

CITY COUNCIL MEETING

City of

**March 8, 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"

I. CALL TO ORDER – Mayor Young called the meeting to order at 7:04 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, Judge James Helbling, 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. **Character First Presentation: Mr. Neil Williams** – Mayor Young presented a certificate of recognition to Mr. Williams for his role in the apprehension of two burglars. Mr. Williams made the call to 9-1-1 and helped identify the location of the burglars to the responding officer on a burglary in progress at his neighbor's home. In response to the recognition, Mr. Williams gave credit to the initial officer who, he said, did most of the work.

D. Agenda Modifications [A3.6.6]: None.

II. PUBLIC HEARINGS, CITIZEN COMMENTS & CORRESPONDENCE:

[A3.6.11, A3.6.12, A3.6.4, 3.6.5]

- A. Public Hearings [A3.6.12]: None.
- B. Citizen Comments [A3.6.4]:

Mayor Young clarified that "Citizen Comments" is not a time for question and answer. He said it is intended to be a time when citizens bring their questions and concerns to the City Council. He said the Council welcomes comments, and that Council and staff are taking notes on what is said. He said that in general, staff is not prepared to answer most of the questions that could arise during this portion of the meeting. He suggested that if a response is desired to a specific question, then the citizen could hand the City Clerk a list of questions that will then be given proper thought and consideration before a later response is given.

Winona Jacobsen, 9100 189th Ave. Ct. E., President of the Grandview Homeowners Association, referenced the livability and quality of life aspects of the Comprehensive Plan. She called upon the Council to protect her adjacent neighborhood by making the zoning of Area 56 consistent with the residential history of the property. She discussed some of the perceived drawbacks of commercial zoning and development on the property, such as removal of trees and the installation of commercial parking-lot lighting and security cameras.

Dan Decker, 20401 70th St. E., said that Mayor Young attacked the character and integrity of Mr. Storrs at the last meeting, and that a written apology should be extended. He commented on the Mayor's invitation to submit written questions. He said his previously submitted questions were re-written and responses tailored to fit the Mayor's own ideology. He called for the Mayor to provide an accounting of his time currently spent on serving the City of Bonney Lake.

Louisa Smith, 20112 Church Lake Rd. E., said that she has lived in the area since 1963 and has had to adjust with the times, recognizing that greater personal security is required now than in times past. She said she had heard there is some controversy about the amount of money to be spent on efforts to improve Ascent Park. She reminded the Council that fund-raising efforts were successful to collect the \$90,000 required to purchase the statue from local artist Larry Anderson. She said she has also heard comments on the water shortage and the charity car washes at Bonney Lake Auto Parts Supply. She said in conversations with the owner, he assured her that he instructs groups not to waste water and requires adult supervision of the charity events. Ms. Smith also noted the closure of Bonney Lake Supermarket and said it would be an excellent opportunity to purchase goods to donate to the Food Bank.

Fred Jacobsen, 9100 189th Ave. Ct. E., thanked the administration for the quick response on his request for copies of the 2005 Budget and Comprehensive Plan. He also spoke in favor of maintaining the residential use of Area 56.

Greg Gunn, 18102 85th St. E., said that he and his wife bought the property in Area 56 because it was zoned commercial. He said there is a little rental house on the property. Addressing previous comments about traffic concerns with development of a commercial parking lot to service their existing buildings, he noted that the road width would be even more restricted without the previous dedication of right-of-way from their properties.

Michelle Gunn, 18102 85th St. E., distributed several handouts to the Council during her comments, and spoke in favor of the continued commercial zoning of her property in Area 56. She addressed a flyer distributed in the neighborhood, commenting on specific points of misinformation, such as ingress-egress to the neighborhood, security, parking and traffic impacts. She said that the combination of the close proximity of Planning Commission

Chairman Steve Burnham's home and his previous negative comments on the development of her properties constitutes a current conflict of interest on his part in this issue.

