

CITY COUNCIL MEETING

**July 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 7:05 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, Planning & Community Development Director Bob Leedy, Police Chief Bryan Jeter, City Attorney Jim Dionne, Operations and Maintenance Supervisor Rick Shannon, City Engineer John Woodcock, Judge James Helbling and Court Administrator Kathy Seymour and City Clerk Harwood Edvalson. Finance Director John Weidenfeller joined the meeting in progress.

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

1. Announcements: None.

2. Appointments: None.

3. Presentations:

a. Ardith DeRaad – Alliance Against Domestic Violence introduced Alexis Alexandria who related her personal experience with extreme domestic violence. She expressed appreciation for the professionalism of Chief Jeter. Ms. DeRaad presented Chief Jeter with a plaque acknowledging his professionalism and support of victims of domestic violence. Chief Jeter accepted the award and also praised the officers and staff of the Bonney Lake Police Department and Municipal Court.

D. Agenda Modifications [A3.6.6]:

Mayor Young explained that an agenda modification sheet had been distributed earlier in the evening that included two new ordinances and repositioning of the executive session earlier in the meeting.

**Deputy Mayor Swatman moved to modify the agenda as presented (See below).
Councilmember Rackley seconded the motion.**

**1. INSERT THE EXECUTIVE SESSION IMMEDIATELY FOLLOWING SECTION V.
(Vouchers and Payroll).**

EXECUTIVE SESSION: Pursuant to RCW 42.30.110(1)(b)(i) the City Council may hold an executive session to discuss issues dealing with property acquisition and potential litigation.

2. REORDER SECTION IX. OF THE COUNCIL AGENDA AS FOLLOWS (Adding Items D & E):

IX. FULL COUNCIL ISSUES:

- A. **AB04-165 – Ordinance 1051** - An Ordinance Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Amending Ordinance Nos. 998, 1012 And 1020, Relating To The Non-Union Salary Scale For 2004. [A4.3.1]
- B. **AB04-162 – Ordinance 1050** – An Ordinance Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Relating To The Appointment Of Daniel Grigsby As Public Works Director. [A3.8.5]
- C. **AB04-67 – Resolution 1240** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing The Mayor To Sign A Contract With DM Disposal. [O4.6.1]
- D. **AB04-168 – Ordinance 1052** [First Reading Only] – An Ordinance Of The City Of Bonney Lake, Pierce County, Washington, Granting An Exclusive Franchise To Provide For Collection And Disposal Of Solid Waste, Recyclables, And Yard Waste; Establishing A Franchise Fee; And Terminating The City Garbage Service Utility. [A3.15] [O4.6.6]
- E. **AB04-169 – Ordinance 1053** – An Ordinance Of The City Of Bonney Lake, Pierce County, Washington, Amending Chapter 5.04 Of The Bonney Lake Municipal Code And Ordinance Nos. 368, 305C, 305D, 305E, 305F, 305M, 305N, 762, 829 And 990, Relating To Utility Tax. [F6.8] [A3.5.5]
- F. **AB04-123 – Resolution 1272** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Adopting A Six-Year Street Transportation Improvement Plan (2005-2010). [O4.8.4]

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. AB04-138 – Resolution 1283 – Tuggle Latecomer Agreement For Sewer Improvements.

Mayor Young opened the public hearing at 7:19 p.m. City Engineer John Woodcock explained that 3 years ago the applicant, Lauren Tuggle, extended the sewer to a duplex she was constructing. He said she kept records of her efforts and is asking to recover some of the

costs from those properties that could benefit from that extension.

Deputy Mayor Swatman asked about the process for these agreements. City Engineer Woodcock explained that normally a developer receives approval for the late-comers agreement before development. He added that in this case Ms. Tuggle thought that the City would handle the process for the agreement. He explained further that Ms. Tuggle's property was within 250 ft. of an existing sewer and was, therefore, required by code to extend the sewer line.

Dan Decker, 20401 70th St. E., asked if this property is within the City limits. Mayor Young responded, yes.

Louisa Smith, 20112 Church Lake Rd. E., said that she knows Ms. Tuggle from when she served with the Bonney Lake Chamber of Commerce. She said the ownership and development have been a nightmare for Ms. Tuggle and recommended that the Council approve this agreement.

