

**CITY COUNCIL MEETING**

**May 25, 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 7:03 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, Planning & Community Development Director Bob Leedy, Police Sergeant Jeff Miller, City Attorney Jim Dionne, Interim Public Works Director Bill Gilbert, Judge Jim Helbling, Senior Center Director JoAnne Barkley 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]

1. Mayor Young suggested that due to the number of residents interested in the topic, AB04-111 – Ordinance 1033 be moved to the beginning of Council business.

**Councilmember Rackley moved to place Agenda Item IX. A. (AB04-111) as the first item following Council consideration of the Claims and Payroll.  
Councilmember Noble seconded the motion.**

**Motion approved 7 – 0.**

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

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

A. Public Hearings [A3.6.12]

1. **AB04-104 – Ordinance 1031** – A Proposed 4% Increase In Refuse Rates [F4.3]

Mayor Young briefly introduced the topic and opened the public hearing at 7:07 p.m.

Pat Miller, 19205 79<sup>th</sup> St. Pl. E., said he feels the proposed 4% increase is reasonable. He said the fund should be used for additional litter control within the City. He encouraged the Council to be aware of the impacts to the refuse workers in the event of an employee lock-out by DM. He expressed appreciation for the service given by the refuse workers.

Councilmember DeLeo asked Mr. Miller his opinion of a ten year agreement like that proposed by DM. Mr. Miller said he was concerned that conditions may change during such a long contract term that would be difficult for the City to address. Mayor Young explained that the longer contract term was in exchange for DM turning its customers in annexed areas over to the City.

Dan Decker, 20401 70<sup>th</sup> St. E., said he feels 4% is too high. He said their profit margin is too high and that they underpay their employees. He advised the Council to think long and hard about this proposal.

Mayor Young closed the public hearing at 7:13 p.m.

B. Citizen Comments [A3.6.4]

Don Sangesand, 5616 195<sup>th</sup> Pl. E., said he feels the City is run by crisis management. He listed several events and circumstances that he feels substantiates his claim, for example—use of the Ball Park Well and the City's current water supply, the City's Comprehensive Plan, failure to acquire the Moriarty property, SR410 congestion, inadequate safety programs and lack of an adequate code of ethics.

Mayor Young said he was flattered that Mr. Sangesand would credit so much to the Mayor. He added that he was not even elected when the Council adopted its Comprehensive Plan, that the City does have an adequate safety program, and that SR410 is a state highway. Mayor Young concluded that Mr. Sangesand has misunderstood the information provided him.

Pat Miller, 19205 79<sup>th</sup> St. Pl. E., spoke in favor of the resolution authorizing use of the Tacoma emergency intertie. He urged the Council to not plan on using the Ball Park Well water before it can be appropriately treated.

Susan Lytle, 20209 70<sup>th</sup> St. E., spoke of her concerns for traffic congestion around Allan Yorke Park. She urged the addition of the Schuur Bros. Property to the park in place of the proposed development of duplexes.

Louisa Smith, 20112 Church Lake Rd., noted at least twice that previous Councils had considered acquiring the Moriarty property. She urged the Council to take positive action,

naming the addition, the Moriarty Addition. She estimated that the Council would only have to spend about \$800,000 more than it was earlier prepared to spend to acquire the property. She urged the Council to acquire this last possible addition to Allan Yorke Park.

Betty Erdahl, 20630 Church Lake Dr. E., urged the Council to condemn the property to add to Allan Yorke Park. She cautioned against increased density, additional traffic and already questionable pedestrian safety. She said she feels for the developer, but pointed out that public objection to a project is a risk that developer's take.

Melinda Carter, 20316 72<sup>nd</sup> St. E., said she has seen a huge increase in traffic in this area over the last six years. She urged the Council to acquire the property at fair market value to increase the size of the park. She urged the Council to slow the population growth of the City.

Ken Jennings, 20212 71<sup>st</sup> St., said he is president of a homeowner's association in the area. He said they are discontented with the proposed development of duplexes on the Schuur Bros. property.

Laura Fournier, 7201 205<sup>th</sup> Ave. E., said she is in favor of the park expansion.

