

**CITY COUNCIL MEETING**

City of

**February 22, 2005  
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"*

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**I. CALL TO ORDER** – Mayor Young called the meeting to order at 7:03 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, Interim Police Chief Buster McGehee, Public Works Director Daniel Grigsby, Planning & Community Development Director Bob Leedy, Accounting Assistant Mona Musgrave, City Attorney Jim Dionne and City Clerk Harwood Edvalson.

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

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

- a. **Water and Sewer Utility Bill Explanation** – Finance Director Weidenfeller gave a PowerPoint presentation reviewing the structure and implementation of the increased sewer and water rates. The error and subsequent correction related to the application of volumetric charges on water usage in 2004 was explained. Council and staff responded to impromptu questions and comments from the audience. Public Works Director Grigsby noted that the projected 2% increase in sewer rates was an estimate of the rate consultant and was intended to be a system-wide average. He said individual increases could range from 1% to 12%. Director Weidenfeller called attention to the additional increases that consumers may see based on the summer usage rates for water. He described how the Council adopted this method of rate structure to encourage water conservation.

Councilmember King thanked the staff for the presentation. He noted that the City has recently entered into a wholesale water agreement with Tacoma and is engaged in developing water facilities that while costly, will help ensure water availability to citizens and users in the water service area. Councilmember Hamilton and Deputy Mayor Swatman urged staff to monitor bills and collections to see if the Council's

goals are being met. Responding to a question from the audience, several Councilmembers commented that the City's un-metered water loss is now below 5%.

D. Agenda Modifications [A3.6.6]:

Councilmember Noble noted that AB05-14 – Ordinance 1106 should not be listed for Council action under the Community Development Issues. She noted that the Public Safety Committee was the last to review the proposed ordinance. There was general consensus that rather than amend the agenda, the Council would consider this ordinance as currently listed on the agenda.

**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. **AB05-49 – Ordinance 1104** - An Ordinance Of The City Of Bonney Lake, Pierce County, Washington, Amending Chapter 3.68 Of The Bonney Lake Municipal Code And Ordinance No. 789, Relating To Planning Department Services And Permit And Application Fees.

Mayor Young introduced the topic and opened the public hearing at 7:44 p.m. Councilmember King noted an error in the administrative recommendation on the associated agenda bill.

Director Leedy said this ordinance establishes a fee schedule that is in contrast to the old deposit-based system. He said the old system was difficult to administer and collect appropriate fees. He said the majority of the fees are a flat fee. He noted that there is provision for extraordinary circumstances that assess an additional hourly fee of \$100/hr.

Sean Martin, 1302 Puyallup St., Sumner, said that Director Leedy cleared up for him that the fees are generally based on a flat fee. He expressed a desire for greater clarity on what is defined as an extraordinary circumstance. He also expressed concern for language allowing the Finance Director to determine if a fee has not been paid in a reasonable period of time, thus determining that an application is incomplete. He noted that the identified fees are generally reasonable and in line with other communities in the area.

Director Leedy pointed to the Larios Short-plat as an example of a situation where the extra fee would have been reasonable to be assessed—where extra effort needs to be done and costs recovered. Councilmember Rackley asked if staff contacts the applicant before expending additional time that would be billed back to the applicant, and if the applicant would have the opportunity to stop work on the application before staff expenditure of additional time. Director Leedy replied, yes.

Councilmember Hamilton suggested that a set period of time might be more appropriate for determining that a permit is incomplete due to non-payment. Director Weidenfeller agreed that a fixed time period would be easier to administer. Councilmember Rackley suggested 30 days.

Theo Gideon, PO Box 1913, Tacoma 98401, spoke on behalf of the Master Builders Association of Pierce County. He said he agreed with Mr. Martin's comments and the Council's current direction to provide more clarity in the process of determining whether a bill is late or not. He said a more easily understood fee structure is welcome.

Councilmember DeLeo pointed out that the word "deposit" should be deleted from the proposed ordinance since deposits would no longer be taken.

Mayor Young closed the public hearing at 7:58 p.m.

2. **AB05-34 – Resolution 1381** – 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.

Mayor Young opened the public hearing at 7:59 p.m. He explained that state law requires holding a public hearing before the City declares surplus and disposes of public utilities equipment.