Seeing no further speakers to address the issue, Mayor Young closed the public hearing at 7:24 p.m.

2. AB04-145 – Resolution 1287 – Authorizing the Disposal of Surplus Property.

Mayor Young explained that state law requires a public hearing prior to the disposal of surplus utilities property. He opened the public hearing at 7:25 p.m.

Dan Decker, 20401 70th St. E., asked if the surplus equipment, particularly the computer-related equipment could be donated to a non-profit organization.

Councilmember Noble said that the City cannot donate its surplus to non-profits. City Attorney Dionne concurred with that statement.

With no further speakers interested in addressing the topic, Mayor Young closed the public hearing at 7:28 p.m.

B. Citizen Comments [A3.6.4]:

Sharilyn Anderson, 18207 74th St. E., presented the Council with a handout summarizing the efforts of the Lake Bonney Conservation Association. She thanked Councilmember Noble for her support of the group. She asked that the City present similar information to the other residents of the City. She also asked that the City work crews remove the Japanese knotweed adjacent to the City's park. She invited those wishing to participate to come to the Association's next meeting on July 30 at 2:30 p.m. and to the hand-cleanup of the lake shore on September 11th. Mrs. Anderson encouraged the City to hire a consultant to evaluate the lake and design action steps for its improvement and protection. She also asked about filter screens for the catch basins draining to the lake.

Councilmember Johnson suggested that the utility bills could be used to send out lake and stream conservation to the community. Councilmember King asked about the catch basin filters for the Lake Jane Community as well. He said the Lake Jane Newsletter had published

similar information to what the Lake Bonney Conservation Association has produced. Councilmember DeLeo asked if the Public Works Department could provide wood and brush chips for mulching around Lake Bonney.

Responding to his question about participation at Bonney Lake Days, Mrs. Anderson said they would be sharing a booth with the Pierce County Stream Team. Deputy Mayor Swatman thanked the Association for keeping up with the issue and keeping the Council informed. Mrs. Anderson invited any interested Councilmember to borrow their boat to observe the current condition of the lake and the residents concerns for the safety of swimmers.

Jerry Hardebeck, 2137 SE 259th, Maple Valley, representing Waste Management, encouraged the Council to make any contracting decisions for refuse management with open eyes. He pointed out that Murray's has been around a long time and was bought several years ago by another national, publicly-traded corporation, Waste Connections. He said Waste Connections has had a virtual lock on Pierce County and that Waste Management is anxious for the opportunity to compete head-to-head with Waste Connections in this county. He added that the competitive process is the only way to see someone's bottom-line for providing service to the community.

Don Sangesand, 5616 195th Pl. E., spoke of his concerns for the operations and management of the City of Bonney Lake. He listed concerns for traffic and growth, the water supply, annexations, sanitary and storm sewers, the garbage contract, the 9-1-1 system, the future use of the Public Safety Building and the City's financial systems and available information.

Councilmember King said the City's budget and financial statements are a public record and gave Mr. Sangesand his copy of the City's Annual Financial Statement for 2003.

Betty Erdahl, 20630 Church Lake Drive E., thanked the Council for their work to extend the land use notification area to 600 ft. She also thanked them for the action to acquire the Moriarty property. She asked why the Schuur Bros. were continuing their efforts to develop the property. She expressed concern for the bond resolutions on the November ballot. She said that she favored them, but was finding it difficult to justify the need for them to her neighbors. She asked why the City did not use the additional revenue projected over the next 20 years to fund the acquisition and work rather than issuing bonds. In conclusion, she asked that the Council reconsider zoning the area where she lives from R-2 to R-1.

Councilmember Rackley said the reason the Schuur Bros. are continuing to pursue development on their property, even though the City has initiated condemnation proceedings, is because they want to assure that the appraisers value the property at its highest and best use. Deputy Mayor Swatman thanked Ms. Erdahl for holding the Council's feet to the fire on this issue. Because it involves pending litigation, he said much of the Council's discussion of the issue has taken place in executive session.

Councilmember Hamilton said he felt the area where Ms. Erdahl lives should be rezoned. He asked Community Development and Planning Director Leedy how this might be accomplished. Director Leedy said he would refresh himself on the windows of opportunity for the Council to amend the Comprehensive Plan. He said a request for change could be filed by the City Council, the Planning Commission or the property owners. He said the

Council considered the issue less than 2 years ago and chose, at that time, not to make a change. He said he would contact Ms. Erdahl.

