

City of

COUNCIL WORKSHOP

September 21, 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 5:32 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, Public Works Director Daniel Grigsby, City Engineer John Woodcock, Deputy City Attorney Jeff Ganson, and City Clerk Harwood Edvalson.

Mayor Young advised the Council that Donna Peterson would be unable to participate in the meeting due to a family emergency. He said he would try and schedule Ms. Peterson for a later workshop.

Administrative Services Coordinator (ASC) Morrison said that the architects for the New City Hall want to take the Councilmembers and key staff on a tour of recently constructed city halls. After some brief discussion, there was general consensus among the Council that October 8th would be the preferred date. Deputy City Attorney Ganson advised that the best way to deal with the Open Public Meetings Act requirements is to notice the tour as a special meeting and list the venues, so that if they wish, interested public may show up at the locations.

Agenda Items

1. Open Discussion.

Rainier Communications Commission. Councilmember DeLeo distributed a copy of the proposed Rainier Communications Commission draft budget for 2005. He informed the Council that the Commission will be meeting the evening of Wednesday, September 22, to vote on the budget. He asked for Council input on the requested increase in the City's contribution from \$11,167 in 2004 to \$13,000 for 2005. There was brief discussion by the Council, and general consensus to approve the City's contribution for 2005.

Cleanup at Bonney Lake Elementary. Deputy Mayor Swatman expressed appreciation to the business community, lead by Columbia Savings Bank, for cleanup of the property being purchased by the City adjacent to Bonney Lake Elementary School.

Civil Service Commission. Deputy Mayor Swatman referenced the Council's discussion of the Civil Service Commission at the last Council meeting. He said he obtained a copy of the statement issued by the Commission Chairman at their last meeting. He read excerpts from the statement in support of the concern that the Mayor is trying to influence their decision. He asked for confirmation that the Commission Secretary is chosen by the Civil Service

Commission. Councilmember Hamilton, as a former member of the Commission, confirmed that the Secretary is appointed by the Commission. He said he feels that anytime an employee of the City acts as Secretary to the Commission it creates a small conflict of interest. He added that he feels there is nothing wrong with the Mayor lobbying the Commission to change a classification, but that the decision is solely in the power of the Commission. He said that pressure on the Secretary from the Mayor would be inappropriate. Deputy Mayor Swatman asked about the appointment process for the Secretary. Councilmember Hamilton said that he was present at the meeting when the Mayor presented her name; the Commission looked at her credentials and selected her as the Secretary. He confirmed that they could have chosen someone else.

Deputy Mayor Swatman said that the Revised Code of Washington gives the power of appointing offices to the Mayor, but also provides that he can delegate that authority to his department heads. He reminded the Council that they have talked about department heads running their own departments. He said traditionally the Police Chief has appointed his subordinates. He questioned why the current Mayor should exercise authority contrary to the Police Chief. Councilmember Hamilton said that the Civil Service Commission has always had a problem with the potential for conflict between the department head and the Mayor with regard to appointments. Councilmember DeLeo asked Deputy City Attorney Ganson if there was a legal issue with the Mayor's involvement in the Civil Service Commission's business. Deputy City Attorney Ganson said that there is certainly a line there somewhere. He said the Civil Service Commission is intended to be a buffer in the hiring or advancement process for certain positions. Councilmember DeLeo asked that Deputy City Attorney Ganson research the issue. There were several Councilmembers who voiced support for the request.

Mayor Young said that with respect to the current issues with the Civil Service Commission, he does not believe he lobbied the Commission, but did make his interest known that he wanted to go outside and advertise for the lieutenant's position. He said his purpose was to see what may be available, and that qualified internal candidates would rise to the top. He said the Civil Service Commission chose not to go outside, and, from that point, he made no further comment. He added that he did not call the Civil Service Commission meeting. He said the Secretary would corroborate his statement that she called the meeting. He acknowledged that it is not within his purview. He said statements to the contrary are incorrect.

Councilmember Hamilton reiterated that he has no problem with the Mayor asking the Commission to upgrade a classification. He added that even a citizen could do that. He repeated that the final decision is in the sole discretion of the Commission. Deputy Mayor Swatman asked Councilmember Hamilton how long he served on the Commission. Councilmember Hamilton responded, twelve years. Deputy Mayor Swatman asked about the City Attorney's participation at Commission meetings. Councilmember Hamilton said that the Commission periodically consults the City Attorney when they need legal opinions, but that he rarely has need to attend their meetings. Mayor Young said that he recently invited the City Attorney to attend a Civil Service Commission meeting to introduce him to the new members of the Commission. He said he also thanked the Commissioners for their service and invited them to attend the upcoming Civil Service training.

