

CITY COUNCIL MEETING

**September 14, 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 7:01 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, and Councilmember Cheryle Noble. Councilmember Jim Rackley 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, and City Clerk Harwood Edvalson. Police Chief Bryan Jeter, City Attorney Jim Dionne joined the meeting in progress.

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

- 1. Announcements: None.
- 2. Appointments: None.
- 3. Presentations: None.

D. Agenda Modifications [A3.6.6]:

Deputy Mayor Swatman reminded the Council that Councilmember Rackley had requested that Resolution 1299 be removed from the agenda and placed on the next workshop agenda for discussion. Mayor Young acknowledged the request and the item was removed from the agenda.

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]:

Robert Ceola, 9104 189th Ave. Ct. E., spoke about the sewer system and the inequities of the billing method. He presented Council with a copy of the Sewer Rate Flow Factor Chart, commenting that it had not been updated since adopted in 1986. He noted that due to the

classifications, Bonney Lake Supermarket pays ten times what WalMart is required to pay for sewer service.

Deputy Mayor Swatman invited Mr. Ceola to observe the sewer rate study process now in progress. He said these concerns will be factored into the study. Councilmember King said that it is not the City's practice to directly measure sewer flow. He asked if the square footage of a building has a direct impact on the amount of sewage produced. Public Works Director Grigsby responded, no. He said it is typically based on the volume of water consumed and the size of the water meter. Councilmember DeLeo disagreed with the Director's assessment. Deputy Mayor Swatman reiterated that these issues will be considered in the rate study.

Don Sangesand, 5616 195th Pl. E., read from a prepared statement saying that he feels the City deals unjustly with residential backflow testing. He complained that while he is required to do a backflow test on his sprinkler system, the City apparently does little to enforce such a requirement on those who have illegally installed systems. He said that since he has failed to receive a response from the City on how to disconnect his system to avoid the backflow test requirement, he has severed the connection to his system. He asked that he receive no more notices or bills associated with backflow testing.

Continuing his remarks, he addressed the episode of the tree removal from the Mayor's property. He said this now set a precedent that the City will remove downed trees from the properties of all residents in the City. He then noted the Mayor's appointment as a legislative aide. His final comments were to question the need of the City's computer operators to attend Word and Excel training.

Dan Decker, 20401 70th St. E., commented on the Mayor's appointment as a legislative aide to State Senator Pam Roach. He then commented on the performance of individual Councilmembers based on the input he's received from citizens. He said they are generally highly rated for their performance. He also commented on the sewer rates saying that water flow and per unit rates will fairly address the cost of the system.

C. Correspondence – None.

III. COUNCIL COMMITTEE REPORTS:

[A3.6.4]

A. Finance Committee

Deputy Mayor Swatman reported that the Committee considered proposed resolutions dealing with off-site data storage and the intended use of bond proceeds. He reminded Council that the bonds on the November ballot, if approved, can be used for land acquisition and improvements. Councilmember Hamilton noted that he had originally thought the use of the funds was restricted to acquisition. He reaffirmed Deputy Mayor Swatman's comments on their broader use.

Deputy Mayor Swatman said the committee also discussed a solution to the audio needs for the Council Chambers. He said a solution would soon be forthcoming. He concluded by saying that the committee also considered an RFP for financial advisor and bond

underwriting services.

- B. Community Development Committee
There was no report from this committee.

- C. Public Safety Committee
Councilmember DeLeo said the Committee met last night and advanced four issues on the Council agenda.

- D. Other Reports:

Deputy Mayor Swatman said that he, along with others, had attended the recent Civil Service Commission meeting. He said it was his understanding that the City administration had re-written the job description for the Lieutenant's position to exclude internal candidates. Mayor Young responded that staff was looking at several job descriptions. Administrative Services Coordinator (ASC) Morrison said that the administration often looks at job descriptions when positions become vacant to see if the position still meets the job need. He said their research had shown a trend to require degrees for police officers. He said they concluded that the department's second-in-command should have a degree if the officers they supervise were also going to have degrees. He said this requirement was presented to the Civil Service Commission with comment from the Commission Secretary, and the Police Chief who opposed the requirement. ASC Morrison said a compromise was reached requiring an Associates degree or a number of years experience as a substitute. He said this change allowed all the internal candidates to meet the basic requirements for the position.

The Council discussed the roles and authority of the Civil Service Commission. It was agreed that the Commission has approval authority over Civil Service position descriptions, that the Commission can determine whether or not to first conduct an internal recruitment, and that the Mayor must select from among the candidates presented by the Commission. Councilmember King said he had attended the recent meeting and observed that it was the first meeting for two of the Commissioners. He encouraged the Mayor to support as much training as possible for each of the City's boards and commissions.

Deputy Mayor Swatman said that a rather pointed statement was read in the Commission meeting from the Commissioners saying that they had been lobbied hard by the administration in their deliberations. Mayor Young explained that he does not typically attend the Commission meetings, but said he did attend a few weeks ago to advise them of an upcoming State Civil Service Conference, and to encourage them to attend. He said he recommended going outside for recruitment of the Lieutenant's position, but denied that either he or the Secretary lobbied the Commission. He said they both understand the independent nature of the Commission. As a former Civil Service Commissioner, Councilmember Hamilton said the Commission believes in promoting from within, but that they must balance between the benefits of recruiting both from within and without.

