

CITY COUNCIL MEETING

City of

**December 14, 2004
7:00 P.M.**

MINUTES



The City of Bonney Lake's Mission is to protect the community's livable identity and scenic beauty through responsible growth planning and by providing accountable, accessible and efficient local government services.

"Where Dreams Can Soar"

I. CALL TO ORDER – Mayor Young called the meeting to order at 7:00 p.m.

- A. Flag Salute - Mayor Young led the Pledge of Allegiance.
- B. Roll Call [A1.3]

City Clerk Edvalson called the roll. In addition to Mayor Bob Young, elected officials attending were Deputy Mayor Dan Swatman, Councilmember Phil DeLeo, Councilmember Mark Hamilton, Councilmember Neil Johnson, Councilmember Dave King, Councilmember Cheryle 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, Senior Accountant Barbara Barth, Senior Human Resources Analyst Karen Meeks, Judge Jim Helbling and City Clerk Harwood Edvalson. City Attorney Jim Dionne joined the meeting shortly after the roll call.

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

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

Mayor Young announced the re-appointment of Dennis Poulsen and Grant Sulham to the Planning Commission.

- 3. Presentations: None.

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

Deputy Mayor Swatman proposed adding a motion to authorize an accumulated vacation carry-over for Lieutenant Tom Jenkins. Mayor Young said because it is just a motion, it could be added to the agenda without a formal agenda modification. He agreed that it be handled at the end of the Finance Committee section.

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 7:03 p.m., Mayor Young reopened the Public Hearing continued from the November 23rd Council Meeting. Finance Director Weidenfeller described the budget preparation and adoption timeline. He identified a \$70 million dollar balanced budget, and read a list of proposed capital improvement projects.

Dan Decker, 20401 70th St. E., noted that the City has prepared an adequate budget. He encouraged, however, more monies for streets. He said there are few streets without potholes and suggested the use of additional stop signs and reduced speed limits to calm traffic near the schools in the City. He also encouraged the investigation of employees with degrees from non-accredited schools. He said non-accredited degrees do not make a person an expert, but, at best, a quack. He said that when there is quackery going on in the City, then all are being damaged.

Fred Jacobsen, 9100 198th Ave. Ct. E., said he supports the Fennel Creek trails, and encouraged the City to move forward with their development. He urged the City to include a traffic enforcement officer in the budget. He suggested that it may slow down the traffic on SR410. He also spoke in support of the investigations officer in the budget. He also encouraged the City to examine the City of Spokane's WI-FI system. He said that it saved Spokane a great deal of money.

Paul Qualey, 6008 184th Ave. E., said that he didn't believe the \$75,000 the City had in the budget for sidewalks would go very far. He emphasized the need for sidewalks to connect the shopping areas along SR410. He objected to the money reserved in the budget for a New City Hall, and felt that it could be better used in the City.

Deputy Mayor Swatman said that the City is looking at problems throughout the City. He said that the staff is working on a way to identify the priorities. He noted that the proposed budget has \$330,000 toward a New City Hall. Councilmember DeLeo added that the WSU Forest and Americorps have completed a trail between Albertson's and KFC. Councilmember Noble said she attended a youth forum where the primary interest was sidewalks. She said the Mayor and Council have been invited to ride or walk with the students to understand their perspective.

Councilmember Rackley asked about the Senior Center Driver. He said that she apparently works many hours without benefits, and that her hours had recently been reduced to avoid paying benefits. He suggested her job be made full-time and that the extra hours be used to support the Senior Center operations. Mayor Young said he had received no request from the Senior Center, or report from Human Resources. He said staff will take a look at it and come back to the Council as needed.

Councilmember Johnson said he would like the City to be more aggressive with sidewalks and infrastructure. He suggested placing additional funds from the unallocated fund balance into the contingency fund. Mayor Young reminded the Council that this is a public hearing and that the Council would have an opportunity later on in the meeting to discuss the proposed budget.

At 7:31 p.m., Mayor Young closed the public hearing.

B. Citizen Comments [A3.6.4]:

Sean Martin, 1302 Puyallup St., Sumner, representing Investco, thanked the Council for the resolution of the water issues. He encouraged their favorable action on Resolution 1330.

Lew Keliher, 7220 190th Ave. E., advised Council that just because they haven't heard concerns expressed, there isn't public concern on an issue. He said as a parent and runner, he'd rather have sidewalks than a New City Hall. He urged Council to avoid spending just for show on a city hall, but to invest in long-term capital improvements for the City.