Robert Ceola, 9104 189<sup>th</sup> Ave. Ct. E., asked if he or a non-profit organization can be given first rights to the equipment for purchase.

Director Weidenfeller explained that the City usually uses an auction house to dispose of its surplus equipment. Councilmember Johnson asked if the Kiwanis Club could act as the City's auctioneers and retain the auction house commission. Director Weidenfeller advised caution, but agreed that if the Council directs a non-profit to be the City's official auctioneer, then the appropriate arrangements could probably be made. He added that he typically rotates auction houses based on availability of the auctioneers to quickly remove the equipment from the City's premises. Councilmember DeLeo asked for clarification on the source of the police bicycle racks being declared surplus. Chief McGehee said he would report back at the next Public Safety Meeting.

Mayor Young closed the public hearing at 8:07 p.m.

B. Citizen Comments [A3.6.4]:

Mayor Young asked that citizens limit their remarks to new issues if a prior speaker has already adequately addressed a topic.

Barbara Bledsoe, 7711 191<sup>st</sup> Ave. E., said she understands that the City's consultant, Parametrix, has been given the previous studies on the Larios Property. She added that she has been informed by staff that the Mayor is the only one who can authorize the consultant's work and that authorization has not yet been given. She questioned whether the issue is being fairly considered.

Mayor Young said that the study has been authorized and commenced and that completion is expected in two weeks. Director Leedy said the study would be a complete and independent assessment of the wetlands and preparation of a mitigation plan. He explained that the consultant requested and was provided all related documents for review. Both Mayor Young and Director Leedy stressed that the consultant would complete its own independent

assessment and mitigation plan.

Deputy Mayor Swatman and Councilmember Johnson expressed their opinion that an independent review meant that the consultant would make a separate study, unbiased by any previous studies conducted on the Larios property. They questioned the reliability of the proposed Parametrix report.

Denise Robinson, 7713 191<sup>st</sup> Ave. E., said she agrees with Ms. Bledsoe. She expressed frustration at not receiving any solid answers from staff. She summarized the flooding issue and impacts to her property, and said she feels she is not being taken seriously. She said she appreciated those Councilmembers who have taken an interest, but feels that she is being deceived by City staff. She asked to see in writing what steps the City has taken to rectify the problems and mistakes.

Lynn Storrs, 7715 191<sup>st</sup> Ave. E., noted the admissions of guilt from the Planning Department in dealing with the Larios short-plat and resultant issues. He said he feels those impacted are owed more than irresponsible excuses for the errors. He identified specific staff that he feels have deceived the residents, and cited instances where he believes staff have been inconsistent and deceitful. He asked if this perceived dishonesty is being directed by the Mayor.

Mayor Young said he does not think it's fair to make accusations against the staff in this manner. He encouraged Mr. Storrs to submit details to him, as Mayor, for review. He said he feels that taking on staff in this forum is very inappropriate. Mr. Storrs replied that he has been trying for months to get answers from the Planning Department and Council to receive redress for the damages to his property. He said there is so much dishonesty that he does not know what to believe anymore. Mayor Young said the City is trying to provide honest answers and when the study results are received, a full report will be made before the Council.

Councilmembers DeLeo, Hamilton, Noble and Rackley urged termination of the Parametrix consulting agreement and initiation of a truly independent study with another consultant. Mayor Young responded that he and Director Leedy would work on it and get back to Council on their efforts before the end of the week. Councilmember Noble noted that Ms. Clancy of Parametrix was reluctant to discuss with her the scope of work issued by the City. She added that Ms. Clancy did say she had reservations about her ability to conduct a truly independent study.

David Luce, 7711 191<sup>st</sup> Ave. E., agreed that the Parametrix study should be stopped and a new consultant hired to do a truly independent study. He asked if any fines had been levied for the violations committed on the Larios property.

Pat Miller, 19205 79<sup>th</sup> St. Pl. E., asked about the possibility of a deduct meter or irrigation meter being used to reduce the volumetric charge on the sewer. He suggested there may be weaknesses in the rate ordinance that could be exploited. He also offered that the Parametrix study could benefit from the knowledge of previous studies to provide a baseline for comparison of the current conditions.

