

**CITY COUNCIL MEETING**

City of

**November 9, 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 7:04 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, 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.

**Deputy Mayor Swatman moved to excuse Councilmember Rackley from this evening's meeting. Councilmember Johnson seconded the motion.**

**Motion approved 6 – 0.**

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

- 1. Announcements: None.
- 2. Appointments: The Oath-of-Office for Police personnel was administered by Judge Helbling
  - a. Police Officers Terry Carter and Marcus Koehn and Reserve Police Officer Timothy Popovich
  - b. Lieutenant Thomas Jenkins. Chief Jeter noted that Sergeant Kelly Maras is on vacation and unavailable to attend this evening's meeting. There was general applause for the newly-sworn personnel and a reception at the Senior Center.
- 3. Presentation: Representative of the Planning Commission--
  - a. **AB04-247 – Ordinance 1070** – Proposed New Critical Areas Code In Place Of BLMC 16.20 and 15.12.

Planning Commission Chairman Steve Burnham asked that Planning Manager Ladd be allowed to describe the ordinance. Planning Manager Ladd explained that the new ordinance was initially based on the State's model ordinance. He said it was refined to meet local conditions and needs. He noted, particularly, that buffer widths on

some of the city's streams have been reduced from that indicated in the state ordinance. He added that some of the smaller wetlands have been exempted from setbacks.

Councilmembers asked questions about the proposed ordinance. Planning Manager Ladd explained further that most of the City's wetlands fall in the Type II to Type IV categories. He said that the ordinance includes some relief mechanisms for properties that are nearly completely included within the required setbacks. At the request of Councilmember Noble, he explained the differences between high, moderate and low impact uses of land.

Councilmember Hamilton suggested that there be an informational packet available for property owners. Planning Manager Ladd concurred and added that perhaps a community meeting might be helpful. Deputy Mayor Swatman noted that the ordinance is not as extensive as the King County ordinance. Councilmember King noted that there is no adequate inventory of the City's wetlands. He asked how the City determines if a wetlands exists. Planning Manager Ladd said there is a large scale inventory and aerial photos. He added that staff does a site inspection, and suggested additional training for the staff to recognize and categorize wetlands. Councilmember King said that the resident has the burden of proof on wetlands determinations. Planning Manager Ladd agreed that staff would not replace professional consultants, but could be trained to make determinations on smaller wetlands. Planning and Community Development Director Leedy added that the ordinance is mandated by the state, but added that most cities can't afford the resources to fully satisfy the mandate. He added that the ordinance must be adopted by December 1 to meet the state deadline.

Councilmember DeLeo asked how the reevaluation of the wetlands out by Tapps Island occurred. Planning Manager Ladd clarified that the question related to the Euro-Way Homes project. He said he would review the issue and report back.

Chairman Burnham said the ordinance is complex, but the concepts not totally new. He said the Planning Commission took to heart the Council's direction to start with the highest standards for setbacks and adjust as needed. He said the ordinance is an improvement over the existing code, and said there was a lot of public input into the process. He said the vote on the Planning Commission was 5 -1 for this proposal. He said he dissented because he favored the 35 ft. setback on the outflow from Lake Bonney, whereas the proposed ordinance identifies only 25 ft. He felt the higher standard was for the greater good of the entire city.

Mayor Young asked why the other Planning Commissioners had supported the smaller setback. Chairman Burnham responded that they felt the 10 ft. increase in setback provided only a minor additional benefit to the environment. He said they felt the outflow to be only a storm drainage overflow that during most of the year there was only a small trickle in the drainage. Councilmember DeLeo asked about the new house next to the Senior Center. Chairman Burnham responded that the Planning Commission had been told that it meets all the current setback requirements from the Lake Debra Jane outfall.

D. Agenda Modifications [A3.6.6]:

**Councilmember King moved to table item IX. G. – the Elected Officials Salary Ordinance – until the next Council workshop. Deputy Mayor Swatman seconded the motion.**

**Motion approved 6 – 0.**

Mayor Young announced that with Council consent Item XI. A – Phase III Comprehensive Plan Amendment would also be pulled and placed on the Council Workshop agenda. Director Leedy explained that the staff had just received comments back on the proposal and had not had time to evaluate the recommendations.

**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. **AB04-254** – Adjusting Water and Sewer Rates for 2005.

Mayor Young explained that City consultant, Tom Gould, would provide an overview of the options the City Council is considering for water and sewer rate structures. He opened the public hearing at 7:49 p.m.