Steve Burnham, 9006 189th Ave. Ct. E., said he has been on the Planning Commission since July 1999. He said he's been accused of not being impartial. He said his record on the Commission reflects the impartial and unbiased nature of his decisions. He referred to a letter in 1998 written before he was on the Planning Commission about Michelle's Studio of Dance. He said his objection was to a lack of landscaping and buffering on the property. He added that the Planning Director at the time, Ed Davis, agreed and directed some changes that otherwise would not have been done. He concluded that if that was bias, then the Planning Director was also biased for the corrections he imposed. He urged the Council to focus on its citizens and residents that live in its neighborhoods.

Vera Lockwood, 19814 99th St. Ct. E., said the residents of Area 41 are still opposed to the downzone of Area 41. She encouraged the Council to review the access alternatives to the properties on the diagram submitted at the last Council workshop.

C. Correspondence :

a. Linda Youngberg, PO Box 7707, Bonney Lake, WA 98390 – Addressed To Whom It May Concern – March 7, 2005.

III. COUNCIL COMMITTEE REPORTS:

[A3.6.4]

A. Finance Committee

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

1. Resolution 1107 – A budget amendment on the agenda this evening;
2. Resolution 1404 – standard Sumner School District Rec. contribution;
3. Resolution 1406 – contract with NW Aquatic Ecosystems;
4. A contract with Transpo Group for a 20 yr. transportation study;
5. Resolution 1415 – another surplus equipment resolution;
6. Ordinance 1111 – closure of Solid Waste Fund and transfer of balance to Streets;
7. Resolution 1417 – change order in HDR-EES contract on storm water SDCs; and
8. Refinancing of the water/sewer bonds.

B. Community Development Committee

Councilmember Rackley said the CDC met yesterday and discussed the Ball Park Well, the Transportation Vision Plan, truck loading on major roads, and the projected opening of Applebee's. He said the Committee was surprised to hear the restaurant would open without the completion of the intersection improvements. He asked the Mayor if he would like to respond.

At Mayor Young's invitation, Director Leedy responded that staging will take place this week and that there is an on-site preconstruction meeting scheduled for this week, as well. He said the permits have been issued and work will commence. He added that the City has asked for a review of the traffic impact analysis to determine if the opening of 192nd is a

needed feature for the operation of Target and Applebee's. Several Councilmembers voiced their understanding that the restaurant would not be opened until the intersection is completed. Director Leedy confirmed that the developer had agreed to that condition, although the traffic analysis shows that signalization of the intersection will not be needed for four years.

Councilmember Rackley continued his listing of items considered by the CDC. He said that water extension agreements and annexation and utility agreements for the 124 lot subdivision of Forest Canyon Estates, a water developer extension and developer extension agreement for Home Depot on 214th, and award for low bid on the East Watermain Replacement Project will be forwarded for Council action. He said a Public Works Design Standards Manual will be forwarded to Council workshop for discussion. He added that there is a lot of substance for the Council to consider and discuss.

Deputy Mayor Swatman said his understood that there would be a 3-way stop or a right turn in / right turn out at the Old Sumner Buckley Highway and 192nd St. intersection before Applebee's opens. Director Leedy responded that the intersection is controlled by Pierce County. Deputy Mayor Swatman suggested calling County Councilmember Shawn Bunney about the issue. Councilmember Johnson added that the restaurant shouldn't open until the intersection is opened.

C. Public Safety Committee

Councilmember DeLeo said the Committee also met last night. He said the Committee has passed on the two ordinances on the agenda this evening. He added that Mr. Robert Ceola has been working with the Committee to arrange for low cost radar guns and reader boards to mount at fixed locations in the City. He said the Committee appreciated the participation and discussion.

D. Other Reports:

Councilmember Johnson reported that the correct date for the Beautify Bonney Lake - Ascent Gateway project is September 24th. He encouraged all interested participants to email the Chamber of Commerce or himself. He added that Director Weidenfeller is working on a liability assessment and mitigation plan for the work in the right-of-way and on City property.