Councilmember Noble noted that the studies had all been done after the alterations were

made to the property. Mr. Miller praised the City for their low percentage rate of water-loss. He noted that the current loss rate represented more than one day of water lost in 30 days. Director Grigsby responded that the City has just authorized a contract for additional survey of the water system for leaks and that the City would address those projects once identified. Councilmember King added that this effort is like a two-edged sword. Projects to save money first require the expenditure of money.

At 8:41 p.m. and acting upon Councilmember Rackley's request, Mayor Young announced a ten minute break in the meeting. Mayor Young called the meeting back to order at 8:55 p.m.

Don Sangesand, 5616 195<sup>th</sup> Pl. E., said that residents should pay attention to how the City got in a position to have to so greatly increase its sewer and water rates. He noted that the City has continued to provide and promise water without limitation. He also commented on the 2005 budget and noted that it is not yet available in final form. He said he has not been able to get responses to his questions and doubts the reliability of the information, particularly with respect to City Hall. He expressed indignation that citizens' speaking time should have been curtailed at the last meeting. He claimed that city management favors developers for the increased tax base that development creates.

Councilmember Hamilton asked if the 2005 budget was in print. Director Weidenfeller said that the budget detail was immediately available and that he would have the printed version of the 2005 budget available by March 15<sup>th</sup>. He offered to sit down and answer specific questions about the budget.

Debbie Eastman, 19105 79<sup>th</sup> St. E., asked if a site plan was required before issuance of a tree removal permit. She said the City bears some responsibility for the illegal tree removal on the Larios property. After providing a definition of "independent," she suggested that the current study on the Larios property be stopped and a new consultant hired. She asked if any fines had been issued for the violations committed on the Larios property. She reported that she had consulted an arborist who said that a mature tree can absorb up to 400 gallons of water, whereas a one gallon tree will absorb one gallon. She encouraged the City to replace the trees with mature trees and offered Big Trees of Snohomish as a resource. She urged the City and Ms. Larios to take responsibility for correcting the situation.

Dan Decker, 20401 70<sup>th</sup> St. E., encouraged the City to protect its commercial property. He said he believes that the Planning Commission Chair has no conflict of interest, but that the Mayor is the source of the conflict of interest. He said the rezoning of commercial property to residential property is unfair when it was purchased as commercially zoned property.

Bob Lockwood, 19814 99<sup>th</sup> St. Ct. E., said he does not believe that Area 41 should be down-zoned from commercial to residential. He said the owners of the property are entertaining an offer from a commercial buyer. He asked that the City do whatever they can to help provide access into the property. He said the property owners are trying to work a deal with the homeowner's association behind them. He addressed the perceived conflict of interest with the Planning Commission Chairman. He proposed an ethics regulation that would preclude people from voting on things in which they have a vested interest.

Deputy Mayor Swatman said he hopes that all the parties in that area, including the City will work to craft a workable solution. Mr. Lockwood replied that they hope the City will offer

assistance to resolve the issues once the developer's requirements are known. Mayor Young said he has assured the Area 41 property owners that, when they have a purchaser on-line, the City will work with them.

Vera Lockwood, 19814 99<sup>th</sup> St. Ct. E., asked that the Council keep open the viability of rezoning the four residences on 200<sup>th</sup> St. E. back to commercial. She said that will help with access issues. She added that Carol Archeleta is a homeowner in the Area 41 who had to leave the meeting, but shares the same opinion as the Lockwoods.

Judy Reano, 19815 99<sup>th</sup> St. Ct. E., said she lives in Area 41 and wants to see it stay the way it is.

Councilmember Hamilton noted there is a current controversy among municipalities revolving around the use of eminent domain for the acquisition of commercial property. He said he'd be interested in public input on the issue.

Linda Youngberg, 8507 182<sup>nd</sup> St. E., said she has already signed a purchase and sale agreement for her property adjacent to Area 41. She said the other residents should soon receive a proposed agreement. She said the widening of South Prairie Road is vital to making the site work. She expressed her opinion that Planning Commission Chair Burnham has a politically-based conflict of interest. She urged the Council and Mayor to look at the evidence and consider an ethics policy. She asked about the imposition of an alarm fee in association with the business license.