Councilmember King questioned Ms. Erdahl about her comfort level with spending for a new city hall, parks and trail development and a community recreation center. He said many have false impressions of the City's revenue picture. He noted that income to the City for permits is much less than expected. He added that the City has been frustrated in recent attempts to annex certain areas. Councilmember DeLeo said that, in the face of pressure from the state to provide increased residential densities in Bonney Lake, it would be difficult for the City to decrease potential density by rezoning her area from R-2 to R-1. Ms. Erdahl replied that her main concern about the zoning is the potential for the proliferation of duplexes. Councilmember Hamilton said the zoning was put in place around the lake to address the vacation homes in the area at that time. He said the zoning should now be changed, but concurred that the density issue may be a difficult one. He said that perhaps the City will need to allow for greater density in its R-1 zone.

Dan Decker, 20401 70th St. E., commented on Councilmember King's letter to the editor. He said it is obvious that Councilmember King does not want citizens to exercise their rights to speak at the Council meetings. He expressed concern for the proposed refuse agreement with DM Disposal. He urged the use of an open competitive, bidding process. He also said that R-2 is the right zoning for the area where he lives and to which Ms. Erdahl was referring.

Louisa Smith, 20112 Church Lake Rd., commended the Andersons for their work on Lake Bonney. She urged the City to participate in the cleanup of the lake from which it takes its name. She expressed interest in the ongoing efforts of the Schuur Bros. and said that perhaps Mr. Schuur is not the good neighbor that he proclaimed himself to be. She displayed a Bonney Lake Days poster and showed the audience tickets available for the Bonney Lake Panthers' Pancake Breakfast. She said the proceeds would fund equipment that is not in the standard operating budget for the high school. She noted that a free shuttle service would be provided for Bonney Lake Days between Allan Yorke Park and the Park-n-Ride on SR410.

C. Correspondence – None.

III. COUNCIL COMMITTEE REPORTS:

[A3.6.4]

A. Finance Committee

Deputy Mayor Swatman reported that the Committee discussed the following items:

- The surplus of items from the Senior Center (will be discussed further at the next Finance Committee meeting); and
- The Eden Web-extensions program for electronic bill payments; and
- A Pierce County request to help pay for a HUD grant (will be discussed further at the next Finance Committee meeting); and
- Proposed Ordinance 1053.

He said the Committee was unable to speak with the Bond and LID finance advisor and would do so at a later date. He said they also spoke with Tom Gould who is doing the draft of the rate-setting policies, and discussed the D&M proposal.

B. Community Development Committee

Councilmember Rackley said the Committee met on July 16th and has four items on the agenda this evening for Council consideration.

C. Public Safety Committee

Councilmember DeLeo said the Committee has not met since the last Council meeting.

D. Other Reports:

Deputy Mayor Swatman reported that the Park Board recommends purchase of the Bonney Lake Elementary property. He said they also looked at the Dahl property and one other near Lakeridge. He said the Cedarview Homeowners Association met and thanked the City and Mayor for agreeing to the transfer of the Association's park property to the City. He noted that a street was being paved in Sky Island with rolled asphalt curbs. He said this was another example of the Hearing Examiner allowing something that was contrary to the desire of the Council.

Councilmember Johnson thanked Deputy Mayor Swatman and Councilmembers Noble and Rackley for their support of the Bonney Lake Chamber College Scholarship Fund. He said the fundraiser at the UPS Store produced over \$1,760 for the fund. He added that on August 28th from 9 a.m. to Noon, there would be hundreds of volunteers working to beautify the City. He said the effort is being organized by Andrew Lear and, so far, includes such sponsors as the Chamber of Commerce, the Target Corporation, the Sports Connection and Godfathers Pizza. Volunteers are coming from the Kiwanis Club, Creator Lutheran Church, the Boy Scouts of America, the LDS Church-- Victor Falls and Bonney Lake Wards. He said the focus would be the Sumner Buckley Highway. He distributed handouts to the Council.

IV. MINUTES: [A3.6.2]

- A. Approval Of Corrected Meeting Minutes: July 6 Council Workshop and July 13 Council Meeting.