Several Councilmembers raised issue with the fact that the Commission's secretary also provides clerical support to the Mayor. Councilmember Noble suggested that a different secretary for the Commission might resolve any potential conflict. Councilmember DeLeo confirmed that the Commission can designate their own secretary.

At the conclusion of the Vouchers and Payroll Approval portion of the agenda, Councilmember Johnson said that he forgot to mention under Other Reports that the Economic Development Committee notes were well received. He said many are excited about getting them and are asking about further meetings. Mayor Young said that staff is working on a follow-up meeting.

IV. MINUTES: [A3.6.2]

- A. Approval Of Meeting Minutes: August 12 Special Workshop, August 17 Workshop, August 24 Council Meeting, August 31 Joint Special Workshop.

Councilmember King moved to accept and approve the sets of minutes as presented with one motion. Councilmember Noble seconded the motion.

Motion approved 6 – 0.

V. VOUCHERS AND PAYROLL: [F4.9]

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

- Claims: Accounts payable Checks/Vouchers #38216 thru 38248 and 38250 thru 38344 in the amount of \$574,956.66.
- Payroll: Payroll for August 15, 2004 for checks 22733-22783, including Deposits and Electronic Transfers in the amount of \$219,311.81.

Deputy Mayor Swatman moved to approve claims and payroll as read. Councilmember DeLeo seconded the motion.

Deputy Mayor Swatman said the Voucher Review Committee had recommended withholding payment on a reimbursement for a working lunch during an arbitration meeting. He said if the administration was not going to pay for the meals of officers on duty in emergency situations, then the Council would not approve a reimbursement under these circumstances. Mayor Young said he had not denied the reimbursement for the meal purchased for the officers, but that the State Auditor had determined the reimbursement was not appropriate and would be a gift of public funds.

Councilmember DeLeo said he had called the Auditor's Office and was told the issue was in a gray area. He said the Auditor suggested Council legislation would clarify the matter. Councilmember King applauded Director Weidenfeller's vigilance on the issue, but chided the administration for wasting the Council's time by not bringing corrective legislation forward in a timelier manner. He said he feels no one should be treated this way. Councilmember Hamilton concurred. Councilmember Noble said that she had requested the City Attorney to draft the legislation. She confirmed that he had presented a draft to her and that she had passed it on to the Deputy Mayor. She said the legislation is in the works and should come forward soon.

Deputy Mayor Swatman asked if the Mayor has authority to withhold payment of a claim once it is reviewed and approved by the Council. City Attorney Dionne said if it was authorized by Council, it would have been paid. He said the Council is the body who authorizes what bills get paid.

Councilmember DeLeo suggested that the bill be brought back for approval at the next Council meeting. Deputy Mayor Swatman suggested that the motion before the Council be amended to include payment of the current voucher so that the lunch would be paid. Councilmember King advised voting on the original motion, and if defeated, go back to the motion as presented in the agenda.

Original motion failed 2 – 4. Deputy Mayor Swatman and Councilmembers Hamilton, Johnson and King voted no.

City Clerk Edvalson read a motion to include voucher #38249 with a full amount of \$574,995.53.

Councilmember Hamilton moved to approve the motion as read. Councilmember King seconded the motion.

Motion approved 5 – 1. Councilmember DeLeo voted no.

VI. FINANCE COMMITTEE ISSUES:

- A. **AB04-189 – Ordinance 1057** – An Ordinance Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Accepting Donations In Accordance With The Provisions Outlined By Ordinance 937. [F4.6.7]

Councilmember King moved to adopt Ordinance 1057. Councilmember DeLeo seconded the motion.

Councilmember King noted that this donation would greatly enhance the surveillance capabilities of the police force.

Motion approved 6 – 0.

- B. **AB04-188 – Resolution 1307** - A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing The Disposal Of Surplus Property In Accordance With The Provisions Outlined By Ordinance 872. [F4.6.3]

Councilmember DeLeo moved to approve Resolution 1307. Councilmember Johnson seconded the motion.

Motion approved 6 – 0.

- C. **AB04-191 – Resolution 1309** - A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing The Disposal Of The Surplus Property By Direct Offer Of A Sale To The Alliance Against Domestic Violence Instead Of Using The Methods Of Disposition Described In BLMC, Chapter 3.88. [F4.6.3]

Councilmember Johnson moved to approve Resolution 1309. Councilmember Noble seconded the motion.

Mayor Young explained that certain printers and laptops were being sold directly to the Alliance Against Domestic Violence (AADV) for the value of the surplus items as determined by the City. Councilmember Hamilton asked why the City had not opted for a negotiated sale as provided for in the municipal code. Director Weidenfeller and City Attorney Dionne explained that the method selected was one of the options available, and was the method that allowed the Council to approve the value of the items. Councilmember DeLeo said this process allows AADV first choice of the surplus items. Councilmember Hamilton asked what would be done with the items not purchased by AADV. Director Weidenfeller said they would be disposed of in a manner consistent with the municipal code.

