

**CITY COUNCIL MEETING**

City of

**October 26, 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"*

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**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, Planning Manager Steve Ladd, Judge Jim Helbling, City Attorney Jim Dionne and City Clerk Harwood Edvalson.

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

1. Announcements: None.
2. Appointments: None.
3. Presentations: Steve Burnham, Planning Commission Chairman and Steve Ladd, Planning Manager
  - a. AB04-246 – Ordinance 1069 – Transportation, Utilities And Other Capital Facilities Elements Of Comprehensive Plan.
  - b. AB04-248 – Ordinance 1071 – Housing For Handicapped Persons – A Permitted Use In R-3 Zone.

Planning Manager Steve Ladd described the work to be included in the Phase III Comprehensive Plan Update. He used several maps as reference points for his remarks about the Transportation, Utilities and Other Facilities Elements of the Comprehensive Plan.

First was transportation. He said the Transportation element summarizes existing conditions and envisions 20 years into the future to preserve the desired level of service. He said the Planning Commission is recommending a service level of D for the City's streets. He added that the current traffic model prepared two years ago is good only through 2010 and will need to be updated before then to meet the Comprehensive Plan's planning horizon of 2022. He noted the impacts of such planned developments as Cascadia and Falling Waters.

Planning Manager Ladd next addressed the street classification map, and noted some of the future connections and extensions to be made. He added that there was conflict between the Planning Commission recommendation for a collector street between Bonney Lake and Cascadia, and the recommendation for a larger connection by Pierce County and the City Engineer. He said the current estimated cost for all of the proposed street improvement projects is \$39.5 million dollars. Planning Manager Ladd noted that the Transportation Element also addresses alternatives to individual automobiles. He spoke of the mass transit routes currently existing and the potential for transit-oriented development and pedestrian improvements to include sidewalks and trails.

The Utilities Element was briefly addressed. Planning Manager Ladd explained that the Sewer and Water Utilities were also going through comprehensive planning efforts, and that once finished, their plans would be folded into the City's Comprehensive Plan. He said the Other Capital Facilities Element is about other facilities other than the City's facilities. He said these are mainly schools. He added that this will facilitate the City collecting school impact fees for the districts.

A recent ruling of the Growth Management Hearings Board was addressed. Planning Manager Ladd explained that the Council would be required to adopt some changes to its Land Use Map to comply with the Order. He said the updated map will remove the urban growth areas previously approved by the County, but recently reversed. He added that the more difficult part of the Order is removing the City's very low density designation, folding those areas into the low density land use designations and increasing the low density area densities to conform with the Growth Management Act.

As a final item, Planning Manager Ladd addressed the proposed Handicapped Housing Issue. He said the fact that the City of Bonney Lake allows apartments in the R-3 zone by right, but requires a conditional use permit for handicapped assisted housing is deemed discriminatory. He noted that cities in Pierce County are not required to plan for secure transition facilities, otherwise known as sexual offender housing facilities. He said the ordinance would eliminate this as an allowed use in the City.

Councilmember DeLeo asked about the intersection improvements between 214<sup>th</sup> and 234<sup>th</sup>. He asked if those will be signalized. Mayor Young said that some are currently planned, and others may be retrofitted if needed. Councilmember Rackley asked if the City must comply with the Growth Management Hearing Board orders. Chairman Burnham said the rulings are like a judge making a ruling.

Chairman Burnham addressed the Planning Commission's recommendations on the proposed Transportation and Capital Facilities Elements and on the Handicapped Accessible Ordinance. He said that each of the elements and the ordinance have had discussion and public hearings before the Commission. He emphasized that the Planning Commission opposes the routing of Cascadia traffic down South Prairie Road to SR410. He said the City is not obligated to pay to widen a road that is not necessary for Bonney Lake. He said the Planning Commission had requested several times that the City Attorney appear to explain the Cascadia Agreement. He said this

never occurred. He advocated providing staff with sufficient resources to influence the County in their deliberations on the Rhodes Lake Corridor or other alternatives to take the Cascadia transportation load off of Bonney Lake.

Chairman Burnham also addressed the Capital Facilities Element, and suggested that they would generate additional input when the final versions of the sewer and water comprehensive plans are completed early next year. He commented on completion of Sky Island Boulevard. He said many of the residents are concerned that this has been designated as a minor arterial with a maximum speed limit of 45 mph. He encouraged the Council to observe the road, and said the Planning Commission recommends doing everything possible to keep the speed limit down to 25 mph. He said an arterial is needed, but that the speed needs to be restricted.