Councilmember King moved to combine the minutes for approval and accept them as presented. Councilmember Rackley seconded the motion.

Councilmember Noble noted an additional clerical error. Mayor Young asked her to present it to the City Clerk for correction.

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/Vouchers #37857 thru 37961, and wire transfer #771734(voiding check #37889) in the amount of \$569,707.43. [Note: Check #37889 was inadvertently made out to the wrong vendor.]
- Payroll: Payroll for July 15, 2004 for checks 22621-22673, including Deposits and Electronic Transfers in the amount of \$212,224.31.

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

Motion approved 7 – 0.

At 8:32 p.m. Mayor Young declared a five minute break. He said that pursuant to RCW 42.30.110(1)(b)(i) the City Council will then hold an executive session to discuss issues dealing with property acquisition and potential litigation. He said the session would last 30 minutes. The executive session commenced at 8:45 p.m. The City Council adjourned from executive session at 9:00 p.m.

After an announcement by the City Clerk to the public outside and in the lobby that the Council would reconvene their regular session, the Mayor called the regular session to order at 9:11 p.m.

VI. FINANCE COMMITTEE ISSUES:

- A. **AB04-143 – Ordinance 1038** – An Ordinance Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Accepting Donations For The City In Accordance With The Provisions Outlined By Ordinance 937. [F4.6.7]

Councilmember Noble moved to adopt Ordinance 1038. Councilmember Rackley seconded the motion.

Mayor Young recognized Florence Massey, President of the Senior Advisory Board, in the audience. He thanked the Board and said they are responsible for many of the items donated. Councilmember Hamilton asked if the donation and transfer of the Cedarview Park is complete. Deputy Mayor Swatman responded, yes. Councilmember Hamilton asked if a sign was contemplated and suggested that the City website be updated to reflect new ownership of this park. Deputy Mayor Swatman said the Park Board is currently discussing a sign for the park.

Motion approved 7 – 0.

- B. **AB04-157 – Ordinance 1047** – An Ordinance Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Amending Chapter 13.12 Of The Bonney Lake Municipal Code And Ordinance Nos. 692, 571C, 692A, 828, 892, 909 And 916, Relating To Sewer Charges For Condominium Manufactured Home Parks. [F4.3][A3.5.5]

Deputy Mayor Swatman moved to adopt Ordinance 1047. Councilmember Rackley seconded the motion.

Councilmember King questioned the impact of the ordinance. Deputy Mayor Swatman said this was an issue that went through the Finance Committee to clarify language specifically for mobile home parks so that each and every space is charged for sewer, rather than only one charge per lot under common ownership. Director Leedy explained that the Sunrise Mobile Home Park converted to condominium status.

Dan Decker, 20401 70th St. E., asked for an explanation of the ordinance.

Councilmember DeLeo said that the owner of this one mobile home park converted the park to condominium status to pass the sewerage charges onto the individual mobile home owners.

Motion approved 7 – 0.

- C. **AB04-146 – Resolution 1288** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing A Subscription Agreement With Advanced Technology Systems, Inc., In The Amount Of \$911.88. [A2.1]

Councilmember Rackley moved to approve Resolution 1288. Deputy Mayor Swatman seconded the motion.

Mayor Young said this would be a tremendous asset to the motorcycle officer who can't readily use a lap top while on patrol. He said it would allow data information to be retrieved through his cell phone.

Dan Decker, 20401 70th St. E., said he agrees with the idea.

Motion approved 7 – 0.

VII. COMMUNITY DEVELOPMENT COMMITTEE ISSUES:

- A&B. **AB04-139 – Resolution 1284** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing The Purchase Of Property On McGhee Drive At Lift Station #6 From Todd L. Soelter. [A3.13.3.3]

City Clerk Edvalson explained that the Council was earlier provided substitute resolutions that corrected some minor defects in the language, but did not change the title of the Resolution.

Councilmember DeLeo moved to approve Resolution 1284. Councilmember Rackley seconded the motion.

Councilmember Rackley moved to approve Resolutions 1284 and 1285 jointly. Councilmember Noble seconded the motion.

