

City of

**COUNCIL WORKSHOP**

*June 1, 2004*

**MINUTES**



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

*"Where Dreams Can Soar"*

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**Roll Call**

Mayor Robert Young called the workshop to order at 5:34 p.m. Also in attendance 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 members attending were Administrative Services Coordinator (ASC) Don Morrison, Planning and Community Development Director Bob Leedy, Interim Public Works Director Bill Gilbert, Building Official Jerry Hight, Judge James Helbling, City Attorney Jim Dionne and City Clerk Harwood Edvalson.

Mayor Young suggested moving Agenda items 2, 3 and 6 to the forefront to accommodate Design Commission members, visitors and staff attending to participate in those items. Deputy Mayor Swatman encouraged Council to take the agenda items in order, feeling that the first item could be handled quickly. Mayor Young said he would proceed according to the Council's desires.

**Agenda Items**

1. Discussion: AB04-120 – A Motion Of The City Council Of Bonney Lake To Enter At Large Upon The Record The Mayor's Objections Pursuant To His Veto Of The Council's Adoption Of Ordinance 1033, And To Reconsider Ordinance 1033.

Deputy Mayor Swatman said that the veto action is generally just an effort by the Mayor to stop a Council action, thinking that the Council doesn't have the votes to pass it later. He said that, in his mind, the time for discussion is past and the Council's decision has been made. Councilmember King said that as he thought about the veto he recognized that this is the first time in 3 years the Mayor has exercised his veto powers. He said it caused him to ask why the Mayor felt so strongly, knowing the Council had a near unanimous vote. He suggested that the Council hear what additional information the Mayor has to provide on the issue.

Mayor Young said there are a few reasons that he would veto the Council's action. One reason would be if he was totally, ethically opposed to an action of the Council and, therefore, to publicly note his objection. Another would be if he felt that further public input was needed. A third reason would simply be in the hope that the veto would not be overridden. In this case he felt that more input was needed from the community at-large. He said he felt there had not been enough input, and that the wrong decision had been made. He said he feared that the cost of the property would be far more than what some of the Council had been considering. He added that property is very expensive and is not

part of the Parks Plan as recommended by the Park Board. He said that most of those commenting at earlier meetings were those from immediately around the Allan Yorke Park area. He said perhaps there will be input from residents of other areas in the City.

Councilmember Johnson asked about the Park Plan, and noted that it identifies broad areas that may need parks. He asked the Mayor to identify what other properties in the City the Council should focus on if not this additional parcel adjacent to Allan Yorke Park. Mayor Young responded that he did not have specifics at this time, but noted that the Park Plan required the identification of other properties for City acquisition. Councilmember Johnson said the Park Board is just an advisory body, and that it is the role of the Council to determine the specifics of the plan and take action. Director Leedy said that a Park Plan is typically broad in scope and identifies overall deficiencies. He said that the next step is generally for the Mayor and staff to identify parcels that meet the needs of the plan.

Deputy Mayor Swatman said he attended the Park Board meeting where the Board explained that they had suggested several times over the years that the City acquire the Moriarty/Schurr property. He said the Park Board is not opposed to the purchase of this property. Councilmember Hamilton asked about the Park Board's commission. He asked if they were charged to look at and identify the cheapest property available. Director Leedy responded that their mission was to identify areas of deficiency in the City. Mayor Young said he believes the Park Board would like to incorporate the Schurr property into Allan Yorke Park. But, he added, the day is past when the City can afford the associated costs.

Councilmember Hamilton asked if a comparison has been made between the cost to develop a new park and the cost to add this property onto Allan Yorke Park. Director Leedy responded that such a comparison is outside his area of expertise. Councilmember Johnson urged the creation of more detailed minutes from the City's boards and commissions to help the Council understand the direction and intent of these groups. Mayor Young said there is one other figure that has not really been made public. He said the revenue to the City generated from the development of the property is close to \$900,000 per year. Councilmember Rackley urged that the Council not take action on this issue this evening.

**Councilmember Noble moved to make the item an action item on the Council's agenda. Deputy Mayor Swatman seconded the motion.**

Councilmember DeLeo asked why the issue should be made an action item this evening. Councilmember Noble responded that the issue has already been discussed. She expressed concern that the developer is continuing to add value to the property that the City will have to pay for. She said she has received input from others all over the City in support of this issue. Councilmembers King and Hamilton said they feel the item can wait another week. Deputy Mayor Swatman said he feels the additional discussion and testimony next week will not change the Councilmembers' positions. He urged the Council to waste no more time on the issue. Councilmember Johnson said that, although his vote won't change and he wants to get this over with and move on, he does not like the Council changing the rules at each meeting. He urged consistency in the rules and suggested the issue might be better acted upon at a Council meeting.