Mr. Gould spoke from a PowerPoint presentation. He explained the three options for water and two options for sewer rates being considered by the Council. He reviewed some of the pros and cons of each rate structure. Councilmember Hamilton asked Finance Director Weidenfeller which if any of the rate structures would be difficult for the staff to administer. Director Weidenfeller responded that he felt a rate structure with a summer tier would be difficult for the public to understand and would impact staff by the increased explanations required during those billing periods. Councilmember Johnson asked that Finance Director Weidenfeller provide what percent of the whole that those using over 10 cf in the summer make up of the overall revenues for the City.

Dan Decker, 20401 70<sup>th</sup> St. E., suggested summer and winter rates for the water system. He added that perhaps the City should double the minimum rate in the summer and further increase the rate for the excess amount the residents use to water their lawns. He thanked Mr. Gould for a good presentation, and thanked the Council for having Mr. Gould available for the presentation.

Deputy Mayor Swatman clarified that Mr. Decker would probably prefer Option 3 that includes a summer rate. Mayor Young closed the public hearing at 8:07 p.m.

2. **AB04-148** – Ord.1039 – Revenue Sources for the 2005 Budget including Ad Valorem Taxes.

Mayor Young opened the public hearing at 8:08 p.m. Director Weidenfeller noted that the Mayor's preliminary budget includes the proposed increases in sewer and water rates.

He said the total tax capability of the City is \$3.60 in assessed valuation. He added that \$1.50 of that amount goes to the fire district and \$.50 to the library. He said for as long as he's been here, the City has collected \$1.60 per thousand of assessed valuation. He said the proposed ordinance remains at that rate with a total levy collection of \$1,788,982 and a voter approved General Obligation Bond amount previously approved by the voters of \$354,687. Councilmember Hamilton noted that although the rate stays the same, the City will receive \$127,000 in additional revenue from the assessed value of new construction and improvements in the City.

Dan Decker, 20401 70<sup>th</sup> St. E., asked if these sources will exceed the minimum allowed by RCWs for the City to have. Mayor Young responded, no.

Mayor Young closed the public hearing at 8:15 p.m.

3. **AB04-149** – Final Hearing on Proposed 2005 Budget.

Mayor Young opened the public hearing at 8:15 p.m. Director Weidenfeller explained that it is the City's intent to have an ongoing final hearing on the proposed budget until the Council adopts its final budget.

Dan Decker, 20401 70<sup>th</sup> St. E., asked if any cost increases in the taxes exceed state laws of the State of Washington that the City is allowed to impose on this issue. Mayor Young responded, no.

With no further comments, Mayor Young continued the public hearing to the next regular Council meeting of November 23, 2004.

B. Citizen Comments [A3.6.4]:

Dean Ogle, 10116 225<sup>th</sup> Ave. E., said he has developers looking at his property on SR410. He noted that the City has no plan for sewer in the area. He said the water district will increase the water main to 12 inches in the next year. He also asked for plans to determine the placement of the future traffic signal indicated by WSDOT. He asked if the City would address these issues.

Mayor Young said the planning staff would work on the location of the traffic signal. Public Works Director Grigsby said that the sewer extension is usually handled through developer extension and reimbursement agreements. Director Leedy said that he is preparing to bring forward a planning consultant proposal for planning in the Easttown area.

Fred Jacobsen, 9100 189<sup>th</sup> Ave. Ct. E., thanked the Council for the speaker system. He said he sent a letter to the Council in support of Councilmember DeLeo's ordinance and urged that it be passed. He noted that the Washington State Wetlands Guidelines do not allow construction during the rainy season. He asked if the City has any similar policy and added that he observes truckloads of dirt being dumped daily on the City's new property in the Target development adjacent to Fennel Creek. In addition, he suggested that the budget adoption process is the perfect tool for the Council to cause staff to provide the information they feel they are not receiving. Finally, with regard to the wetlands setback, he expressed disappointment that no outside agency was consulted about the Lake Debra Jane waterway,

and hoped that professional consultants would walk all the streams in the City. He suggested support for Mr. Burnham's position of a minimum of 35 ft. setback on the Lake Bonney outfall.

Mark Burmeister, 7724 190<sup>th</sup> Ave.E., noted that the Department of Fish and Wildlife walked the Lake Bonney outfall and that they recommended the buffer width be reduced to 25 ft. He said that the institution of buffers without proper education will be ignored. He added that within the buffers, disturbance of native vegetation will not be allowed. He said he could live with the 25 ft. buffer and perhaps the 35 ft. buffer. He said the 100 ft. buffer along the outfall from Lake Debra Jane would be a heavy burden to property owners. He supported the Planning Commission's recommendations.