City Clerk Edvalson read the title of **AB04-140 – Resolution 1285** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing The Purchase Of Property On 65th Street E. At Lift Station #7 From John J. And Melissa Jungers. [A3.13.3.3]

Councilmember King said he was glad that staff acknowledges the negative impact of a fence at one of the proposed locations. He also said that this action corrects an inequity suffered by Mr. Soelter for many years, and fairly compensates him for the land.

Dan Decker, 20401 70th St. E., asked that he be given two minutes to address the combined items. Mayor Young ruled that he would have only one minute for the one action being taken by the City Council. City Attorney Dionne spoke in support of the Mayor's ruling as Chairman of the meeting. Mr. Decker then asked for information on the amounts anticipated for expenditure, and why it was not done earlier.

Mayor Young responded \$2200 and \$2275 respectively, and said he did not know why it had not been done at an earlier time.

Motion approved 7 – 0.

- C. **AB04-141** – A Motion Of The City Council Of The City Of Bonney Lake Accepting the Victor Falls Protection Project by Lakeridge Paving Co., LLC, As Complete And Authorizing The Release Of Retainage At The Conclusion Of The Waiting Period. [05.3]

Councilmember Rackley moved to approve the motion as stated. Councilmember Hamilton seconded the motion.

Councilmember Rackley asked about the original scope of work for the project. City Engineer Woodcock explained that the project included construction of a curb to protect the City's springs from runoff and construction of a jersey barrier to prevent vehicles from leaving the road and also contaminating the water source. Councilmember DeLeo asked if the barrier would also stop a fire truck. He noted, that in years past, a fire truck had been lost on that curve. City Engineer Woodcock responded that he thought it would hold.

Motion approved 7 – 0.

- D. **AB04-161** – A Motion Of The City Council Of The City Of Bonney Lake Approving And Accepting The Final Plat For The Brookside Phase I Final Plat With The Conditions Contained In The Accompanying Staff Report. [03.7.2]

Councilmember Rackley moved to approve the motion as stated. Councilmember Hamilton seconded the motion.

Deputy Mayor Swatman asked about the current status of building. He said he thought building must wait for final plat approval. Director Leedy responded that he thought there were exceptions for model homes. He said he would provide further information. Councilmember Hamilton noted that the underlying zoning on this property is R-3, but that the PUD allowed development of single family homes. He asked if this was a subversion of the Comprehensive Plan. Director Leedy said that this activity is allowed under the municipal code.

Deputy Mayor Swatman said he was having a hard time rationalizing the "conserve water" signs out in the City with the hundreds of homes planned for construction. He said either we

have water or we don't. Mayor Young said that one of the problems is that the City's average daily use of water is 3 million gallons. He said, that in this heat, residents are using approximately 6.5 million gallons per day.

Councilmember Johnson asked what happens if the Council fails to accept this final plat. City Attorney Dionne replied that the Council's job is oversight of the developer's compliance with the application and approvals of the Hearing Examiner. He said if the Council finds they've complied, then they have no discretion in their decision to approve the final plat. Councilmember Johnson asked if the Council was supposed to rely on the accuracy of the report by the Planning Department. City Attorney Dionne said yes, and that if they are not satisfied with the accuracy of the report, they shouldn't vote in favor of the motion.

Motion approved 6 – 1. Councilmember Johnson voted no.

VIII. PUBLIC SAFETY COMMITTEE ISSUES: None.

IX. FULL COUNCIL ISSUES:

- A. **AB04-165 – Ordinance 1051** - An Ordinance Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Amending Ordinance Nos. 998, 1012 And 1020, Relating To The Non-Union Salary Scale For 2004. [A4.3.1]

Deputy Mayor Swatman moved to substitute Ordinance 1055 - An Ordinance Of The City Of Bonney Lake, Pierce County, Washington, Amending Ordinance 988 Salary Ranges For The Police Chief And Public Works Director And Adding A New Position Of Planning Manager To The Salary Range Exhibit – in place of Ordinance 1051. Councilmember Noble seconded the motion.

Deputy Mayor Swatman thanked the Council for accepting the substitute ordinance. He also thanked Director Weidenfeller for the work on the previous ordinance. He said he felt the previous ordinance was too extensive for what the Council needs to accomplish today. He added that it may be more useful to the Council during the budget process. He said the substitute ordinance essentially did three things. One is to create space for movement in the Public Works Director's pay range. The second is to create a planning manager position. The third is to provide appropriate compensation for the Police Chief and to keep that position in line with the increased compensation for the Public Works Director. Councilmember Rackley distributed some information to the Council. He asked the Council to note that the City is growing so fast that department heads are required to perform to the level of the job descriptions found in cities larger than Bonney Lake.