The City Council discussed the value of an alarm fee. Director Weidenfeller explained that previously, the alarm fee was collected and administered by the Police Department. He said under the new Eden permit system, the commercial alarm fee was combined for issuance and collection with the business license.

Ms. Youngberg addressed the City's purchase of a street sweeper, and said she found it incredible that the City would have to rent a machine to trim roadside vegetation. She noted that it was done once last year, but was told it was not done more often because of the expense to rent the machine. She next asked about ordinances regulating junk houses. She asked the Council to keep in mind the property adjacent to hers on Old Buckley Highway that has been in disrepair for years.

Councilmember King said the Public Safety Committee will be reviewing his recent proposals to improve the Bonney Lake Municipal Code with respect to abandoned, unsightly and dangerous buildings.

Ms. Youngberg continued her comments by reciting her experiences with inaccurate information provided over the counter by the Planning Department. She asked why there was no longer a log book of permits for public review. She questioned the utility of a computer program that makes the information more difficult for the public to access. She questioned the apparent time it takes for issuance of permits. She pointed out that she had recently applied for a tree removal permit, and was informed 15 days later that she would need a Forest Permit. She asked why that information could not be provided at the time she applied for the permit.

Councilmember Johnson said he has heard that individuals, small developers and business owners must wait 10 – 14 weeks for issuance of permits, when large developers get their permits turned around much more quickly. He said he would support hiring of additional personnel to improve the customer service of the permit center. Mayor Young replied that simple tenant improvements are handled over the counter, but that extraordinary circumstances require additional time. Director Leedy said that many delays are created by the need to get additional information from applicants. He said he will look at the day-to-day practices of the permit center.

Councilmembers continued their discussion of the alarm permit fee. Mayor Young suggested that further discussion be held at a workshop. Councilmember King suggested that the appropriate venue would be the Public Safety Committee. There were no objections to Councilmember King's proposal.

Robert Ceola, 9104 189<sup>th</sup> Ave. Ct. E., distributed copies of his water bill and suggested three improvements. He first suggested that the "ccf" notation for volume used be converted to gallons. Second, he suggested that various references to the base fee, basic fee, etc. be standardized. Finally, he suggested that information from the Eden billing system be put on line for citizen review.

Michelle Gunn, 18102 85<sup>th</sup> St. E., said that she owns property in Area 56 that is slated for down-zone from commercial to residential. She recited circumstances that lead her to believe inclusion or exclusion from the list of affected properties depends on who you are or who you know. She asked for the date that Steve Burnham was appointed to the Planning Commission. She said she believes that Chairman Burnham's current action on the Planning Commission is influenced by the close proximity of his home to her commercially zoned property. She expressed her opinion that there is a conflict of interest that needs to be addressed.

C. Correspondence : None.

### III. COUNCIL COMMITTEE REPORTS:

[A3.6.4]

#### A. Finance Committee

Deputy Mayor Swatman said the Committee met this evening and considered the following business:

1. Resolution 1384 – Contract for Real Estate On-call Services;
2. Resolution 1397 – Defibrillator for Fire Dept. and Sumner School District;
3. Resolution 1396 – Contract with Pierce County for Boating Safety Program;
4. Resolution 1399 – Out of State Travel for Barbara Barth;
5. Resolution 1403 – Contract with Bank of America for on-line banking;
6. Ordinance 1103 – Budget Amendment;
7. Resolution 1402 – Contract with Transpo for a 20 yr. traffic study;
8. Resolution 1400 – Spending items;

9. Possible motion to be added during vouchers and payroll approval for a check advance.

B. Community Development Committee

Councilmember Rackley said the Committee met on February 7th and discussed the Larios property, re-routing of 184<sup>th</sup> St., the 20 yr. transportation plan which was forwarded to the Finance Committee, and the Public Works Standards Manual. He also listed the items forwarded to this evening's agenda for Council consideration.

**Councilmember King moved to extend the meeting for one hour. Councilmember Hamilton seconded the motion.**

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

C. Public Safety Committee

Councilmember DeLeo said the Committee also last met on the 7<sup>th</sup>. He said there were no items forwarded for Council action this evening. He added a reminder that there is still time to sign-up for participation in the Citizens Academy. He noted that individuals may sign-up through the City's website or by calling the Police Department.

