

City of

**SPECIAL COUNCIL
WORKSHOP**

November 4, 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"

Call to Order:

Mayor Robert Young called the meeting to order at 7:01 p.m. He commented on the narrow margins reported for many of the state races, and added that both bond measures for the City appear to be failing.

Roll Call:

In addition to Mayor Young, in attendance were Deputy Mayor Dan Swatman, Councilmember Phil DeLeo, Councilmember Mark Hamilton, Councilmember Neil Johnson, Councilmember David King, Councilmember Cheryle Noble and Councilmember Jim Rackley.

Staff members attending were Administrative Services Coordinator Don Morrison, Finance Director John Weidenfeller, Planning and Community Development Director Bob Leedy, Public Works Director Dan Grigsby, Judge Jim Helbling, Planning Manager Steve Ladd and City Clerk Harwood Edvalson. City Attorney Jim Dionne joined the meeting in progress.

Agenda Items

1. Discussion: AB04-257 – Elected Officials Salaries.

Deputy Mayor Swatman noted the addition of proposed Ordinance XXXX to the versions included in the packet. He said there are many ways to handle the issue of salary for Councilmembers and Mayor. He noted there was a significant increase proposed for the Mayor and an increase for the Council as well. He said one of the proposals is to base pay on per meeting attendance. The City Council discussed this option

Mayor Young asked Administrative Services Coordinator (ASC) Morrison to share his research with the City Council. ASC Morrison said that some cities choose per meeting pay because it eliminates the filing fee for candidates, which may attract more candidates for office. He presented a salary survey and another alternative ordinance for Council to consider. He said in this draft, the Council salaries are set the same as the model put forward by Deputy Mayor Swatman, but the Mayor's is a set salary with fringe benefits and a travel allowance. The Council discussed this new proposal and perceived difficulties in administering it. Councilmembers made proposals and counter proposals on salary, fringe benefits and the date of effectiveness.

Councilmember King moved to table the item until the first workshop in January 2005. Councilmember DeLeo seconded the motion.

Motion approved 7 – 0.

City Attorney Dionne advised that this motion was inappropriate for a special meeting because notice of proposed action was not included in the meeting agenda. Mayor Young said it would be referred back to Council for action.

2. Presentation: 2005 Budget Part II.

Finance Director Weidenfeller gave an overview of the Finance Department's Highlights for 2004 and Goals for 2005. Council had questions and heard responses about the Eden Systems Software, installation of the Council Chambers amplification system, the department review and proposed cross-training of staff. Director Weidenfeller noted that the Information Technology Manager, Chuck McEwen, is on vacation and will make his presentation another evening.

City Clerk Edvalson invited the Council to review the Clerk's Office highlights. He noted the large volume of work accomplished by the Clerk's Office. He explained that the focus of the Office goals for 2005 is centered on its three customer service groups-- the public, elected officials and staff. He responded to questions about the proposed demonstration information and records kiosk.

ASC Morrison reported on behalf of the new Senior Center Director, Sue Hilberg. He reviewed the 2004 highlights and 2005 goals. Council asked about parking and expansion of the building. ASC Morrison said expansion of the building is unlikely as is the addition of any substantial amounts of new parking.

Planning and Community Development Director Leedy reviewed the current highlights and goals for the 2005 budget. There was discussion about economic development, planning for Eastown, a planned update to the fee schedule, time to issue permits and code enforcement.

At Councilmember Rackley's request, Mayor Young declared a ten minute recess in the meeting at 8:32 p.m. The meeting reconvened at 8:51 p.m. Mayor Young announced that the Health Board tabled any action on mandating drinking water fluoride until February 2005. He said this is to give the parties time to talk about alternatives and options. He thanked the Council for their efforts on this issue.