Councilmember Hamilton encouraged Council response to Planning Manager Ladd's request for input on tree retention.

Mayor Young noted that there will be a meeting of the Lake Tapps Task Force tomorrow evening.

IV. MINUTES: [A3.6.2]

- A. Approval Of Corrected Meeting Minutes: February 15 Council Workshop and February 22 Council Meeting.

Councilmember DeLeo 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/vouchers #39803 thru 39943 in the amount of \$654,792.57.
- Payroll: Payroll for February 16-28, 2005 for checks 23434-23488, including Deposits and Electronic Transfers in the amount of \$325,087.39.

Councilmember Rackley moved to approve the claims and payroll as read. Deputy Mayor Swatman seconded the motion.

Motion approved 7 – 0.

VI. FINANCE COMMITTEE ISSUES:

A. **AB05-45 – Ordinance 1103** – An Ordinance Of The City Of Bonney Lake, Pierce County, Washington, Amending The Annual Budget For The Calendar Year 2005. [F3.8]

Councilmember Rackley moved to approve Ordinance 1103. Councilmember King seconded the motion.

Councilmember Rackley noted that the Finance Committee discussed this and the following ordinance in detail. He said the Committee recommends some changes that would prohibit the ending fund balance from being manipulated without Council knowledge. Mayor Young urged approval of the ordinance with the understanding that staff will return soon with any needed corrections. Deputy Mayor Swatman agreed that Ordinance 1103 does not need correction this evening.

Motion approved 7 – 0.

B. **AB05-70 – Ordinance 1107** – An Ordinance Of The City Of Bonney Lake, Pierce County, Washington, Amending The Annual Budget For The Calendar Year 2005. [F3.8]

Councilmember Rackley moved to approve Ordinance 1107. Councilmember DeLeo seconded the motion.

Director Weidenfeller said the City Attorney has proposed some additional language to address the Council's concerns with the control of ending fund balances. He suggested some additional time for the Council to consider those recommendations, but encouraged the Council to adopt the ordinance tonight. He said that staff would return with the needed corrections in the near future, but that there are needed projects being funded with tonight's

ordinance. Councilmember Rackley emphasized that there is no evidence of impropriety or abuse of this loophole, but it is something that should be fixed soon. Deputy Mayor Swatman suggested that the condition could be fixed this evening with an amendment to the ordinance.

Councilmember DeLeo moved to amend Ordinance 1107 and add a Section 3 to the ordinance to read, "Section 3. - Ending fund balances shall not be spent without Council approval." Councilmember Noble seconded the motion.

Council debated the amendment. There was general consensus that the amendment would be workable with staff and could be changed if better language was proposed in the future by staff. Councilmember Hamilton said that the ordinance is not yet ready for adoption and suggested waiting until the right wording is proposed. Mayor Young suggested that the amendment be voted down and amendments to the ordinance will be brought forward later.

**Amendment approved 5 – 2.
Councilmembers King and Rackley voted no.**

**Amended main motion approved 6 – 1.
Councilmember Hamilton voted no.**

Deputy Mayor Swatman moved to combine Items C through F, Resolutions 1396, 1397, 1399 and 1403 for approval in one motion. Councilmember Johnson seconded the motion.

Motion approved 6 – 1. Councilmember Johnson voted no.

By common consent the Council moved and seconded the approval of Items C through F, Resolutions 1396, 1397, 1399 and 1403.

- C. **AB05-59 – Resolution 1396** - A Resolution Of The City Of Bonney Lake, Pierce County, Washington, Authorizing A Contract With Pierce County For The Boating Safety Program And Vessel Registration Fees Distribution. [O1.8.13]
- D. **AB05-60 – Resolution 1397** - A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing Expenditure Of Up To \$3,500 For Defibrillators And Ancillary Items And Donation Of These Items To The Sumner School District For Use In Bonney Lake Schools. [F3.8]

Councilmember King said the Council has shown great community spirit with the support of this program. He noted that this item was initiated by the senior project of a Sumner High School student who promoted the concept at Bonney Lake Days last year. He added that the life-saving capability of the device is well worth the \$3500 expense.

