

**CITY COUNCIL MEETING**

City of

**April 26, 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 Bob Young called the meeting to order at 7:02 p.m.

- A. Flag Salute - Mayor Young led the audience in the Pledge of Allegiance.
- B. Roll Call [A1.3]

City Clerk Edvalson called the roll. In addition to Mayor Young, elected officials attending were Deputy Mayor Dan Swatman, Councilmember Mark Hamilton, Councilmember Neil Johnson, Councilmember Cheryle Noble, and Councilmember Jim Rackley. Councilmember Phil DeLeo and Councilmember Dave King were absent.

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.

**Councilmember Rackley moved to excuse Councilmembers DeLeo and King. Councilmember Johnson seconded the motion.**

**Motion approved 5 – 0.**

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

- 1. Announcements: Mayor Young announced the Special Town Hall Meeting and Public Pancake Breakfast – April 30<sup>th</sup> from 8:00 a.m. to 11:00 a.m. – In the Fire Truck Bay at the Public Safety Building.
- 2. Appointments: Mayor Young proposed the appointment of Brian Cebe as a Park Board Commissioner. He asked the Council for a motion to confirm this appointment.

**Deputy Mayor Swatman moved to confirm the appointment. Councilmember Johnson seconded the motion.**

Deputy Mayor Swatman asked Mr. Cebe if he has been attending the Park Board meetings. Mr. Cebe responded that he has been attending their meetings for the last 4 months.

**Motion approved 5 – 0.**

3. Presentations:
  - a. Mayor Young presented a framed certificate to Steve Burnham, Former Planning Commission Chairman, in recognition for his years of service to the community.

At 7:06 p.m., Mayor Young announced a ten minute break in the meeting for punch and cookies in honor of Mr. Burnham. Mayor Young called the meeting back to order at 7:25 p.m.

D. Agenda Modifications [A3.6.6]:

1. **Councilmember Rackley moved to suspend the Council rules to allow for a grouping of agenda items into a consent agenda. Councilmember Hamilton seconded the motion.**

**Motion approved 5 – 0.**

**Councilmember Rackley moved to add Items VIII A, B, C and D to the Consent Agenda. Councilmember Johnson seconded the motion.**

Deputy Mayor Swatman asked for clarification on putting the proposed ordinances on the Consent Agenda. City Attorney Dionne said it is acceptable to put ordinances on the Consent Agenda, but that Council should understand that at least four affirmative votes are required to adopt the ordinances. He also advised reading the titles of the ordinances before the Consent Agenda is voted on.

Councilmember Noble objected to VIII D being placed on the Consent Agenda. Deputy Mayor Swatman also objected to Item VIII C on the Consent Agenda.

**Councilmember Rackley agreed to modify his motion to add only Items VIII A and B to the Consent Agenda. As maker of the second to the original motion, Councilmember Johnson also agreed to the modification.**

**Motion approved 5 – 0.**

**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]:

Art Palacek, 7716 190<sup>th</sup> Ave. E., chronicled his and his neighbors' requests for relief from the tree and wetland clearing on the Larios Property. He said the tree clearing issue has now uncovered storm water drainage issues in the neighborhood. He said he is astonished that the City's has characterized the issues such that it is now the resident's responsibility to correct the problems. He cited a March 25<sup>th</sup> letter from the Army Corps of Engineers that the ditch and wetland on the property appear to be the waters of the United States, and any filling,

grading or clearing of these areas will likely require an Army Corps permit. He provided a copy of the letter to the Council. He asked the Council change direction and return to the intent of the neighbors. He said the intent of the neighbors is that the City replace the felled trees with reasonable size trees, fix the flooding problem that is the result of the tree clearing, and that the City Planner take responsibility for his misconduct.

Deputy Mayor Swatman said that the Mayor's statement clarified what the applicant will have to do. Mayor Young agreed that the requirements were now clarified that the Larios property owners will have to meet in order to proceed with their property development. Director Leedy confirmed that a Stop Work Order is still in effect on the property. Deputy Mayor Swatman asked if Mr. Palacek and his neighbors were satisfied with the remediation currently required of the Larios property owners. Mr. Palacek said they are not satisfied with the replanting required and said it was not extensive enough to address the needed protection from waters now flowing onto his property as the result of the tree clearing. He repeated that the neighbors also expect resolution of the flooding issues now occurring.