3. Discussion: AB04-248 – Ord. 1071 – Housing for handicapped persons, a permitted use in R-3 Zone.

Planning Manager Ladd reviewed for Council the highlights of this ordinance. He said that where multi-family dwellings are a permitted use, then multi-family dwellings for the handicapped must similarly be allowed. He noted that the proposed ordinance prohibited the locating of transitional housing for sexual offenders anywhere in the City. He said this was possible because Pierce County already had such a facility, and the cities were, therefore, relieved of any duty to plan for those facilities. Mayor Young noted the ordinance would be moved forward.

4. Discussion: AB04-259 – Ord. 1075 – Revised Future Land Use Map.

Planning Manager Ladd explained that this should be considered a housekeeping matter because of the order from the Growth Management Hearing Board. Councilmember Hamilton recommended removing the listing of Fennel Creek Corridor from the map

legend. Deputy Mayor Swatman asked about inconsistencies in zoning and the proposed land use map. Planning Manager Ladd said a list of corrections would be forthcoming. Councilmember King observed that the map will probably be further adjusted when the adjustments are made for the very low density residential designation. Mayor Young said the item would be moved forward for Council action.

5. Discussion: AB04-233 – 2004 UGA Amendment Applications to Pierce County.

Director Leedy explained that the county is now going to a three year cycle for consideration of amendments to the urban growth areas. He said the City must submit any applications by December 1, or wait until the 2007 cycle. He said the recommendation coming forward is the same as previously made, including the addition of Falling Waters and Creekridge Glen to the UGA. The City Council discussed the recommendations and issues involved with each of the areas. The final Council majority consensus was to wait until the next County cycle before submitting for any changes to the City's Urban Growth Area.

6. Discussion: AB04-213 – Potable Water Quality Standards.

Deputy Mayor Swatman said that he had initiated this ordinance. He added that the City Attorney has presented an alternate ordinance and expressed hope that the two could be blended. Public Works Director Grigsby said he hoped the resultant language would not prohibit the City from obtaining water from the City of Tacoma. City Attorney Dionne said the final ordinance should strengthen the City's legal position should further action be taken by other entities to try and force fluoridation of the City's water supply. He offered to make it available by the next workshop.

7. AB04-244 – Res. 1339 – Emergency Intertie #3.

Director Grigsby said that when Mr. Kirner, Superintendent of Tacoma Water, appeared before the Council he said that this third intertie was their way of providing good customer service to their customers. Director Grigsby added that he sees it as just one utility supporting another. He said its use will be monitored and used strictly for emergency purposes. He encouraged Council approval to assist with the negotiations for the wholesale purchase of water. Councilmember Johnson said he is not prepared to approve the intertie until the water supply issues are resolved. Deputy Mayor Swatman said he believes there is an added value to Tacoma Water and its customers derived from the City's water system in effect acting like a giant water tank. He feels the City should be compensated for that added value. Councilmember Hamilton suggested tying the wholesale purchase agreement and the emergency intertie agreements into one agreement. There was a majority consensus of the Council to recommend that approach for staff negotiations. Director Grigsby expressed optimism that Tacoma would accept the joining of the two issues into one agreement.

8. Discussion: AB04-244 – Res. 1338 – Emergency Management Agreement.

ASC Morrison explained that this agreement is largely a housekeeping item to retain the County's services in the area of Emergency Management. Mayor Young added that the agreement makes good sense financially for the City. There was a consensus on the part of the City Council to move it forward.

9. Discussion: AB04-253 – Ord. 1073 – Instituting An Equitable Share Charge To Water Rates For Multi-Family Dwellings And Mobile Home Parks.

Director Weidenfeller explained that there is generally only one connection charge of just over \$4700 for multi-family residences and mobile home parks. He said for each additional connection there is a charge of \$3700. He said the existing methodology for connection charges used in single-family residential was applied to the multi-family/mobile home category. The first meter is charged at \$4700 and \$3800 for each additional meter. He said the rates increase based on an increase in the meter size. Deputy Mayor Swatman added that people would avoid charges by buying one large meter and then adding additional meters at the lower rate, rather than what they would pay if they were separate residences. There was a consensus to move the item forward for action.

