

CITY COUNCIL MEETING

City of

**October 12, 2004
7:00 P.M.**

MINUTES



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 7:00 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 Cheryl Noble and Councilmember Jim Rackley.

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

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

- 1. Announcements:
 - a. Mayor Young announced that the Tacoma-Pierce County Board of Health has delayed their proposed fluoridation action in favor of receiving additional input from citizens and communities. He announced a meeting with Board Vice Chair Kathy McVay on October 20th at 6:00 p.m. in the Sumner Senior Center. Councilmember King noted that alternatives to fluoridation of the water supply would be discussed. He encouraged the City to advise Ms. McVay that the City would be represented at that meeting.
 - b. Mayor Young invited the City Council to advise him or Finance Director Weidenfeller if they feel that any programs have been left out or not addressed in the draft proposed budget.
- 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]:

1. **AB04-210** – Continuation Of The August 12, 2003 Public Hearing On The Ashton Woods Latecomer Agreement. [A3.6.10]

Mayor Young opened the public hearing at 7:06 p.m. There was no comment from the public or from the City Council. Mayor Young closed the public hearing at 7:08 p.m.

B. Citizen Comments [A3.6.4]:

Dana McCauley, 18211 74th St. E., spoke on behalf of the Lake Bonney Conservation Association. She expressed appreciation for Councilmembers and staff who have assisted the Association with its efforts during the past year. She listed a number of events and activities of the association and said the association has come to understand that the lake is more degraded than initially thought. She encouraged the City Council to again include a line item in the budget to help address the concerns. She identified the need for a consultant to study the lake.

Deputy Mayor Swatman asked Director Weidenfeller to confirm if an amount was included in the proposed budget. Director Weidenfeller replied that \$25,000 had been allocated and spent this year, and that the Mayor had proposed a similar amount in 2005. Mayor Young thanked the association for their participation in the meeting. Councilmember Johnson expressed concern that the same level of funding will only help maintain the status quo and not move further toward a resolution of concerns for the lake. Councilmember Rackley suggested that the City contact the University of Washington to see if technical assistance might be obtained to help with the lake. Director Grigsby said he would make the contacts.

Quinn Dahlstrom, 6527 193rd Ave. E., read from a prepared statement. She expressed a concern that the Senior Center Board, with most of its members being non-residents, had been invited to represent the City's resident seniors in discussions about the proposed Community Center. She also complained about the composition of the interview panel for the Senior Center Director. She, again, was concerned that resident seniors had not been sufficiently represented in the process.

Dana McCauley, 18211 74th St. E. Councilmember Johnson asked Ms. McCauley if the Lake Bonney Conservation Association has approached local businesses for assistance. Ms. McCauley responded that the organization had just applied for its non-profit status and anticipates approval in 120 days.

Don Sangesand, 5616 195th Pl. E., also read from a prepared statement. He said Mayor Young plans to spend \$10 million on a new city hall, while encouraging an increase in utility taxes. He complained that the Mayor delayed water system planning and facilities development to further save money for the construction of a new city hall. He asked the Council what they will do to correct the City's water issues. He concluded by saying that Mayor Young is secretly meeting with developers on the availability of the WSU Demonstration Forest property for development.

Councilmember King asked Mayor Young or his staff if there are any ongoing discussions

about the development of the WSU property. Mayor Young responded, no.

William Bumgardner, 7222 Locust Ave., said he moved into town about three years ago, but had only recently cleaned up the junk cars on his property. He said the day after completing his clean up, he received a letter from the City asking him to clean up his property. He said he has observed many other properties in similar or worse condition and felt that he is being singled-out. He also complained about the requirement to have garbage service. He said he is a single man working for Boeing in Everett. He said he eats out for all of his meals, and generates almost no refuse in his home. Mr. Bumgardner also expressed concern about a crosswalk near his home that he feels is inadequately protected by lighting or flashing lights. He also complained of a lot across from his home that the City appears to be taking no action to clean up.

Louisa Smith, 20112 Church Lake Rd., noted that an approved voucher for cleanup after Bonney Lake Days was really for a 4-H group that helped clean up the food service area during Bonney Lake Days. She also mentioned an article in the newspaper about Sumner promoting two people to the position of lieutenant in their police department, and noted there was no argument about promotions in their city.

