

CITY COUNCIL MEETING

**August 24, 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. In addition to Mayor Bob Young, elected officials attending were Deputy Mayor Dan Swatman, Councilmember Phil DeLeo, Councilmember Mark Hamilton, Councilmember Dave King, Councilmember Cheryl Noble and Councilmember Jim Rackley. Councilmember Neil Johnson was absent.

Staff present were Administrative Services Coordinator Don Morrison, Finance Director John Weidenfeller, Public Works Director Daniel Grigsby, Planning & Community Development Director Bob Leedy, Police Chief Bryan Jeter, City Attorney Jim Dionne, Judge James Helbling and City Clerk Harwood Edvalson.

Mayor Young acknowledged Public Works Director Grigsby for attendance at his first meeting in his new capacity as a new employee and director of the department.

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

1. Announcements: None.

2. Appointments: None.

3. Presentations:

a. AB04-131 – Results of Planning Commission Research Into Home Occupations. Planning Commission Chairman Burnham reported that the Commission was unanimous in its support of some type of provision to allow temporary signage for home occupations. He said the Commission discussed a 4 total square foot sandwich-type sign located on private property. He added that the Commission suggested that sign permits be issued through the City's sign code.

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

Mayor Young asked Council to consider moving the executive session to just before the Full Council Issues portion of the agenda. He also asked that Council consider adding a motion after the Vouchers and Payroll approval to authorize a reimbursement check to Daniel Grigsby for his moving expenses.

Councilmember DeLeo moved to amend the agenda as requested by the Mayor. Deputy Mayor Swatman seconded the motion.

Motion approved 6 – 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]: None.

B. Citizen Comments [A3.6.4]:

Carol Ujick, Park Board Chairperson, expressed appreciation to the Council for the Council's acquisition of the Cedarview park. She encouraged the Council to obtain the property adjacent to Bonney Lake Elementary for park use.

Don Sangesand, 5616 195th Pl. E., read a list of items or circumstances that he feels are exempt from regulation under the City's "Code of Ethics". He asked that the City Council adopt an ethics policy to address these issues. [See Exhibit 2.] He asked if any among the Mayor or Council disagreed, and waited for an answer.

Mayor Young advised that comments to the Council can be made at this time, and when finished, the Council may respond if they choose to do so. Councilmember Rackley said that it is illegal for the Council to act on many of the items listed by Mr. Sangesand. Mayor Young added that Mr. Sangesand has been previously provided with information explaining what the Council can or cannot accept and the reporting laws with which the Council must comply. He said there are codes of ethics in place. Mr. Sangesand reiterated that he feels the Code of Ethics does not cover the items he mentioned. He said he feels they should be addressed.

Louisa Smith, 20112 Church Lake Rd., said that many home business owners are joining the Chamber of Commerce. She advised that the City proceed with caution when dealing with existing small signs for these business owners. She added that the signs may be most effective in the evenings or on the weekends when the business owners do the majority of their business. She encouraged public input in the decision-making process.

Ms. Smith said that she has received no negative feedback about Bonney Lake Days. She said that the pancake feed raised nearly \$1700 for the Bonney Lake High School. She said the Car Show brought the Kiwanis Club approximately \$300 that will be used in service to the community.

Dan Decker, 20401 70th St. E., objected to comments attributed to Mayor Young in the press. He noted a recent public hearing by the Hearing Examiner about continued development proposals on the Moriarty property. He implied the Mayor has a special interest in the property because of his veto of the Council's original ordinance to purchase or condemn the property. He repeatedly asked the Council to confirm whether or not the property has been condemned.

Councilmember DeLeo said condemnation was the Council's direction, but that they had no

assurance that the property had been condemned. Councilmember King said the motion he remembers voting on was to purchase or condemn the property. He added that it would not be prudent for the Council to discuss property that it might possibly be buying rather than condemning. He said it would be more appropriate for discussion in executive session. Deputy Mayor Swatman asked the City Attorney to clarify whether or not the property has been condemned. City Attorney Dionne said that the Council did vote to authorize condemnation, the condemnation has been filed with the court and the City is awaiting final decision in that matter. Councilmember King added that the property owner would receive whatever fair market value is ascribed to the property.