Deputy Mayor Swatman observed that some recent flooding in a commercial area on 214<sup>th</sup> seemed to receive immediate attention from the City to redirect the waters. He said he believes the City has a responsibility to address the storm water flooding issues in Mr. Palacek's residential neighborhood as well. Deputy Mayor Swatman asked if more effort can be directed to clarify the City's position on the residents' complaints and provide assistance to address their concerns. Mr. Palacek said the Mayor's report is too final in putting the burden on the neighbors to correct the drainage problems created by an adjacent development. He said he felt Councilmember King's introduction of the motion to accept the Mayor's report occurring after the neighbors left the last meeting was discourteous and unfair. Mayor Young said Councilmember King felt bad that they left the meeting before he could get to the point. He added it was not done because they left, but just came up at that point in the agenda. Mayor Young said he feels the issue should go back to workshop. Deputy Mayor said he is unaware of any legislative action required from the Council. Mayor Young said it will come back to workshop. Councilmember Rackley reminded the Council that this drainage is the outflow to Lake Bonney. Mr. Palacek said the drainage issue is not restricted to the actions of the Larios property. He noted that the failure of the City to properly install a lip on 190<sup>th</sup> Ave. E. allows water to drain from the street onto his property. He said there are a lot of issues that need to be addressed in this neighborhood including the sewers.

Barbara Bledsoe, 7711 191<sup>st</sup> Ave. E., quoted from the letter from the Army Corps of Engineers regarding penalties for violation of the Clean Water Act.

Louisa Smith, 20112 Church Lake Rd. E., expressed concern for a lack of parking on City property in the downtown area for the pancake breakfast. She announced the May 21<sup>st</sup> annual dinner/dance at Swiss Park for the Sumner/Bonney Lake Boosters. She said tickets are \$17.50. She also displayed a flyer proclaiming that former Police Chief Jeter is "being sent to jail" as a fund raiser for muscular dystrophy. She said the fundraiser will help sent kids with the disease to a summer camp.

David Luce, 7711 191<sup>st</sup> Ave. E., said he is appalled that citizens would be advised to correct the flooding problem with construction of a berm, but given no warning of that an Army Corps permit is required for the work.

Mayor Young said he has just seen the letter, but that it appears the letter is directed to Ms. Larios and refers to the wetland on her property. Director Grigsby explained that the City's recommendation is to place a berm adjacent to the Lake Bonney drainage ditch to protect from periodic high flows. Mr. Luce asked why the citizens had to take action to involve the Army Corps and the City did not. He said the neighbors should not have been the ones required to initiate the contact with the Corps.

Lynn Storrs, 7715 191<sup>st</sup> Ave. E., said his property is the most affected by the water in this neighborhood. He said the City's consultant provided no new information on the affected wetland. He expressed concern that the construction of berms will redirect more water onto his property. He noted that the City addressed flooding issues in the 1990s and asked why the City is unwilling to do it now. He thanked the Council for their support of the neighborhoods issues.

Director Leedy said that independent wetlands delineation was twice done by reputable consulting firms and they both identified virtually the exact same wetland. He said it was not by accident, but by experience and their training. He added that staff gave no direction or instruction as to how the consultants should conduct their studies.

Les McCluggage, 19624 96<sup>th</sup> St. E., spoke to the Council about his neighbor's property. He said there are over 26 pieces of vehicles accumulated on the 100 x 100 ft. lot. He said there are campers being lived in on the property. He added that the neighbor burns foul smelling stuff late in the evening. He noted that there are several vehicles blocking a fire hydrant. He said the condition of the adjacent property prevents him from selling his property.

Mayor Young said he just signed the paperwork to appoint a new code enforcement officer. He said this type of issue will be a priority for the Code Enforcement Office. Deputy Mayor Swatman asked if the Council could be updated on the action being pursued on this property. Mayor Young said it will be a priority now that there is additional staffing.