Chairman Burnham noted that the Handicapped Ordinance was unanimously approved by all the Commissioners. He also touched on the Critical Areas Ordinance that will be coming to the Council. He said there was a lot of public input on the issue. Councilmember Rackley asked if Chairman Burnham feels the City is obligated to improve the 198<sup>th</sup>/199<sup>th</sup> corridor until the County does something with the Rhodes Lake Corridor. Chairman Burnham said his reading is that the City only has to cooperate, but not implement anything. Councilmember Rackley asked for a commitment from the Mayor to bring back any proposed action to set the speed limit on Sky Island Boulevard above 25 mph. Public Works Director Grigsby replied that he would.

Councilmember DeLeo asked Chairman Burnham about the main concerns expressed on the Critical Areas Ordinance. Chairman Burnham said most concerns have been associated with the creek exiting from Lake Bonney and the proposed setbacks and limitations on the use of the properties. He noted that Planning Manager Ladd and a biologist walked the stream and determined that it should be the lowest classification of stream, reducing the required setbacks from 150 ft. to 100ft.

Councilmember Hamilton expressed concern about Cascadia and the County's admitted error in using screen-line traffic models over the current roadway links methodology. He said he assumed that much of the past estimates by the County on Cascadia have been made using the screen-line method. Chairman Burnham encouraged review of the issue and that staff be encouraged to pursue adjustments. Councilmember Johnson expressed appreciation for the frankness of Chairman Burnham. He agreed with the need to review the traffic modeling, and said he would not support adoption of the Transportation Element until appropriate information had been provided.

Councilmember Hamilton asked if the faulty science would be the basis for nullifying the Cascadia Agreement or reopening it for negotiation. City Attorney Dionne said he doubted there was a basis for this action. He said, however, that he would have to review the agreement. Councilmember DeLeo asked City Attorney Dionne if he had ever been contacted to appear at the Planning Commission meetings. City Attorney Dionne said this is the first he's heard of the request, and that no one has called him personally.

Chairman Burnham concluded his participation in the meeting by saying the Planning Commission has given these recommendations careful consideration. He noted that the Commissioners are residents, while some who object don't live in the City.

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

## II. PUBLIC HEARINGS, CITIZEN COMMENTS & CORRESPONDENCE:

[A3.6.11, A3.6.12, A3.6.4, 3.6.5]

- A. Public Hearings [A3.6.12]: None.

- B. Citizen Comments [A3.6.4]:

Roger Cramer, 20911 Church Lake Rd. E., spoke on behalf of himself and two neighboring property owners behind the Winterhaven Development. He voiced concern that the developers of Winterhaven have not completed their obligations. He said they have not completed fences to protect the wetlands area, nor a planned park. He added that he had taken additional steps to protect the wetlands by setting up a wire fence and re-installing the City's wetlands signs. He complained that the resident at 20904 76<sup>th</sup> St. E. took down the fence and no-trespassing signs, and established a fire ring for burning in the wetlands. He added that when confronted, the resident said to take up the concerns with the City. He said he believes the man should be held accountable and the developer should finish the project.

Councilmember Noble asked if Director Leedy would follow-up and report back to the Council. Director Leedy responded, yes.

Jim Winans, 9314 Angeline Rd., alerted the Council to a potential request to rezone his neighbor's residential property to expand an adjacent R-3 zone. He expressed concern that his neighbor had been scared into selling the property with the threat of condominiums being constructed on two sides of his property. He said his and the neighbors' properties were always intended to be R-1. He asked that the Council be aware of this attempt to rezone the property to R-3, and that he be notified if an application is made.

Deputy Mayor Swatman said that Mr. Winans should check the process for the rezone of a single piece of property. He said he believes it will go to the Hearing Examiner, although it must be consistent with the City's Comprehensive Plan. Councilmember Hamilton asked if Mr. Winans could expect to receive notice of any application. Director Leedy said that if he is within 600 ft. of the property that he will receive notice. Mr. Winans said his property is contiguous with the other property.

Councilmember DeLeo referenced one of the maps shown by Planning Manager Ladd. He asked if 188<sup>th</sup> was shown as connecting to SR410 from Old Sumner Buckley Highway. Planning Manager Ladd said there would be some new street connection, but that it would not connect with SR410.