Mayor Young said that the Council allots five minutes for citizens under public comments. He said this is not a question and answer period. He added that at the conclusion of the public comment, Councilmembers may make comment if they so choose. He said the Council is often not prepared for question and answer, or give and take. He said individual Councilmembers make notes and very often the items return to a workshop for further discussion.

Debbie Eastman, 19105 79th St. E., said she hopes the City condemns or buys that property next to the park. She said additional access is needed as well as boat-trailer parking. She also suggested the addition of kiddie swings and a larger area for soccer fields. She also encouraged the Council to vote to purchase the Bonney Lake Elementary School property. She said that available park land is scarce. Ms. Eastman also asked that a pot hole on Church Lake Road be repaired. She also asked about the chip seal program and complained of the loose gravel used in the process.

- C. Correspondence – None.

III. COUNCIL COMMITTEE REPORTS:

[A3.6.4]

A. Finance Committee

Deputy Mayor Swatman reported that the Committee reviewed Resolutions 1303 and 1304 on the Council agenda this evening. He said they also discussed a future resolution for surplus police cars. He added that the meeting also included discussion about the budget schedule and what data the Mayor would or would not supply to the Council. He indicated that unless the Council is comfortable with the data they receive, they will not be easily convinced to pass the Mayor's budget. He said the Council also interviewed another potential consultant for the issuance of LID bonds and underwriting services.

B. Community Development Committee

Councilmember Rackley said the Committee met on August 16th. He said the RH2 contract for leaky water mains is on the agenda for Council consideration.

C. Public Safety Committee

Councilmember DeLeo said the Committee was scheduled to meet on August 16th but that he was the only one present. He said the action items were forwarded to the Finance Committee for review and action at this evening's meeting.

- D. Other Reports: None.

IV. MINUTES: [A3.6.2]

- A. Approval Of Meeting Minutes: August 3 Council Workshop and August 10 Council Meeting.

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

Motion approved 6 – 0.

V. VOUCHERS AND PAYROLL: [F4.9]

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

- Claims: Accounts payable Checks/Vouchers #38103 thru 38215 and wire transfers #15032, 42318, 42397, and 827246 in the amount of \$1,495,209.14.
- Payroll: Payroll for August 15, 2004 for checks 22733-22783, including Deposits and Electronic Transfers in the amount of \$219,311.81.

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

Motion approved 6 – 0.

- B. **AB04-192** – A Motion of the Bonney Lake City Council authorizing Check No. 38216 to Daniel Grigsby in the amount of \$10,000 for reimbursement of moving expenses.

Councilmember DeLeo moved to put the motion before the Council. Councilmember Hamilton seconded the motion.

Deputy Mayor Swatman asked for confirmation that the reimbursement was only for \$10,000 when the receipt provided showed the full amount to be \$14,000. Finance Director Weidenfeller said the proposed reimbursement amount was correct.

Motion approved 6 – 0.

VI. FINANCE COMMITTEE ISSUES:

- A. **AB04-128 – Resolution 1277** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing A Maintenance Contract With Liebert Global Services For Maintaining The Battery Backup System At The Public Safety Building. [O4.4.3]

Councilmember Rackley moved to approve Resolution 1277. Councilmember Noble seconded the motion.

Mayor Young explained that this item is part of the ongoing maintenance for the building. He said that a recent power failure had left the building and its emergency responders without power. Councilmember Hamilton asked if the Fire Department would receive benefit from the repair and share in the cost. Finance Director Weidenfeller responded that the building repair fund is nearly spent, and that unless something additional is negotiated with the Fire District, then they will probably not be participating in the cost. Responding to questions, Assistant Public Works Director Leaf said that the maintenance agreement was through 2005. He added that with the proper preventive maintenance, the system should last indefinitely. He clarified that replacement batteries for the system would be an additional purchase item.

Motion approved 6 – 0.