Debbie Eastman, 19105 79<sup>th</sup> St. E., said it is evident from the Army Corps letter that the Clean Water Act applies to the Lake Bonney stream. She said she feels Councilmember King took advantage of her comments to narrow the scope of her concerns. She said the issue is that the trees were removed and that the addition of buildings will add even more water to the runoff from the Larios property. She said that she's noticed Lake Bonney drains a lot more than it used to do.

Councilmember Noble said that as the Councilmember for Ward 3 she has done everything she can for the residents. She said the neighbors have presented their case over the months very well. She said Council is willing to provide any applicable legislation, but that action now is at the Mayor's discretion.

Mr. Palacek stepped to the microphone again and thanked the Councilmembers that have been compassionate on this issue. He added that there is a junk vehicle in clear view of everyone that should be removed from 7720 190<sup>th</sup> Ave. E. He added that contrary to Director Leedy's comments, the H&H Wetlands Study clearly identifies that their study was limited to the northwest corner of the Larios property.

Michelle Gunn, 8708 188<sup>th</sup> Ave. E., thanked the City for information on the upcoming meetings on the Downtown Area Plan. She also urged the Council to retain Area 56 as commercial property. She said the City should be aware of the parking impacts to the downtown during its pancake breakfasts. She suggested that the City have an employee circulate during the area to see where people are parking and observe the impacts to residents and businesses in the area.

Councilmember Noble asked if Council could be provided notice of the meetings referred to by Ms. Gunn. Director Leedy said he thought it was placed in their boxes, but said he will make sure they receive another copy. Councilmember Hamilton suggested using a shuttle between the park-n-ride during the pancake breakfast. Mayor Young said the staff will look into alternatives. Ms. Gunn suggested that most business will not object to having people park in the area as long as the businesses are asked.

Vera Lockwood, 19814 99<sup>th</sup> St. Ct. E., said she is representing the residents of Area 41 who oppose the downzoning of their commercial property to residential property.

Mayor Young said that he wanted to make it clear that these zoning issues are not in front of the Council at this time, but are being considered by the Planning Commission.

C. Correspondence : None.

### III. COUNCIL COMMITTEE REPORTS:

[A3.6.4]

#### Finance Committee

Deputy Mayor Swatman said the Committee discussed the following topics:

1. Ord. 1127 - clarifying the requirements for the City's official newspaper;
2. Ord. 1123 – Parks and Transportation Ordinance review and approved for Council action;
3. Ord. 1125 – also on the Council agenda for the 95<sup>th</sup> St. LID;
4. Ord. 1129 – clarifying the senior and disabled discount for sewer and water;
5. Ord. 1128 – a budget amendment;
6. Ord. 1130 – a funding ordinance for the 95<sup>th</sup> St. LID;
7. Garbage service – keeping up with payment of bills;
8. Replacement of a Department Assistant vacancy in the Finance Department with an Accounting Assistant; and
9. WiFi demonstration.

A. Community Development Committee

Councilmember Rackley said the CDC met April 18<sup>th</sup> and discussed the future work that will be done to the SR410 and Old Buckley Sumner Highway intersection. He noted that in the Finance Committee meeting they discovered that the old containers used for recycling can be returned to the recycling station at Prairie Ridge.

B. Public Safety Committee

Councilmember Johnson reported that the Committee met on April 18<sup>th</sup> and discussed a scooter ordinance. He said the Committee has concluded that the City should just enforce the State's law dealing with scooters. Deputy Mayor Swatman asked what the law is. Mayor Young listed a number of ways that the pocket bikes do not meet the state code for operation on the streets. He said the State considers them to be motorcycles and that it is also illegal to operate the small bikes on the streets and sidewalks. He said that Bonney Lake Officers have been instructed to ticket offenders and confiscate the bikes if needed to speak with parents. Deputy Mayor Swatman asked if the pocket bikes are still being sold. ASC Morrison said he told the business owners that the City is considering regulating the bikes and invited them to contact the Police Chief if they wanted to get involved. Chief McGehee said all the dealers were contacted and invited to the Public Safety Committee meeting, but none attended. He said the Department will initially emphasize education over impounding.