Wade Thuline, 24508 128<sup>th</sup> Ave. E., Graham, read from a letter submitted earlier in the day

complaining that he had been given a water availability letter with a guarantee of service and pressure to a certain elevation. He said he has graded and developed the land to that elevation, but is now being asked by the City to sign an agreement stating that the City will only provide water up to a lower elevation, and that the additional cost for booster pumps must be born by him. Mr. Thuline continued that he has \$9 million invested in the property, that lots are ready for sale and he is being held up by the City. He asked the City to honor its commitment to serve at the original stated elevation.

Deputy Mayor Swatman questioned whether there is sufficient data this evening to resolve the issue. He asked the Council to allow Mr. Thuline to speak further when his agreement is considered by the Council later in the meeting. There was general consent by the Council to allow this discussion later.

Glen Souza, 18719 95<sup>th</sup> St. E., complained of the use of compression brakes by trucks on the downhill part of the SR410 hill above Angeline Road. He asked if the City could install some signs noticing the existence of an ordinance prohibiting their use in the City limits.

Mayor Young asked Director Grigsby if such signs could be installed on the state highway. Director Grigsby said he believes arrangements can be made.

Mark Burmeister, 7724 190<sup>th</sup> Ave. E., addressed the proposed Critical Areas Ordinance. He said the proposed buffer size along the outfall of Lake Bonney is now four times its original 25 ft. size. He said that leaves approximately 30% of his property that he can use without obtaining special permits. He noted that property owners with smaller lots are even more greatly impacted. He asked why the Council majority gave direction to adopt the largest setbacks. He asked Council to consider that the larger setbacks on the creek only provide a marginal increase in the silt filtration.

Councilmember Johnson spoke and said that he wanted the largest setbacks as a starting point from which to reduce as needed. He said he is concerned for the Bonney Lake environment and that his decisions won't be made lightly nor arbitrarily. Councilmember Hamilton said he feels setbacks are important. He agreed that the City must be able to work with property owners to use their land responsibly. Deputy Mayor Swatman said he would like to better understand the methodology used by the Planning Commission and Staff in establishing the proposed buffers before determining whether such large buffers are even needed.

Jessica Larious, 7720 190<sup>th</sup> Ave. E., said she also has a lot at 7722 190<sup>th</sup> Ave. E. She said she is the next door neighbor to Mr. Burmeister. She expressed frustration that the City would give her the go ahead for development of her property and then turn around and tell her she was in non-compliance. She said she agrees with smart growth, but that she had purchased the adjacent lot as an investment to allow development of a home or two. She is very concerned for the future interpretation of the Critical Areas Ordinance.

Councilmember Johnson explained why buffers are so important, even on a minor creek. He said the outfall from Lake Bonney makes its way to Fennel Creek with its significant habitat. Councilmember DeLeo said the Council was asked for a starting point in developing the critical areas ordinance. He said they chose the widest buffers and would work down from there to protect as much as possible in the City. He said he is looking for recommendations from the Planning Commission.

Councilmember King asked about the permit issued and then denied. Ms. Larious said her improvements were found to be non-compliant when a wetland was discovered on a neighbor's property. Councilmember King noted that the City has never had the resources to adequately map all of the wetlands in the City. Planning Manager Ladd noted that the City's Wetlands Inventory comes from state provided data based on aerial photos. Councilmember Hamilton asked if, once the City establishes buffers, then can the state mandate larger buffers at a later date. Planning Manger Ladd said the Hearing Board and Courts are litigating some established buffers. He said this latest data would be used in the City's further development of its ordinance.

Robert Ceola, 9104 189<sup>th</sup> Ave. Ct. E., addressed the water and sewer billing system. He referred to an overhead projection to explain his understanding of the interconnection between the City's water and sewer systems as they relate to billing. He said he is beginning to feel that a water-based sewer billing system is best for the City. He noted, however, that the City of Sumner doesn't like their water-based billing system. At the conclusion of his allotted time, the City Council consented to allow him additional time to finish his presentation.

Deputy Mayor Swatman and Councilmembers Hamilton and King expressed appreciation for Mr. Ceola's efforts. Councilmember King encouraged him to run for Council with such a passion for water and sewer issues.