Councilmember King asked Mr. Keliher if he would offer his opinion on whether there was a dollar threshold on projects for which citizens should vote. Mr. Keliher did not name a dollar amount, but said that life-safety types of issues and projects should be given priority.

Quinn Dahlstrom, 6527 193rd Ave. E., summarized the history of her early involvement with the City of Bonney Lake and her acquaintance with Chief Bryan Jeter. She praised him as a man with dignity and integrity, and the best thing that has ever come into the City of Bonney Lake. She expressed her dissatisfaction with the Mayor and his leadership, attributing the loss of several major department heads to a lack of management skills, character and integrity. She called attention to the training of subordinate staff in the Finance Department and claimed it is because the Finance Director is unable to do his job. She concluded with the public announcement of her candidacy for Mayor in 2005.

David Luce, 7711 191st Ave. E., spoke about an illegal tree harvest at 7720-7722 190th Ave. E. He said he was told 18 mos. ago when he purchased his home that there was a greenbelt behind his home that would never be built on or developed. He said there has been some discussion about a wetland on the property, but believes the facts bear this out. He claimed there are criminal activity and/or collusion in this incident. He asked the City to stop all harvesting and all future building. He asked why the rights of one property owner can affect the lives of many in attendance this evening. He said this development for money is reprehensible. He urged the City to stop further building or face legal action.

Denise Robinson, 7713 191st Ave. E., also addressed the tree harvesting. She said she has lived in her home for 15 years and was also assured that no one could build due to the wetlands. She said she has worked hard to retain her home, but now only sees the mud hole behind it. She showed the Council before and after pictures, and said her rights have been taken. She asked the Council to here the concerns and help restore the wetlands.

Deputy Mayor Swatman asked if there are staff members looking into the issue and enforcing the standards adopted by the Council. Mayor Young said the memorandum submitted to the City late yesterday is under review of the City Attorney. He said the staff has been directed to work with the City Attorney on this issue. He added that, because the memo alludes to a claim against the City, staff have been instructed to not attempt a response this evening. He said there is a stop-work order in effect and will remain in effect until the matter is completely resolved and a violation of stop-work order results in citations being issued.

Dan Decker, 20401 70th St. E., asked Council if there was a correlation in the departure of former Public Works Director Boettcher and current Police Chief Jeter. He asked the Mayor how much it cost to hire the new Public Works Director, and how much it will cost to replace the Chief of Police. He asked why these department directors chose to leave Bonney Lake. He called Mayor Young a liar in his dealings with the Council, press and citizens. He said he believes Chief Jeter is leaving Bonney Lake because the Mayor has been micro-managing the chief's job. He said Mayor Young should publicly explain the reasons for the departure of the department heads, not in an executive session. He said if the Mayor would do his job, then the Council could do their job. He claimed Mayor Young will not do his job because of his employment with Senator Pam Roach. He urged the Mayor to resign.

Louisa Smith, 20112 Church Lake Rd., asked the Council to refer to the Schuur Bros. property by the name of the long-time owners, the Moriartys. She said she is sorry to see Chief Jeter leave the City, but as a business-owner in Puyallup is happy to welcome him there. She reminded Council that former Councilmember Diane Marshall was the one who used her discretionary Council funds to pay for the Christmas tree at Ascent Park. She praised Barb Wigton for her devoted volunteer efforts with the Bonney Lake Giving Tree and Toys-for-Tots campaign. She reported that the Puyallup Kiwanis Club took care of 12 infants whose names were on the tree. She displayed the Kiwanis Club cookbook that is now for sale to fund service projects, some of which will be in Bonney Lake.

Councilmember King said the City does not spend as much time as it should recognizing employees, volunteers and service groups in the City. He reported that he and Mayor Young were at Quiznos for the kick-off of the Marine Corps Reserve's Toy's-for-Tots drive. He said that sponsoring radio station, KVI, said that Bonney Lake outstripped any other city or town where the station's host, Kirby Warner, had been.

Tina Storrs, 7715 191st Ave. E., commented on the loss of the wetland buffer. She expressed concern for the additional run-off the clearing operation will create. She said the City is aware of the drainage situation because it participated in the addition of an additional culvert through her back yard. She described her interaction with City staff on the issue, and said she had been advised to sell her house if she was concerned about potential flooding from the development that was planned. She said her husband has researched the situation and determined that there are numerous code violations. She said civil violations have occurred with a reduction in her property value as the result of actions permitted by employees of the City of Bonney Lake.