Motion approved 6 – 0.

VII. COMMUNITY DEVELOPMENT COMMITTEE ISSUES:

- A. **AB04-178 – Resolution 1299** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing Water Developer’s Extension Agreements With Lakeland For Area 5, Division 2A & 2B And Wedgewood II In Lakeland Hills. [A3.13.7]

This item was deleted from the agenda by action of the council. (See Page 1 of these minutes under Agenda Modification.)

VIII. PUBLIC SAFETY COMMITTEE ISSUES:

- A. **AB04-196 – Ordinance 1058** – An Ordinance Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Amending Chapter 9.86 Of The Bonney Lake Municipal Code And Ord. Nos. 947 And 703, Relating To Dangerous Weapons. [A3.5.5][O1.8.7]

Councilmember DeLeo moved to adopt Ordinance 1058. Councilmember King seconded the motion.

Noting that the Public Safety Committee met just last night, Deputy Mayor Swatman asked how the Councilmembers not on the Public Safety Committee would know what the Committee members’ feelings are on this issue without having their comments forwarded to the rest of the Council as part of the agenda packet. Councilmember DeLeo said they wouldn’t. Councilmember King said that there was a rush to get this item to the Council for action, but affirmed that all 3 Councilmembers on the committee recommended adoption of this ordinance. He suggested that the signed Committee recommendation be added to the original Council Agenda Bill on this issue. Councilmember DeLeo and Chief Jeter clarified

that this ordinance changes the penalties associated with violation from a misdemeanor to a gross misdemeanor and adds weapons that were not part of the original ordinance.

Motion approved 6 – 0.

- B. **AB04-197 – Ordinance 1059** – An Ordinance Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Amending Section 10.24.030 And Ordinance 426 Of The Bonney Lake Municipal Code, Relating To Speed Limits Near City Parks. [A3.5.5] [O1.8.6]

Councilmember DeLeo moved to adopt Ordinance 1059. Councilmember Noble seconded the motion.

Councilmember DeLeo explained that this ordinance puts the 20 mph. park speed limit around the new Cedarview Park. Deputy Mayor Swatman suggested that this ordinance should be applied to private parks fronted by public streets as well. Councilmember DeLeo said the Public Safety Committee would look at this suggestion.

Councilmember King commented that the Public Safety Committee has been reviewing Deputy Mayor Swatman's request to establish parking zones in school areas. Councilmember Hamilton asked Director Grigsby how long it would take to erect the new speed limit signs. Director Grigsby responded that he thought it could be done in two weeks. Mayor Young noted that there is a 30-day referendum period before the ordinance takes effect.

Motion approved 6 – 0.

- C. **AB04-203 – Ordinance 1060** – An Ordinance Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Adding A New Section 9.34.080 To The Bonney Lake Municipal Code, Relating To Urinating And Defecating In Public. [A3.5.5]

Councilmember Johnson moved to adopt Ordinance 1060. Councilmember King seconded the motion.

Councilmember DeLeo explained that the Police Department is currently limited to just the indecent exposure law in these cases. He said this new ordinance will enhance the Police Department's ability to deal with violations of this type.

Councilmember Hamilton moved to amend the main motion to include boats in the listing of vehicles to which this ordinance applies. Councilmember Noble seconded the motion.

Motion approved 6 – 0.

Amended motion approved 6 – 0.

- D. **AB04-195 – Resolution 1310** – An Ordinance Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing The Mayor And Chief Of Police To Sign An Interlocal Cooperation Agreement With The Other Law Enforcement Agencies In Pierce County.[O1.10.6]

Councilmember Johnson moved approval of Resolution 1310. Councilmember DeLeo seconded the motion.

Chief Jeter noted that a new agreement was necessitated by the addition of the new City of Lakewood Police Department.

Motion approved 6 – 0.

IX. FULL COUNCIL ISSUES:

- A. **AB04-201 – Ordinance 1061** – An Ordinance Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Amending Chapter 2.04 Of The Bonney Lake Municipal Code And Repealing Ordinance Nos. 890, 985 And 1006, Relating To City Council Policies And Procedures. [A1.1.2][A3.5.5]

Deputy Mayor Swatman moved to adopt Ordinance 1061. Councilmember King seconded the motion.

Mayor Young reminded the Council of the distribution of a memo from the City Clerk identifying certain omissions and typographical errors in the proposed ordinance.

Deputy Mayor Swatman moved to amend the proposed ordinance to include the corrections identified by the City Clerk in his memo to the Council.

Motion approved 6 – 0.

Amended Motion approved 6 - 0.

X. ADJOURNMENT

At 8:36 p.m., Councilmember Johnson moved to adjourn the meeting. Councilmember DeLeo seconded the motion.

Motion approved 6 – 0.

Harwood T. Edvalson, City Clerk

Robert Young, Mayor