Fred Jacobsen, 9100 189<sup>th</sup> Ave. Ct. E., applauded the Planning Commission for their work. He mentioned that he has applied for the Planning Commission, and that there is an outstanding vacancy. He added that two of the commissioners terms end in 2005. He suggested that now is a good time to fill the vacancy to assure continuity on the Commission. Mr. Jacobsen addressed the setback issue and suggested that all the City's wetlands areas be reviewed by qualified personnel and correctly classified. He also addressed the City's speaker system in the Council Chambers. He noted that some in the audience are hearing impaired and asked the Council to take corrective measures to implement amplification of the meetings. Mr. Jacobsen also addressed the meeting minutes. He said he has noticed that for the past few weeks only the audio versions of the Planning Commission and City Council meetings have been made available. He said that written copies need to be made available to those without web access. In conclusion, Mr. Jacobsen addressed the City's water situation. He asked what alternatives beyond Tacoma Water are being investigated to meet the City's future needs. He asked who will be doing the cost/benefit analysis, and if there will be citizen involvement. He also asked where short and long term water plans can be reviewed for Bonney Lake.

Mayor Young advised that the public amplification system has been ordered and scheduled for installation by the November 9<sup>th</sup> Council meeting. Deputy Mayor Swatman commented that the sound system has been slowed by complex analysis needed to minimize the problems with feedback. He added that the final and draft minutes as well as meeting audio are all located in one area on the website. His final comment was that the Cascade Water Alliance is another resource that the City is considering for water. He said more information would be forthcoming on the City's position at the next workshop. Director Grigsby said the City's longtime consultant, Jeff Dillard, will be preparing the cost/benefit analysis on the water alternatives. He said the process can include the public.

Louisa Smith, 20112 Church Lake Rd., reported that 10 new County Sheriff Deputies will be assigned to the Foothills area, patrolling the County areas around Bonney Lake. She expressed appreciation for the improvements on the gravel pit across from the Public Safety Building. She also announced the availability of raffle tickets from the Kiwanis Club. She said the Puyallup Kiwanis have a strong tradition of also serving the Bonney Lake area. She noted their participation in scholarships, the food bank and the Mother Earth Farm, which provides fresh produce to the food banks.

Steve Burnham, 9006 189<sup>th</sup> Ave. Ct. E., spoke as the secretary for the Grandview Homeowner's Association. He noted that Mr. Winans owns a lot in the subdivision. He said the Planning Commission reviewed the zoning on the properties in this subdivision and do not believe there should be any changes in the zoning. He said any rezone of the property would be contrary to the Planning Commission's intent and contrary to the intentions of the City through its Comprehensive Plan. He stressed that Council needs to give policy to staff that rezones of property different than what is in the Comprehensive Plan are not meeting the purposes of our City, nor the Council's position regarding zoning. He said that rezones are one of the most destructive things that can be done to a neighborhood and the City. He said the recent Qualey rezone was inappropriate.

Deputy Mayor Swatman asked for clarification from Mr. Burnham about his rezone comments. Mr. Burnham said the Planning Commission sees the 300 ft. overlay zone strictly as an opportunity to address quirks in the zoning caused by topography or minor issues overlooked by the Planning Commission. He said its intent was not to wholesale expand the commercial zone.

Councilmember Rackley asked about the consistency in Planning Commission recommendations on past land use changes in the Comprehensive Plan and the potential change that has been described near Mr. Winans' property. Mr. Burnham said the Hearing Examiner gives great deference to the staff reports. He said the only thing that will stop this rezone is if the staff writes its report in opposition to the rezone. He suggested that Council direct staff to give notice of any applications for rezone, and what their recommendations will be.

Councilmember Hamilton asked about the 300 ft. discretionary overlay zone. He noted that the natural tendency, without specific direction in the code, is to allow the incremental increase of the commercial zone. Mr. Burnham said that the staff reports are very persuasive, and that the Council needs to give policy direction to the staff on their reports, and that the Hearing Examiner be made aware of that policy direction as well.

Deputy Mayor Swatman noted that the Council's control of staff is virtually non-existent. He said there has been long-term discussions, for example, on the Cascadia transportation corridor, and how the Council opposes its development as the primary access and egress from Cascadia. He said report after report shows that the staff has worked toward developing a major corridor through the Bonney Lake High School area. He said that if staff were to hear the Council's input, they would get the idea that the people of Bonney Lake want something other than what they're being given. Councilmember Noble said she echoes what Deputy Mayor Swatman said. She said the Council can say what they like, but the staff is directed by the Mayor. She added that the Mayor makes information available as he chooses for

Council's deliberations.