Lynn Storrs, 7715 191st Ave. E., said he tried several times to inform the City that there is a significant water issue in his yard. He said he notified staff that the delineated wetland area in his back yard probably did not end with the Larios property line. He said he felt forced to hire a wetlands specialist to assess the suspected wetland. His added that his consultant told him that the Larios consultant should have advised the Larios of additional wetland possibilities. Mr. Storrs said that on advice of his consultant, he installed silt fencing to protect his wetland, and feels it should have been required of Ms. Larios. He said that files obtained from the City of Bonney Lake delineate a Type III wetland paralleling the Larios Property. He said the City recently approved a 75' buffer for wetlands of this category, yet Associate Planner Elizabeth Chamberlain approved a permit to destroy this wetland buffer. He said he has proof of numerous code violations and total irresponsibility. He asked that the guilty parties replace the heavily forested buffer with mature large trees, replace the property

marker removed during construction, reimburse him for the cost of silt fencing and the placement of a mandatory six-year building moratorium to help the wetlands recover and mature.

Barbara Bledsoe, 7711 191st Ave. E., said she too was assured that no one could build on the greenbelt. She said her husband was in the early stages of dementia and spent a great deal of time in the back yard. She said the house was shielded by the greenbelt from noise. She added that her husband's peace is now impacted by the noise from the street and adjacent neighborhoods. She expressed concern for possible flooding and loss of quality-of-life resulting from the allowed destruction of the trees.

Patti Hiscutt, 7705 191st Ave. E., said she received a letter from the Planning and Community Development regarding a short plat of the Larios property. She added that prior to the letter she had noticed a tree-salvaging operation on the property. She said that when she purchased her home, she was told there was a greenbelt, or a buffer zone. She said she is a realtor with Coldwell Banker, and feels a sense of loss for the homeowners in the area because of the removal of the trees. She said that before issuing a permit, the City should have known where the boundaries are. She expressed concern that it may happen again, and urged the Council to incorporate the appropriate checks and balances.

Councilmember King asked Ms. Hiscutt if, as a realtor, she was aware of any definition for a greenbelt. Ms. Hiscutt replied that it is really a buffer. Councilmember King observed that a representation on a real estate flyer is probably not legally binding. She said that when she bought her property it was called a buffer drainage area. She admitted that she does not know if her deed has a restriction of any kind associated with the buffer. She said that her research into the County records has not shown a designation for the buffer area.

Deputy Mayor Swatman said that greenbelts or buffers are often deeded over to the City. Ms. Hiscutt said she believes the buffer was owned by the City because cyclone fencing had been installed. He encouraged Ms. Hiscutt to provide any information that she has to City staff. Ms. Hiscutt responded that she has attempted to provide information, but has not received a return phone call from Elizabeth Chamberlain. She said she would look further at her own property description.

Councilmember Hamilton asked Director Leedy if the owners developing their property have installed a silt fence to prevent erosion. Director Leedy said he is unaware of anything done by the property owner. He said the staff will review and follow up if there is anything that needs to be done on a stop-gap basis.

Gary Vetsch, 7718 190th Ave. E., said he lives next door to the Larios property. He said his energy is directed at the event, not the people. He asks that the laws and code be enforced, but recognized that those laws may allow for further development of the property. He said his yard has essentially ¼ to ½ inches of standing water all year long. He noted that he has a pump below his house that removes water all year long. He believes new houses will have future serious water issues. He said the average person will note that this area is a natural drainage.

Councilmember DeLeo asked if the City has aided the natural drainage by adding culverts under the road. Mr. Vetsch confirmed that the City installed a culvert.

Art Palacek, 7716 190th Ave. E., said that development is fine as long as citizens' rights are not violated. He narrated a timeline of contacts, notices and events regarding the proposed development on the Larios property. He described how Planning Commission Chairman Burnham walked the property and gave his opinion that there were wetlands and that it was a violation that those trees were cut in the buffer area. He said that a stop work order was issued by the City and subsequently lifted after the City staff had determined that various requirements had been met. He said a letter was issued prohibiting cutting of trees and vegetation in the buffer area and wetland. He explained that a contractor had been observed to move the property stake and push all the vegetation out of the greenbelt. He said a review of the SEPA checklist shows very little information provided regarding the development of this property. He said a legal brief has been submitted to the City. He questions the integrity of the Planning Department and how they do business. He said he and his neighbors are asking for relief from the City—that the buffers be restored, and all of the trees restored with full mature trees, and that a six year moratorium be enforced on any further building on the property.

Fred Jacobsen, 9100 189th Ave. Ct., asked about the status of Ordinance 1081, and what work has been done with it by the Planning Department. He also expressed appreciation for Chief Jeter and invited the audience to applaud the Chief's work for the City. There was general applause from those in the Council Chambers.

