

CITY COUNCIL MEETING

**June 8, 2004
7:00 P.M.**



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.

MINUTES

"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. In addition to Mayor Bob Young, 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, Police Chief Bryan Jeter, City Attorney Jim Dionne, Interim Public Works Director Bill Gilbert, Court Administrator Kathy Seymour 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 Hearings [A3.6.12]: None.

B. Citizen Comments [A3.6.4]:

Quinn Dahlstrom, 6527 193rd Ave. E., stated that the Mayor and Councilmembers King, Rackley, DeLeo and Hamilton want to poison children with fluoride in the water. Noting the recent vote to condemn property for park purposes, she asked the Council what value they place on the city's children and grandchildren. She said she is bothered that her grandson can't play championship soccer in Bonney Lake. She encouraged the expansion of the park and addition of new playing fields. She said the Park Board would have recommended the purchase of the Moriarty property if it had known the property was available. She urged Councilmember King to vote yes on the veto reconsideration.

Councilmember DeLeo said he took offense and felt that Councilmembers were defamed to state that they want to poison children. He said the fluoridate water from Tacoma would hopefully be introduced for only a few short weeks, as needed, during the summer and would be greatly diluted in the system.

Margaret Farrell, Bonney Lake Park Board member, read a letter she authored and that was also signed by Chairperson Carol Ujick, Leota Musgrave, Dan Totten and Darren Proctor of the Park Board. The letter expressed disappointment at the Mayor's veto of the condemnation ordinance. The letter explained that the Park Board had been lead to believe by the City's park consultant that the Moriarty property was unavailable. Had the Board understood the property to be an option for inclusion in the plan, it would have been recommended for acquisition. The letter concludes with the hope that the Council will override the Mayor's veto.

Pat Miller, 19205 79th St. Pl. E., said he is not anti-parks. He said he is anti excess spending and not being responsible. He suggested that the current City Hall property would be available to add to Allan Yorke Park after the City Hall is moved to its new location. He cautioned against counting on the proposed bond measures passing and noted that I-864 may have an over \$400,000 impact to the City. He said that nearly \$3.5 million for the Moriarty property would be too much when considering the amount of property tied-up in wetlands.

Joe Comstock, 9526 180th Ave. E., suggested an alternative to the acquisition of the Moriarty property. He identified a property of approximately 10 acres of trees just below the Sky Island development. He said park development on this property would add to the availability of parks to other areas of the City.

Councilmember King asked Mr. Comstock to point out the property on the aerial photo mounted on the wall in the Council Chamber.

Dan Decker, 20401 70th St. E., said he was speaking for the 428 signers of the petition he previously submitted. He asked to be granted ten minutes for representing a group. City Attorney Dionne gave Mayor Young the opinion that the intent of the rule was to allow an individual to represent a particular position. He said where there were still others intending to speak representing the same position, then the rule is no longer applicable. Mayor Young asked Mr. Decker to limit his comments to five minutes. Mr. Decker asked that his protest of the time limitation be noted in the record.

Mr. Decker read the City's mission statement from the agenda. He said the development of housing on the Moriarty property does not support the City's mission statement. He reminded the Council that the geographic dispersion of the petition's signers indicates broad support for acquisition of the Moriarty property. He noted that the Park Board does not agree with the Mayor's statements about why the property was excluded from the Park Plan.

Roger Kramer, 20911 Church Lake Dr., thanked the Council for their vote on the 25th. He said that Allan Yorke Park is Bonney Lake. He advocated buying the property to add to the park as a legacy for the children. He said the wetlands could be mitigated just like other developers so often do.

Tim Jacobsen, 17814 70th St. E., said that the property is prime for park use. He said the only problem is that it belongs to someone else. He urged the Council not to condemn the property. He said taking the property is not American.

Ken Jennings, 20212 71st St. E., said he is the President of Board of Trustees for Church Lake Maintenance Co. representing 300+ families. He said the overwhelming majority of comments have been in favor of the condemnation for park purposes. He urged the Council to listen to the people and have foresight. He said the condemnation is not a taking, but a legal procedure for acquisition at fair market value.

Louisa Smith, 20112 Church Lake Rd., noted that the City Hall and Lakeridge Junior High property had been donated by the same philanthropist with no cost to the City. She asked why the City did not accept Mr. Schuur's sale price for the proposed park property. She said vision is important, and that Allan Yorke Park is the gem of the City. She objected to the characterization that each resident will pay for the purchase of the park. She pointed out the increased sales tax base from new commercial development in the City as a source of revenue to pay for the park. She said the park purchase will look smart in the future.