Hans Korve, 726 Auburn Way North, Kent, said that as a professional planner, he urges Council to resist the temptation to direct staff in their professional work. He said the staff should be left to make their best professional recommendations for Council consideration.

Deputy Mayor Swatman responded that in a Mayor/Council form of government there is either the Mayor giving direction to staff or a whole Council giving direction. He added that the staff has been threatened with termination by the Mayor if they present the facts as they believe them. Councilmember Johnson concurred with the Deputy Mayor's comments. Councilmember King said the form of government in Bonney Lake has been voted on several times. He said this is an issue of staff communication. He said he agrees with Mr. Korve and also appreciates the comments of the Planning Commissioner, because it draws attention to issues to which the Council should perhaps also be paying more attention.

At 9:18 p.m., Mayor Young declared a ten minute break in the proceedings. The meeting was reconvened at 9:31 p.m.

- C. Correspondence : Letter addressed to Mayor Young and read by Mr. Thuline during citizen comments.

### III. COUNCIL COMMITTEE REPORTS:

[A3.6.4]

A. Finance Committee

Deputy Mayor Swatman reported that the Committee discussed their proposal to revise the City's standards for its official newspaper to allow for more open competition. He said the Committee discussed vacation use, approving of Judge Helbling's carryover, but encouraging the vacation use by regular employees. He said the Committee also considered proposed Resolution 1341, which will allow current expenditures on the new City Hall to be put toward the proposed councilmanic bond for City Hall. The Committee also discussed modifying the water rates to take into account multi-family dwellings and mobile home parks. He added that the Committee also discussed a request for proposals for studies on connecting sidewalks. He noted for Council's information that \$80,000 has been collected in park impact fees since the Council adopted the ordinance earlier this year.

B. Community Development Committee

Councilmember Rackley reported that the Committee met on October 18<sup>th</sup>. He said they received an update from WSDOT on proposed improvements to SR410, specifically an improvement at the intersection at 234<sup>th</sup>. He said Jan Shabro also attended the Committee meeting. He said they considered about nine developer extension agreements which were forwarded for Council action. He said the agreements represent 984 units and add pressure to the Council to solve the water supply concerns as soon as possible.

C. Public Safety Committee

Councilmember DeLeo said the Committee did not meet last Monday because he was out of town.

D. Other Reports:

Mayor Young reported that the Pierce County Regional Council met last Thursday night. He credited the ground work of Councilmember King and Director Leedy on proposed County Amendment #11. He said the proposed amendment bunched the cities together for urban growth area considerations and removed individual ability to deal with those urban growth areas. He said that to the benefit of the cities, the County Council pulled it out of their proposed comprehensive plan. Councilmember King expressed appreciation to Director Leedy for providing the background information for the City's position on this issue.

Deputy Mayor Swatman noted that he has received his Advanced Certified Municipal Leadership Certificate and encouraged Council to pursue it as well. Councilmember Rackley said that Deputy Mayor Swatman, Councilmember King and himself attended the Board of Health meeting in the City of Sumner with the five other cities. He said they discussed fluoride and possible alternatives to fluoridation. He said the Board agreed to back off on forced fluoridation of water for now.

Mayor Young said he attended a meeting of water districts and water purveyors in Pierce County. He said they will meet again. He said that most of the water providers in the County get their water from wells, as opposed to the major water providers who get their water from surface water. He said the major providers tend to get legislation adopted that forces out those who get water from wells. He said they also discussed the Cascade Water Alliance and Lake Tapps.

Mayor Young asked the Council if they wished to hold a special Council budget session on November 6<sup>th</sup>. There was a majority consensus to not hold the meeting, and call another if needed later in the budget process.

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

- A. Approval Of Meeting Minutes: October 5 Council Workshop, October 8 Special Council Workshop, October 12 Regular Council Meeting.

**Councilmember King moved to accept and approve all 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 #38605 thru 38720 and wire transfer #902625 in the amount of \$639,874.04.
- Payroll: Payroll for October 1-15, 2004 for checks 22958-23006, including Deposits and Electronic Transfers in the amount of \$214,662.94.