Brandon McDowell, Puyallup, WA, spoke about Resolution 1335. He expressed appreciation for the Council's recognition of a problem and finding a solution. He said the project in question has not been identified as having a water supply problem, but a pressure problem. He said an agreement has been worked out and a developer's extension agreement signed by the developer. He encouraged Council to vote in favor of the staff recommendation.

Jessica Larios, 7720 190th Ave. E., said she owns two lots and that any representation that there would be no building is completely wrong. She said there is no greenbelt or buffer registered on her title. She explained that she was not told about the Lake Bonney drainage, any wetlands or a buffer at her preliminary short-plat meeting with the City. She distributed some maps to the Council. She said the lot directly to the north was required to record a wetland buffer on its title. She said that none of the trees harvested were sold, and added that only 24 of the 58 trees on the property were removed. She said she is unaware of any property stake being moved. She said her contractor is licensed and bonded and also denies any knowledge of that reported action. She said she was not required to go through the SEPA process for her short plat. She said the City walked the property twice with her and at first told her there is no wetland. She said they later said that there is a wetland, but it is not a protected wetland. She said the third time they came it was with a stop work order and a requirement to reinstate the buffer. She said she agreed to do it and hired a wetland biologist to develop the mitigation plan for the buffer. She said a small 8ft. by 8ft. triangle in the corner of her property has been determined to be a wetland. She added that she has complied with all directions issued by the City.

Deputy Mayor Swatman asked if the current home sits across both lots. Ms. Larios said yes. Councilmember Hamilton asked if Ms. Larios would voluntarily install a silt screen fence. Ms. Larios responded that Mr. Storrs has already entered her property to install the fence.

She invited any of the Councilmembers to walk her property with her. Councilmember Hamilton asked if Ms. Larios' consultant believed that a SEPA review is required. Ms. Larios replied that a SEPA was not required for a short plat. Responding to Councilmember Hamilton's further question, Director Leedy said that staff is now proceeding with review of the issue under the provisions of SEPA. Ms. Larios disputed the requirement to proceed under SEPA. Mayor Young said the issue must go back to staff for review. Councilmember King asked if the property was ever professionally surveyed. Ms. Larios replied, yes. Councilmember DeLeo asked if any of the maps she distributed show the wetlands. She explained how one map shows the small wetlands in the corner of the property. Councilmember DeLeo asked if Ms. Larios or her excavator moved a survey marker. She responded, no.

Don Sangesand, 5616 195th Pl. E., thanked Deputy Mayor Swatman and Councilmembers Johnson and Noble for placing the blame for Chief Jeter's departure on the Mayor and Finance Director. He asked when the poor management will end. He said the Council can control this issue by controlling the purse strings. He added that Councilmember King appears to be glossing-over the issue, but credited him with at least speaking out. He said good-bye to Chief Jeter.

Robert Ceola, 9104 189th Ave. Ct. E., discussed the City's water policies and the rate consultant's report. He provided an object lesson on the magnitude of the deficit the City is trying to correct with the approved increase in rates. He suggested the Council discuss the policies that led to the deficit. He also suggested that the City project the increase of fees that will be required if the connection charges are stopped.

Deputy Mayor Swatman said that most of the cost overruns over the years have not been budgeted for and not foreseen and are usually the result of government regulations, such as the Clean Water Act. He said millions of dollars have been spent to comply with those regulations. Councilmember King thanked Mr. Ceola for pointing out that the City Council's task is to remain a strategic thinking body and not get caught up in the details of the moment. He said the Council has learned now the true cost to maintain a large water system. Mr. Ceola replied that back in 2002, it would have been nice to go back to the rate payer and explain the then current need to increase the rates.

Responding to Councilmember Rackley's request, Mayor Young declared a ten minute break in the proceedings at 9:16 p.m. He reconvened the meeting at 9:23 p.m.

C. Correspondence : None.

III. COUNCIL COMMITTEE REPORTS:

[A3.6.4]

A. Finance Committee

Deputy Mayor Swatman said the Finance Committee discussed the following items:

1. A proposal to lease office space for City Hall;
2. Accrued vacation carry-over for Lieutenant Jenkins;

3. An agreement with Cascade Design Collaborative for boat trailer parking;
4. Resolution 1361- an agreement for review of the Finance Department;
5. Information about City Hall financing options;
6. Update on the status of underwriter's RFP choices;
7. Water/sewer land holdings sale/lease options to General Fund;
8. Old Moriarty house- whether or not to repair and rent.