D. Other Reports:

Councilmember King reported that he and Mayor Young attended the PCRC Annual Membership Meeting and also praised the New Tacoma Convention Center. He noted that 8 entities have ratified the County-wide Planning Policies, including Tacoma. He urged the Council's favorable consideration. He also noted that the cities membership fees to PCRC had been reduced.

Councilmember Johnson distributed copies of the 2003/2004 Sumner/Bonney Lake Recreation Department's Year End Program Report for Council's review.

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

- A. Approval Of Corrected Meeting Minutes: February 1 Special Meeting, February 1 Council Workshop, February 8 Special Meeting and February 8 Council Meeting.

**Councilmember King moved to approve the minutes as submitted with a single 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/voucher #39684 thru 39802 voiding check #39794 and Wire Transfers #1115631 & 3012005 in the amount of \$999,078.60.

Accounts payable checks/vouchers for Green River Community College Washington Environmental Training Center in the amount of \$260.00 for Joe Lovett and Brent Hoff to attend the Water/Wastewater Operations Workshop. (If this is paid by 3/4/05, the payment is \$130.00/person. If payment is made after 3/4/05, the payment is \$150.00 per person.)

- Payroll: Payroll for February 1-15, 2005 for checks 23382-23433, including Deposits and Electronic Transfers in the amount of \$229,808.41.

**Councilmember Rackley moved to approve the claims and payroll as read. Councilmember Johnson seconded the motion.**

**Motion approved 7 – 0.**

## **VI. FINANCE COMMITTEE ISSUES:**

- A. **AB05-43 – Ordinance 1102** – An Ordinance Of The City Of Bonney Lake, Pierce County, Washington, Accepting Donations In Accordance With The Provisions Outlined By Ordinance 937. [F4.6.7]

**Councilmember DeLeo moved to approve Ordinance 1102. Councilmember Johnson seconded the motion.**

**Motion approved 7 – 0.**

- B. **AB05-34 – Resolution 1381** – 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 1381. Councilmember Noble seconded the motion.**

Councilmember King congratulated the Public Works staff for making a 21 year old flat bed truck last so long. Mayor Young noted that the staff has also recommended some wise purchases of used vehicles that have been a savings to the City.

**Motion approved 7 – 0.**

- C. **AB05-40 – Resolution 1382** - A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing An Agreement With The Sumner School District, City Of Bonney Lake And City Of Sumner Relating To The Creation And Operation Of A Joint Recreation Program. [05.7]

**Councilmember Noble moved to approve Resolution 1382. Councilmember Rackley seconded the motion.**

Mayor Young thanked Councilmember Johnson for providing a copy of the report that should

have accompanied this proposed action. Councilmember King commented that a copy of the report really should have been provided by staff with the agenda bill.

**Motion approved 7 – 0.**

- D. **AB05-44 – Resolution 1385** - A Resolution Of The City Of Bonney Lake, Pierce County, Washington, Authorizing A Contract With B&B Shredding, LLC For Secure Document Shredding. [A2.4.1]

**Councilmember Hamilton moved approval of Resolution 1385. Councilmember Johnson seconded the motion.**

Councilmember King congratulated the City Clerk for coordinating this task. He noted that there are in excess of 100 boxes of records to be properly destroyed.

**Motion approved 7 – 0.**

- E. **AB05-47 – Resolution 1387** - A Resolution Of The City Of Bonney Lake, Pierce County, Washington, Authorizing A Contract With Pierce County Law Enforcement Support Agency (LESA) For Professional Services. [A2.4.1][O1.9]

**Councilmember Rackley moved to approve Resolution 1387. Councilmember DeLeo seconded the motion.**

**Motion approved 7 – 0.**

- F. **AB05-56 – Resolution 1393** - A Resolution Of The City Of Bonney Lake, Pierce County, Washington, Amending The Collective Bargaining Agreement By Creating Two New Positions And Recognizing Two New Certifications. [A3.9.3]

**Councilmember Rackley moved to approve Resolution 1393. Deputy Mayor Swatman seconded the motion.**

Councilmember Rackley asked why no budget information was provided with the agenda bill. Director Weidenfeller explained that the positions were approved in the budget and staff did not think to include that information in this document.