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

**Motion approved 7 – 0.**

**VI. FINANCE COMMITTEE ISSUES:**

- A. **AB04-214 – Resolution 1318** - A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing An Agreement With Qwest In The Amount Of \$282.00 Per Month And One-Time Install Fee In The Amount Of \$680.00 With Hardware & Labor In The Amount Of \$2,047.18 For A Minimum Subscriber Service Term Of 12 Months With Term Beginning On Date Of Service Installation October 15, 2004. [A2.1]. [F4.8]

**Councilmember Rackley moved to approve Resolution 1318. Councilmember King seconded the motion.**

Councilmember DeLeo asked about the discrepancy between the monthly amounts listed in the Resolution Title and the amounts listed in the agenda bill and agreement. Deputy Mayor Swatman observed that the amounts are clearly identified in the agreement. Director Weidenfeller suggested that the Resolution title be amended to read simply, reference approval for signing an agreement with QWEST.

The City Council discussed the need for immediate action to reduce the network communication load between City Hall and the City Hall Annex. City Attorney Dionne suggested the body of the Resolution be amended to add language to authorize the agreement subject to the amount negotiated by the administration.

**Councilmembers Rackely and King agreed to include the two proposed changes in their motion.**

Mayor Young directed the City Clerk to modify the Agenda Bill and Resolution accordingly.

**Motion approved 7 – 0.**

- B. **AB04-230 – Resolution 1328** - A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing That \$3000 Be Provided To East Pierce County Fire District (Fire District 22) To Provide A Defibrillator to The Sumner School District.[A3.13.4]

**Councilmember Johnson moved to approve Resolution 1328. Deputy Mayor Swatman seconded the motion.**

Deputy Mayor Swatman said the City is matching what Sumner did to assist with a DECCA student's project. He said he felt that Bonney Lake could match what Sumner has done. Councilmember King noted that the student had a booth at Bonney Lake Days and was quite successful in raising the public level of awareness for this issue. Councilmember Hamilton questioned why Bonney Lake was bearing the full cost for one of the machines. He asked why the school district wasn't purchasing the units for their schools. Deputy Mayor

Swatman said they may be buying other units for their schools. Mayor Young said this is in response to a school student's efforts to provide them in the schools. Councilmember King noted that these units are best situated where there are large groups of people gathered, such as football games and other athletic events. He suggested that perhaps the request be made to tag this unit for use at Bonney Lake High School. Councilmember Hamilton asked if the police cars have these units. Deputy Mayor Swatman responded, no-- not yet. ASC Morrison said the Fire Department has placed one on loan in the City's Senior Center. Councilmember King said the Public Safety Committee is studying whether or not these units should be provided in each police car.

**Motion approved 6 – 1.  
Councilmember Hamilton voted no.**

- C. **AB04-232 – Resolution 1329** - A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing Judge Jim Helbling To Carryover 2004 Earned Vacation In Excess Of The Policy Maximum Into 2005. [A4.1.7]

**Councilmember Rackley moved to approve Resolution 1329. Councilmember DeLeo seconded the motion.**

Councilmembers encouraged Judge Helbling to take time off. Deputy Mayor Swatman noted that Judge Helbling's a special case, where it is difficult for a part-time employee to use accumulated vacation. Councilmember Rackley noted that the Finance Committee did discuss use of vacation for regular employees, and encouraged the administration to work with employees to make sure they are able to take time off and use their accumulated vacation leave.

**Motion approved 7 – 0.**

- D. **AB04-148** - A Motion Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Setting A Public Hearing For The 2005 Budget Ad Valorem Taxes And Other Revenue Sources During The November 9, 2004 Regular Council Meeting Which Starts At 7:00 P.M. [A3.6.10] [F3.8]

**Councilmember DeLeo moved to set the public hearing as proposed in the motion read by the City Clerk. Councilmember Johnson seconded the motion.**

**Motion approved 7 – 0.**

- E. **AB04-149** – A Motion Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, To Set Ongoing Public Hearings On The 2005 Budget At Each City Council Meeting Beginning On December 14<sup>th</sup> Until The Final Budget Is Passed. [A3.6.10] [F3.8]

**Councilmember Hamilton moved to set the public hearings as proposed in the motion read by the City Clerk. Councilmember DeLeo seconded the motion.**

**Motion approved 7 – 0.**

**VII. COMMUNITY DEVELOPMENT COMMITTEE ISSUES:**

- A. **AB04-227 – Resolution 1325** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing A Water Developer’s Extension Agreement With Puget Western, Inc. For Forest Canyon Highlands. [A3.13.7]

**Councilmember Rackley moved to approve Resolution 1325. Councilmember Johnson seconded the motion.**

**Motion failed 3 – 4. Voting no were Deputy Mayor Swatman and Councilmembers Noble, Johnson and King.**

- B. **AB04-234 – Resolution 1330** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing A Water Developer’s Extension Agreement With Evergreen Tucci Partners, LLC For Area 19 Apartments At Lakeland. [A3.13.7]

**Councilmember Rackley moved to approve Resolution 1330. Councilmember Hamilton seconded the motion.**

Councilmember Rackley said he could see how the votes on the rest of these items would proceed.