B. Community Development Committee

Councilmember Rackley said the Committee met on December 6th and forwarded the proposed ordinance for condemnation of right-of-way on South Prairie Road. He added that information is being compiled to look at a possible lease of space for City Hall. He said this would have the advantage of saving millions of dollars and eliminating the need to issue councilmanic bonds. He said that will come forward to the January 4th Council Workshop.

C. Public Safety Committee

Councilmember DeLeo said the Committee met on December 6th. He said they forwarded the four items on this evening's agenda under the Public Safety Section.

D. Other Reports: None.

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

- A. Approval Of Meeting Minutes: November 16 Council Workshop, November 23 Regular Council Meeting, November 30 Special Council Workshop.

Councilmember Rackley moved to accept the minutes as submitted and approve them 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 proposed motion to approve the following:

- Claims: Accounts payable Checks/Vouchers #38975 thru #39095 and wire transfer #80215 in the amount of \$799,492.31.
- Payroll: Payroll for November 15-30, 2004 for checks 23113-23168, including Deposits and Electronic Transfers in the amount of \$316,369.14.

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

Councilmember Rackley asked about voucher #39002 for replenishment of petty cash. He asked how the use is tracked. Finance Director Weidenfeller said that the petty cash fund is authorized by Council ordinance. He said the Council Finance Committee reviews the use.

Councilmember Johnson asked for more information on the most recent items purchased.

Motion approved 7 – 0.

VI. FINANCE COMMITTEE ISSUES:

- A. **AB04-277 – Ordinance 1086** - An Ordinance Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Accepting A Donation For Allan Yorke Park, In Memory Of June Yorke. [F4.6.7]

Councilmember Noble moved to adopt Ordinance 1086. Councilmember Johnson seconded the motion.

Motion approved 7 – 0.

- B. **AB04-279 – Ordinance 1087** - An Ordinance Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Accepting Donations For The City In Accordance With The Provisions Outlined By Ordinance 937. [F4.6.7]

Deputy Mayor Swatman moved to adopt Ordinance 1087. Councilmember DeLeo seconded the motion.

Motion approved 7 – 0.

- C. **AB04-278 – Resolution 1352** - An Ordinance Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing The Mayor To Sign A Lease Agreement With T-Mobile For A Cellular Antenna On The City's Ponderosa Water Tank. Revenues Will Accrue To The Water Utility.[O4.4.11.6]

Councilmember Rackley moved to approve Resolution 1352. Councilmember DeLeo seconded the motion.

Councilmember Johnson asked if the projected revenues from this lease were included in the revenue projections of the utility rate study. Director Grigsby replied that he did not know if they were specifically included. He offered to provide additional information.

Motion approved 7 – 0.

- D. **AB04-281 – Resolution 1354** - A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing The Disposal Of Surplus Property In Accordance With The Provisions Outlined By Ordinance 872. [F4.6.3]

Councilmember Rackley moved to approve Resolution 1354. Councilmember King seconded the motion.

Motion approved 7 – 0.

- E. A Motion Of The City Council Of The City Of Bonney Lake Authorizing Lieutenant Tom Jenkins To Carryover 2004 Earned Vacation In Excess Of The Policy Maximum Per Bonney Lake Municipal Code 2.32.020 Of 240 Hours Into The Year 2005.

Deputy Mayor Swatman made the above motion. Councilmember Rackley seconded the motion.

Motion approved 7 – 0.

VII. COMMUNITY DEVELOPMENT COMMITTEE ISSUES:

- A. **AB04-287 – Ordinance 1090** - An Ordinance Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing The Taking Of Property. (Right-of-way Acquisition – South Prairie Road.) [A3.13.3.3]

Councilmember Rackley moved to approve Ordinance 1090. Councilmember DeLeo seconded the motion.

Deputy Mayor Swatman asked for maps to show the proposed condemnation. He asked how much land is being proposed in the condemnation. Director Grigsby said the ordinance is approval to condemn, only if needed, a 10 – 15 ft. strip of land on the south side of South Prairie Road. Councilmember Johnson also expressed a desire to see the maps. There was discussion about whether or not this improvement was related to the anticipated growth of the Cascadia Development. Councilmember King urged the Council not to hold up the progress of this project.

Dan Decker, 20401 70th St. E., suggested looking at the north side of the road for the property needed.

Deputy Mayor Swatman reiterated his request to see the maps before voting on the measure. Councilmember Hamilton asked about the timing for the ordinance. Director Grigsby said the funds are coming from the Public Works Trust Fund. He said the project must be completed in a year or the funding will be lost.

