

CITY COUNCIL MEETING

City of

**November 23, 2004
7:00 P.M.**



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.

MINUTES

"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, 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, Assistant Public Works Director Gary Leaf, 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: The Oath-of-Office for Police Sergeant Kelly Maras was administered by Judge Helbling.

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. **AB04-149** – (Continued) Final Hearing on Proposed 2005 Budget.

At 7:08 p.m., Mayor Young reopened the Public Hearing continued from the November 9th Council Meeting. Councilmember King asked for confirmation that the preliminary budget is available to the public. City Clerk Edvalson responded that the budget is available to the public upon request from the City Clerk's Office.

There were no members of the public wishing to address the Council on this issue. At 7:10 p.m., Mayor Young continued the public hearing to the next regular Council meeting of December 14, 2004.

B. Citizen Comments [A3.6.4]:

Dan Decker, 20401 70th St. E., read to Council the warnings from the back of a toothpaste box. He asked Mayor Young for his position on the fluoride issue. Receiving no response, he said he assumed that no response means yes. He thanked the Council for the acquisition of the Moriarty property. He commented on a rumor he had heard that Chief Jeter was going to take a position with Puyallup. He asked to hear Council's feelings on the issue. He reminded them that he has never uttered one negative word about Chief Jeter. He asked if Mayor Young has something to do with Chief Jeter's rumored departure.

Jody Kirk, 18302 103rd St. Ct. E., said he represents 410 Soils at 18411 104th St. Ct. E. He said he would like to understand whether the City's noise ordinance applies to his business. He added that on November 21st at about 2:30 p.m., his neighbor Brad Campbell was arrested with riot sticks and Tasers drawn for a violation of the noise ordinance as a result of running his monster trucks. He also spoke in favor of Mr. Campbell's dream regarding the monster trucks. He showed Council a picture of the trucks. He said he has reviewed the noise ordinance and is concerned that it can be applied to his business, 410 Soils, that has been at its current location since 1977. He asked if there is some grandfathering that might apply. Mayor Young said that the Planning Director and the City Attorney would get back with Mr. Kirk about the issue.

Don Sangesand, 5616 195th Pl. E., thanked the Council for their vote for a moratorium on building-starts until the water issues are resolved. He said he wanted to make it clear that he is not a complainer, and never used that word. He said he does not appreciate having the content of his submitted notes re-written by the Mayor. He claimed that although the Mayor has not made it public, the Mayor has been involved with the WSU land deal, and can hardly wait for the development of the acreage despite the current water, traffic, sewer and environmental problems. He said it is obvious to him that the Mayor represents the contractors and developers. He asked that anyone contact him who has an understanding of how much the Mayor has cost the voters of this City because of his lack of management skills. He referenced the lack of advance planning for the water system, the reported need for a New City Hall, current road problems, mismanagement of storm and sanitary sewers, environmental problems, and lost productivity resulting from a lack of people skills.

Councilmember King clarified that the City does not have a moratorium. He said that developer extension agreements have been delayed until the deal for Tacoma Water has been concluded. Mayor Young informed the Council and audience that he does not change the minutes from those prepared by the City Clerk, and that the Council approves the minutes. Deputy Mayor Swatman said the fact that an individual can't currently get a water availability letter is equivalent to a moratorium. Asked by Councilmember King for a definition, City Attorney Dionne confirmed that there is no moratorium in the City of Bonney Lake.

Tom Campbell, 18104 103rd St. E., said his son was arrested for violation of the noise ordinance. He said he objected to how the incident was handled. He said at the first occurrence there were three patrol cars required to inform his son that there were two noise complaints. He said there was a crowd of 60 – 70 on-lookers, none of whom were complaining. He said the second time it occurred, four or five patrol cars showed up and stayed for 20 – 30 minutes. He said this past Sunday when the monster truck was run again, six to seven cars arrived to take his son to jail, with a lo-boy semi-trailer on stand-by to haul the truck away. He said he and his son have tried without success to speak with the Police Chief about the situation. He said there is boat noise from the lake all summer long and new construction noise, but that these people don't go to jail. He said the monster trucks ran for no more than 10 minutes in the middle of the day. He added that they need practice time for a TV contract starting December 3rd. He said the incident was a waste of police time.