**Councilmember Rackley moved to table Resolutions 1330, 1331, 1332, 1333, 1334, 1335, 1336 and 1337 to the next workshop. Councilmember Hamilton seconded the motion.**

Mayor Young asked if the Council wished to address the issues raised earlier about the Pinnacle agreement. Deputy Mayor Swatman said this would only be useful if there was a reasonable expectation that the item would be approved this evening.

**Motion approved 6 – 1. Councilmember DeLeo voted no.**

Mayor Young recognized Director Weidenfeller to speak. Director Weidenfeller asked that the Council reconsider Item E of the Finance Committee Issues Section of the agenda – AB04-149. He said the intent was not to start the hearings on December 14<sup>th</sup>, but to have the hearings begin on November 9<sup>th</sup> until the final budget is passed. Councilmember King asked how many public hearings are mandated by law. Director Weidenfeller responded that at least two are required. City Attorney Dionne suggested that the Council rescind their original motion and vote on a new one.

**Councilmember Johnson moved to rescind the prior motion on AB04-149. Councilmember King seconded the motion.**

**Motion approved 7 – 0.**

**Councilmember Rackley moved to change the motion to read “...at all Council meetings starting with November 9<sup>th</sup> following.” Councilmember Hamilton seconded the motion.**

**Motion approved 7 – 0.**

Items B – I are tabled to the next Council Workshop of November 2, 2004.

- C. **AB04-235 – Resolution 1331** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing A Water And Sewer Developer’s Extension Agreement With Whitehorse Junction, LLC For Whitehorse Junction. [A3.13.7]
- D. **AB04-236 – Resolution 1332** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing A Water And Sewer Developer’s Extension Agreement With Angeline Road Properties, LLC For Woodland Meadows. [A3.13.7]
- E. **AB04-237 – Resolution 1333** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing A Water And Sewer Developer’s Extension Agreement With Mower, LLC For Highland Ridge. [A3.13.7]
- F. **AB04-238 – Resolution 1334** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing A Water & Sewer Developer’s Extension Agreement With Parmigan Ridge, LLC For Parmigan Ridge. [A3.13.7]
- G. **AB04-239 – Resolution 1335** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing A Water Developer’s Extension Agreement With Evann, LLC For Pinnacle Estates. [A3.13.7]
- H. **AB04-240 – Resolution 1336** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing A Water Developer’s Extension Agreement With Gienger Development, Inc. For Forest Canyon Heights. [A3.13.7]
- I. **AB04-241 – Resolution 1337** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing A Water And Sewer Developer’s Extension Agreement With Lake Tapps Development LLC For Kelly Lake Park. [A3.13.7]

**VIII. PUBLIC SAFETY COMMITTEE ISSUES:** None.

**IX. FULL COUNCIL ISSUES:**

- A. **AB04-249 – Resolution 1136** - A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing A Latecomer Agreement With Angeline Road Properties For The Ashton Woods Development For The Extension Of Sewer. [A3.13.5.1]

**Councilmember Rackley moved to approve Resolution 1136. Councilmember Hamilton seconded the motion.**

**Motion approved 5 – 2. Councilmembers DeLeo and Noble voted no.**

Councilmember Rackley said the public in the audience would like to know what happened to the developer extension agreements. Mayor Young explained that the agreements were postponed to the next workshop on Tuesday, November 2 at 5:30 p.m. for discussion. Councilmember DeLeo noted that they could be changed to an action item at that time by the Council.

- B. **AB04-245** – Closed Record Hearing and A Motion Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, To Accept, Modify, Or Reject The Decision Of The Hearing Examiner on The First Land Development, LLC, Set-Back Variance Located At Garden Meadows. [A3.6.10] [O3.8.4]

**Councilmember Hamilton moved to accept the decision of the Hearing Examiner. Councilmember King seconded the motion.**

The City Council discussed the Hearing Examiner's conclusions and determination. City Attorney Dionne reviewed with Council the Examiner's actions and reasons. He added that a rejection of the decision would require new findings to be prepared for the Council's acceptance. A council majority agreed to take arguments from a representative of First Land Development, LLC.