**Motion failed 2 – 5. Councilmembers DeLeo, Hamilton, Johnson, King and Rackley voted no.**

2. Police Life Partner Academy – Jesse Allen.

Mayor Young introduced Jesse Allen and Police Chaplain Art Sphar. Ms. Allen described a program for the spouses and significant others of law enforcement officers. She said the program is geared toward facilitating recognition and understanding of the impacts of a law enforcement career on the family, and teaching the skills to manage those impacts. Ms. Allen distributed an article from the Tacoma News Tribune that described the City of Tacoma's experience with the program. She expressed hope that Bonney Lake and Sumner would also join the program in the near future. Chaplain Sphar said he knew the officers fairly well in the department, but did not know the spouses. He expressed his opinion that the program would be a tremendous asset to the Police Department. Responding to Council's questions, Ms. Allen said the cost would be \$3500 for a twelve week program for up to 30 participants.

3. AB04-118 – Ordinance 1035 – Adoption of International Building Code.

Building Official Jerry Hight explained some of the new provisions of the proposed International Building Code. As part of the Council's discussion, Councilmember King encouraged reconciliation between the existing abatement procedures and those embraced by the International Property Maintenance Code and the International Building Code. He expressed concern that the City would not be able to pursue problem buildings because of conflicts between the two codes. As a result of the Council discussion, there was a majority consensus to remove the proposed technology fee and the language requiring a deposit for damage to public infrastructure.

At the request of Councilmember Rackley, Mayor Young declared a ten minute recess at 7:03 p.m. The regular session was reconvened at 7:16 p.m.

4. Open Discussion.

Resignations. Mayor informed the Council that Senior Center Director JoAnne Barkley submitted her resignation this morning and is now taking vacation. He said arrangements would be made for a celebration of her successful work later. Mayor Young also announced the resignation of Design Review Commissioner Kelle Price.

Snack Shack Opening. Mayor Young said the Snack Shack is open and doing well. He commended Pete Spain, Greg Ridge, Bill Strand, Michelle Surdez, Debbie Crosier and Bill Gilbert for their efforts to get the Snack Shack operational. He reported that the health inspector said the facility is the finest and cleanest in the County.

Planning Commission Vacancy. Councilmembers Johnson and Rackley encouraged Mayor Young to consider the application of Grant Sulham for the vacancy on the Planning Commission.

Sky Island – Panorama Heights Connection. Councilmember Johnson asked when this issue would be coming back to the Council for further action. Director Leedy responded that he would review the construction schedule and provide a response to Council.

Prosecutor's Review. Councilmember DeLeo said that he understood that the City's prosecutor has had the County Sheriff's report on the tree-cutting incident for two weeks. He asked City Attorney Dionne if the Council could ask for another prosecutor to handle the case. City Attorney Dionne responded that the case is being referred to the Pierce County Prosecutor. He said the Pierce County Prosecutor reviews anything the County Sheriff's Department investigates. He said they only refer it back to the City after they decline jurisdiction. He added that he had requested the County to retain jurisdiction for both the potential felony and misdemeanor charges. Councilmember Rackley asked when the information would be made public. City Attorney Dionne responded that he did not feel it would be very long.

Private Boat Ramp on Public Property. Councilmember DeLeo referred to an email received from Steven Byers complaining that a private property owner had constructed his boat ramp on City property. Director Leedy said that he would have to refresh himself on the information. He said he was unaware of anyone using City property for that purpose. He added that he was aware of the friction between a couple of property owners on Inlet Island.

Decorative Banners. Councilmember King suggested that the old banners be removed and a suitable replacement be found and installed. Councilmember DeLeo countered that the City should wait to act so that the crews could remove the old banners and replace them with the new ones at the same time.

Trimming Ascent Park. Councilmember Johnson asked if Ascent Park might be trimmed. Mayor Young said the request is noted and will be referred to staff.