Pat Miller, 19205 79th St. Pl. E., said it is his understanding that the City has spent 2.25 million dollars for park property in the past year. He noted the failure of the parks bond measure and the negative impacts on the city from I-774. He said he has heard some say that they are not going to allow the development of 147 acres of land because the City wants more park property. He said he is not against a park system, but sees that it needs to be funded. He said that there are many recreational opportunities within an hour's drive of the City. He suggested that the income from the development of the WSU property will help fund the existing park purchases. He advised against raising water and sewer rates to help with General Fund expenses. On the issue of fluoride, he noted that there are many jurisdictions that fluoridate their water. He advised the Council to hold a middle-ground position on the issue.

Deputy Mayor Swatman said that there will yet be much discussion about 147 acres of WSU property. He said that no direction has been set at this time. He predicted a very long public process on the issue.

Janelle Campbell, said she has questions about the interpretation and enforcement of the noise ordinance. She said that she had not had success in getting appointments with the Police Department or the Mayor's Office to discuss the issue. She asked if a meeting could be set up.

Councilmember DeLeo suggested that those interested come to a Public Safety Committee meeting to discuss the issue. Director Leedy offered to have his department explain the ordinance and do research. Mayor Young suggested that Ms. Campbell contact Director Leedy. Deputy Mayor Swatman said that there are two issues at play here. He said the Council can deal with the appropriateness of the ordinance, but that the Mayor and Police Department are responsible for the interpretation and enforcement of the ordinance. He said the noise ordinance is difficult to enforce because it is largely based on the complainant's and enforcer's perceptions. Councilmember Johnson encouraged Ms. Campbell to pursue an appointment with the Mayor, and said that he, as the executive officer, has a responsibility to resolve the issue. Councilmember DeLeo reiterated that the Public Safety Committee meets at the Police Station on the first Monday of the month at 5:00 p.m. He invited those concerned with the ordinance to meet with the Committee. Mayor Young concluded by inviting Ms. Campbell to call his secretary for an appointment.

Jason Grill, 18712 65th St. E., represents the monster truck team and emphasized that this is a

business. He said the team has over \$250,000 of equipment and a television contract for December 4 in Bakersfield, CA. He said as it now stands, the team is afraid to start the trucks to move them out of their garage and onto the flat beds for transport to California. He emphasized that with the national television exposure, the monster trucks can be a positive source of promotion and good will for the City of Bonney Lake. He said the team enjoys Bonney Lake. But, he added, that unless the noise ordinance issues can be resolved, the team may have to move their business to another city. He noted that there was the potential for many to have complained about the monster trucks, but that there were only two complaints. He asked if this could be permitted business use under the ordinance.

Responding to Councilmember King's question, Mr. Grill identified their company as Big Toyz Construction & Racing. Councilmember Hamilton asked if the trucks could be started at a consistent time during the day. Mr. Grill replied that one of the complaints was received for noise at Noon on Veteran's Day. Councilmember King suggested that their monster truck professional association may have model ordinances, guidelines or other suggestions to help with the situation.

Brad Campbell, 10503 Angeline Rd. E., identified himself as the one arrested for the noise violation in association with the monster trucks. He said that monster trucks are a multi-billion dollar industry in the United States. He said that he is known in the community as a "do-gooder". He said the manner of the police force intervention on three separate occasions is a poor example to the youth in the community. He said the trucks can raise money for charitable causes in the community if given the opportunity.