Hans Korvee of DMP Engineering, addressed their reasons for requesting the variance and their arguments for the Council's rejection of the Examiner's findings. He said there appeared to be an internal inconsistency in the Municipal Code dealing with building setbacks and PUDs. He suggested there was little need to require a twenty foot setback on each of two adjacent PUDs.

Deputy Mayor Swatman said that the City has a process to amend inconsistencies in the Municipal Code, and that is to change the code. He said it would be inappropriate to effect the change through variance. Councilmembers Hamilton, Johnson and King voiced their agreement with Deputy Mayor Swatman's position that the remedy, if needed, is in re-writing the Code.

**Deputy Mayor Swatman moved to close the debate. Councilmember Johnson seconded the motion.**

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

**Original motion to accept the Hearing Examiner's Decision approved 6 – 1. Councilmember DeLeo voted no.**

Mr. Korvee asked, if the staff is instructed to work on the issue, at what point can it be applied to the plat, which he said now sits in limbo. Mayor Young asked staff to look at the implied inconsistencies and said he assumed it would not take long to come up with language to correct the wording. Councilmember Hamilton said he did not agree there was an inconsistency.

- C. **AB04-63** – A Motion Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Confirming the Mayor’s Appointment of Don Weber, Donna Peterson, and Scott Spanier to the Salary Commission. [A3.6.10] [A4.3.1]

**Councilmember Rackley moved to approve the motion as read by the City Clerk. Councilmember King seconded the motion.**

Councilmember Johnson said he liked the candidates, but had changed his mind about the salary commission. He said he would prefer that their recommendations be advisory. Mayor Young asked the City Attorney if he could continue to bring candidates forward for Council consideration if they failed to approve the nominees this evening. City Attorney Dionne responded that the Mayor could do continue to present candidates if he felt there was a likelihood that the Council would approve those candidates. Mayor Young asked if the Council can set salaries with a salary commission ordinance in place. City Attorney Dionne said he will look at it, but does not believe it usurps the Council’s right to set rates also.

Councilmember Rackley said the Council started this a year ago, and that it has now run out of steam. He said maybe the Council should bring it up as a workshop item to discuss the alternatives. Councilmember DeLeo said he is in agreement with Councilmember Johnson. Deputy Mayor Swatman said he agrees with the other Councilmembers and would support an advisory committee. He anticipated the Mayor’s salary changing at that time.

**Motion failed 1 – 6. Deputy Mayor Swatman and Councilmembers Hamilton, Johnson, DeLeo, Noble and Rackley voted no.**

**Mayor Young asked if someone would make a motion to appoint these people to an advisory ad hoc committee to advise the Council.**

**Councilmember Johnson moved the Mayor’s requested motion. Councilmember Rackley seconded the motion.**

Deputy Mayor Swatman asked the City Attorney to confirm that the salary commission will not be in force with the appointment of this committee. City Attorney Dionne confirmed that this is a separate committee to advise the Council on salaries. Councilmember King questioned the need to have an adhoc committee if the Council does not want a commission. He said the Council appears willing and able to determine the Mayor’s salary without three citizens who’ve never done such work. Councilmember Johnson disagreed stating that citizen involvement is always a desirable thing. He said he believes the Mayor’s position is underpaid. Deputy Mayor Swatman agreed with Councilmember Johnson’s comments. He said Councilmember Rackley and he had worked out a solution a long time ago to set the Mayor’s salary. He said he just wants some elected official to be responsible and responsible to the public. Councilmember Johnson asked if a timeline can be provided the committee for their work. Mayor Young said he would get them going immediately if approved.

**Motion failed 3 – 4. Deputy Mayor Swatman and Councilmembers DeLeo, King and Noble voted no.**

**X. EXECUTIVE SESSION: None.**

**XI. ADJOURNMENT**

**At 10:47 p.m., Councilmember Johnson moved to adjourn the meeting. Councilmember Noble seconded the motion.**

**Motion approved 7 – 0.**

Documents submitted at the Council Meeting of October 26, 2004:

- *Letter from Wayne Thuline to Mayor Young* – Mr. Thuline submitted prior to the meeting.
- *Written Statement* – Fred Jacobsen; read during Public Comments.

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Harwood T. Edvalson, CMC  
City Clerk

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Robert Young, Mayor