10. Discussion: AB04-263 – Ord. 1078 – Conversion of Public and Open Space Land Uses.

Councilmember DeLeo said this is the ordinance he introduced. He distributed a revised attachment showing where the proposed changes should be made. Deputy Mayor Swatman said that the issue of clearing and grading needs to be addressed. He said that clearing and grading is not currently addressed in the Public Facilities zone. City Attorney Dionne said that, at best, the current code is ambiguous. He added that he wouldn't say that you could clear and grade in that zone without a permit.

City Attorney Dionne doesn't know how the permit process has been administered in the past. He said Councilmember DeLeo's proposal is to eliminate the Hearing Examiner from the process on site specific rezones and insert the Planning Commission. Councilmember Noble said she feels it important to clarify that grading and clearing cannot be approved administratively. City Attorney Dionne said he would bring back two different amendments to deal specifically with each area. He observed that the Planning Commission currently is making no quasi-judicial decisions.

Councilmember Hamilton said that no matter who is conducting the quasi-judicial hearing, they must use the same standards and information that the Hearing Examiner uses and would, therefore, arrive at the same conclusion. City Attorney Dionne suggested that the record might be better prepared for Council's final consideration if someone trained, like the Hearing Examiner, is conducting the hearing. Councilmember DeLeo said that the point of his proposal is to have citizens of Bonney Lake making the decision, not a hearing examiner that lives in Tacoma. City Attorney Dionne replied that the situation where quasi-judicial decisions are prejudiced by the popular vote is exactly what the Council should avoid. He said the Hearing Examiner is used to keep the Council from charges of bias, prejudice, etc. He added that the Council retains the final decision power. He suggested that the Planning Commission could be involved in creating the record the Council will see by testifying at hearings conducted by the Hearing Examiner. He said the Council can always remand the hearing back to the Hearing Examiner if they don't feel the record is sufficiently complete.

At 10:16 p.m., Councilmember Hamilton moved to extend the meeting. Councilmember Noble seconded the motion.

Motion approved by common consent of the Council.

Councilmember DeLeo provided the history of a Hearing Examiner decision dealing with Martin Canning's development of the property across from the Public Safety Building. He said the Council submitted a report to try and put a stop to the code violations in the approved plans. He added that the Hearing Examiner determined that the planning director had the discretion to make the decisions on these permits. He said he feared that staff concerns will be put ahead of the Council's concerns.

City Attorney Dionne asked for a consensus from the Council on which ordinances to prepare. The majority consensus from Council was to request City Attorney Dionne to prepare separate ordinances for clearing and grading, and a revision of Councilmember DeLeo's ordinance. Planning Manager Ladd asked for the opportunity to review the ordinances in light of the changes and inter-relationships between other recently adopted ordinances and the municipal code. Mayor Young cautioned the Council against moving too fast and asked that the staff be allowed to work on the issues.

11. Discussion: AB04-258 – Ord. 1074 – Ordinance re: Building Setback in PUDs Adjacent to Other PUDs.

Mayor Young asked the Council if they wished to address this topic. There was a majority consensus that there was no interest on the part of the Council to further address this issue or adopt an ordinance.

12. Executive Session

Pursuant to RCW 42.30.110(1)(i), Mayor Young declared that the City Council would convene for ten minutes in executive session to discuss issues of potential litigation. The session started at 10:25 p.m. and concluded at 10:31 p.m.

13. Adjournment

Mayor Young adjourned the special meeting at 10.31 p.m.

Documents submitted at the Council Workshop of November 4, 2004:

- Proposed Ordinance – *An Ordinance of the City Council of the City of Bonney Lake Regarding Land Use Applications Pursuant to Title 14 of BLMC and the City's Comprehensive Plan* – Phil DeLeo, Councilmember.
- Proposed Ordinance – *An Ordinance of the City of Bonney Lake, Pierce County, Washington Repealing Ordinance 1014, Deleting Chapter 2.68 of the Bonney Lake Municipal Code, and Creating Section 2.04.1080 Relating to Elected Officials' Salaries.* – Don Morrison, Administrative Services Coordinator.