Councilmember Johnson emphasized the Mayor's role in resolving this issue and interpreting the ordinance. He encouraged early contact with Councilmembers when future issues arise. Councilmember DeLeo asked again about some type of professional association that can be of help. Councilmember King asked Director Leedy about the zoning on the property, and if this business use is a permitted use on the property. He added that the Public Safety Committee would like to know an answer for its next meeting. Director Leedy said he will have to research the issue. Councilmember Hamilton asked if the noise ordinance applies across all zoning areas. Director Leedy said he believes it does, but said he would get clarification.

Jody Kirk, added that perhaps the monster truck business is grandfathered as well. He added that perhaps the City's logo, "Where Dreams Can Soar," could be added to the trucks under the City of Bonney Lake identifier.

Robert Ceola, 9104 189th Ave. Ct. E., commented on the rate review by the City's consultant. He said there is a conflict between some of the numbers used by the consultant and those provided by staff. He expressed concern that the discrepancy in numbers may point to a higher rate of leakage in the City's water system. He also concurred with what the Mayor earlier reported about how the well-water based systems are being squeezed out by the larger surface-water based systems. He added that it is more like a strangle hold on the smaller systems. He proposed a new approach to the City's water problem that he described as radical, and passed out a summary to the Councilmembers. He said that he is a water douser or witcher and will ask other dousers and paralegals to come out and help him. He said he has identified 600 wells in the township.

Councilmember King thanked Mr. Ceola for helping the Council to think outside the box. He explained the error in the consultant's numbers to Mr. Ceola's satisfaction. He added that the problem is not finding locations for wells, but in getting permission from the state for the water rights. Mr. Ceola asked for information to help document the City's increased expenditures on the Ball Park Well for additional drilling and development of the treatment plant. He asked the Mayor to produce a document that explains the Washington State Department of Ecology's (DOE) requirement that the City maximize its water right in the aquifer where the Ball Park Well is located. He said he will use paralegals to help him challenge the authority of the DOE to block a transfer of the City's water right, which led to the taxpayers paying an additional \$3.5 million for the cost of a treatment plant for the water.

Deputy Mayor Swatman thanked Mr. Ceola for his enthusiasm on the issue. He added that the City's acquisition of additional water rights is virtually impossible. Mr. Ceola said that DOE will allow Bonney Lake to buy surface water from Tacoma, but that all the water underneath the ground is hydraulically connected and impacts the various stream levels. He said this is the basis for their assertion of authority over the water in the aquifers and their limitation of water rights. Councilmember Johnson said that Mr. Ceola's comments have credibility, because Gig Harbor proved that if you have enough money you can get to the front of the line for water rights. He suggested it just depends on how badly Bonney Lake wants to push the issue. Mayor Young thanked Mr. Ceola for his comments.

Responding to Councilmember King's request for a five minute recess, Mayor Young declared a break in the proceedings at 8:22 p.m. The meeting was reconvened at 8:30 p.m.

C. Correspondence : None.

III. COUNCIL COMMITTEE REPORTS:

[A3.6.4]

A. Finance Committee

Deputy Mayor Swatman said the Finance Committee met earlier this evening to consider a resolution for a cell tower lease with T-Mobile for a site on the Ponderosa Water Tank. He said they also considered ordinances for donations at Allan Yorke Park and the Senior Center, and a standard resolution authorizing the City to surplus obsolete equipment. He added that the Committee also considered the standard resolution to authorize the payment of claims and payroll in December in the event the Council chooses to cancel its last two meetings of the year. He said their final item was to discuss the State Treasurer's Office proposal to use the state agency when it goes out to bond.

B. Community Development Committee

Councilmember Rackley said the Committee met on the fifteenth of the month and forwarded the CIP review and update as a component of the Comprehensive Plan action on the agenda.

C. Public Safety Committee

Councilmember DeLeo said the Committee has not met since the Council's last meeting.