Abandoned House. Deputy Mayor Swatman said he worked with staff on an abandoned house and said they did a good job. He expressed concern to the Mayor about the handling of an email addressed to the Mayor on the house-on-wheels issue. Mayor Young said he felt that staff did not deserve the criticism made on the issue and that he had shared his defense with the staff involved.

Draft Ordinance to Alter Hearing Examiner Process. Councilmember DeLeo distributed to Council a draft ordinance to remove the Hearing Examiner from some of the City's land use processes. He said he feels the Hearing Examiner does not always do what's best for the citizens or community. Councilmember Rackley pointed out that even if the Hearing Examiner is removed, then the Council is still bound by the same laws as the Hearing Examiner in making their decisions. Councilmember Johnson asked why have public input at a hearing if the Hearing Examiner cannot take into account their concerns. City Attorney Dionne responded that the public hearing is to gather facts, and that citizens have facts. He said some of the codes have discretion built in. He said that this City Council set standards that allow very little discretion to make an alternate decision. Councilmember King suggested distributing the hearing workload evenly between the City Council, Planning Commission and Hearing Examiner. Mayor Young said the issue would be set for the second workshop in July for discussion.

Business License Enforcement. Councilmember Johnson asked about recent efforts to enforce the business license ordinance. He said he had heard complaints through the Chamber of Commerce that there are a number of businesses without licenses. Director Leedy confirmed that the City generally does follow-up about this time of year on

business licensing. Director Weidenfeller explained that the City was reluctant to use the Microflex contract on business licenses because the finder's fee was twice the annual business license fee. He suggested that an additional hire might be useful in pursuing business license registration.

Grounds Maintenance. Councilmember DeLeo commented that grounds maintenance around City Hall should be done before the volunteer trees become too large to effectively eradicate. Councilmember Rackley noted a dead tree by the City Hall annex that should be removed.

5. Review of Minutes: May 18<sup>th</sup> Workshop and May 25<sup>th</sup> Council Meeting.

Mayor Young asked the Council for corrections or additions to the minutes as presented. There being no comments, he said they would be brought forward for approval at the next Council meeting.

6. AB04-61 – Ord. 1025 – Design Review Process Ordinance.

Special Projects Planner Ladd introduced the ordinance and Design Review Board Commissioners Debbie Strous-Boyd, Chairperson, and Tyler Gazecki, Commissioner. Planner Ladd explained that the most recent changes to the ordinance involved deleting some of the exemptions. Commissioner Gazecki said the Schurr Brothers project shows the challenges for the design ordinance. He said the Pierce County point system is the basis for the proposed ordinance, and that it uses the Community Character language in its guidelines. He said it works well for commercial buildings. Chairperson Strous-Boyd invited the Council to attend a couple of their meetings during the year. She apologized for the time it took their Commission to help develop the ordinance, but said they wanted the “best-of-breed” guidelines for the City. Deputy Mayor Swatman stressed his desire that applications will be determined by the Design Commission and not abdicated to staff. Councilmember Johnson echoed the Deputy Mayor's concerns and asked what notice would be given to Council of issues pending for resolution under the Planning Director's purview. Director Leedy said he would be glad to provide Council with the Department's standard report. At the conclusion of discussion, Mayor Young said the item would be brought forward for Council action.

7. AB04-104 – Ordinance 1031 – Refuse Rate Increase– 4% - Follow-up to public hearing.

Mayor Young asked if there was any follow-up discussion after last week's public hearing on this proposed ordinance. There were no comments offered.

8. AB04-117 – “For” and “Against” Committees - Bond Resolutions.

Councilmember King noted that participation on these committees is hard work. He asked how the need for committee members could be advertised. Councilmember Johnson asked if notice could be included on the City's website. Mayor Young said an item would be posted there.

9. Salary Commission Candidate.

Mayor Young introduced Scott Spanier to the City Council. He explained that Mr. Spanier has been working on Tuesday evenings and has been unable to attend meetings.

He added that Mr. Spanier's current schedule has left Tuesday evenings open during the month of June. Mayor Young invited the Council to interview Mr. Spanier in consideration for confirmation of his proposed appointment to the Salary Commission. The City Council interviewed Mr. Spanier, a pilot for Alaska Airlines, for approximately ten minutes.

10. Adjournment.

At the conclusion of their questioning and with no objection from the Council, Mayor Young adjourned the meeting at 8:21 p.m.

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Harwood T. Edvalson, City Clerk

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Robert Young, Mayor