John Farrell, 20229 Church Lake Dr., noted that his wife has been on the Park Board for a number of years. He expressed anger at the Mayor's misrepresentation of the Park Board. He said they had been told the property was not available. He said the citizens deserve to know the real cost of the property rather than estimates. He said from a long-term perspective, the cost to acquire the property today will seem a laughable number in the future if the park land is lost.

Deputy Mayor Swatman said the Council majority believes the true cost to acquire the property is less than the opponents would lead the public to believe. Councilmember Rackley added that no one will know the true cost until a judge and jury decide the matter. Responding to Mr. Farrell's question about how the property got rezoned in the first place, Deputy Mayor Swatman said it was the action of a previous City Council.

Bryan Brandt, Manager of the WSU Bonney Lake Demonstration Forest, provided an update of recent activities associated with the Demonstration Forest. He said the National Civilian Community Corps will be working on the trail system in the Demonstration Forest. He spoke of two phases of facility development on the property. The trails and amphitheatre preparation are in the first phase. The second phase will include improvements to the amphitheatre and a bmx bike track. He announced June 26th as an opportunity for the community to assist with the initial trails project. He also announced July 3rd as an open house for the community to look at the trails and the amphitheatre. He added that the National Civilian Community Corps may be available starting in November to assist with service throughout the community.

Councilmember Hamilton asked about parking and access to the property. Mr. Brandt said that parking needs would be considered and planned as part of their phase two development of facilities on the property. He added that the amphitheatre may have access to parking at the existing movie theatres.

Terri Toppen, 7203 205th Ave. E., said she moved to Bonney Lake two years ago for the beauty of Allan Yorke Park. She said the residential development of the Schuur property would spoil the beauty of the area. She asked the Council to condemn the property and add it

to the park.

Leota Musgrave, 9308 202nd Ave. E., said she and others tried to get a youth center. She said they could get no cooperation or help from the Council. She asked the Council to remember that the kids should come first in the acquisition of this property for a park.

Betty Erdahl, 20630 Church Lake Dr. E., thanked the Council for their vote to condemn the Schuur property. She noted that people from other communities come to Bonney Lake to use Allan Yorke Park. She said the location of the park and its potential addition are critical. She expressed disappointment in the Mayor's statements and action to veto the condemnation. She said the City should pay fair market value for the property and wished that a deal had been worked out earlier. She added that the wetlands on the property can be used for recreational purposes, and noted other sports fields that are inundated with water at certain times of the year. She also noted that a variance application for zero lot lines on the property was still headed for a hearing by the Hearing Examiner. She said the Council needs to change this process to one that gives fair consideration of the public's concerns.

Susan Lytle, 20209 70th St. E., said she won't let her 13 yr. old grandchild walk around the corner to the skate park because of the traffic danger. She asked the Council to overturn the veto and condemn the property for addition to the park.

Bob Cantrell, 7318 West Lake Tapps Hwy., presented Council with a series of pictures showing damage to his property from a recent hit and run accident. He said he fears for the time when there may be a death associated with the dangerous traffic conditions. He said the worsening conditions need to be addressed now. He added that the residential development of the Schuur property would escalate the dangerous conditions. He asked why the Council did not understand the concerns. He noted that there are no facts to substantiate the figures used by opponents of the property acquisition.

C. Correspondence – None.

III. COUNCIL COMMITTEE REPORTS:

[A3.6.4]

A. Finance Committee

Deputy Mayor Swatman reported on the Committee's meeting from earlier in the evening. He said the Committee discussed a proposed action to designate an official newspaper for the City. He said they also discussed hazard mitigation planning, received an update on planned personnel actions and considered the additional needs to make the audio system in the Council Chambers operational.

B. Community Development Committee

Councilmember Rackley said the Committee met last night, but had no actions to forward for tonight's agenda. He added that the Wastewater Treatment Facilities Committee met on May 27th and discussed the current status of the sewer plant project. He said they were considering a Council tour of the facility when it is near completion in early September.

- C. Public Safety Committee
Councilmember DeLeo said the Committee will meet next Monday, June 14th.

- D. Other Reports
Councilmember DeLeo said he attended a Communities for Families meeting at the Public Safety Building. He said there was a group of students from the University of Washington – Tacoma that made a presentation on the assets for youth in Bonney Lake. He said they would like to make a presentation to the Council at the next workshop on June 22nd.
Councilmember Noble said she also attended and that the presentation will be worthwhile.

IV. MINUTES [A3.6.2]

- A. Approval Of Meeting Minutes: May 18th Workshop and May 25th Council Meeting.