Councilmember Hamilton moved to table the item until the January 4th Council Workshop. Councilmember Rackley seconded the motion.

Motion approved 7 – 0.

- B. **AB04-288 – Resolution 1356** - A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing A Wholesale Agreement For Water Between The City Of Bonney Lake And The City Of Tacoma Water Division. [O4.10.1]

Councilmember Rackley moved to approve Resolution 1356. Councilmember Hamilton seconded the motion.

The City Council discussed the purchase of water from Tacoma. Mayor Young summarized the position that the lack of a written agreement at this time from Tacoma does not fundamentally change the situation that the Council was to consider if Tacoma had approved

an agreement. He noted that the previously proposed agreement with Tacoma provided for the City to pay any increased rates imposed by the City of Tacoma for its water. He said one benefit from the current state of affairs is the deferment of the City's outlay for system development charges to Tacoma.

Deputy Mayor Swatman advanced the position that the City should not be making an agreement to pay for water for which the price has not yet been determined. He also questioned the required outlay for infrastructure and pointed to a possible future agreement with the Cascadia Water Alliance for Lake Tapps water as an alternative to Tacoma. Councilmember Johnson pointed out that development extension agreements approved now would not reflect the added costs to the City associated with the increased rates anticipated from Tacoma Water later in the coming summer.

Dan Decker, 20401 70th St. E., said that Tacoma has water reservoirs, and suggested that Bonney Lake develop water reservoirs to gather the water that naturally falls from the sky.

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

Councilmember Johnson moved to extend the Council meeting beyond its 10:00 p.m. normal time of adjournment. Councilmember DeLeo seconded the motion.

Motion approved 7 – 0.

- C. **AB04-274 – Resolution 1350** - A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing An Agreement With RH2 For The East Lake Tapps Water Main Extension, Phase 1. [O4.10.2]

Councilmember Rackley moved to approve Resolution 1350. Councilmember Hamilton seconded the motion.

Motion approved 5 – 2. Deputy Mayor Swatman and Councilmember Noble voted no.

- D. A Motion Of The City Council Of The City Of Bonney Lake That The Following Similar Resolutions Nos. 1325, 1330, 1331, 1332, 1333, 1334, 1335,1336,1337 And 1344 Be Approved By This Single Motion.

1. **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]

2. **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]

3. **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]
4. **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]
5. **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]
6. **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 Ptarmigan Ridge, LLC For Ptarmigan Ridge. [A3.13.7]
7. **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]
8. **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]
9. **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]
10. **AB04-256 – Resolution 1344** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing A Water Developer’s Extension Agreement With Sunridge Land Company, LLC For Lakeridge III Located At 5229 W Tapps Drive E. [A3.13.7]

Councilmember Rackley moved approval of the above motion. Councilmember King seconded the motion.

Deputy Mayor Swatman and Councilmember Johnson spoke in opposition to the proposed motion. They discussed the potential for additional cost to the City for developers paying for system development charges now before the additional costs to the City are known from the Tacoma Water Agreement.

Wade Thuline, 24508 128th Ave. E., said the positive side of approving the extension agreements is that it allows the developers to go ahead and start paying the hook-up fees for the water at \$6500 a piece. He said this puts money into the coffers of Bonney Lake.

Paul Sears, Barghausen Consulting Engineers, addressed Resolution 1325. He said his project will probably not be building until late 2005 or 2006. He suggested the City’s planning is prudent. He said he wanted to assure Council that the developer pays his or her fair share at the time the permits are granted. He said developers are willing and do pay whatever rate the Council sets because they need to move forward with their projects.

Louisa Smith, 20112 Church Lake Rd., said that she is in annexation area #1 and is not sure

she wants to be part of the City. She said she doesn't believe the Council is watching out for the citizens or making intelligent decisions. She agrees that the proposed Tacoma Water Agreement is speculative, but the Council now appears to be wavering on what it directed the administration to do.

Brandon McDowell, Barghausen Consulting Engineers, said that most of the projects are on hold pending approval for water from the City of Bonney Lake. He said once the agreements are approved, most of the projects are from 3 -6 months in the future. He predicted that 90 percent of the lots would not be able to pull permits until the new rates are in place. He said a postponement of these agreements will be a loss of revenue to the City.

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

Mayor Young called for a five minute break at 10:56 p.m. The meeting was reconvened at 11:04 p.m.