Joel Riddle, 20208 71<sup>st</sup> St. E., said his children participate in little league games at Allan Yorke Park. He said he's noted illegal parking and heavy pedestrian congestion that endangers public safety. He said the addition of duplexes in the area would increase vandalism and crime. He urged the City to investigate the potential for additional revenue from its public access to Lake Tapps. He asked the Council to buy the property for the sake of the kids.

Brett Sherman, 7400 W. Lake Tapps Hwy., asked how the additional traffic of the proposed duplexes would be addressed by the City. He said he did not favor taking an individual's property, but that this is a business venture, not an individual. He chided the City for not looking within its own limits to secure sufficient water. He said the City would have to address his right to safely egress his own property if the duplexes are built. He expressed doubt that the full impacts of the development have been determined.

Mayor Young explained that the City did attempt to purchase the Reed property and water rights. He added that the Department of Ecology would not let the City transfer the agricultural water right to a consumption water right for the City. Councilmember DeLeo noted that there were many with an apparent passion for Allan Yorke Park. He invited them to express their passion by participating in the trail project on June 5<sup>th</sup> in the park.

Noting that the balance of the meeting was still before the Council, Councilmember King urged an extension of the citizen comment period for another 10 – 15 minutes. He hoped this would accommodate those who may have arrived late and not understood how the Citizen Comment portion of the meeting works.

Dan Decker, 20401 70<sup>th</sup> St. E., said he supports acquisition of the Moriarty property. He reminded Council of the petition circulated in support of the property acquisition. He urged the Council to do what is right and acquire the property. He also encouraged development of revenue-generating uses for the lake and park. He challenged the Council's authority to limit

the number of people participating in the Citizen Comments portion of the meeting.

Councilmember King said his intent was not to limit citizen comments, only to stop the meeting at a certain time to ascertain how the remainder of the meeting's business would be handled by the Council.

Bob Cantrell, 7318 West Lake Tapps Hwy., thanked the Council for the proposed solution to the problem of the duplex development. He encouraged the Council to acquire the property.

Tina Riddle, 20208 71<sup>st</sup> St., said she noted the other day that there was no additional parking for the ball games in progress and that the police were issuing tickets to those illegally parked. She said there is no pedestrian path along West Lake Tapps Highway from 73<sup>rd</sup>. She said even though she is a local business owner, she does not like all the growth and development. She asked the Council to preserve the woods on the Moriarty property.

C. Correspondence – None.

### III. COUNCIL COMMITTEE REPORTS:

[A3.6.4]

A. Finance Committee

Deputy Mayor Swatman reported that the Committee's business included discussion of a change in the proposed out-of-state travel for the police department and Resolution 1265, the Rate Study by EES.

B. Community Development Committee

Councilmember Rackley said the Committee met on May 17<sup>th</sup> and discussed the proposed agreements for the Grainger and Victor Falls Springs, Ball Park Well, and Snack Shack.

C. Public Safety Committee

Councilmember DeLeo said the Committee has not met since the last Council meeting. He noted the next committee meeting would be on June 8<sup>th</sup>.

D. Other Reports – None.

### IV. MINUTES [A3.6.2]

A. Approval Of Meeting Minutes: May 4th Workshop and May 11<sup>th</sup> Council Meeting.

**Councilmember DeLeo moved to approve the minutes as presented. Deputy Mayor Swatman 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 #37364 thru 37461, and wire transfer #12715 and # 704756 in the amount of \$469,915.91.
- Payroll: Payroll for May 15, 2004 for checks 22403-22455, including Deposits and Electronic Transfers in the amount of \$200,455.87.

**Councilmember Rackley moved approval of the claims and payroll as read. Deputy Mayor Swatman seconded the motion.**

**Motion approved 7 – 0.**

**VI. FINANCE COMMITTEE ISSUES:**

A. **AB04-111 – Ordinance 1033** – An Ordinance Of The City Of Bonney Lake, Pierce County, Washington, Authorizing The Taking Of Property. [A3.13.3.3]

**Councilmember Rackley moved to adopt Ordinance 1033. Councilmember Noble seconded the motion.**

Mayor Young asked Director Leedy to comment on the traffic impacts from the proposed development on the Schuur Bros. property. Director Leedy said the SEPA process on the proposed development will require traffic assessment and appropriate mitigations. He said the mitigations may require improvements to West Lake Tapps Highway. He said the analysis would be made based on peak hours of traffic. Councilmember King asked if the property would require SEPA review even if acquired by the City for park purposes. Director Leedy said there were many possible improvements that would require SEPA review and potential mitigation. Councilmember DeLeo asked about the mitigated determination of nonsignificance issued on the proposed project. Director Leedy responded that this will be true if the developer mitigates the impacts of the development. He added that this is the standard verbiage used on notices of application.