Councilmember King 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 #37462 thru 37547 in the amount of \$233,378.67.
 - Payroll: Payroll for May 31, 2004 for checks 22456-22508, including Deposits and Electronic Transfers in the amount of \$299,451.19.

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

Motion approved 7 – 0.

Mayor Young noted that the Council had been provided an additional motion for consideration.

Deputy Mayor Swatman moved to authorize the payment of tax and license fees outside of the regular voucher review process for the recently purchased 1997 Ford Pickup and the 2000 Ford Taurus. Councilmember DeLeo seconded the motion.

Motion approved 7 – 0.

VI. FINANCE COMMITTEE ISSUES:

- A. **AB04-107 – Resolution 1265** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing The Mayor To Sign A Contract With Economic & Engineering Services, Inc. [F4.3]

Councilmember Rackley moved to approve Resolution 1265. Councilmember Johnson seconded the motion.

Motion approved 7 – 0.

Interim Director Gilbert said the agreement included a workshop for the Council to explain the elements of a comprehensive rate study. He said the amount of time needed may be from two to four hours and suggested an additional workshop outside the normal Council meetings. The Council discussed dates and selected Saturday, June 26th at 8:00 a.m. for the special workshop.

VII. COMMUNITY DEVELOPMENT COMMITTEE ISSUES: None.

VIII. PUBLIC SAFETY COMMITTEE ISSUES: None.

IX. FULL COUNCIL ISSUES:

- A. **AB04-120** – A Motion Of The City Council Of The City Of Bonney Lake To Enter At Large Upon The Record The Mayor's Objections Pursuant To His Veto Of The Council's Adoption Of Ordinance 1033, And To Reconsider Ordinance 1033. [A3.13.3.3]

Reconsideration - Ordinance 1033 - An Ordinance Of The City Of Bonney Lake, Pierce County, Washington, Authorizing The Taking Of Property.

Councilmember Rackley moved to enter at-large upon the record the Mayor's objections pursuant to his veto of the Council's adoption of Ordinance 1033, and to reconsider Ordinance 1033. Councilmember Noble seconded the motion.

Councilmember Rackley noted that he is in favor of parks, but is afraid that extra money spent here will take away from other areas where they also need parks. Councilmember Johnson said taking land is a serious issue. He added, however, that the Council now has a vision for the future and should take advantage of this once-in-a-lifetime opportunity. Deputy Mayor Swatman presented a resolution from the Sumner/Bonney Lake Little League in support of purchasing land for the expansion of Allan Yorke Park. Councilmember DeLeo also spoke in support of the land acquisition. He cited the Auburn Game Farm and Mt. Rainier National Park as examples where foresight led to the assemblage of land parcels for successful parks. He expressed disgust with the scare tactics of those in opposition to the acquisition. He said the Mayor's statements about Park Board feelings was misleading.

Mayor Young said he vetoed the condemnation ordinance principally on cost. He added that he is not against parks and thinks this would make a fine addition to Allan Yorke Park. He said no one knows the final cost when it goes to a jury. With respect to the Park Board, he said the cost was cited by staff, at a workshop with Park Board members present, as a reason the property was not considered for inclusion in the Park Plan. He said the Board was silent on that comment. This, coupled with a personal conversation with another Park Board member, who said he represented the feelings of the Board as being opposed to the potential cost of this acquisition, led him to believe the majority of the Park Board was not in favor of acquiring the property.

Councilmember Noble said she would support the veto override. She also expressed pride in the leadership the Council is showing and its foresight for the City's future. Deputy Mayor Swatman disputed the figures represented by the Mayor and said the condemnation process will establish the true fair market value of the property. He encouraged Councilmember Rackley to join the direction of the Council majority. He said that it is no longer about the issue, but about whether it will be the Council or the Mayor that sets the direction for the City.

Councilmember King promised not to be too loquacious in his statements, but wanted to comment on the issue at hand. He said during his tenure on the Council, the City's budget has grown from \$29 million to \$59 million. He added that generally, when the Council is trying to balance the needs of the residents of Bonney Lake, it is done before an empty Council Chamber. He expressed hope that all those who have come to comment on this issue will also participate in the development of the park. He noted that Councilmembers gave of their own personal time to work on the trails project in Allan Yorke Park last week, but that the 428 who signed Mr. Decker's petition, were absent. Councilmember King said that he hopes that those who have vilified the Mayor for his cost estimates to acquire the additional park property will also vindicate him if his estimates should prove true once a jury has decided the fair market value of the property. He says he wants more sidewalks for the seniors, more traffic safety next to Allan Yorke Park as well as a myriad of other things that the Council will have to prioritize. He said this property is more costly than it should be. He expressed hope that next time the Council and Park Board will be more strategically oriented to acquire needed properties as inexpensively as possible. He noted that the City Council has an ambitious plan that includes a new City Hall, a Community Recreation Center, a park and other things that may take up to 20 years to accomplish. He said that he and the Council are committed to doing the very best they can to make these things happen for the community.