Sean Martin, 1302 Puyallup St., Sumner, representing Investco, said there was a rumor in the development community that Bonney Lake is no longer issuing water availability letters nor honoring its already issued letters. He said he has received no response from City Engineer Woodcock on the issue. He noted that Investco has \$293 million in properties in the Bonney Lake Water Service Area, many of which have availability letters already issued on the properties.

Mayor Young said that Council will soon consider a 2 million gallon per day agreement with Tacoma Water that should relieve the City's water supply issues. Director Grigsby added that the City is honoring its current water availability letters, but that these are typically finalized through developer extension agreements and the City has these on hold until the agreement with Tacoma Water is finalized. Mr. Martin asked about the approval timeline and urged resolution of the situation. Mayor Young responded that the situation should be resolved before the start of the new year. Mr. Martin expressed immediate concern for a project now under review by the City of Auburn, but in the Bonney Lake Water Service Area. Director Grigsby said he spoke with Mr. Downey in Auburn who seemed satisfied with the City's explanation of the current situation.

Michael Armenios, 4728 Island Dr., said he has the listing for several properties on SR410 and is unable to effectively market the properties due to a lack of sewer service to the area. Mr. Armenios asked if septic could be used as an interim solution until the sewer is extended near the properties.

Deputy Mayor Swatman said that in general the Council does not favor this solution because the incentive is removed for extension of the sewer lines. Mr. Armenios said that the City is losing potential revenues and jobs on these properties. Deputy Mayor Swatman said the City is willing to work with property owners and developers, but that there is mixed interest in the area among the property owners. He said some have no intention to do anything but farm, and have no interest in participating in an LID to extend sewers. He encouraged Mr. Armenios to work with potential developers and the City to help solve the issues.

Louisa Smith, 20112 Church Lake Rd., said that because of a recent injury, she had been using a temporary handicapped parking sticker. She noted that the City's marked handicapped lots at the back of City Hall are poorly lit on dark nights, and that the uneven pavement is difficult to negotiate and causes large puddles on rainy nights. She asked the City to remedy these concerns.

David Perry 19103 79<sup>th</sup> St. E., spoke in favor of the 25 ft. buffer on the Lake Bonney outfall.

Robert Ceola, 9104 189<sup>th</sup> Ave. Ct. E., spoke in support of Councilmember DeLeo's proposed ordinance and described his dismay at the proposed sale of the WSU Demonstration Forest to Weyerhaeuser.

Ken Blake, 9510 198<sup>th</sup> Ave. E., thanked the Council for their rejecting the addition of fluoride to the City's drinking water. He said that recent studies have shown it to be very dangerous.

Debbie Eastman, 19105 79<sup>th</sup> St. E., said she supports the 25 ft. buffer for the Lake Bonney drainage. She said she looked today and noted that there was just a small trickle in the stream. She asked if the City is concerned for wetlands and the environment, why the City isn't trying to save the WSU property. She also expressed her opinion that the developers should pay for the sewer extensions on SR410.

Dan Decker 20401 70<sup>th</sup> St. E., asked that Mayor Young take a clear position on the fluoridation of the City's water. He described fluoride as an extremely corrosive agent and one dangerous to human health. He said that it can be beneficial when applied topically to the teeth. He said the City does not need this substance in its water and in the residents' bodies. He noted that Tacoma Water is largely surface water and, therefore, of poor quality.

At 9:03 p.m., Mayor Young declared a ten minute break in the proceedings. The meeting was reconvened at 9:17 p.m.

C. Correspondence : None.

### III. COUNCIL COMMITTEE REPORTS:

[A3.6.4]

A. Finance Committee

Deputy Mayor Swatman said that Resolution 1300, a storm water utility finance package, would come forward to the next Council meeting. He said that Resolution 1345, a contract for design of the boat trailer parking, is on hold while the City studies opportunities for lower cost solutions, potentially on the Schuur Bros. property. He added that the finance bond RFPs have been returned, and that he and Councilmember Rackley would be participating in the review of those proposals. He said the Committee also discussed a proposal to increase boat launch fees. He added that the ordinance will be brought to Council with a proposal for increase of an annual permit increase of \$5 and an increase to the single launch fee of \$2.