Councilmembers asked about the principles behind fair market value under the condemnation scenario for acquisition of the property. City Attorney Dionne said the appraisals would be based on the highest and best use for the property, and that a purpose for use of the property must be stated when submitted to the court. He said the Council could change the use at any point before or after the court consideration of the petition for condemnation.

Dan Decker, 20401 70<sup>th</sup> St. E., encouraged the Council to vote yes.

Joy Buss, 20403 71<sup>st</sup> St. E., spoke in favor of condemnation to alleviate conditions of congestion and heavy traffic in the area.

Betty Erdahl, 20630 Church Lake Drive E., urged the condemnation of the property for the

expansion of Allan Yorke Park.

Bob Cantrell, Steve Chamberlain and Vern Goodin chose to forgo their opportunities to address the Council.

William Schuur, 2614 Tacoma Point Dr. E., said that his company has been involved in the development of their property for over 18 months. He added that during that time his company followed all of the City's rules and did all that they were asked to do. He said the potential condemnation feels like an assault. He asked that the City, should it choose to acquire the property, compensate his company for the full cost of their effort.

Councilmember Rackley said he will not support this condemnation ordinance. He said the cost is prohibitive and not part of the parks plan recommended by the Park Board and adopted by the Council. Councilmember Johnson said he supported the ordinance. He said Allan Yorke Park is the central recreational property for the City. He said acquisition of the property and expansion of the park is clearly for the greater good of the people. Councilmember Hamilton said he will support the ordinance. He expressed regret for the failure of earlier Councils to address the need and opportunity to acquire the property.

Councilmember Noble said she supports the ordinance. She added that Allan Yorke Park and the adjacent property are a natural fit. She noted that there have been no major park additions in past years. She said her campaign platform included addressing the parks issues in the City. Councilmember DeLeo added that there is only one park that people from outside the City visit in Bonney Lake, and that is Allan Yorke Park. He said they come for access to the lake. He concluded that the City needs to build up this park before buying land for other locations. Councilmember King said this has been an agonizing process. He thanked Mr. Schuur for working appropriately with the City. He said the acquisition of this property will be costly. He calculated the cost for useable acreage to be the same as acquiring commercial property. He, too, said it was unfortunate that previous Councils did not predict the need for a larger park. He advised the public that even with this acquisition, the City's need for parks will not be satisfied. He said the additional acquisition of 50 – 100 acres is still needed. He encouraged public participation in the creation and development of the City's parks.

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

Deputy Mayor Swatman said this is one of the more significant actions he has seen the Council take during his years of service. He added that future generations will thank the Council for their action this evening.

At Councilmember King's request, Mayor Young declared a five minute recess at 8:26 p.m. The meeting reconvened at 8:41 p.m.

- B. **AB04-71 – Ordinance 1029** – An Ordinance Of The City Of Bonney Lake, Pierce County, Washington, Accepting Donations For The Senior Center In Accordance With The Provisions Outlined By Ordinance 937. [F4.6.7]

**Councilmember DeLeo moved to adopt Ordinance 1029. Councilmember Hamilton seconded the motion.**

Mayor Young thanked the seniors and others for their generous donations to the Senior Center.

**Motion approved 7 – 0.**

- C. **AB04-100 – Resolution 1258** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing The Mayor To Sign A Lease Agreement With T-Mobile. [O4.4.11.4]

**Deputy Mayor Swatman moved to approve Resolution 1258. Councilmember Hamilton seconded the motion.**

Councilmember DeLeo asked about earmarking the revenue from this lease for use in the parks. Deputy Mayor Swatman explained that these revenues will go into the General Fund from which park expenditures already come. He said further earmarking of the funds would be an unnecessary encumbrance on the City's accounting. Councilmember DeLeo said the Council would have to remember to allocate more for parks during the budget process.