Robert Ceola, 9104 189th Ave. Ct. E., said that he has followed Deputy Mayor Swatman's advice and attended the rate review meeting and also met with Public Works Director Grigsby. He complimented the City's consultants on their work with the utility rates. He reported research he had conducted on the number of toilet flushes used in his residence and the number of people observed using the restrooms at Wal-Mart. He asked if \$43.50 per month for sewer is an equally good number for Wal-Mart as for a single family residence. He questioned the need for a consultant to tell us what's fair in setting the rates. He also commented on the proposed impermeable surface basis for storm water rates, and asked if the Council would consider a rate reduction for those people who absorb water.

Dan Decker, 20401 70th St. E., referenced his comments on sewer rates at the last Council meeting. He summarized his thoughts by saying that no store should pay more than what a resident pays. He thanked the Mayor and Council for their stand in keeping fluoride out of the City's water system.

William Bumgardner, 7222 Locust Ave. Mayor Young assured Mr. Bumgardner that he was not singled out. He said that letters went out to many in the community. Deputy Mayor Swatman noted that someone probably filed a complaint with the City. Mr. Bumgardner offered to drive someone around to show them properties that need attention. He complained that his work hours prevented him from speaking with the Code Enforcement Officer.

C. Correspondence :

Councilmember DeLeo noted that correspondence had been received detailing a situation where a dry cleaning establishment had a serious of false alarms during the installation of the system. He said a foreign language barrier added to the confusion of the situation.

Councilmember DeLeo moved that the false alarm fee for Pacific Cleaners associated with this event on 08/03/04 be waived. Deputy Mayor Swatman seconded the motion.

Councilmember Rackley abstained from voting, stating that he regularly uses this dry cleaner's services.

**Motion approved 5 – 1 – 1.
Councilmember Johnson voted no, and
Councilmember Rackley abstained.**

III. COUNCIL COMMITTEE REPORTS:

[A3.6.4]

A. Finance Committee

Deputy Mayor Swatman reported that the Committee discussed proposed Resolution 1318, which proposes approval of an agreement to move the County GIS circuit from City Hall to the annex. He added that this would free up bandwidth between City Hall and the annex for other uses. Resolution 1328 was discussed. It proposes funding of \$3,000 for East Pierce Fire District to provide defibrillators for the Sumner School District. He added that proposed Resolution 1329 was discussed as an exception in policy for the Judge on accrual of vacation. He added that the Committee discussed with the Mayor the need for other employees who will exceed their accrual limits to plan on taking the vacation. He said the Council firmly encourages the use of vacation, and that it is unlikely they will approve others to exceed the vacation accrual limits.

Deputy Mayor Swatman said the Committee is discussing the exclusive use of the Tacoma News Tribune as the City's official newspaper. He said they are considering spreading some of the notices or advertising to the weekly papers delivered in the City. He mentioned the draft budget, and said the Mayor feels it is not appropriate to make it public, because the numbers could radically change in the near future. He added that the preliminary budget would be available no later than November 19th free of charge to the public. He concluded by mentioning that the Committee considered a substitute ordinance or amendment to the storm water ordinance that will be presented later in the meeting.

B. Community Development Committee

Councilmember Rackley reported that the Committee met on October 4th. He said they considered the proposed renewal of a franchise agreement with Pierce County, and reviewed the current franchise. He said terms of the agreement are not very favorable to the City, but are what is required to do business in the County. He added it is the kind of agreement we would write if we were granting the franchise. He said the Committee also considered the sewer extension agreement with East Pointe which is also on this night's agenda.

Councilmember Rackley also reported on the Committee's discussion with the Cascade Water Alliance represented by Mr. Gagliardo. He said their concluding discussions were about street lights and street signs.

C. Public Safety Committee

Councilmember DeLeo said the Committee also met on October 4th. He said there is one item on the agenda from their meeting, and that deals with Resolution 1327 - The Washington Traffic Safety Commission Memorandum of Understanding.

D. Other Reports:

Deputy Mayor Swatman said he attended the Lake Bonney Conservation Association meeting on October 7th. He encouraged public participation at the meetings as a source of education about the health of lakes and streams. He noted that the Association is coordinating a purchase of native vegetation for the area that is available to anyone wishing to participate.

Councilmember DeLeo said that he attended the Communities for Families Coalition Meeting. He said that on October 21st between 2:30 - 4:30 p.m., free immunizations for children would be offered at the Sumner Family Center. He added that on October 14th at 6:30 – 8:30 p.m. at the White River High School would be a session on How to Assist Students with School and Life Changes.