Councilmember Hamilton asked about the funding scenarios for City Hall if the bond measure for parks and trails fails in the election. Finance Director Weidenfeller presented some preliminary figures for some of the possible scenarios.

Councilmember Rackley estimated the potential cost of the Schuur property to the citizens of Bonney Lake to be \$240 per person. Councilmember Noble responded that the price is not known and that such estimates are pure speculation. She urged the Council to move forward. Deputy Mayor Swatman assured the Council that the acquisition of this park property will not break the City.

Citizens registered and speaking for one minute per person on this action item were Margaret Farrell, Dan Decker, Terri Toppen and Betty Erdahl. All were in favor of the property acquisition.

Mayor Young called for a roll call vote on the motion. **The Council voted as follows:**

Councilmember DeLeo -	Aye
Councilmember Johnson -	Aye
Councilmember Noble -	Aye
Councilmember Rackley -	Nay
Councilmember King -	Aye
Councilmember Hamilton -	Aye
Deputy Mayor Swatman -	Aye

Mayor Young said the vote was 6 – 1 in favor of overriding the veto. He thanked all who participated in the dialogue. He said it is a good day in Bonney Lake when a difficult issue can be discussed and the participants walk out in a civil manner. Councilmember King added that Councilmember Rackley has taken a courageous position. He added that he knows Councilmember Rackley votes his conscience and is a man of great integrity.

As per the Council's motion, the Mayor's objections as presented to the Council at the time of veto are incorporated into the official record as follows:

May 27, 2004

Bonney Lake City Council

RE: Veto

I do hereby veto Ordinance 1033, action of the City Council at their May 25 Council meeting, which would condemn the Moriarti/Schurr property so the city could use it for parks expansion. I am very much in favor of expanding our City's park system, but I veto this action for the following reasons:

-Though this property would have been a fine addition to Alan Yorke Park, I cannot justify to our citizens what this property would now cost the City. The opportunity for purchasing this property has long passed when it was economical. Now that it is being developed, the costs are prohibitive for a park.

-The Park's Board did not ask us, nor recommend, that we add this property to the City's Park's Plan. They too felt it was too costly. They emphasized the fact that we need parks

elsewhere, and laid out a plan for parks throughout the City. The Council received the report, and the plan, of the Park's Board so enthusiastically that they made plans to ask the voters to support a Park's Bond Levy on the ballot this fall for the purchase of future park lands.

-With the costs of condemnation possibly going above \$3 million, if the Park's Bond Levy fails to pass, will we have to turn around and sell this property?

A good idea has become a bad idea because it causes more pain than gain. On the face of it, the action of the Council, supported by citizens who live around the park, seemed to be a good idea. However, with the projected costs to the City, this property is just too expensive for park land. To fund this property now means much less money will be available to implement the rest of the Park's Plan.

Therefore, on behalf of the citizens of Bonney Lake, it is my responsibility to veto Ordinance 1033.

Mayor Bob Young

Councilmember Rackley requested a break in the meeting. With Council's tacit approval, Mayor Young declared a ten minute recess at 8:54 p.m. Mayor Young reconvened the meeting at 9:12 p.m.

Councilmember King moved to modify the agenda and re-open the Citizen Comment portion of the meeting to allow Sandy Grimsly and Cathy Broddock to speak. Deputy Mayor Swatman seconded the motion.

Motion approved 7 – 0.

Sandy Grimsly, 9511 202nd Ave. E., complained of a fireworks display on Saturday, May 29th at 10:00 p.m. She said the explosions shook her home and caused her family and neighbors emotional distress not knowing the initial source of the explosions. She complained that the Bonney Lake Police Department was not informed of the display and could not provide information to residents. She urged the Council to require public notice by the responsible individuals or agencies in charge of permitting such displays.

Cathy Broddock, 9519 202nd Ave. E., said the fireworks display was so distressing to her husband that it's probable he had a minor heart attack. She said she and her husband were so affected that they fled their home, only realizing that it was a fireworks display as they headed out of town and could see the aerial display. She said she went to the site of the fireworks at the Kelly Farm and saw minors drinking beer. She said the Pierce County Deputies and Bonney Lake Police Officers ignored her requests to check the identification of the youth she observed drinking. She reported that she spoke to the fire department crew on stand-by who told her the fireworks were much larger than those used at a normal public display.

