mr. Miller asked the Council to consider holding their meetings earlier in the evening to accommodate those who have to rise early for their jobs.

Deputy Mayor Swatman said that the proposed bonds will be used to acquire parks property, and that development of the parks would come later.

Louisa Smith, 20112 Church Lake Rd., spoke in support of the acquisition of the Moriarty property. She also announced the sale of tickets for the Pancakes for Panthers breakfast at Bonney Lake Days. She said the cost of a ticket is \$6.00. The proceeds will pay for equipment and facilities at the new Bonney Lake High School.

Mayor Young announced the free pancake breakfast on Saturday, May 1st at the Public Safety Building which will serve as an information event for the community.

Don Sangesand, 5616 195th Pl. E., referenced the questions he had addressed to the Mayor on April 15. He asked when he might expect a reply. Mayor Young apologized for the delay and explained that he had been out of town. He said he would respond very soon.

Betty Erdahl, 20630 Church Lake Drive E., said she was disappointed that it appeared to be a done deal on the West Lake Tapps rezone. She asked that the Council carefully consider their position and remember that they are the policy setters. She asked them to do something different than what the Hearing Examiner says. She said they should consider the additional traffic and greater burdens on the water and sewer systems. Ms. Erdahl said she was confused by the planner that spoke earlier under citizen comments. She said what is needed is less-dense neighborhoods. She suggested the Park Bond would have a better chance of passing in her neighborhood if it includes the purchase of the Moriarty property. She asked about notice of the Council's meeting to consider the West Lake Tapps rezone.

Deputy Mayor Swatman responded that there would be no special notice, only the normal notice given for regular Council meetings.

At 8:15 p.m., Councilmember Rackley moved to take a 5 minute recess. Councilmember King seconded the motion.

Motion approved 7 – 0.

C. Correspondence – None.

III. COUNCIL COMMITTEE REPORTS:

[A3.6.4]

Mayor Young called the meeting back to order at 8:31 p.m.

A. Finance Committee

Deputy Mayor Swatman said the Committee met earlier this evening and discussed the budget to repair the swim dock. He thanked staff for keeping the Committee informed of the anticipated \$200 additional expense for this project.

B. Community Development Committee

Councilmember Rackley said the Committee met on April 19th and forwarded the Developer Extension Agreements and the Sky Island Final Plat for Council consideration this evening.

C. Public Safety Committee

Councilmember DeLeo said the Committee also met on April 19th and forwarded the resolution to help fund the Family Center Coordinator's position.

D. Other Reports

Councilmember Rackley said that he had participated in the interview of three candidates to conduct the utilities rate study.

Councilmember DeLeo said that the Kiwanis Club wanted to be more involved in the community and had agreed to begin work on a network of trails in the woods at Allan Yorke Park. He invited all to participate in a work party at the park on June 5.

Councilmember King said that he had attended a meeting of the Pierce County Regional Council (PCRC). He said the Transportation Coordinating Committee made recommendations to the PCRC, who would in turn make recommendations to the Puget Sound Regional Council (PSRC) for the funding of the following projects:

- (1) SR-167 extension to I -5;
- (2) SR504 cross-base hwy;
- (3) Lincoln Ave. over-crossing;
- (4) Signal Parity project for public transportation; and
- (5) PC Stewart Road Project/Completion of 8th Ave. Overpass.

He added that an additional project recommended as a supplement to (1) should be a Fife – 70th Ave. and Valley Ave. widening project.

IV. MINUTES [A3.6.2] -

- A. Approval Of Meeting Minutes: March 16 Workshop and March 23 Council Meeting.

Councilmember DeLeo moved to approve the minutes as presented. Councilmember

Rackley seconded the motion.

Motion approved 7 – 0.

V. VOUCHERS AND PAYROLL: [F4.9]

A. Vouchers – City Clerk Edvalson read the claims and payroll as follows:

- Claims: Accounts payable checks/voucher #37127 thru 37242, and wire transfer #659286 in the amount of \$236,261.38.
- Payroll: Payroll for April 1-15, 2004 for checks 22298-22347, including Deposits and Electronic Transfers in the amount of \$197,320.47.

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

Motion approved 7 – 0.

VI. FINANCE COMMITTEE ISSUES:

A. **AB04-02 – Resolution 1212** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing The Mayor To Sign An Amendment To The City’s Lease Agreement With AT&T Wireless. [A3.13.3.3]

Councilmember Rackley moved to approve Resolution 1212. Councilmember King seconded the motion.