Councilmember DeLeo noted that the lamp posts at the new Sumner Administration Offices are the old fashioned light posts but with directional hoods inside the globes to reduce light pollution. He said he didn't believe that light pollution was the reason that this type of light could not be used in the new Target Center. Deputy Mayor Swatman said that he had been told that staff did not limit the use of that style of lights in the Center, but that the developer had made the decision.

IV. **MINUTES:** [A3.6.2]

- A. Approval Of Meeting Minutes: September 21 Workshop and September 28 Council Meeting.

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

Motion approved 7 – 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 #38504 thru 38604 in the amount of \$502,801.84.
- Payroll: Payroll for September 15-30, 2004 for checks 22898-22957, including Deposits and Electronic Transfers in the amount of \$338,561.71.

Councilmember Rackley moved to approve claims and payroll as read. Councilmember DeLeo seconded the motion.

Motion approved 7 – 0.

VI. FINANCE COMMITTEE ISSUES:

- A. **AB04-217 – Resolution 1319** - A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Amending Resolution No. 1246 Relating To The Provision Of Food And/Or Refreshments At City Expense. [F4.8]

Councilmember Noble moved to approve Resolution 1319. Councilmember Johnson seconded the motion.

Deputy Mayor Swatman noted, that contrary to the agenda bill description, Councilmember Noble was the sponsor of this legislation.

Motion approved 7 – 0.

VII. COMMUNITY DEVELOPMENT COMMITTEE ISSUES:

- A. **AB04-206 – Resolution 1314** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing An Application For A Franchise Agreement With Pierce County For The Construction And Operation Of A Water System Within Pierce County Roads. [A3.15]

Councilmember Rackley moved to approve Resolution 1314. Councilmember Hamilton seconded the motion.

Councilmember King asked if this was a newer form of an agreement than the City had previously had, and if it had gone to committee for review. Deputy Mayor Swatman confirmed that it was a newer form and that it had been reviewed by the Community Development Committee (CDC). Councilmember Rackley also confirmed that it had been reviewed by the CDC.

Motion approved 7 – 0.

- B. **AB04-222 – Resolution 1323** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing A Sewer Developer’s Extension Agreement With Gienger Development, Inc. For East Pointe. [A3.13.7]

Councilmember Rackley moved to approve Resolution 1323. Councilmember Hamilton seconded the motion.

Councilmember Johnson asked if the development is within the City limits. Deputy Mayor Swatman responded, yes. Planning and Community Development Director Leedy said the development is on the southern edge of the City limits.

Motion approved 7 – 0.

VIII. PUBLIC SAFETY COMMITTEE ISSUES:

- A. **AB04-229 – Resolution 1327** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing A Memorandum Of Understanding With The Washington Traffic Safety Commission For A One-Year Period (October 1, 2004 – September 30, 2005). [O1.9.7]

Councilmember Rackley moved to approve Resolution 1327. Councilmember King seconded the motion.

Motion approved 7 – 0.

IX. FULL COUNCIL ISSUES:

- A. **AB04-224 – Ordinance 1062** – An Ordinance Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Amending Titles 13 And 15 Of The Bonney Lake Municipal Code And Ordinance No. 692, Relating To Future Adjustments To Water, Sewer, And Stormwater Rates. [F4.3][A3.5.5]

Councilmember Hamilton moved to adopt Ordinance 1062. Councilmember DeLeo seconded the motion.

Councilmembers Johnson and Rackley expressed concern that the Council should wait for the conclusion of the rate study before taking action on this proposed ordinance. Deputy Mayor Swatman noted that there is no proposed cap on the CPI adjustment. Director Grigsby said the CPI adjustment proposed by this ordinance would be included in the overall rate adjustments proposed by the rate study. He said the CPI adjustment is necessary to maintain the health of the utilities funds, and deal with the creep of costs on an annual basis. He said that small increases would be easier for the public to deal with than periodic single large increases. Administrative Services Coordinator (ASC) Morrison said that a CPI adjustment is a common and prudent practice in utilities. He observed that some cities review the proposed rate adjustment yearly and then approve, rescind or reduce the increase as may seem appropriate.

Councilmember Rackley moved to table Ordinance 1062 until the completion of the utilities rate study. Councilmember DeLeo seconded the motion.

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

- B. **AB04-225 – Ordinance 1065** – An Ordinance Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Amending Title 15 Of The Bonney Lake Municipal Code And Ordinance Nos. 736 And 828, Relating To The City's Stormwater Utility. [F4.3][A3.5.5]

Councilmember Rackley moved to adopt Ordinance 1065. Councilmember Hamilton seconded the motion. At Deputy Mayor Swatman's suggestion, Councilmember Rackley agreed to amend the motion to adopt substitute Ordinance 1065 as reviewed by the Finance Committee. Councilmember Hamilton agreed to the substitution.

