

City of

COUNCIL WORKSHOP

July 6, 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"

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 Dave King, Councilmember Cheryle Noble and Councilmember Jim Rackley. Councilmember Neil Johnson arrived at approximately 6:20 p.m.

Staff members attending were Administrative Services Coordinator (ASC) Don Morrison, Finance Director John Weidenfeller, Police Chief Bryan Jeter, Interim Public Works Director Bill Gilbert, Special Projects Planner Steve Ladd, Judge James Helbling, City Attorney Jim Dionne and City Clerk Harwood Edvalson.

Mayor Young proposed rearranging the agenda to accommodate Councilmember Johnson's anticipated late arrival.

Agenda Items

1. Open Discussion.

Council Budget Priorities. Mayor Young asked the Council if they would like to set a date for a special meeting to discuss with staff the budget priorities arising from the Council's retreat earlier in the year. There was general consensus to hold the meeting on Thursday, August 12 at 5:30 p.m. Councilmember Noble asked that the retreat minutes be distributed again.

Lake Tapps Task Force. Deputy Mayor Swatman reported that the Pollution Control Board remanded the case concerning the Lake Tapps water rights to the Department of Ecology for revision to take into consideration the cessation of Puget Sound Energy's hydropower generation. He provided a copy of the letter from administrative appeals judge and said he believes this will push a decision on the issue out at least another year.

Cascadia Discussion. Deputy Mayor Swatman announced that some Councilmembers had been invited to participate in a meeting on July 15th with Representative Roach about the Cascadia development. Mayor Young said that City staff is working on having Cascadia representatives appear at a Council workshop. Deputy Mayor Swatman said the meeting on the 15th should prepare the way for the Council workshop and reopen dialogue with Cascadia about City concerns.

Illegal Signs. Councilmember King asked for enforcement of the City's sign code with respect to signs on the property opposite the Ascent Park on SR410. He said there is a proliferation of home-made bill board signs and noted that nothing in the municipal code

allows for this type of advertising. He also asked if the nuisance vehicle ordinance would also apply to the abandoned piece of construction equipment on the property.

House-on-wheels. Councilmember DeLeo noted that this issue is in its 13th month. He asked if the City is collecting fines levied against the owner. City Attorney Dionne said the owners have until August 9th to make the home habitable. He added that if the owners have not complied by that date, it would go back to the hearing examiner to allow the City to begin abatement of the condition.

Sight-lines at Intersections. Councilmember DeLeo asked if the public works staff is addressing the vegetation obscuring oncoming traffic at street corners. He noted particularly Church Lake Drive and Kelly Lake Road. Mayor Young said the concern would be passed on to the Public Works Director.

2. Review of Minutes: June 22 Council Meeting, June 26 Special Council Workshop, June 29 Joint Council/Planning Special Workshop.

Councilmember Noble noted that the starting time for the June 29 Joint Council/Planning Special Workshop was incorrectly printed. Mayor Young said the correction would be made and the minutes moved on for Council approval at the next meeting.

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

City Clerk Edvalson noted that he had received no contacts from anyone interested in representing the “Against” position in the voter’s pamphlet for the bond resolutions. The City Council discussed the names of those who had contacted the City Clerk or Councilmembers and wanted to serve on the “For” Committees. There was general Council consensus to bring forward for appointment the names of Laurie Carter, Deborah Turner and John Seltzer for the “For” Committee on the Community Recreation Center Bond. There was also general consensus to bring forward the names of Laurie Carter, Marian Betzer and Casey Stanley to represent the “For” position on the Parks & Trails Bond.

4. AB04-91 – Resolution 1254 – Creekridge Glen Utilities Annexation Agreement and AB04-92 – Resolution 1255 – Falling Water Utilities Annexation Agreement.

Councilmember Rackley said these two items were forwarded from the Community Development Committee for Council discussion. He said he was uncomfortable with the proposed agreements because they were not part of the City’s Comprehensive Plan. Deputy Mayor Swatman said that both areas under discussion are in a kind of “no-man’s land.” He concurred that they were not included in the City’s planning for the sewage treatment plant upgrades.

Deputy Mayor Swatman questioned the past practice of allowing staff to sign these agreements without Council input. City Attorney Dionne said that it was his understanding that once Council had approved a standard form for the agreements then City Staff were allowed to execute the agreements. He said his advice is to have the Council approve this kind of agreement. He added that the agreements do bind the City to provide future sewer service in exchange for some consideration on the part of the developer. Councilmember Hamilton noted that the areas in question are not in the City’s current Urban Growth Area (UGA). City Attorney Dionne said that the

agreements may provide a vehicle to have the developers develop their projects according to City code in exchange for the future promise of sewer service.

Councilmember King objected to Pierce County's apparent position to developers that these agreements will be okay with the City. If they build it, then the City will come to them, serve them and annex them. There was general consensus to drop further consideration of these two agreements. Councilmember DeLeo asked that an analysis of the capacity of the Sumner Sewer Plant compared to future growth be presented at the August 12th Council budget planning meeting. Councilmember King asked for an updated list and timeline from the staff to identify projected developments in and around the City. He said this would help the Council plan for the future infrastructure needs of the City.