**Motion approved 7 – 0.**

- D. **AB04-105 – Resolution 1263** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing A Contract With William R. Gilbert. [O4.14.1] [A3.17]

**Councilmember Rackley moved to approve Resolution 1263. Councilmember Hamilton seconded the motion.**

Mayor Young explained that the City was still in the process of interview for a permanent replacement in the Public Works Director's position. ASC Morrison said that a final interview date had been set for June 21<sup>st</sup>. He hoped an offer and acceptance would be completed by the end of June. Councilmember Rackley noted that the contract does not guarantee the full number of hours, and allows the City to conclude the agreement at any time.

Councilmembers Johnson, King and Mayor Young all expressed appreciation to Interim Director Gilbert for his expertise and responsiveness.

**Motion approved 7 – 0.**

## **VII. COMMUNITY DEVELOPMENT COMMITTEE ISSUES:**

- A. **AB04-12 – Resolution 1218** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing A Contract With All-N-One Cafe As The Concessionaire For The Allan Yorke Snack Shack During The 2004/2005 Season. [O5.6]

**Councilmember Rackley moved to approve Resolution 1218. Councilmember King seconded the motion.**

Councilmember Johnson asked if the agreement allowed for the City to bring in a mobile vendor to service special events after the anticipated September 30 closing of the Snack Shack. Interim Director Gilbert reported that the vendor said he would open for special events. There was general consensus that the agreement provided for first right-of-refusal for the vendor to open up after the May 28 – September 30 period. There was also general consensus that this was an item to clear up in the future, rather than delay the season's opening of the Snack Shack.

**Motion approve 7 – 0.**

- B. **AB04-112 – Resolution 1268** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing The Award Of The Grainger And Victor Falls Springs Treatment Facilities To Pape & Sons Construction, Inc. [04.10.2]

**Councilmember Rackley moved to approve Resolution 1268. Councilmember Noble seconded the motion.**

**Motion approved 7 – 0.**

- C. **AB04-114 – Resolution 1269** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing The Award for the Ball Park Well and Treatment Facility to Prospect Construction. [04.10.2]

**Councilmember Rackley moved to approve Resolution 1269. Councilmember King seconded the motion.**

**Motion approved 7 – 0.**

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

- A. **AB04-110 – Resolution 1267** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing Out Of State Travel. [A4.7]

City Clerk Edvalson explained that the text of the resolution had been changed to authorize travel by a different individual. Deputy Mayor Swatman had Sergeant Miller confirm that the reported change was incorrect and that another individual would be attending the training. There was consensus that the resolution should be modified to authorize the training of a representative of the Police Department, rather than identifying an individual.

**Councilmember DeLeo moved Resolution 1267 with the latter modification. Councilmember Johnson seconded the motion.**

**Motion approved 7 – 0.**

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

- A. **AB04-111 – Ordinance 1033** – An Ordinance Of The City Of Bonney Lake, Pierce County, Washington, Authorizing The Taking Of Property. [A3.13.3.3] **(Moved to Finance Committee Issues for action.)**
- B. **AB04-55 – Ordinance 1034** – An Ordinance Of The City Of Bonney Lake, Pierce County, Washington, Amending Chapter 18.50 Of The Bonney Lake Municipal Code And Ord. Nos. 746 And 952, Relating To Personal Wireless Telecommunication Facilities. [A3.5.5]

**Deputy Mayor Swatman moved to approve Ordinance 1034. Councilmember Noble seconded the motion.**

Mayor Young said this ordinance defines and sets spacing for cell towers. Councilmembers King and Rackley commended Deputy Mayor Swatman for initiating action to resolve an issue previously identified by the Council as a problem.

**Motion approved 7 – 0.**

- C. **AB04-95 – Ordinance 1030** – An Ordinance Of The City Of Bonney Lake, Pierce County, Washington, Amending Chapter 1.12 Of The Bonney Lake Municipal Code And Ordinance Nos. 923, 816, 648, 556, And 388 Relating To Designation Of City Council Ward 2 Boundaries. [A1.1.3]

**Deputy Mayor Swatman moved to adopt Ordinance 1030. Councilmember King seconded the motion.**

**Motion approved 7 – 0.**

- D. **AB04-96 – Resolution 1262** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing The Mayor To Make Use Of The Emergency Intertie With The City Of Tacoma. [O4.10.1]

**Councilmember Rackley moved to approve Resolution 1262. Councilmember Hamilton seconded the motion.**

Councilmember Johnson said that the Council didn't need to vote on this issue. He said the Mayor already has the authority to take whatever action he deems appropriate, and that the Council has already given him its input. He said he would abstain from voting on the issue. Councilmember Noble concurred that it is the Mayor's decision, and said she would also abstain.