Deputy Mayor Swatman said the substitute ordinance included changes identifying fee collection mechanisms for multi-family and large properties with multiple units. He said the

main thing to remember is that the ordinance is not effective before July 1, 2005, and that it may change before that time. He said it serves to provide public notice of the Council's intent to change the rate methodology. Councilmember Johnson expressed concern that the business and residential interests be fairly treated under this new methodology. He questioned the need for properties fully retaining their water on-site, or having 100% ground infiltration to contribute to the utility. Director Grigsby said that all properties benefit from the control of flooding and improvement in the general quality of water infiltrating into the ground. He said that even those properties who might appear to have the least impact on the stormwater system should contribute their fair share to the overall benefits enjoyed as part of the community.

Councilmember Rackley said this is a major step for the City and is a good way to establish the rates. Councilmember Hamilton noted that this methodology seems to place the greatest burden on those who have the greatest impact on the system. Director Grigsby added that those non-residential properties with retention facilities can apply for a reduction of up to 50% of their calculated rate. Councilmember King said he was glad the City was being proactive in addressing the increasing population in this area. He said this appears to be the best methodology yet for the City. Director Grigsby said that the retention credits would initially be retroactive for qualifying non-residential properties. Councilmember DeLeo suggested the language of the ordinance should more clearly reflect that this applies to only non-residential properties.

Deputy Mayor Swatman moved to amend Ordinance Section 15.14.030 C to read, "Parcels, other than single-family residences, with a qualifying...". Councilmember King seconded the motion.

Motion approved 7 – 0.

Councilmember Johnson said that he was concerned about the charges to businesses that are required to develop with impermeable surfaces on their property such as parking lots. Councilmember Hamilton asked about the impacts of permeable concretes and asphalts. Director Grigsby said this would have to be considered. Councilmember Rackley observed that this is just a redistribution of costs to maintain the system the City already has. Councilmember Hamilton said the issues are not only quantity, but quality. He predicted the importance of the utility will continue to grow

Councilmember King said this ordinance may encourage businesses to use and develop the most efficient and cost effective means of dealing with run-off. He said that recent AWC seminars have highlighted improved technology now available.

Motion approved 7 – 0.

- C. **AB04-219** – A Motion Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing the circulation of a petition for annexation under the alternative-direct petition method authorized by RCW 35A.14.420 for the area commonly referred to as "annexation area 1", the boundaries of which are identified on the maps and described in the legal description included in the 10/05/04 Council packets. The zoning for the annexed area will be R-1 Low-Density Residential and the annexed properties shall assume the city's current indebtedness, which shall be noted in the petition. [A3.6.10] [O3.2.2]

Councilmember Rackley moved to approve the motion of AB04-219 as read by the City Clerk. Councilmember Johnson seconded the motion.

Councilmember Hamilton noted that he would be abstaining from voting on this issue. Deputy Mayor Swatman observed that this annexation may impact the Council voting districts for the next elections.

**Motion approved 6 – 0 – 1.
Councilmember Hamilton abstained from voting.**

Councilmember DeLeo moved that in light of Council approval of Resolution 1319, Chief Jeter be reimbursed \$31.00 for the lunch he purchased for emergency personnel during the situation on Inlet Island. Deputy Mayor Swatman seconded the motion.

Motion approved 7 – 0.

Mayor Young declared a five minute break in the regular meeting before the Council met in executive session.

X. EXECUTIVE SESSION

Mayor Young announced that pursuant to RCW 42.30.110(1)(i) the City Council would hold a 30-minute executive session to discuss issues dealing with potential litigation. The executive session started at 8:42 p.m. The session was extended for ten minutes at 9:12 p.m. The session was extended for five more minutes at 9:22 p.m.

The regular meeting was reconvened at 9:25 p.m.

XI. ADJOURNMENT

At 9:26 p.m., Councilmember Rackley moved to adjourn the meeting. Councilmember Hamilton seconded the motion.

Motion approved 7 – 0.

- *Proposed Motion And Background Memo On Waiver Of False Alarm Fee* – John Weidenfeller, Finance Director; submitted prior to meeting.
- *Written Statement* – Quinn Dahlstrom; submitted during Public Comments.
- *Written Statement* – Don Sangesand; submitted during Public Comments

Harwood T. Edvalson, CMC
City Clerk

Robert Young, Mayor