Pursuant to RCW 42.30.110(1)(i), Mayor Young declared a ten minute Executive Session to consider potential litigation. The session commenced at 11:04 p.m. It was extended for three minutes at 11:16 p.m., and for an additional three minutes at 11:19 p.m. The regular meeting was reconvened at 11:21 p.m.

Councilmember King moved to amend the meeting agenda under Section VII D. to include a new motion. Councilmember Rackley seconded the motion.

Motion approved 7 – 0.

Councilmember King moved to approve each water extension agreement listed in the Agenda Item D, if the developer agrees not to apply for a building permit from any approving agency before July 1, 2005, as a condition of the water extension agreement being legally effective. Councilmember Johnson seconded the motion.

Gene Schafer (sp?), Orting, said that his project under Resolution 1344 is different in that parcel numbers and addresses have already been assigned. He added that five meters are already installed, and they just want more meters. He said the developer extension agreement was required to upgrade the water main.

Council discussed amending the motion to consider this Resolution separately.

Sean Martin, Investco., said that the project represented by Resolution 1330 is also different than the others. He said it seeks to develop property in accordance with a 1992 EIS. He said they are building apartments, but are actually building less density than is permitted under the plat.

Councilmember DeLeo moved to amend the previous motion to allow for special consideration of Resolution 1344 to be voted on separately. Councilmember Hamilton seconded the motion.

Councilmember King advised against this action. He pointed out that not all the applicants have had an equal opportunity to represent their special positions. Councilmember

Hamilton asked City Attorney Dionne if the Council could defer collecting fees until the City knows what the fee structure should be. City Attorney Dionne said he cannot advise making water available on that condition, because it may be contestable.

Dan Decker, 20401 70th St. E., urged approval of the amendment tonight to allow developers to have water.

Amendment failed 0 – 7. The entire Council voted no.

Original motion approved 7 – 0.

VIII. PUBLIC SAFETY COMMITTEE ISSUES:

- A. **AB04-267 – Resolution 1346** - A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing An Addendum To The Jail Contract With The Board Of Yakima County Commissioners For Providing Jail Facilities For Prisoner On An “As Needed” Basis From January 1, 2005 – December 31, 2005. [O1.7]
- B. **AB04-272 – Resolution 1348** - A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing An Agreement With The Tacoma/Pierce County Humane Society For The Period Of One Year (January 1, 2005 – December 31, 2005). [O1.1]
- C. **AB04-275 – Resolution 1351** - A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing The Mayor To Sign A Memorandum Of Understanding With Pierce County To Receive Reimbursement For Lab Team Overtime For The Period Of One Year (January 1, 2004 – December 31, 2004). [O1.10.5]
- D. **AB04-290 – Resolution 1359** - A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing The Mayor To Apply For A Grant With The Washington Association Of Sheriffs And Police Chiefs. [F5.2.2]

Councilmember Johnson moved to place Agenda Items A – D on a consent agenda for approval. Councilmember Rackley seconded the motion.

Deputy Mayor Swatman said he feels the Humane Society has done a pathetic job, but didn't know what the City would do without them. He added that he is disgusted by the number of animals put to sleep because their owners refuse to take proper care of them. Councilmember DeLeo said the Public Safety Committee has discussed animal control services. He said the City will be looking for alternatives in the coming year. Mayor Young noted that there is \$70,000 in the proposed budget in case the City feels that action is required in the coming year.

Motion approved 7 – 0.

IX. FULL COUNCIL ISSUES:

- A. **AB04-216 – Ordinance 1066** – An Ordinance Of The City Of Bonney Lake, Pierce County, Washington, Amending Chapter 15.04 Of The Bonney Lake Municipal Code And Ordinance No. 1035, Relating To The International Residential Code. [A3.5.1][A3.5.5]
- B. **AB04-280 – Ordinance 1088** – An Ordinance Of The City Of Bonney Lake, Pierce County, Washington, Transferring Funds. (General Fund to the Street Fund.) [F4.7.5]
- D. **AB04-155 – Ordinance 1045** – An Ordinance Of The City Of Bonney Lake, Pierce County, Washington, Establishing The Non-Union Salary Scale For 2005 And For Future Years. [A4.3.1]
- E. **AB04-282** – A Motion Of The City Council Of The City Of Bonney Lake, Authorizing The Finance Director To Pay The Claims And Payroll For The Month Of December 2004. [A3.6.10] [F4.8]
- F. **AB04-283** – A Motion Of The City Of Bonney Lake Canceling the December 21, 2004 Council Workshop and December 28, 2004 Council Meeting. [A1.1.2] [A3.6.10]

Councilmember Rackley moved to combine Agenda Items A, B, D, E, and F into a consent agenda. Councilmember King seconded the motion.