**Motion approved 7 – 0.**

## **VII. COMMUNITY DEVELOPMENT COMMITTEE ISSUES:**

- A. **AB05-14 – Ordinance 1106** - An Ordinance Of The City Of Bonney Lake, Pierce County, Washington, Establishing The Procedure For Creating And Changing Street Names And Addresses. [A3.5.5][O4.8.3]

**Councilmember King moved to adopt Ordinance 1106. Councilmember Noble seconded the motion.**

Councilmember Rackley asked if this ordinance will take care of the recent addressing concerns in Lake Debra Jane Estates. Director Leedy responded that this proposed ordinance is not part of that issue. He added that based on Council direction, staff has already put in motion a plan to resolve those addressing problems.

Councilmember King said he is satisfied that this ordinance will not change addresses that have already existed. He urged Council to be vigilant that a street renaming process is not inadvertently introduced as a solution to resolving addressing issues on a lot or two. He said he feels that the City's street names should remain pretty much as they are. He said new plats should have street names reviewed before approval. He urged staff to verify the integrity of new streets and addresses during the plat review process.

**Motion approved 6 - 1. Deputy Mayor Swatman voted no.**

- B. **AB05-17 – Resolution 1368** - A Resolution Of The City Of Bonney Lake, Pierce County, Washington, Authorizing A Water And Sewer Developer Extension Agreement With Brookfield III P.L.L.C. For Brookfield III. [A3.13.7]

**Councilmember Rackley moved to approve Resolution 1368. Councilmember Hamilton seconded the motion.**

Deputy Mayor Swatman noted that the agreement appears to relieve the developer of the responsibility of hundreds of thousands of dollars in infrastructure improvements for a \$50,000 contribution to acquire right-of-way. Director Grigsby explained that this agreement has been in negotiation for four months. He explained that the lift station to serve the project has to be moved from where the developer had proposed to locate it, so that the City can connect that side of the ridge to a gravity system, eventually eliminating this lift station. He said 3700 ft. of gravity line would currently be required to connect this site to the next closest gravity line. He added that some of the cuts would require a depth of 40 ft., and that the line might have to be moved later to accommodate the proposed road connection through that area. He said City staff thought it would be better to wait to coordinate the installation of utilities and the new street. Councilmember Rackley noted that the \$50,000 currently required of the developer would only be used if the City had to condemn property to acquire the right-of-way to extend the lift station from the edge of their property to the future public right-of-way. Deputy Mayor Swatman said it appears the developer is being relieved of \$250,000 worth of improvements. Director Grigsby noted that the Code requires connection to the nearest gravity line, where feasible. He said the issue becomes what is feasible-- technical or financial. Mayor Young recommended approval of the resolution.

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

Mayor Young noted that Sean Martin had signed up to speak to this issue, but he had neglected to call upon him before the vote. He apologized for his oversight, and offered Mr. Martin the opportunity to address the Council.

Sean Martin, 1302 Puyallup St., Sumner, said he was denied his opportunity to speak before the Council voted. He said he is prepared to answer every question the Council might have put to him. He added that this current proposal is the third alternative brought forward for consideration by the City. He asked what more the Council expects of the developer.

Mayor Young said he would be interested in the Councilmembers' reasons for voting no this evening. Deputy Mayor Swatman replied that he does not know all the details of this effort. He said, however, the City has the concept that the developer will pay for the necessary infrastructure required for the development. He said there are situations, perhaps like this, where it is totally unreasonable to assume the developer will be required to put in something that is extraordinary. He added that when he looks at what appears to be a requirement for \$250,000 worth of public infrastructure being waived for a contribution of \$50,000 he has a hard time seeing that it's a good deal for the City.

Mr. Martin replied that the estimate to construct the facilities has gone up from \$250,000 to \$5,000,000. He said the \$500,000 construction cost of the lift station is also born by the developer. He estimated another \$500,000 cost to relocate and provide proper connections to the lift station. He said the developer is close to \$1 million in deficit on this project already. He expressed concern that after 10 months, the developer is still being told no, even after making all the concessions.

Councilmember King raised a point of order that this is not the proper venue to discuss these issues further and that the Council has additional business to address this evening. Discussion about the process for reconsideration of the resolution ensued.