B. Community Development Committee

Councilmember Hamilton said the Committee discussed the water and sewer comprehensive plan updates by RH2 and had an update on proposals for street lighting.

C. Public Safety Committee

Councilmember DeLeo said the Committee met and has one recommended item on the agenda. Deputy Mayor Swatman asked if the Committee is considering the request for revised parking regulations in the area of the new high school. Councilmember DeLeo said they are discussing it and anticipate a revision to the ordinance by January 1<sup>st</sup>.

D. Other Reports: None.

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

A. Approval Of Corrected Meeting Minutes: October 19 Council Workshop, October 21 Special Council Workshop, October 26 Regular Council Meeting.

**Councilmember King moved to accept the minutes as submitted and approve them with one motion. Councilmember Johnson seconded the motion.**

**Motion approved 6 – 0.**

**V. VOUCHERS AND PAYROLL:** [F4.9]

A. Vouchers – City Clerk Edvalson read a revised motion in place of the one provided in the agenda as follows:

- Claims: Accounts payable Checks/Vouchers #38721 thru #38838 in the amount of \$288,586.97, which includes refunding miscellaneous deposits, and providing for postage for the new mail machine.
- Payroll: Payroll for October 16-31, 2004 for checks 23007-23061, including Deposits and Electronic Transfers in the amount of \$312,706.19.

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

**Motion approved 6 – 0.**

**VI. FINANCE COMMITTEE ISSUES:**

A. **AB04-148 – Ordinance 1039** - An Ordinance Of The City Of Bonney Lake, Pierce County, Washington, Setting The Amount Of The Annual Ad Valorem Tax Levy Necessary For The Fiscal Year 2005 For The Purposes Set Forth Below. [F3.8] [F6.6]

**Councilmember Johnson moved to suspend the Council's Rules of Procedure, and adopt Ordinance 1039. Councilmember King seconded the motion.**

Councilmember DeLeo explained that the Council's Rules of Procedure provide that the Council discuss the results of a public hearing before adoption of an associated ordinance.

He added that this ordinance was time sensitive and required immediate adoption.

**Motion approved 6 – 0.**

- B. **AB04-253 – Ordinance 1073** - An Ordinance Of The City Of Bonney Lake, Pierce County, Washington, Amending Chapter 13.04 Of The Bonney Lake Municipal Code And Ordinance Nos. 588, 692, 692A, 763, 828, 919 And 968, Relating To Water Connection Charges For Multifamily And Mobile Home Developments. [A3.5.5] [F4.3]

**Councilmember Johnson moved to approve Ordinance 1073. Councilmember Noble seconded the motion.**

**Motion approved 6 – 0.**

**VII. COMMUNITY DEVELOPMENT COMMITTEE ISSUES:** None.

**VIII. PUBLIC SAFETY COMMITTEE ISSUES:**

- A. **AB04-252 – Resolution 1342** - A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing The Mayor To Sign An Agreement To Participate In The “Drive Hammered Get Nailed” Holiday DUI Enforcement Campaign Between November 22, 2004 – January 3, 2005. [O1.10.4]

**Councilmember DeLeo moved to approve Resolution 1342. Councilmember Johnson seconded the motion.**

**Motion approved 6 – 0.**

**IX. FULL COUNCIL ISSUES:**

- A. **AB04-246 – Ordinance 1069** – An Ordinance Of The City Of Bonney Lake, Pierce County, Washington, Adopting The Phase 3 Comprehensive Plan Amendment And Certifying Compliance With The Seven-Year GMA Update Requirement. [O3.5.2]

-- This item was previously pulled from the agenda.

- B. **AB04-248 – Ordinance 1071** – An Ordinance Of The City Of Bonney Lake, Pierce County, Washington, Amending Chapter 18.18 Of The Bonney Lake Municipal Code And Ordinance Nos. 747, 746, And 740, Making Group Housing For Handicapped Persons A Permitted Use In The R-3 Zone. [O3.6.1.2]

-- This item was also pulled from the agenda for further staff review and comment.

- C. **AB04-259 – Ordinance 1075** – An Ordinance Of The City Of Bonney Lake, Pierce County, Washington, Amending The Comprehensive Plan Future Land Use Map To Comply With A Central Puget Sound Growth Management Hearings Board Order. [O3.5.1.1]

**Councilmember Hamilton moved to adopt Ordinance 1075. Councilmember Johnson seconded the motion.**

**Motion approved 6 – 0.**

- D. **AB04-263 – Ordinance 1078** – An Ordinance Of The City Of Bonney Lake, Pierce County, Washington, Amending Chapter 15.20 Of The Bonney Lake Municipal Code And Ordinance No. 590 And 881, Relating To Grading Requirements. [03.6.5.2]

Councilmember DeLeo moved to table this item to the next workshop. Councilmember Noble seconded the motion.