- B. **AB04-147 – Resolution 1289** - A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing A Contract Amendment With Eden Systems In The Amount Of \$39,080.00 For The Purchase Of Inform Gold Web Extensions For Permits & Inspections, Utility Billing, And Business Licensing Modules. [F11]

Councilmember Hamilton moved to approve Resolution 1289. Councilmember Noble seconded the motion.

Councilmember Hamilton asked if the program would provide a time savings or reduce future need for additional staff. Information Technology Coordinator McEwen said that the issue had not been specifically discussed, but noted that other cities using the software have seen a 50 % reduction in walk-in traffic, because the permits are available on-line.

Deputy Mayor Swatman enquired about the improvements to the audio system in the Council chamber. IT Coordinator McEwen said he would be bringing back additional information to the next Finance Committee meeting.

IT Coordinator McEwen said that the benefit to the community and the City would come through a fundamental change in the way the City does its business. He said that builders would be able to sign up for inspection times via the internet. Responding to further questions from Councilmember King, IT Coordinator McEwen said that updates to the software are built into the contract. He added that some of the modules were in current use by other cities. Other modules would not be installed until 2005. He added that the software would require a stand-alone server costing approximately \$4,000. Deputy Mayor Swatman asked about reports of poor connections to the City's server from the City Hall Annex. IT Coordinator McEwen said the problem is currently a bandwidth issue and a solution is being considered.

Motion approved 6 – 0.

- C. **AB04-182 – Resolution 1303** - A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing The Chief Of Police To Sign An Agreement To Participate In The DEA Tacoma Regional Narcotics Task Force For A Period Of One Year, October 1, 2004 – September 30, 2005 And Lobbying Certification. [01.10]

Councilmember DeLeo moved to approve Resolution 1303. Councilmember Noble seconded the motion.

Deputy Mayor Swatman asked for clarification on the authorization to sign the agreement. He noted that the Council never authorizes the Police Chief to do anything. Mayor Young responded that the DEA requested the Police Chief’s signature on the documents. He added that in reality the Council was authorizing the Mayor, who in turn will designate the Chief as the document signer.

Motion approved 6 – 0.

- D. **AB04-183 – Resolution 1304** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing The Mayor To Apply For A Grant To Participate In The “Click It Or Ticket Enforcement Campaign” Between September 20, 2004 And October 3, 2004. [01.10]

Councilmember DeLeo moved to approve Resolution 1304. Councilmember King seconded the motion.

Councilmember King noted that this program is a real benefit to the City. He said it allows the City to pay for overtime enforcement of not only seatbelt violations, but any other issue that might arise during the officer’s overtime assignment.

Motion approved 6 – 0.

VII. COMMUNITY DEVELOPMENT COMMITTEE ISSUES:

- A. **AB04-181 – Resolution 1302** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing An Agreement With RH2 For Phase 1 Of The Leaky Water Main Replacements Project. [04.10.1]

Councilmember Rackley moved to approve Resolution 1302. Councilmember Hamilton seconded the motion.

Councilmember King commented that this is a program designed to help prevent water loss. Deputy Mayor Swatman noted that this first phase project is for lines outside of the City, but still within the water service area. Councilmember Rackley noted that the project will save the City’s water system one million gallons per year.

Motion approved 6 – 0.

VIII. PUBLIC SAFETY COMMITTEE ISSUES: None.

Mayor Young announced a ten minute recess at 8:02 p.m.

EXECUTIVE SESSION: Pursuant to RCW 42.30.110(1)(b) Mayor Young announced an executive session to discuss issues dealing with property acquisition. The session commenced at 8:17 p.m. At 8:32 p.m. an announcement was made that the executive session would be extended an additional 5 minutes. The session concluded at 8:37 p.m.

IX. FULL COUNCIL ISSUES:

- A. **AB04-159 – Resolution 1292** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing A Contract With Euro-Way Homes, Inc. [A3.13.12]

Councilmember Rackley moved to adopt Resolution 1292 with the substitute agreement. Councilmember Hamilton seconded the motion.

Motion approved 4 – 2. Councilmembers DeLeo and Noble voted no.