Motion approved 6 – 1. Deputy Mayor Swatman voted no.

Councilmember Rackley moved to approve the consent agenda. Councilmember Johnson seconded the motion.

Deputy Mayor Swatman thanked the Council for their approval of the non-union salary schedule based on his salary range concept. He asked about the language in the title that implies it will apply for future years.

Councilmember Rackley moved to amend the motion as it relates to Ordinance 1045 to omit the reference to future years in its title. Councilmember Johnson seconded the motion.

**Amendment approved 7 – 0.
Amended main motion approved 7 – 0.**

- C. **AB04-154 – Ordinance 1044** – An Ordinance Of The City Of Bonney Lake, Pierce County, Washington, Adopting The Annual Budget For The Calendar Year 2005. [F3.8]

Councilmember Rackley moved to approve Ordinance 1044. Councilmember King seconded the motion.

Mayor Young noted that the budget is adopted by fund, and that adjustments can be made throughout the year. Councilmember Johnson asked about the apparent discrepancies between some of the ending fund balances and beginning fund balances the following year. Senior Accountant Barth explained that a change in reporting method accounts for the changes as they appear in the budget. Councilmember Johnson urged Council to consider

appropriating \$1 million in the Contingency Fund for sidewalks and trails. Councilmember DeLeo asked for further information about the interest earned in the Cumulative Reserve Fund. Director Weidenfeller distributed a memo addressing questions about the LID Funds at the last Council Workshop. Deputy Mayor Swatman said that he does not feel comfortable with the detail provided in the funds.

Dan Decker, 20401 70th St. E., thanked Councilmembers for their service.

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

Mayor Young noted that the Council is obligated to adopt a balanced budget before the end of the year. He asked the City Attorney for counsel. City Attorney Dionne said that the meeting should be continued until the Council adopts a budget. Mayor Young asked the Council if there is something that should be addressed for one of the Councilmembers voting no.

Councilmember King moved to continue the meeting to December 21st. Councilmember Rackley seconded the motion.

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

Director Weidenfeller reminded the Mayor that he has a non-refundable ticket for that evening. City Attorney Dionne said he cannot attend either. Councilmember Johnson said his attendance is questionable. Council discussed alternate dates.

There appeared to be a majority available for a Friday evening meeting. Councilmember King asked if those voting no felt that the budget could be fixed by Friday evening. Several said no. Councilmember Johnson said he feels uncomfortable with the budget as a planning document. He said he wants to see items funded and accomplished in the coming year. Councilmember Hamilton suggested continuing the discussion this evening. Councilmember King said it appears that some voting no have some very specific issues that perhaps can be addressed. Mayor Young asked what issues caused the negative votes.

Councilmember Johnson said the one thing that could change his vote is a commitment from the Mayor to complete every one of the Council objectives for the entire year, such as, Ascent Park, follow-through on the sidewalk program, beautification of the City and positions in the budget. Mayor Young gave his assurance that the things listed are funded and will be done this year. He said he plans to fill the identified positions this next year.

Councilmember Johnson moved to reconsider Ordinance 1045. Councilmember Rackley seconded the motion.

Councilmember Noble asked for reassurance and recordation in the minutes that the City will get these things done. Mayor Young said those things mentioned will be done. Councilmember DeLeo asked about the purchase of a new motorcycle. Mayor Young said the Police Chief has shown that there are sufficient funds in the budget for a new one.

Councilmember Johnson asked for further assurance that the Finance Department will be given the appropriate amount of time to present a complete budget in the coming year. Mayor Young said the budget will be complete.

Dan Decker, 20401 70th St. E., said that promises have been made, and the Mayor's resignation should be sought if he lies.

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

Councilmember King moved to cancel the meeting continued to December 21st. Councilmember Rackley seconded the motion.

Motion approved 7 – 0.

X. EXECUTIVE SESSION:

An executive session was held earlier in the meeting.

XI. ADJOURNMENT

At 12:18 a.m., December 15th, Mayor Young adjourned the meeting with Council's consent.

Documents submitted at the Council Workshop of December 14, 2004:

- *Quinn Dahlstrom – Citizen Comments – 12/14/04.*
- *Jessica Larios – Development Maps of her property at 7720-7722 190th Ave. E. – 12/14/04*
- *City of Bonney Lake – Memo: LIDS – 12/14/04 – John Weidenfeller, Finance Director.*

Harwood T. Edvalson, CMC
City Clerk

Robert Young, Mayor