Deputy Mayor Swatman explained that this agreement allowed for the addition of some antennas to the existing tower.

Dan Decker, 20401 70th St. E., asked for a brief description of the project’s location and the benefit to the City. Mayor Young explained that the tower was an existing one located behind the Public Safety Building and bring an increase of approximately \$2,250 to the City.

Motion approved 7 – 0.

B. **AB04-58 – Resolution 1235** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing The Disposal Of Surplus Property In Accordance With The Provisions Outlined By Ordinance 872. [F4.6.3]

Councilmember King moved to approve Resolution 1235. Councilmember Noble seconded the motion.

Councilmember Johnson questioned that the Council would move forward on this issue without further considering the public comments received during the public hearing. He asked if the issue should go back to a workshop. Councilmember DeLeo responded that he felt the questions had been answered and there was no reason for the Council to postpone a decision. Councilmember Hamilton clarified that the \$250 per vehicle would go back into the Equipment Repair and Replacement Fund.

Dan Decker, 20401 70th St. E., said he agreed with Councilmember DeLeo. He added that any comments he may have made in the past were now withdrawn. He said he feels this is a good use of the vehicles.

Councilmember King thanked Councilmembers DeLeo and Noble for staying on point and getting these surplus vehicles into the hands of the needy.

Motion approve 7 – 0.

- C. **AB04-73 – Resolution 1243** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing The Mayor To Sign Public Works Trust Fund Loan Agreements For The Sumner Treatment Plant, Ballpark Well Upgrade, And Water Main Replacements. [F4.12.21]

Councilmember Rackley moved to approve Resolution 1243. Deputy Mayor Swatman seconded the motion.

Councilmember King said that even though the interest rate may be low, the City must remain aware of the \$50,000 per year interest due on the loan.

Dan Decker, 20401 70th St. E., asked for a breakdown on the amount of money anticipated to be spent on the separate projects. He said the .5% interest is a good deal for the City. Mayor Young responded that the sewer treatment plant is \$2 million, the upgrade to ball park wells is \$3.75 million and the repair of leaky water mains is \$4.5 million.

Motion approved 7 – 0.

- D. **AB04-79 – Resolution 1246** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing The Provision Of Food And/Or Refreshments At City Expense To Facilitate Periodic Public Outreach And Employee Training Sessions. [F4.8]

Councilmember Noble moved to approve Resolution 1246. Councilmember Johnson seconded the motion.

Mayor Young said this would authorize the use of funds to provide food at events

designed to solicit input from and inform the residents on various issues. Councilmember King asked for an affirmation that the City of Bonney Lake will stay within the constraints of the Revised Code of Washington and the Washington Administrative Code. Mayor Young said the expenditures would be within the state guidelines.

Dan Decker, 20401 70th St. E., asked if this action includes Bonney Lake Days. Councilmember DeLeo said that Bonney Lake Days is a celebration, not an outreach event. He said the Council's pancake breakfast on May 1 is a good example of the outreach effort the Council is trying to accomplish. Administrative Services Director Morrison said that Bonney Lake Days spending would be covered under a separate resolution.

Councilmember DeLeo noted that this action would fund the employee training lunches for which the department directors had previously paid. Deputy Mayor Swatman said he was not in favor of authorizing expenditures for something that is not open to the general public. City Attorney Dionne said he would be providing strict guidelines to the City based on the restrictions found in the law. Councilmember DeLeo said he favored this action over requiring the department directors to continue to pay for the employee training lunches.

Motion approved 7 – 0.

VII. COMMUNITY DEVELOPMENT COMMITTEE ISSUES:

- A. **AB04-83 – Resolution 1251** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing A Water & Sewer Developer Extension Agreement With Quinn Chin For Improvements To The Fairweather Cove Plat. [A3.13.7]

Councilmember Rackley moved to approve Resolution 1251. Councilmember Hamilton seconded the motion.

Deputy Mayor Swatman asked that maps and sketches for these proposed agreements be included in future agenda packets. Councilmember Noble said this agreement is not one of the City's standard agreements. She said the City is paying to upsize the pipes in this project.

Dan Decker, 20401 70th St. E., asked if the project already had sewer and water. He asked why the City would be extending these services to the project. He said these are services the City does not have to give away. He asked the Council to table the item for further review.