**Motion approved 4 – 1 – 2. Deputy Mayor Swatman voted no and Councilmembers Johnson and Noble abstained from voting.**

- E. **AB04-102** – A Motion Of The City Council Of The City Of Bonney Lake To Accept The Geographic Boundaries For Annexation Area 7 As Submitted For Consideration At The May

18 Council Meeting; That The City Require Assumption Of Current City Indebtedness; That Zoning For The Area Be Established As Low-Density Residential (R-1); And, That Staff Is Instructed To Proceed With Circulation Of The 60% Petition For Annexation. [03.2.2]

**Councilmember Rackley moved to accept the motion as read. Councilmember DeLeo seconded the motion.**

Councilmember King said these developments allowed through the County process provided for almost no open space. He contrasted that to development in Bonney Lake where open space would be required. He added that the County failed to work with the City to implement standards that would be acceptable to Bonney Lake. He said he would probably vote no as a protest against these specific developments.

Councilmember Hamilton asked if the utility extension agreements could encompass additional requirements to develop more closely to the City's standards. City Attorney Dionne said that the more the City adds beyond the immediate nexus with the utilities, the more the agreement becomes suspect and liable to legal challenge. He added that because the developments are in the City's water service area, the City must provide service or eventually give the area up to another service provider. Deputy Mayor Swatman gave his opinion that the City would likewise have to provide sewer service. He believes the area is included in the sewer service area taken over from the County.

Councilmember King asked if the traffic impacts from the increased density developments had been mitigated. Director Leedy said he could not respond this evening. Councilmember King decried the County's planning for increased density and expecting future annexation to Bonney Lake, then leaving the impacts for the City to resolve upon annexation.

**Motion failed 3 – 4. Councilmembers DeLeo, Johnson, King and Noble voted no.**

- F. **AB04-103** – A Motion Of The City Council Of The City Of Bonney Lake Appointing Voting Delegates To Represent The City of Bonney Lake at the 2004 AWC Annual Conference. [A1.1.4]

**Deputy Mayor Swatman moved to appoint himself, Councilmember DeLeo and Mayor Young as the representatives to the AWC Conference. Councilmember Rackley seconded the motion.**

**Motion approved 7 – 0.**

- X. **EXECUTIVE SESSION** – Pursuant to RCW 42.30.110(1)(i) the Mayor announced that the City Council will hold a 15 minute executive session to discuss issues dealing with potential litigation. The Executive session started at 9:20 p.m. At 9:26 p.m. the Council reconvened in open session.

**Councilmember Rackley moved to reconsider the Council's action on AB04-102.** There was discussion about the validity of the motion with Councilmember Rackley having voted yes on the original action.

Deputy Mayor Swatman said that the Council should discuss the implications of their previous action.

He said that traffic impact and park impact fees apply at building permit issuance. He said that without annexation, the City would be missing out on these impact fees.

**Councilmember Johnson moved to reconsider the Council's action on AB04-102. Councilmember DeLeo seconded the motion.** (City Attorney Dionne determined that Councilmember Rackley's original motion was in order, but that this motion now had a second and should be considered.)

Councilmember Johnson said he would still like to make a statement with his vote, but also wanted the City to be able to collect the impact fees. Councilmember Hamilton said he still feels the solution should be through the utility extension agreements.

**Motion to reconsider approved 4 – 3. Councilmembers DeLeo, King and Noble voted no.**

**Councilmember Johnson moved to adopt the motion as originally read for AB04-102. Deputy Mayor Swatman seconded the motion.**

Councilmember King urged close consideration of the issues. He moved to table the motion until the next Council Workshop. (This motion failed for lack of a second.)

**Motion approved 4 – 3. Councilmembers DeLeo, King and Noble voted no.**

## **XI. ADJOURNMENT**

At 9:36 p.m., Mayor Young called for the meeting to adjourn.

**Councilmember Johnson moved to adjourn. Deputy Mayor Swatman seconded the motion.**

**Motion approved 7 – 0.**

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Harwood T. Edvalson, City Clerk

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Robert Young, Mayor