**Councilmember Rackley moved that the Council reconsider this issue at the next workshop. Councilmember King seconded the motion.**

**Motion approved 6 – 1. Councilmember Hamilton voted no.**

- C. **AB05-51 – Resolution 1389** - A Resolution Of The City Of Bonney Lake, Pierce County, Washington, Authorizing A Water And Sewer Developer Extension Agreement With Panorama West, L.L.C. For Panorama West. [A3.13.7]

**Councilmember Rackley moved to approve Resolution 1389. Councilmember Johnson seconded the motion.**

**Motion approved 7 – 0.**

- D. **AB05-52 – Resolution 1390** - A Resolution Of The City Of Bonney Lake, Pierce County, Washington, Authorizing A Reciprocal Agreement With Washington State Department Of Transportation For Chip Sealing. [O4.8.1]

**Councilmember Rackley moved to approve Resolution 1390. Councilmember Hamilton seconded the motion.**

Councilmember Johnson asked about the schedule for the chip sealing work. Director Grigsby said that while the work will be done during the summer months, it will also be done

when the State crews have availability. He added that this is a reciprocal agreement that allows the City and State to use each other's services when one or the other is already working in a given area.

**Motion approved 7 – 0.**

- E. **AB05-53 – Resolution 1391** - A Resolution Of The City Of Bonney Lake, Pierce County, Washington, Authorizing A Personal Services Contract With WM Dickson, Co. For The Demolition And Removal Of The Madrona Water Tank Located On Parcel 0520283071 On 182nd Ave. E. [A3.13.9.4]

**Councilmember Rackley moved to approve Resolution 1391. Councilmember King seconded the motion.**

Councilmember Rackley asked if the City will be able to sell the property once the tank is removed. Director Grigsby explained that the City does not currently have its own access to the property. He said agreement was worked out with the adjacent private property owner to access the well-site on their private drive. He said in return, the neighbor will be granted right of first refusal on the property to purchase it for fair market value. Deputy Mayor Swatman asked why the City did not sell the property, as-is, with a condition for removal of the tank. Director Grigsby said he had not considered that option. Councilmember Hamilton reminded Council of a previous sale of City property with an undesirable structure on it that still stands today. Deputy Mayor Swatman countered that the removal of that structure had not been a condition of sale.

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

- F. **AB05-54 – Resolution 1392** - A Resolution Of The City Of Bonney Lake, Pierce County, Washington, Authorizing A Personal Services Contract With Landau Associates, Inc. For Geotechnical Construction Support Services For The Lake Tapps Parkway & 9th Street East Water Main Replacement Project. [O4.10.1]

**Councilmember Rackley moved to approve Resolution 1392. Councilmember Hamilton seconded the motion.**

**Motion approved 7 – 0.**

**VIII. PUBLIC SAFETY COMMITTEE ISSUES:** None.

**IX. FULL COUNCIL ISSUES:**

- A. **AB05-35 – Ordinance 1081** – An Ordinance Of The City Of Bonney Lake, Pierce County, Washington, Amending Chapter 14.10 Of The Bonney Lake Municipal Code And Ordinance Nos. 988 And 1025, Relating To Area-Wide Land Use Applications. [A3.5.5][O3.5.1.1]

**Councilmember Johnson moved to adopt Ordinance 1081. Councilmember King seconded the motion.**

Deputy Mayor Swatman noted that the City Attorney has recommended that the City Council adopt a standard of no less than 50 acres as “area-wide.” He said he would not vote for the ordinance because it preserves no flexibility for the administration to make the determination on what should be considered “area-wide.” Councilmember Rackley said he preferred the 20 acre threshold that Council discussed at the last workshop.