Deputy Mayor Swatman said that one of the issues arising out of the Council retreat was that the department heads should be given more authority over their departments. He says the Mayor is not following what the Council wants to have happen. Mayor Young responded

that, if consulted, the department heads would say that the Mayor gives them reigns to run their departments. He said the final hiring authority lies with the Mayor by RCW and he retains that right. Deputy Mayor Swatman disagreed with the Mayor. He said some of the department heads have responded to his inquiries by saying that they are limited in their ability to respond to Council's questions. Mayor Young said that may be his direction to the staff, and that it is his responsibility to administer the City. Deputy Mayor Swatman responded that the Council would not support the Mayor in his administrative agenda. Councilmember King said he feels the discussion has reached a fruitless point, and that Deputy Mayor Swatman does not speak for him.

Councilmember Hamilton suggested that Mayor Young keep in mind the role of the Commission Secretary and not use her as the conduit to the Commission to express his position. Mayor Young acknowledged the importance of allowing the Commission Secretary to work independently when doing the Commission's work, and said he believes both he and Ms. Harstad-Everett understand that point.

Hair Salon. Councilmember King asked about the hair salon on Locust and the status of their business license and occupancy permit. Planning and Community Development Director Leedy said that the business had been issued a business license and a temporary occupancy permit to give them time to bring a restroom up to American's with Disabilities Act (ADA) standards.

Pierce County Regional Council (PCRC). Councilmember King thanked Director Leedy for his attendance and presentation at the PCRC meeting on September 16th regarding a letter from Planner Ladd on a proposed amendment to the County's Comprehensive Land Use Plan. He said the position of the PCRC is that the County Council is attempting to pool the density computation among all of the municipalities in Pierce County and Pierce County itself. He said this would put the County Planning Department in a position to determine a city's Urban Growth Area amendments based on the overall County's computation. He said the position presented by Bonney Lake is that individual cities are the best judge of their own growth issues and, therefore, best able to determine the placement of their urban growth areas. He added that he believes the PCRC will adopt the City's position before the County to not allow the proposed amendment that is unfavorable to cities.

Councilmember King said that the same meeting included proposals by the County to protect large swaths of farmland in the Orting and Puyallup Valleys. He said that, although these areas were designated for medium or low density housing, they would now become islands of non-development. He said this would have the resulting impact of forcing the housing density to be absorbed into the developable areas of the County and cities. Mayor Young said that as the result of Bonney Lake's efforts, other cities are aware of the County's intents. He thanked Councilmember King for his efforts.

Public Nuisance Buildings. Councilmember King asked about progress to address unsightly nuisance or dangerous uninhabited buildings. Director Leedy said this project is on hold until his planning staff is back up to full strength in the next couple of weeks. He reported that the old fire station site has been sold and improvements made to the condition of the property. He said staff is in contact with the new owner.

2. Interview and Discussion: Nominee for Salary Commission – Donna Peterson.

Mayor Young again explained that Ms. Peterson is unavailable as the result of a family emergency.

3. Lou Leigh, Washington Cities Insurance Authority – Annual Review of Coverage and Current Issues.

Mayor Young introduced Lou Leigh, Executive Director of the Washington Cities Insurance Authority. Mr. Leigh said he has visited 32 municipalities so far this year. He distributed a copy of the City's risk profile for discussion with the City Council. He explained that the City's 2-year risk profile may appear to have some anomalies, but predicted that in time these would smooth out to be in line with the claims experienced by the 17 other cities in the actuarial group to which Bonney Lake has been assigned. He gave the City Council some advice as follows concerning things to avoid: (1) Leaking executive session information; (2) Interference with staff functions; (3) Making inappropriate remarks; and (4) Taking matters into one's own hands. He added that the Mayor's roles are generally defined in the RCW's, but that the Council's is not. He said that as long as the Council stays in their legislative role on the Council dais they enjoy the broad protection of the law and WCIA.

Councilmembers DeLeo and Johnson asked about personnel-related scenarios and exposure. In summary, Mr. Leigh responded that many cities don't have a full-time Human Resources person. He said that generally the liability exposures occur at the front-line supervisory level. He agreed the volume of personnel claims is a fair report card on the personnel management for the City. He said that exit interviews are often colored, but what is important is if the employee was treated fairly and that the appropriate process was followed. Deputy Mayor Swatman asked if the Council could approach WCIA for advice on potential liability for positions they might choose to fund or not fund. Mr. Leigh said that in their legislative role, if their budget considerations are not about individuals but about positions, then they will probably be okay. He said they could consult WCIA in a pre-defense review, or the City Attorney.