Councilmember DeLeo asked why a planning manager is needed. Director Leedy said the broad range of duties within his department is expanding. He said that much like there is a building official to oversee the building-related services, the planning manager will assist with the oversight of current and future planning. Councilmember King thanked Director Weidenfeller for his good work in such a short period of time to compile such a useful

document as the original Ordinance 1051. He also felt it will be useful to the Council during the budget process. He said it will be important for the Council to look very closely at the compensation of not just the department directors, but the high-quality staff that continue to do outstanding work for the City.

Dan Decker, 20401 70th St. E., agreed with giving the proposed increases, but urged the Council to keep the union members in step with the non-union ones. He feels the merit system is useless, that time in position is what's important for advancement and salary increase.

Councilmember Rackley noted the need for a spelling correction in the word "ranges" occurring twice in the proposed ordinance. Mayor Young commented that increases in salaries for union employees are established through negotiation.

Motion approved 7 – 0.

Deputy Mayor Swatman said that this proposed action should be considered by the Mayor as a shot-across-the-bow. He said the Council is encouraged by the Mayor's actions and hopes to see the Mayor support all his department directors, but equally hopes that he will make things good for all employees. He said they are looking for significant improvement. Absent that improvement, he said the Council may have to try and construct some different organizational structures.

- B. **AB04-162 – Ordinance 1050** – An Ordinance Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Relating To The Appointment Of Daniel Grigsby As Public Works Director. [A3.8.5]

Councilmember Rackley moved to approve Ordinance 1050. Councilmember King seconded the motion.

Thinking that Director Weidenfeller had interviewed Mr. Grigsby by himself, Councilmember Johnson questioned the appropriateness having Mr. Grigsby's peer interview him one-on-one. Mayor Young explained that Director Weidenfeller had not interviewed Mr. Grigsby alone, but as part of a series of interviews with others involved. Councilmember Johnson said the report of the interviews was vague and apologized for his misinterpretation of the report. He asked for confirmation that Mr. Grigsby would be reporting to the Mayor and not Director Weidenfeller. Mayor Young responded that Mr. Grigsby will report directly to the Mayor, and him alone.

Mayor Young invited Mr. Grigsby to address the Council. Mr. Grigsby said he applied for the position of Public Works Director, a position he's been working toward for 29 years as a public works manager, a director and engineer. He said he's served in all those positions over the years. He thanked the Council for their hospitality to his wife and himself. He said he has three goals. One is to make sure the operations of the Public Works Department complies with the American Public Works Association certification program for public works departments. Second is to provide the best possible information to facilitate the best possible decisions by the Mayor and Council. Finally, he said his job is also to provide the best service possible to the community. He said he will strive, along with his staff, to do these things.

Councilmember Hamilton reiterated that Mr. Grigsby works for the Mayor and no other department head. Mr. Grigsby said he understands that, and comes from 8 years of such a relationship working for the Mayor of Ogden, UT. He said he works with everyone, but he works for the Mayor. Councilmember King said he appreciates the diversity of talent in the employees of Bonney Lake, welcomes Mr. Grigsby and appreciates his experience.

Deputy Mayor Swatman noted a correction in the ordinance required by the adoption of Ordinance 1055. He moved that Section 2 of Ordinance 1055 be amended to read, Step 7 - \$7236/mo. Councilmember Rackley seconded the motion.

Motion approved 7 – 0.

Dan Decker, 20401 70th St. E., approved of the appointment. He said it took a long time, but appeared to be the perfect match. He suggested giving Mr. Grigsby additional compensation for his moving expenses. He also noted that Mr. Grigsby is a University of Washington graduate.

Amended motion approved 7 – 0.

- C. **AB04-67 – Resolution 1240** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing The Mayor To Sign A Contract With DM Disposal. [04.6.1]

Deputy Mayor Swatman moved to approve Resolution 1240. Councilmember Rackley seconded the motion.