D. Other Reports:

Councilmember Johnson reported that he and Darren Keaton, Lillian McGinnis, Debbie Mortell, Bryan Jeter, Gail Bonus, Katrina Mitton and Carol Wells-Reed were elected to the Board of Directors for the Chamber of Commerce. He said that the Chamber is particularly interested in two things from the City. One is connectivity for the City's sidewalks and the business district. A second is the internet connection. He said they appreciated Mayor Young and Director Leedy for addressing the Chamber on the Wireless Network. He said there is interest, but also discussion about whether or not it is the City's role to develop it.

Councilmember Johnson also passed out information to the Council on the regional economic summit held at Quest Field. He said that the focus of the summit was the global nature of the economy. He observed that it will be difficult for the smaller cities like Bonney Lake to participate in the economic development efforts of the counties. Mayor Young said he attended and benefited from his interaction with the economic development team from Pierce County. He said they expressed interest in working with Bonney Lake.

Deputy Mayor Swatman said he attended the opening of the Summit. He said Mr. Wong did a good job of preserving and incorporating the territorial views from the properties. He said the mixed nature of homes in the Panorama Heights development serve as a good example of how large developments can be of benefit to the community.

Deputy Mayor Swatman also reported on the meeting of the Sewer Committee and the tour of the facility under construction. He complimented Bill Shoemaker on his management of the project. He presented Council with a copy of the justification for additional staffing requested for the plant and suggested it as a model for what the Bonney Lake staff should present to the Council for their staffing requests. Councilmember Rackley said the plant staff saved \$42,000 on operations costs in this year's budget by deferring maintenance on items that had been replaced.

Mayor Young commented that he and Councilmember Rackley were also at the Summit for the ribbon-cutting. He also complimented Mr. Wong for the work done. Councilmember Rackley noted that Senator Pam Roach was also in attendance.

Councilmember King reported on his attendance at the Pierce County Regional Council (PCRC) meeting on November 18. He said they will be forwarding the County-wide Planning Policies document that the PCRC has been working on for over two years. He said the ratification process is anticipated for the January-February timeframe in 2005. He said he hoped that Bonney Lake staff will be able to review it and present comments to the City Council at the late January workshop. He said that most of the changes in this document have already been reviewed by the Bonney Lake staff because of their involvement with the Growth Management Coordinating Committee. As a result, he hoped for a quick review and approval by the Council. He further noted the re-election of Mike Lonergan of Tacoma as Chairman, and Mike Connors of Sumner as Vice-Chairman.

Councilmember Noble said that she attended the Community Forum today at Lakeridge Junior High. She noted that other Councilmembers have been to the previous forums at other

schools. She said she was impressed with the young people, and said they are most interested in sidewalks in the community. She said they are going to challenge the Mayor and Council to take a bike ride or a walk with them to experience what they experience as they try to get across town.

IV. MINUTES: [A3.6.2]

- A. Approval Of Corrected Meeting Minutes: November 2 Council Workshop, November 4 Special Council Workshop, November 9 Regular Council Meeting.

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

Councilmember Hamilton asked that the minutes for the November 2 Council Workshop be changed to include an initial approval step in February 2005 for the proposed change of Zip Code for Bonney Lake. There was general consensus to approve the change and make it part of the motion.

Motion approved 7 – 0.

V. VOUCHERS AND PAYROLL: [F4.9]

- A. Vouchers – City Clerk Edvalson read a proposed motion to approve the following:

- Claims: Accounts payable Checks/Vouchers #38839 thru #38974 and wire transfer #957479 in the amount of \$2,649,806.66.
- Payroll: Payroll for November 1-15, 2004 for checks 23061-23112, including Deposits and Electronic Transfers in the amount of \$225,400.34.

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

Motion approved 7 – 0.

VI. FINANCE COMMITTEE ISSUES:

- A. **AB04-133 – Ordinance 1037** - An Ordinance Of The City Of Bonney Lake, Amending Chapter 12.12 Of The Bonney Lake Municipal Code And Ordinance Nos. 669 And 826, Relating To Boat Launch Fees. [A3.5.5] [F4.3]

Deputy Mayor Swatman moved to adopt Ordinance 1037. Councilmember DeLeo

seconded the motion.