Administrative Services Coordinator Morrison said the City will ask the County for notification of future permits that may impact residents of Bonney Lake. He advised the City Council that Bonney Lake's own ordinance does not regulate permits issued through the State of Washington.

Councilmember Rackley moved to take approval of Ordinances 1025, 1035 and Resolution 1276 as a consent agenda. Councilmember Johnson seconded the motion.

Deputy Mayor Swatman said he would pull Ordinance 1035 from the consent agenda for further discussion.

Councilmember King expressed a desire to discuss each of the items separately. **Councilmember Rackley withdrew his motion.**

- B. **AB04-61 – Ordinance 1025** – An Ordinance Of The City Of Bonney Lake, Pierce County, Washington, Amending Chapters 14.10, 14.30, 14.50, 14.60, 14.70 Of The Bonney Lake Municipal Code And Ordinance No. 988, And Adding A New Chapter 14.95 To The Bonney Lake Municipal Code, Relating To The Creation Of A Design Review Process. [A3.5.5]

Councilmember Rackley moved to approve Ordinance 1025. Councilmember Hamilton seconded the motion.

Mayor Young applauded the good work of the Design Review Commission.

Motion approved 7 – 0.

- C. **AB04-118 – Ordinance 1035** – An Ordinance Of The City Of Bonney Lake, Pierce County, Washington, Amending Chapter 15.04 Of The Bonney Lake Municipal Code And Ordinance Nos. 700, 711, 778, 826, 851 And 885, Relating To Adoption Of Revised Uniform Codes Of Building And Related Regulations. [A3.5.1]

Councilmember King moved to adopt Ordinance 1035. Councilmember Rackley seconded the motion.

The City Council discussed some of the potential impacts of this state-mandated legislation and concluded to allow the State of Washington to work out some of the concerns in the code. Deputy Mayor Swatman asked for the position of the Master Builders Association on the proposed code changes.

Theo Gideon, Master Builders Association of Pierce County, said the building industry is generally supportive of the new International Building Code. Planning and Community Development Director Leedy highlighted the investment in training and materials that the Building Department staff has put into preparing for the enactment of the new code. Building Official Jerry Hight gave a brief history of the origins of the International Building Code.

Motion approved 6 – 1. Councilmember Hamilton voted no.

- D. **AB04-104 – Ordinance 1031** – An Ordinance Of The City Of Bonney Lake, Pierce County, Washington, Amending Chapter 8.04 Of The Bonney Lake Municipal Code And Ordinance Nos. 389, 389A, 389B, 389D, 622, 622A, 622B, 622C, 803, 828 And 925, Relating To Solid Waste Collection Rates. [F4.3]

Councilmember Rackley moved to approve Ordinance 1031. Councilmember King seconded the motion.

The Council discussed the effective date of this ordinance and questioned the need to approve this increase until the DM Disposal Agreement is also ready for consideration. Councilmember Johnson said he would vote no on the ordinance until he can review the DM

Disposal agreement in its entirety.

Councilmember Rackley moved to table Ordinance 1031 until the Council was ready to also consider the DM Disposal Agreement. Councilmember Johnson seconded the motion.

Motion approved 7 – 0.

- E. **AB04-127 – Resolution 1276** - A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing The Purchase Of Parcels A Through E As Shown On The Attached Vicinity Map, And The Exclusive Right To Purchase Parcel F, Shown On The Same Vicinity Map. [A3.13.3.3] (Approximately 2.1 acres of property located along the northerly edge of Old Sumner Buckley Highway, generally across the street and west of the Public Safety Building.)

Councilmember Rackley moved to approve Resolution 1276. Deputy Mayor Swatman seconded the motion.

The City Council discussed the planned continuation of 184th Avenue across Old Buckley-Summer Highway and up the hill to connect with 182nd Avenue. Mayor Young informed Council that the Public Works Department has standing orders to improve the grading on the property and hydro seed the dirt at the earliest possible opportunity. He added that the City has received several offers from private individuals to help with the improvements. Councilmember Johnson suggested a sign be constructed on the property after the seeding is complete for City announcements. Councilmember King said the economic development of the area needs to move forward consistent with the City's comprehensive plan and old town concept. He added that the City's quick action with the property will help show the citizens of Bonney Lake that the Council does care about the City's future.

Motion approved 7 – 0.

X. **EXECUTIVE SESSION:** None.

XI. **ADJOURNMENT**

At 10:00 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.