Councilmember Rackley said the proposed agreement cleans up a lot of potential legal issues. He said he will support the agreement. Deputy Mayor Swatman concurred. He said achieving this agreement was quite an ordeal, actually spanning a number of years. Mayor Young thanked City Attorney Dionne and Administrative Services Coordinator Morrison for their work on the agreement. Councilmember Rackley thanked Councilmember Johnson for being the impetus for getting the agreement to this point. Councilmember King expressed appreciation for all those working on the agreement. He said it has been an informative process. He also thanked DM for their flexibility to reach an agreement.

Councilmember Johnson also thanked City Attorney Dionne, but said he will vote no on the resolution. He said the City can do better by going through the RFP process. Councilmember Hamilton agreed and said he would vote no for the same reason.

Dan Decker, 20401 70th St. E., said he thought it was City policy to get three quotes. He urged a competitive process, and asked the Council to table this action.

Mayor Young commented that services like this do not require a competitive bidding process. Councilmember DeLeo added that a competitive bid would cause the City to lose some of the benefits of the additional customer base from already annexed areas. Deputy Mayor Swatman said the reduced rates will allow the fund balances in the refuse fund to be put to good use elsewhere in the City. He said while he supports competition, he feels this is the best contract for the City now, and that in the next five years an RFP will be a good idea.

Councilmember Johnson said he believes an RFP is best now. Councilmember Hamilton said that Waste Management has indicated their interest in competing in this market. He said it's an opportunity to see what the best offer really is now.

Motion approved 5 – 2. Councilmembers Hamilton and Johnson voted no.

- D. **AB04-168 – Ordinance 1052** [First Reading Only] – An Ordinance Of The City Of Bonney Lake, Pierce County, Washington, Granting An Exclusive Franchise To Provide For Collection And Disposal Of Solid Waste, Recyclables, And Yard Waste; Establishing A Franchise Fee; And Terminating The City Garbage Service Utility. [A3.15] [O4.6.6]

Councilmember Rackley moved that this item be scheduled as an action item on the August 3rd Council Workshop. Councilmember Noble seconded the motion.

Motion approved 7 – 0.

- E. **AB04-169 – Ordinance 1053** – An Ordinance Of The City Of Bonney Lake, Pierce County, Washington, Amending Chapter 5.04 Of The Bonney Lake Municipal Code And Ordinance Nos. 368, 305C, 305D, 305E, 305F, 305M, 305N, 762, 829 And 990, Relating To Utility Tax. [F6.8] [A3.5.5]

Councilmember Rackley moved to approve Ordinance 1053. Councilmember King seconded the motion.

Dan Decker, 20401 70th St. E., asked what the percentage is of the tax, what does it equate to per family, and why does the City need the tax.

Mr. Decker remained at the podium waiting for an answer. Mayor Young advised him that after his one minute to make comments, the Council may discuss the issue further among themselves. He continued that this is not a question and answer time, but a time for the audience to comment before the Council's action. Mr. Decker responded that he is allowed to ask questions and that if the Mayor and Council could not demonstrate their knowledge of the issue by responding to his questions, then they could vote on a topic about which they are clearly uninformed. Councilmember Rackley said the Council does their homework, and invited Mr. Decker to do the same.

Councilmember Hamilton said the rate is 6%. City Attorney Dionne said that the ordinance only clarifies that recyclables and yard waste are also subject to the tax.

Motion approved 7 – 0.

- F. **AB04-123 – Resolution 1272** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Adopting A Six-Year Street Transportation Improvement Plan (2005-2010). [O4.8.4]

Councilmember Rackley moved to approve Resolution 1272. Councilmember Johnson seconded the motion.

Councilmember Hamilton asked if the \$120,000 intended for the Chip Seal Program could be increased during the budget process to enhance the program. There was general agreement that it could.

Dan Decker, 20401 70th St. E., said that he had signed up at the beginning of the meeting to speak about Ordinance 1038. He said that despite assurances that he would not be overlooked, he was denied the opportunity to comment.

Motion approved 7 – 0.

XI. ADJOURNMENT

At 10:18 p.m., Councilmember Johnson moved to adjourn the meeting. Councilmember DeLeo seconded the motion.

Motion approved 7 – 0.

Harwood T. Edvalson, City Clerk

Robert Young, Mayor