Motion approved 7 – 0.

- B. **AB04-250 – Resolution 1341** - A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Declaring The City’s Intent To Reimburse Certain Capital Expenditures From The Proceeds Of Tax-Exempt Bonds Or Other Obligations.[F4.22]

Councilmember Rackley moved to approve Resolution 1341. Councilmember King seconded the motion.

Councilmember Johnson asked if approval of this resolution was an authorization to sell bonds for the City Hall. Deputy Mayor Swatman responded that this action is like the previous ones in that it will only be used if the sale of bonds is approved by the Council in the future. Councilmember Hamilton asked for clarification that this resolution is only for bonds issued for City Hall. Mayor Young responded that this resolution does not approve bonds, but allows the City to be reimbursed from the bonds for prior expenditures if the bonds are approved at some point in the future

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

VII. COMMUNITY DEVELOPMENT COMMITTEE ISSUES:

- A. **AB04-179 – Resolution 1300** - A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing A Contract With Economic & Engineering Services, Inc. (Stormwater CIP Review and Update) [O4.7.1]

Councilmember Rackley moved to approve Resolution 1300. Councilmember Johnson seconded the motion.

Motion approved 7 – 0.

VIII. PUBLIC SAFETY COMMITTEE ISSUES: None.

IX. FULL COUNCIL ISSUES:

- A. **AB04-262 – Ordinance 1077** – An Ordinance Of The City Of Bonney Lake, Pierce County, Washington, Reclassifying Zone For Property Located At 9601 192nd Avenue East From Medium-Density Residential (R-2) To Commercial (C-2) Pursuant To BLMC 18.52.030. [O3.8.2]

Councilmember Rackley moved to adopt Ordinance 1077. Deputy Mayor Swatman seconded the motion.

Mayor Young asked City Attorney Dionne to comment on the closed-record nature of this action. City Attorney Dionne replied that this is a closed record hearing and that the Council should consider only information received through the record. He added that if the Council disagrees with the proposed ordinance, then they should vote no, and continue their discussion to help him prepare new findings and conclusions.

Responding to Deputy Mayor Swatman's question about the number of people testifying at the previous hearing, Director Leedy noted that Mr. Qualey was the only one to speak. Deputy Mayor Swatman asked how the City will prevent the domino effect of properties adjacent to newly rezoned commercial properties now asking to be rezoned. Director Leedy said they would have the opportunity to go through the same process that Mr. Qualey did. He said the circumstances will probably be different and won't lead to concerns for a domino effect.

Motion approved 7 – 0.

- B. **AB04-156 – Ordinance 1046** – An Ordinance Of The City Of Bonney Lake, Pierce County, Washington, Amending Chapter 13.04.100 Of The Bonney Lake Municipal Code And Ordinance Nos. 588, 692a, 763, 828, And 907 Relating To Water Rates. [F4.3]

Councilmember Hamilton moved to adopt Ordinance 1046. Councilmember King seconded the motion.

Councilmember Johnson asked about the General Fund allocation from the increased rates that will go toward the New City Hall. He asked about the justification of monies from an enterprise fund being moved to the General Fund. Director Weidenfeller explained that the revenue from the enterprise fund is transferred to the General Fund as the utilities' fair share for the cost of general administrative services and related space in the New City Hall. He added that allocations for items outside the enterprise fund are done carefully and on case-by-case basis based on there being an appropriate nexus. Councilmember Johnson called for more accurate information for Council consideration. He said that if money can be allocated to the New City Hall, then funds should be available for sidewalks, too. He suggested postponing the construction of City Hall or cutting back on its size to fund more important projects. Councilmember Rackley suggested tabling the item until Councilmembers are satisfied with the explanations and understand the information they have received.