At Council's request, Mayor Young declared a ten minute recess in the meeting at 6:57 p.m. Mayor Young reconvened the meeting at 7:07 p.m.

4. Executive Session.

Mayor Young and the City Council determined there was no need at this time for an executive session.

5. Ben Thompson, Urban Forestry Outreach Coordinator, WA Dept. of Natural Resources – Urban Forestry Program.

Mayor Young introduced Ben Thompson from the WA Dept. of Natural Resources. Mr. Thompson expressed appreciation to Councilmember Hamilton and the Council for being interested in the community's trees. He showed a ten minute video on community forestry. Councilmember Hamilton asked if Mr. Thompson might be available to show the video to the Chamber of Commerce. He responded, yes. Mr. Thompson distributed packets of information to the Council and discussed the environmental, economic and social benefits of a community forestry program. He said that any city is practicing community forestry to

some extent.

Councilmember King asked if there are cities that have an arborist on call or a staff arborist to respond to citizen-initiated questions. Mr. Thompson explained that either Clyde Hill or Medina has an arborist on retainer that consults with homeowners during a two-week period each year. Councilmember Hamilton asked about cities with model ordinances. Mr. Thompson replied that Olympia and Vancouver have extensive ordinances detailing the retention of tree density during property development. He added that Bellevue has a model ordinance, with many years of consideration, attention and enforcement behind it, that most cities would not be able to match. Mr. Thompson discussed with Council the requirements and range of possible actions to become a Tree City USA. He encouraged participation in the Community Tree Institute sponsored by his department. He said the institute will be held in 2005 over a nine day period. There was consensus to have the Council Community Development Committee begin to look at the issue and bring a draft ordinance or recommendation back to a future workshop.

6. Review of Minutes: September 7 Workshop and September 14 Council Meeting.

Councilmember King asked that the September 14th minutes be corrected on page 3 under Other Reports. He said the reference to the Planning Commission Secretary should be corrected to refer to the Civil Service Commission Secretary, and suggested dropping the word "Planning".

Councilmember DeLeo asked about the discussion about the AmeriCorps funding from the September 7th minutes. He asked if Mayor Young had received further information on the authorization to solicit funds from the City. Mayor Young said he has not received the information and will ask again. Councilmember DeLeo said that he had requested information on the Council's discretionary fund at the last Finance Committee meeting. He asked if information on expenditures was available. Mayor Young responded that Director Weidenfeller was at the Washington Finance Officers Association meeting, but would make that information available upon his return. Councilmember DeLeo said he would contribute his discretionary funds to the AmeriCorps project. Deputy Mayor Swatman asked for clarification of donating to a project through WSU. Deputy City Attorney Ganson said the advice his office had given the Deputy Mayor was that the City could not give a direct grant to a student at WSU. He said the City Attorney would look further at the proposed AmeriCorps program.

Councilmember Johnson asked that mention be made in the September 14th minutes of his comments during the meeting regarding delivery of the economic development report, and the committee's appreciation for its receipt. Mayor Young also asked that the minutes for this workshop accurately reflect the correct resolution number for Agenda Bill 04-184.

7. AB04-184 – Resolution 1305 – Tacoma Emergency Intertie Agreements.

Director Grigsby explained that this agreement is strictly for emergency use. He said the Falling Waters Intertie will be on the City's SCADA (telemetry) system for automatic alert when the valve is opened. He said the purpose of the agreements is simply for the purpose of utilities covering each other for emergency situations. He added that he has a meeting scheduled with Tacoma Water on September 30th to talk about future long-term water needs.

He said that being able to present the signed agreements would add to his credibility in those discussions.

Councilmember Johnson said he wants to see separate resolutions and agenda bills for the agreements. Mayor Young agreed to structure the agreements for separate vote. Councilmember Johnson said the agreements should have nothing to do with credibility. He said he supports the agreement for Interties 1 & 2, but that the Council has concerns with the Falling Waters project. Deputy Mayor Swatman said that Intertie #3 would have the effect of turning the Bonney Lake water system into a water tank for the Falling Waters Development. He said there is value in the intertie that is not being recognized. He suggested that he would support the intertie if it were a manual valve like the other two interties. Councilmember Johnson concurred.

Councilmember Hamilton said he understands the need for the automatic intertie is to provide fire flow to Falling Waters in the event their pump station shuts down. He suggested that perhaps a higher rate for the water received through the valve would be appropriate in recognition of the fact that a water tank would not have to be built. Mayor Young asked the Council to consider the quid pro quo nature of the agreements. He said they are needed to continue the working relationship with Tacoma. Councilmember Hamilton agreed that any heavy conditions placed on the interties may come back to haunt Bonney Lake.