**Councilmember Rackley moved to table this issue for further discussion at the workshop. Councilmember DeLeo seconded the motion.**

**Motion to table approved 7 – 0.**

- B. **AB05-36 – Ordinance 1099** – An Ordinance Of The City Of Bonney Lake, Pierce County, Washington, Amending Titles 14 And 18 Of The Bonney Lake Municipal Code And Ordinance Nos. 740, 746, 747, 788, 851, 891, 908, 952, 988, 1002, And 1025, Deleting The R-1(A) Zone, Amending The Allowable Density In The R-1 Zone, Deleting The P.U.D. Process, Altering The Process Whereby Preliminary Plats And Certain Conditional Use Permits Are Decided, And Deleting Land Use And Dimensional Tables. [A3.5.5] [O3.6.1.2]

**Councilmember Noble moved to adopt Ordinance 1099. Councilmember Hamilton seconded the motion.**

Councilmember Hamilton asked if this ordinance totally eliminates planned unit developments (PUD). Planning Manager Ladd replied, yes. Mayor Young asked if this is a wise action. Manager Ladd said the staff opinion is that the PUD process is not the root of the developer interest. He said the interest is in density bonuses and that these can be considered without the PUD process. He said the current proposed ordinance eliminates density bonuses. Councilmember Rackley said he objects to the interference of the Growth Management Hearing Board (GMHB) in the City’s planning process, and intends to vote no in protest.

Councilmember King noted the R-1(A) zoning effects the Lake Jane Estates where he lives. He said he understands why the Lake Jane Estate owners sought a lower density zoning in an effort to preserve the beauty of their neighborhood that surrounds City Hall as well as Lake Debra Jane. He said the City should be allowed to determine where to best put its density and determine its comprehensive land use. He said he finds it reprehensible, arrogant, and condescending of the GMHB, the State of Washington and Pierce County to dictate the City’s development density and how it is applied. He said if current legislation to overturn this inappropriate interpretation of the Growth Management Act (GMA) is successful, he will lead the effort to restore a low density zoning to the Lake Jane Estates area. He further noted that the 4 residences per acre standard is supposed to be a goal of the GMA not a hard and fast requirement.

Mayor Young and Director Grigsby summarized some of the potential negative economic impacts of not complying with orders of the GMHB.

**Councilmember Rackley moved to extend the meeting for another 15 minutes. Councilmember Johnson seconded the motion.**

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

Councilmember Johnson said he was persuaded by Councilmember King's statement to vote no in protest on the measure. Councilmember Rackley said he was persuaded by Councilmember King's statements to now vote yes.

**Motion approved 6 – 1. Councilmember Johnson voted no.**

- C. **AB05-41 – Resolution 1383** - A Resolution Of The City Of Bonney Lake, Pierce County, Washington, Formally Expressing Its Intent To Annex A Territory Of Approximately 72 Acres Located Adjacent To The Current City Limits. [03.2.2] (Annexation Area 7.)

**Councilmember Rackley moved to approve Resolution 1383. Councilmember Johnson seconded the motion.**

**Motion approved 7 – 0.**

- D. **AB05-57 – Resolution 1394** - A Resolution Of The City Of Bonney Lake, Pierce County, Washington, Authorizing The Mayor To Sign An Interlocal Agreement Amending The County-Wide Planning Policies. [03.1]

**Councilmember King moved to approve Resolution 1394. Councilmember Noble seconded the motion.**

Councilmember King said he would vote yes even though the policies are flawed. He said there is a whole agenda at the next Pierce County Regional Council (PCRC) meeting to discuss how to correct the flaws. He complimented Director Leedy and Planning Manager Ladd for their involvement in the PCRC consideration process. Mayor Young expressed appreciation for Councilmember King's representation of the City at the PCRC.

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

- X. **EXECUTIVE SESSION:** None.

XI. **ADJOURNMENT**

**At 11:11 p.m., Councilmember Johnson moved to adjourn the meeting. Councilmember DeLeo seconded the motion.**

**Motion approved 7 – 0.**

Documents submitted for or at the Council Meeting of February 22, 2005:

- *Master Builders Association of Pierce County – Letter to Mayor Young from Dave Graff – Theo Gideon, MBA Representative.*
- *City of Bonney Lake – Water and Sewer Utility Bill Explanation-New Utility Rates – John Weidenfeller, Bonney Lake Finance Director*
- *Bonney Lake Citizen – Water Service Billing for Robert Ceola with Highlights – Robert Ceola.*
- *Parks and Rec – Sumner/Bonney Lake Recreation Department Year End Program Report for 2003/2004 – Neil Johnson, Bonney Lake Councilmember.*

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Harwood T. Edvalson, CMC  
City Clerk

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Robert Young, Mayor