Councilmember King reminded Council that previous Council's have been timid about raising rates for justified needs. He added that it will take courage to do what is needed over what is popular. He asked the Council not to table or vote against the issue tonight. Deputy Mayor Swatman said there is no black and white method to determine where the funds go. He said there are many ways to justify an allocation of funds. He expressed confidence that sidewalks would be provided for in the 2005 budget. He added that he would not approve spending all of the funds from the utilities, allocated to the General Fund, on a new City Hall.

Councilmember Hamilton asked for clarification that 40% of the cost of City Hall is anticipated to be charged to the utilities. Director Weidenfeller responded that is estimated to

be the utilities fair share of the administrative burden. Councilmember DeLeo asked if the utilities would also be paying rent on the current City Hall after the new one is built. Director Weidenfeller said he recommended that the utilities pay rent for the use of the facility.

Councilmember Johnson said the Council does have to make the hard decisions. He said he doesn't believe Bonney Lake should be in the water business. He said the Council's focus should be on the residents of the City. Director Weidenfeller said that the fact the City's utilities providing service outside the city limits helps hold the rates down for the service provided to the residents of the City. Councilmember Johnson said he thought that selling off one-half of the water system would have little long term impact to the residents. He said there is sufficient water for the residents inside the City. He added that the City gets into trouble when it starts considering how to provide water to all those outside of the City limits but in the current service area. Councilmember Rackley thanked Councilmember King for his comments. He also asked that Assistant Public Works Director Leaf provide a further breakdown of the numbers related to the water rates and revenue allocations to the General Fund.

Motion approved 4 – 3. Deputy Mayor Swatman and Councilmembers Johnson and Noble voted no.

Mayor Young noted that he had forgotten to call on Mr. Decker, who had signed up to speak before the Council's vote. He apologized and asked Mr. Decker if he would like to now address the Council. Mr. Decker declined stating that his comments have little effect after the Council has voted. He added that this is the fourth time he has been disenfranchised by the Mayor.

Councilmember King asked the Mayor and City Clerk to develop a process to prevent individuals from being denied their opportunity to address the Council. Mayor Young said he will work with the City Clerk to develop a method of providing a reminder to the Chairman.

- C. **AB04-269 – Ordinance 1082** – An Ordinance Of The City Of Bonney Lake, Pierce County, Washington, Amending Chapter 13.12 Of The Bonney Lake Municipal Code And Ordinance Nos. 571c, 692, 692a, 828, And 916 Relating To Sewer Rates. [F4.3]

Councilmember Hamilton moved to adopt Ordinance 1082. Councilmember DeLeo seconded the motion.

Deputy Mayor Swatman said that the City will have to pay for the new sewer plant. He said this small increase of 2% coupled with the system development charges in the next ordinance will pay for the City's portion of that plant.

Referring back to Councilmember King's previous comments, Deputy Mayor Swatman also said that the Chair is responsible for recognizing the speakers who have signed-up. He added that long meetings do increase the likelihood of human error. Mayor Young reiterated that he will work on a solution with the City Clerk.

Dan Decker, 20401 70th St. E., said that he had been disenfranchised once again on the previous ordinance. He suggested the Council hold an executive session on the City's potential liability on this issue. He claimed the Mayor's actions are intentional. Mr. Decker concluded by saying that the Council should not put any of the utilities revenues into the General Fund.

Motion approved 6 – 1. Councilmember Noble voted no.

- D. **AB04-270 – Ordinance 1083** – An Ordinance Of The City Of Bonney Lake, Pierce County, Washington, Amending Chapters 13.04 And 13.12 Of The Bonney Lake Municipal Code And Ordinance Nos. 561, 571c, 588, 692, 692a, 763, 787, 828, 919, And 1073 Relating To Water And Sewer Connection Charges And Fees. [F4.3]

Councilmember Rackley moved to adopt Ordinance 1083. Deputy Mayor Swatman seconded the motion.