- B. **AB04-177 – Resolution 1298** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing The Purchase Of Certain Real Property Known As Revised Parcel B Adjacent To Bonney Lake Elementary School Located At 18715 80th Street East, Bonney Lake, Washington, And Legally Described In Exhibit A. [A3.13.3.3]

Councilmember Noble moved to approve Resolution 1298. Deputy Mayor Swatman seconded the motion.

Councilmember Rackley asked for confirmation that the Park Board approved of the acquisition of this property. Assistant Public Works Director Leaf assured him that the Board did support the purchase. Deputy Mayor Swatman added that the Board did a site review and has given its full recommendation. Councilmember Hamilton asked what the Park Board's intent was for the use of this property. Assistant Director Leaf said the Board identified three elements. One is the development of walking trails. Another is the development of a trail head with picnic tables. The third is the School District's promise to develop additional soccer fields on the elementary school property. He said there was no consideration discussed for providing restrooms. Mayor Young noted that the School District intended to develop the soccer fields whether or not the City was the purchaser of the adjacent property.

Councilmember King said that he feels the proposed property is of extremely limited utility as a city park. He said the size and topography of the property limit its use to the purposes stated by Assistant Director Leaf. He referenced the School District's concerns for maintenance and public safety on this property, and said the City would now be forced to assume those responsibilities. He added that many residents already treat the property as their own community park. Councilmember King said that the cost of the property is in

excess of its utility as a park. He added that the City needs larger properties. He advocated saving the money for use elsewhere, and for allowing the School District to continue to maintain the property. He also noted the citizen complaints for lack of parking, and spoke of the increased need for parking that additional soccer fields will create.

Deputy Mayor Swatman said the City is better off with more facilities available to its residents. Councilmember Hamilton asked how the property would be paid for. Director Weidenfeller said the money would come from the City's Capital Improvement Fund. Councilmember Hamilton asked if the property could be reimbursed from the Park Bond proceeds if passed by the voters. Director Weidenfeller said, yes. Councilmember King said there are potentially many other uses for the money being considered for this park. He added that one use might be the development of park amenities on the Schuur Bros. property.

Deputy Mayor Swatman said he wanted to state for the record that the Mayor appears to oppose parks and open space. He noted that the Mayor has repeatedly vetoed the Schuur Bros. property and now opposes acquisition of this property. He added that there is an appraisal on the property, and that he has yet to see property value decline. He said that if a future Council so chooses, they can sell the property and probably make a profit.

Councilmember Rackley said the Park Board was tasked with developing a plan, and that the acquisition of this property fits within the plan. He said the neighborhood would benefit from the development of this park and added that he would support the purchase. Councilmember Hamilton said he would "hold his nose" and support the purchase. He said the City has waited too long to develop a park system. He asked that the Park Board do more feasibility work on properties before recommending their purchase. Commenting on Deputy Mayor Swatman's remarks, he said the City should not be in the land speculation business.

Mayor Young, also responding to Deputy Mayor Swatman's comments, said he is not opposed to parks. He said he is opposed to the improper spending of money on parks. He added that he feels the City should be more wise in the manner its money is spent. He said he agreed with Councilmember King and, because of the topography, sees no great use for the property adjacent to Bonney Lake Elementary. He suggested that the issue be tabled until the Parks Bond has been passed. He said he didn't think the parcel would sell before the election, and the Council could reassess at that time whether there are sufficient funds to purchase the property. He said the Schuur Bros. property is much more usable than the School District piece and suggested the funds might be better spent there.

Councilmember DeLeo asked the Mayor if he would support the acquisition of the four lots to the south of Allan Yorke Park. Mayor Young said he had not been provided information to consider that possibility, but added that he would probably support that more than the School District parcel because it would be contiguous to a big park.

Motion approved 5 – 1. Councilmember King voted no.

Mayor Young said it has come to his attention that a group of people want to speak about property in the Elhi Hill area. He suggested that they speak with Councilmember Rackley and Director Leedy about this civil problem.

X. ADJOURNMENT

At 8:57 p.m., Councilmember Hamilton moved to adjourn the meeting. Councilmember DeLeo seconded the motion.

Motion approved 6 – 0.

Harwood T. Edvalson, City Clerk

Robert Young, Mayor