- E. **AB05-63 – Resolution 1399** - A Resolution Of The City Of Bonney Lake, Pierce County, Washington, Authorizing Barbara Barth To Travel To Portland, Oregon To Attend Comprehensive Annual Financial Report Preparation Training In May 2005. [A4.7]

Councilmember Johnson asked if Ms. Barth will provide a report of the things she learned at this conference in Portland. Director Weidenfeller responded, yes.

- F. **AB05-67 – Resolution 1403** - A Resolution Of The City Of Bonney Lake, Pierce County, Washington, Authorizing On-Line Banking Agreement With The Bank Of America For Banking Services. [F1.7]

Motion approved 6 – 1. Councilmember Hamilton voted no.

VII. COMMUNITY DEVELOPMENT COMMITTEE ISSUES: None.

VIII. PUBLIC SAFETY COMMITTEE ISSUES:

- A. **AB05-71 – Ordinance 1108** - An Ordinance Of The City Of Bonney Lake, Pierce County, Washington, Amending Section 14.130.120 Of The Bonney Lake Municipal Code And Ordinance No. 988, Relating To Unfit Dwellings, Buildings And Structures. [A3.5.5]

Councilmember DeLeo moved to adopt Ordinance 1108. Councilmember Rackley seconded the motion.

Councilmember King said this ordinance is a minor change to the Municipal Code and involves a hearing examiner in the process to abate dangerous buildings. He said this ordinance helps complete the enforcement chain through the end of the abatement cycle. He thanked Dionne-Rorick for their legal work on the issue. Director Leedy concurred and said the ordinance strengthens the code and adds the hearing examiner and some expanded powers to the process.

Motion approved 7 – 0.

- B. **AB05-72 – Ordinance 1109** - An Ordinance Of The City Of Bonney Lake, Pierce County, Washington, Relating To Graffiti Removal And Adding A New Chapter To Bonney Lake Municipal Code Title 8. [A3.5.5]

Councilmember DeLeo moved to adopt Ordinance 1109. Councilmember King seconded the motion.

Councilmember King said there is not currently a large problem with graffiti, but that the City will now be prepared to deal with this issue when the taggers discover the walls of the big box stores in Bonney Lake. Councilmember Noble was appreciative that the ordinance exempts children using sidewalk chalk.

Motion approved 7 – 0.

IX. FULL COUNCIL ISSUES:

- A. **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. [A3.5.5] [F4.3]

Councilmember Rackley moved to adopt Ordinance 1104. Councilmember King seconded the motion.

Councilmember Johnson said he liked the greater specificity of the fee schedule, but is concerned about the impacts to small business. Director Leedy said the fees are based on like cities and the experience of staff in the administrative processing of permits and applications. Deputy Mayor Swatman expressed concern that the Comprehensive Plan Amendment application fee would be the same for a single lot owner as it would the large developer. Director Leedy said the ordinance charges \$3000 for the application, but allows leeway to charge for exceptional service as required. He expected that an example of an exception would be the future application for the demonstration forest.

Councilmember Hamilton asked if the ordinance is revenue neutral, and suggested that any savings should be plowed back into reduction of the fees. Director Leedy replied that the ordinance should provide some savings in financial administrative time because deposits will no longer be tracked and refunded. Councilmember Johnson said he would like to see a cost/benefit analysis. Deputy Mayor Swatman said he is concerned that this ordinance appears to be going away from a consumption-based model for fees.

Mayor Young encouraged Council to adopt the ordinance, which could be adjusted in the future as needed. Councilmember King concurred and encouraged trust in the administrative staff expertise in developing this ordinance. Councilmember DeLeo asked if this ordinance would reduce the volume of refund checks that the Voucher Review Committee has to see. Director Weidenfeller replied that it would significantly reduce the number of refund checks.

Motion failed 3 – 4. Voting no were Deputy Mayor Swatman and Councilmembers Hamilton, Johnson and Noble.