Councilmember Johnson said the fees are needed and asked when they will apply to developers. Director Grigsby said they would be applied when a water extension agreement is approved. He added that the ordinance language says it will take effect 30 days after passage. Councilmember Johnson asked if calculations had been made on the change in revenue between the old connection fees versus the new ones for inclusion in the budget. Director Grigsby said he would have to have Assistant Director Leaf provide those figures. Councilmember Rackley said that revenues from connection fees this year are \$4 million.

Dan Decker, 20401 70th St. E., said the 30-day waiting period is to allow for the initiative and referendum process. He said he probably won't initiate one, but does not believe that any of the money should be used for the General Fund.

Director Grigsby noted that the Council can establish excise taxes that can go directly to the General Fund. Councilmember Hamilton said that none of the system connection fees will go to the General Fund. Director Weidenfeller said the connection fees make sure that new development pays its fair share of the system.

Motion approved 7 – 0.

- E. **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]

Deputy Mayor Swatman moved the adoption of Ordinance 1069. Councilmember Johnson seconded the motion.

Motion approved 7 – 0.

Resolution 1353 - A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Establishing A Schedule For Work Remaining To Be Done To Comply With The December 2, 2004 Growth Management Act (GMA) Update Requirement. [03.5.2]

Councilmember Johnson moved to approve Resolution 1353. Deputy Mayor Swatman seconded the motion.

Councilmember Johnson identified a typo on Page 2, Section 2, Item A. Planning Manger Ladd agreed that it should read 2005. He said that a second letter had been received from the State and that the resolution confirms that the City intends to comply with the recommendations.

Motion approved 7 – 0.

- F. **AB04-247 – Ordinance 1070** - An Ordinance Of The City Of Bonney Lake, Pierce County, Washington, Adopting A New Critical Areas Code In Place Of BLMC 16.20 and 15.12. [A3.5.5][03.6.5.4]

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

Councilmember King asked about the references in the agenda bill to the Planning Commission's consideration of the recommended changes from the State's Department of Community Trade and Economic Development(CTED). Planning Manager Ladd explained that the Planning Commission concurred with staff that last minute recommendations were awkward to implement and unnecessary. Councilmember King said that based on information from the Master Builders Association, Bonney Lake's setbacks are not unreasonable. He said the City does not show favoritism. He complimented the Planning Commission and staff for their work with concerned homeowners.

Planning Manager Ladd distributed maps to the Councilmembers for the Wards that they represent showing parcel numbers and the impacts of the setbacks. Mayor Young echoed the comments of Councilmember King and expressed appreciation for the Planning Commission and staff.

Motion approved 7 – 0.

- G. **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. [03.6.1.2]

Councilmember King moved to approve Ordinance 1071. Councilmember Noble seconded the motion.

Motion approved 7 – 0.

- H. **AB04-268 – Resolution 1347** - A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Adopting A Natural Hazard Mitigation Plan For The City. [A 1.22.2]

Councilmember Rackley moved to approve Resolution 1347. Councilmember Johnson seconded the motion.

Deputy Mayor Swatman said that the plan will fill a requirement to help the City obtain funding. He added, however, that the plan is nearly worthless from a practical standpoint because it is mainly boilerplate. Councilmember King concurred, but said that it represents a good start. He said it will require additional effort. ASC Morrison said the plan came from a small grant and that more work will come as a result of the Interlocal agreement with Pierce County.

Motion approved 7 – 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 potential litigation. He said the session would last 5 minutes. The session started at 10:00 p.m. It was extended for another five minutes at 10:05 p.m., and concluded at 10:12 p.m.

XI. ADJOURNMENT

At 10:13 p.m., Councilmember Johnson moved to adjourn the meeting. Councilmember Rackley seconded the motion.

Motion approved 7 – 0.

Harwood T. Edvalson, CMC
City Clerk

Robert Young, Mayor