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

Deputy Mayor Swatman noted that the proposed ordinance changed the existing code by changing the word “may” to “shall”. With that understanding, Councilmember DeLeo said he could accept the ordinance.

**Mayor Young noted that the minority objections to the ordinance appeared to be resolved and called for a vote on an implied motion of adoption for Ordinance 1078.**

**Motion approved 6 – 0.**

- E. **AB04-265 – Ordinance 1080** - An Ordinance Of The City Of Bonney Lake, Pierce County, Washington, Amending Chapter 16.12 Of The Bonney Lake Municipal Code And Ordinance Nos. 651, 882 And 988, Relating To Land Clearing.

**Deputy Mayor Swatman moved the adoption of Ordinance 1080. Councilmember Johnson seconded the motion.**

Deputy Mayor Swatman said the ordinance clarifies that grading and clearing permits are required in any zone. Councilmember Hamilton asked if there was any distinction made on the size of the property. Deputy Mayor Swatman said there was no distinction and that it applies to any non-developed piece of land. Councilmember King asked the City Attorney or staff to comment. City Attorney Dionne said the proposed ordinance clarifies the code and makes sure its applicable to every zone in the City. He said it does not remove any of the residential exemptions that occur elsewhere in the code for R-1 and R-2.

**Motion approved 6 – 0.**

- F. **AB04-266 – Ordinance 1081** - An Ordinance Of The City Of Bonney Lake, Pierce County, Washington, Amending Chapter 14.10 Of The Bonney Lake Municipal Code And Ordinance Nos. 988 And 1025, Relating To Rezone Applications.

**Councilmember DeLeo moved to table this item to the workshop. Councilmember King seconded the motion.**

**Motion approved 4 – 2. Deputy Mayor Swatman and Councilmember Johnson voted no.**

- G. **AB04-264 – Ordinance 1079** – An Ordinance Of The City Of Bonney Lake, Pierce County, Washington, Repealing Ordinance 1014, Deleting Chapter 2.68 Of The Bonney Lake Municipal Code, And Creating Section 2.04.1080 Relating To Elected Officials’ Salaries.

-- This item was previously table to the November 16, 2004 Council Workshop.

- H. **AB04-213 – Ordinance 1064** - An Ordinance Of The City Of Bonney Lake, Pierce County, Washington, Exercising The City’s Authority To Prohibit The Mandatory And Involuntary Fluoridation Of The City’s Water Supply.

**Councilmember Noble moved to adopt Ordinance 1064. Deputy Mayor Swatman seconded the motion.**

Deputy Mayor Swatman asked that a correction be made in Section 1 of the ordinance, by noting that it is an ordinance not a resolution. Mayor Young said this was a clerical change that did not require an amendment to the proposed ordinance.

Councilmember Hamilton asked for assurance that this ordinance does not jeopardize the Tacoma water purchase. Director Grigsby responded that the ordinance excludes blended water. Deputy Mayor Swatman said the ordinance applies strictly to the City’s own water. City Attorney Dionne added that the ordinance excludes any water the City purchases.

**Motion approved 6 – 0.**

- I. **AB04-243 – Resolution 1338** - A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing An Interlocal Agreement Between Pierce County And The City Of Bonney Lake For Emergency Management Services. [A 1.22.2]

**Councilmember Johnson moved to approve Resolution 1338. Councilmember DeLeo seconded the motion.**

**Motion approved 6 – 0.**

**X. EXECUTIVE SESSION:**

Pursuant to RCW 42.30.110(1)(i), Mayor Young announced that the City Council will hold an executive session to discuss issues dealing with litigation. He said the session would last 5 minutes. The session started at 9:38 p.m. and concluded at 9:44 p.m.

**XI. ADJOURNMENT**

**At 9:44 p.m., Councilmember Hamilton moved to adjourn the meeting. Councilmember Noble seconded the motion.**

**Motion approved 6 – 0.**

Documents submitted at the Council Meeting of November 11, 2004:

- *City of Bonney Lake – Public Hearing on the Water and Sewer Rate Study* – Mr. Tom Gould, Project Principal, HDR/EES

---

Harwood T. Edvalson, CMC  
City Clerk

---

Robert Young, Mayor