Deputy Mayor Swatman asked where the developer would get their sewer coverage from. Interim Director Gilbert responded that the sewers would be dry sewers. Councilmember King said that the next resolution responded to issues already discussed in Council

workshop. He said the upsized lines are required to maintain appropriate water flows in the area.

**Motion approved 6 – 1.
Councilmember Noble voted no.**

- B. **AB04-87 – Resolution 1252** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing A Water And Sewer Developer Extension Agreement With Prium Development For North Tapps Estates For Improvements To The Lake Tapps Parkway. [A3.13.7]

Councilmember Rackley moved to approve Resolution 1252. Councilmember King seconded the motion.

Councilmember King reminded staff that maps would have been beneficial for the consideration of this item. Dan Decker waived his opportunity to speak on this issue.

Motion approved 7 – 0.

- C. **AB04-88 – Resolution 1253** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing A Water And Sewer Developer Extension Agreement With The Abbey Road Group For Improvements To The Windermere Development. [A3.13.7]

Councilmember Rackley moved to approve Resolution 1253. Councilmember Hamilton seconded the motion.

Dan Decker waived his opportunity to speak on this issue.

Motion approved 7 – 0.

- D. **AB04-84** – A Motion Of The City Council Of The City Of Bonney Lake Approving And Accepting The Final Plat For The Sky Island Division 3-A Final Plat. [O3.7.2]

Councilmember Rackley moved to accept the Final Plat for Sky Island Division 3-A. Councilmember DeLeo seconded the motion.

Councilmember Rackley and Deputy Mayor Swatman asked about the Sky Island Drive issue and if this final plat was separate from that issue. Director Leedy responded that this approval was for a three lot plat on Angeline Road and had nothing to do with Sky Island Drive. Deputy Mayor Swatman asked about the reference to a crash gate. Director Leedy said that requirement had been vacated and declared unnecessary by the fire department. To Deputy Mayor Swatman's additional inquiry about condition CL, Director Leedy advised that the condition had been removed by the County Hearing Examiner in 1996.

Councilmember Johnson asked about condition BY, and if an agreement with Sumner

School District was ever reached. Director Leedy said that he believed the school impact fees were paid, but would confirm that there is an agreement in place between the developer and the school district. Councilmember Johnson also asked about the requirements for open space and park and recreation amenities. Councilmember King responded that the major plats are not yet built out and that those improvements will come later. He said that planning for them should be ongoing.

Deputy Mayor Swatman and Councilmember Johnson asked about the annual time extensions that had been granted. They were interested in discussing at what point the Council should deny extensions to plats permitted under the County and require the replatting of properties under the City's standards. Director Leedy said he would report back to the Council on the "rules of the game".

Motion approved 7 – 0.

VIII. PUBLIC SAFETY COMMITTEE ISSUES:

- A. **AB04-85 – Resolution 1256** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing An Agreement With The Sumner School District To Partially Fund The Sumner Family Center Coordinator's Position For The Period Of January 1, 2004 – December 31, 2004. [01.9]

Councilmember Johnson moved to approve Resolution 1256. Councilmember DeLeo seconded the motion.

Mayor Young explained that the police department had been successful in getting a grant to cover a portion of the City's contribution to the salary for this position. He said the remainder of the City's portion was budgeted in the police department budget.

Dan Decker, 20401 70th St. E., objected to not being allowed to speak on the previous issue. He said he believed he signed up to speak on the issue and asked to see the sign-up sheet. Mayor Young responded that Mr. Decker had not signed up to speak, and that the item was not even listed on the sign-up sheet. Mr. Decker asked how much is being spent on the coordinator's position. Councilmember DeLeo clarified that \$2500 was coming from the grant and the remainder \$2300 from the police department budget.

Louisa Smith, 20112 Church Lake Rd., said she has had opportunity to do a lot of work with this group. She said they work hard to stretch the money and resources they have to help people. She said last year, for example, they helped provide new children's shoes for school. She added that the Coordinator and staff are very dedicated.

Motion approved 7 – 0.

IX. FULL COUNCIL ISSUES: None.

X. EXECUTIVE SESSION – None.

XI. ADJOURNMENT

**At 9:16 p.m., Councilmember Rackley moved that the meeting be adjourned.
Councilmember Noble seconded the motion.**

Motion approved 7 – 0.

Harwood T. Edvalson, City Clerk

Robert Young, Mayor