- B. **AB05-65 – Resolution 1401** - A Resolution Of The City Of Bonney Lake, Pierce County, Washington, Authorizing A Contract With John Collins For Council Retreat Services. [A2.12]

Councilmember Johnson moved to approve Resolution 1401. Councilmember Noble seconded the motion.

Motion approved 7 – 0.

- C. **AB05-69 – Resolution 1405** - A Resolution Of The City Of Bonney Lake, Pierce County, Washington, Authorizing The Mayor To Negotiate And Sign An Agreement With The Tacoma Pierce County Department Of Health In An Amount Not To Exceed \$33,510 Providing For An Oral Health Program As An Alternative To Mandatory Fluoridation. [F3.8] [O4.10.3]

Councilmember DeLeo moved to approve Resolution 1405. Councilmember Rackley seconded the motion.

Councilmember Noble noted that the title of the resolution was different from the description in the agenda bill. City Clerk Edvalson explained that the agreement which the resolution authorizes the Mayor to sign has not yet been drafted, nor discussed by the Board of Health. He said that the resolution gives the Mayor authority to negotiate an agreement on behalf of the City.

Deputy Mayor Swatman thanked Councilmember Rackley for his involvement on this issue. He believes this is the best solution in this situation. Councilmember Hamilton asked about the intent of the resolution. He asked if part of the future agreement will be to stop the Board of Health from mandating introduction of fluoride into the drinking water. He also asked from where the \$33,000 would be coming. Director Weidenfeller said the money would come from the Water Fund. City Attorney Dionne disagreed, saying there is not an appropriate nexus between this oral health program and Water Fund, and indicating the money should probably come from the General Fund. He added that the final agreement will probably come back to the Council for review and ratification.

Councilmember King said the one meritorious facet of the proposed agreement is the demonstration on the part of the Board of Health and communities of a desire to provide for the topical application of fluoride, and the identification of the target population in greater detail than it had done before. He continued that everything else about the program is so flawed that it is an insult to have it before the Council. He noted that the projected costs are suspiciously similar to some of the costs born to defend against the Board of Health's earlier effort to mandate fluoridation of the drinking water. He warned that, once started, it is not easy to get rid of such a program as is proposed. Deputy Mayor Swatman reminded the Council that the City's chances of winning another court case on this issue are very slim. Councilmember Rackley asked for a vote by show of hands. Mayor Young asked for a hand vote on the motion.

Motion approved 6 – 1. Councilmember King voted no.

Referring back to Ordinance 1104 on the Planning Fees, Mayor Young asked the Council if they would comment on what would make this proposed ordinance work if it were to come back in a different form. Councilmember Johnson said he would like to see a cost/benefit analysis for a one month period. Deputy Mayor Swatman said he is worried about the planning charges and the flow of information on the fee collections and allocations. Councilmember Hamilton said he believes the fees should just cover cost. He said the cost savings should be passed back into the fee structure. He said he would like to see a cost/saving analysis on the increased productivity of the departments.

X. EXECUTIVE SESSION: None.

XI. ADJOURNMENT

At 9:02 p.m., Councilmember Johnson moved to adjourn the meeting. Deputy Mayor Swatman seconded the motion.

Motion approved 7 – 0.

Documents submitted for or at the Council Meeting of March 8, 2005:

- *Bonney Lake Citizen – Letter to Whom It May Concern dated March 7, 2005 – Linda Youngberg.*
- *Bonney Lake Citizen – Flyer from Grandview Homeowners Association; Parcel map; Email from Gary Campbell to Bob Young; Letter from Stephen Burnham to Edward Davis dated April 22, 1998; Oath of Office for Steve Burnham dated January 9, 2002; extract from dictionary – Michelle Gunn.*
- *Bonney Lake Citizen – Written comments delivered at Council meeting of March 8, 2005 – Winona Jacobsen, President of Grandview Homeowners Association.*

Harwood T. Edvalson, CMC
City Clerk

Robert Young, Mayor