Deputy Mayor Swatman reminded Council that there are other alternatives to Tacoma water for future water needs. Councilmember Johnson suggested a reduction in the City's service area to meet future water needs of its customers within city limits. Councilmember Hamilton responded that a larger service area provides economy of scale and lower rates to all of its customers. Deputy Mayor Swatman said that the Council does not receive adequate information from the Mayor and staff to make good decisions. Councilmember Hamilton suggested taking the Intertie Agreement for #1 & #2 to Tacoma and explaining the Council's concerns for Intertie #3. Mayor Young brought the discussion to a conclusion by saying that staff would return with the agreement for the first two interties and hold off on the agreement for #3 until discussions have occurred with Tacoma.

8. AB04-178 – Res. 1299 – Developer Ext. Agreements for Lakeland Hills, Area 5 Div. 2A; Lakeland Hills, Area 5 Div. 2B; Lakeland Hills, Wedgewood II.

Councilmember Rackley reported that after their initial approval, a CDC member changed their mind, so the item was brought for discussion before the full Council. Director Grigsby said this request was originally submitted in March 2004. He said the proposed Equivalent Residential Units (ERUs) falls below the planned number for this area. Deputy Mayor Swatman noted that an agreement was reached in years past for Bonney Lake to serve this area. Deputy City Attorney Ganson confirmed that it was a settlement agreement resulting from a legal dispute to serve the area between Auburn and Bonney Lake. Councilmember Johnson asked about the potential impact to Bonney Lake residents by providing water service to this area. Deputy City Attorney Ganson said the City should have the foresight to enact a moratorium before it reaches a point where the ability to serve water is jeopardized. He said as long as the capacity is there, the City is obligated to serve the area. Councilmember Johnson asked when the City's water plan was last updated. City Engineer Woodcock said the data was updated approximately three weeks ago.

Mayor Young said that Auburn is adjusting their water service plan. He said the original

intent was that, at some point, Auburn would buy out the City's services in this area. Attorney Ganson confirmed that the agreement provides that, after 7 years, Auburn can buy out the City's service area. Councilmember King thought that might be appropriate, since Bonney Lake seems to be going in another direction. Councilmember Hamilton said this discussion goes back to the City's long term plans. He said he feels it is in the City's best interest to be a long-term water purveyor. Mayor Young said he has directed the Public Works Department to develop a concept of where the City should be with respect to water. He said the upcoming discussion with Tacoma is a part of the development of a water plan. Director Grigsby reminded Council that 8% of water revenues from customers outside the City go directly to the General Fund.

Deputy Mayor Swatman asked if there is some way the City can enforce prohibition against wasting water outside the City limits. Attorney Ganson responded that a way could probably be crafted. Councilmember King suggested this occur before next summer. Councilmember Johnson asked about the procedure for a water hookup for customers in the Lakeland area. Mayor Young noted that the hookup fees are generally paid in advance by the developer. Councilmember King suggested that approving the current agreements would not prohibit the change of service to another agency at some point in the future if the City so chooses. Deputy Mayor Swatman said that these agreements are different than some of the newer ones in other parts of the City's service area, because the City has already negotiated to provide service here. Mayor Young said the item would be moved ahead for Council's formal consideration.

9. AB04-212 – Ordinance 1063 – Relating to Initiating Amendments to the Comprehensive Plan and Development Code.

Director Leedy said the proposed ordinance responds to requests of Councilmembers to change privately initiated, automatically processed or docketed amendments to the development code. He said the ordinance provides for review by the Director and for Planning Commission and Council approval before it is fully developed. Deputy Mayor Swatman asked for assurance that proposals will not go through a long process before Council authorization. Director Leedy said the director will make some simple notes before it is passed on to the Commission and Council for review. Mayor Young said the ordinance would be moved forward for Council consideration.

10. AB04-213 – Ordinance 1064 – Potable Water Quality Standards.

Deputy Mayor Swatman said that he brought this ordinance forward for consideration. Mayor Young said that staff had not yet had an opportunity to study the proposed ordinance. Deputy Mayor Swatman suggested that the issue be held over to a future workshop for discussion.

Mayor Young said that as a last item, he wanted to report that he had a balanced budget to present to the Council. He said that the staff had used a consensus process among the department heads to prioritize issues and funding requests. He said there was unanimity among the staff on what will be presented. He said that the budget addresses the Council priorities.

By common consent of the Council, Mayor Young adjourned the meeting at 8:20 p.m.

Harwood T. Edvalson, CMC
City Clerk

Robert Young, Mayor