5. AB04-63 – Salary Commission – Interview of Paul Qualey.

The City Council interviewed Mr. Qualey. He noted that he has served previously as a Councilmember for the City of Bonney Lake. Deputy Mayor Swatman said that Mr. Qualey was perhaps the most qualified candidate for the Salary Commission. He asked, however, if Mr. Qualey felt he could be impartial with a zoning change affecting his personal property that will eventually be before the City Council for review. Mr. Qualey responded that he could be fair and impartial in his participation on the Salary Commission. Councilmembers DeLeo, Johnson, King and Noble expressed concern for the public perception in this instance. Councilmember Hamilton noted that this situation could arise for any of the Commissioners who own property in the City. Councilmember Rackley suggested that Mayor Young might consider appointing another of the former Councilmembers still residing in the City. Councilmember DeLeo mentioned that Lee Eggers has served on other city councils in the state and would provide additional experience to the Salary Commission.

6. AB04-67 – Resolution 1240 – DM Disposal Agreement.

Administrative Services Coordinator (ASC) Morrison said that the proposed agreement addresses the City's request for additional services for community cleanup and clarification of other contract details. He passed out a revision to clarify the language of Section 14(b) dealing with how the City's utility tax is handled. Deputy Mayor Swatman expressed his position that DM Disposal should be collecting and remitting the City's utility tax on those customers who have been annexed to the City. Mr. Eddie Westmorland of DM Disposal disagreed stating that the tax would have to be approved first by the Washington Utilities and Transportation Committee.

Councilmember Johnson said that he has issues with a proposed ten year agreement and feels that DM Disposal should be directly billing for refuse collection, taking the City out from the middle between the hauler and the customer. He added that he feels the City needs to invite some competition into the contracting process. Mr. Westmorland pointed out that they have been providing service to the City for 30 years at a rate less than the average across the County. He added that the proposed agreement includes rolling over their customers in annexed areas to the City where they would pay the same rate as other City customers. He said the company made a proposal to take over the customer billing from the City.

Councilmember DeLeo asked that a representative from Waste Management present in

the audience be allowed to speak. Jerry Hardebeck, representing Waste Management, said his company would be glad to participate in an RFP process for refuse collection services. He said that all recyclables would be trucked to their Woodinville site for processing.

Addressing the proposed ten year term for the contract, Mr. Westmorland said that was the period of amortization for the new equipment they would have to obtain to provide for the proposed county-wide, co-mingled recycling program. Councilmember DeLeo spoke in favor of the City retaining the customer billing. He said this helps the City make sure that households have collection service to reduce the amount of dumping along the streets. He asked if the contractor would be as vigilant about this concern of the City.

Deputy Mayor Swatman and Councilmembers Hamilton, Noble and Rackley spoke in favor of issuing an RFP for services. Mr. Westmorland reminded the Council that his company has provided 30 years of service, and worked hard to keep rates below the County average. He said his firm is willing to do the customer billing and that the proposed contract deals with the pains of transitioning the customers in annexed areas under City service. He asked the Council to reconsider, and offered a five year agreement including taking over the billing within the currently proposed rates, and following the state statutes with respect to the annexed areas.

At Councilmember Rackley's request, Mayor Young announced a ten minute recess at 7:38 p.m. He reconvened the meeting at 7:58 p.m.

Councilmember King said he thought the discussion about the refuse increase would be moot at this point. Mayor Young reminded Council that Mr. Westmorland had made a new offer just before the break. Mr. Westmorland reiterated his offer of a five year term, handling of the annexed areas according to state statute, taking over billing and customer service for the 4% increase proposed in the companion ordinance. There was general consensus to ask that this proposal be brought back to the next Council workshop in writing for further discussion. Councilmember Johnson asked if additional information regarding an RFP would also be brought forward. Mayor Young said he would provide Council some information on RFPs.

7. AB04-104 – Ordinance 1031 – Refuse Rate Increase– 4%.

Councilmember Rackley moved to table this discussion until the next workshop when the DM Disposal contract was again discussed. Deputy Mayor Swatman seconded the motion. There was general consensus to table the item to the next workshop.

8. Proposal for Operations Review of Police Department – MGT of America.

Mayor Young praised Administrative Services Coordinator Morrison for his work on the performance review for the Police Department. Council discussed the proposal by MGT of America. Deputy Mayor Swatman said this would not be a good use of money. He said that ASC Morrison or another governmental or quasi-governmental agency should conduct the review. He said that the key to the review is the department's management. Councilmember Noble said she feels the money should not be spent. She said she was unaware of any problems in the department and feels the money could be better used. Councilmembers DeLeo, Hamilton, Johnson and King felt the review would be

worthwhile and agreed that the effort is intended to make a great department even better.

Councilmember DeLeo asked about the review of the Finance Department. Councilmembers Noble and Johnson urged that the Finance review be moved forward. Mayor Young responded that this would be the next review done and is on ASC Morrison's list of things to do.

9. Executive Session.

Mayor Young announced a twenty minute executive session. Pursuant to RCW 42.30.110(1)(b)(i), he said the Council will discuss issues dealing with property acquisition and potential litigation. Mayor Young announced that no official action would be taken resulting from the executive session. Consequently, the audience left. The session commenced at 8:18 p.m. and concluded at 8:54 p.m.

10. Adjournment.

At the conclusion of the executive session, Mayor Young adjourned the meeting by common consent of the Council. The meeting concluded at 8:54 p.m.

Harwood T. Edvalson, City Clerk

Robert Young, Mayor