Councilmember Rackley suggested that the Public Safety Committee look at the possibility of an ordinance to require vendors of these pocket motorcycles to provide information about the state law. Councilmember Hamilton also suggested the Committee discuss street signs saying the law will be enforced.

ASC Morrison reported that Pierce County will be in attendance at the pancake breakfast to provide information on their recycling programs.

C. Other Reports:

Deputy Mayor Swatman thanked the staff for making arrangements to participate in the WiFi demonstration in Auburn. He said the Finance Committee discussed the topic and concluded that the application may have a positive economic development stimulus in the downtown area. Mayor Young expressed particular appreciation to Information Technology Coordinator McEwen for his work with this issue for Bonney Lake.

Deputy Mayor Swatman said he met with homeowners who showed him the proposed development on the Fennel Creek pastures. He asked that any similar information be provided in the future to the Council so that they are not surprised by citizens. Director Leedy said the landowner's representative displayed the plan, but then rolled it back up and took it with him. He said such information is not available to the City. Mayor Young added that he has requested a copy from the owner, but not yet received it.

Deputy Mayor Swatman asked for clarification on what will happen with the Gunn property with respect to the tree cutting. Mayor Young said he felt his previous statement had clarified the City's position, but that he will try again. Deputy Mayor Swatman asked that the statement clarify if any replanting will be required, and who, if anyone, will be responsible.

Councilmember Rackley said that at the recent Wastewater Treatment Facility Committee Meeting, the cities agreed to meet and work out a solution to the UGA boundaries at the north end of Lake Tapps. He noted that the new treatment facility will be fully operational by September 2005.

Councilmember Noble noted that the April 30 deadline for submission of applications for Comprehensive Plan amendments is rapidly approaching. She asked that the City encourage Quadrant or Weyerhaeuser to have public meetings on their proposed amendments and development. Deputy Mayor Swatman asked for clarification as to whether or not the City

must also meet that same deadline for issues it wishes to initiate. City Attorney Dionne said the City is not constrained in its proposed actions by the April 30<sup>th</sup> date. Director Leedy said he will ask for time at a workshop to discuss Council interests in this area. Mayor Young added that the Municipal Code provides that since the deadline falls on a Saturday, the application period is extended to the following Monday, so that the actual application deadline is May 2<sup>nd</sup>.

**IV. CONSENT AGENDA:** [A3.6] -  
**Councilmember Johnson moved to approve the consent agenda items occurring below.**  
**Councilmember Rackley seconded the motion.**

City Clerk Edvalson read the titles of the two ordinances added to the consent agenda.

- A. **Approval Of Meeting Minutes:** April 5 Council Workshop. [A3.6.2]
- B. **Claims:** Accounts payable checks/voucher #40272 thru 40371 in the amount of \$668,486.01. [F4.9]
- C. **Payroll:** Payroll for April 1-15th, 2005 for checks 23597 -23644, including Deposits and Electronic Transfers in the amount of \$234,751.80. [F4.9]
- D. **AB05-93 – Resolution 1418** - A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing A Lease Agreement With Nextel Communications. [O4.4.11.4]
- E. **AB05-115 – Resolution 1427** - A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing An Interlocal Agreement Between The City Of Bonney Lake And Pierce County Relating To Post-Annexation Processing Of Building And Related Permits And Land Use Applications For Annexation Area 7. [O6.1]
- F. **AB05-116 – Resolution 1430** - A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing The Mayor To Apply For A Grant To Participate In The “Click It or Ticket Enforcement Campaign” Between May 9, 2005 and June 5, 2005. [O1.10.7]
- G. **AB05-117 – Resolution 1431** - A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing The Mayor To Sign Washington State Patrol Agreement Number CO50897GSC Regarding Commercial Vehicle Inspections. [O1.9]
- H. **AB05-86 – Ordinance 1112** - An Ordinance Of The City Of Bonney Lake, Pierce County, Washington, Allowing Home Occupations To Have Signs. [A3.5.5] [O3.6.2]
- I. **AB05-101 – Ordinance 1119** - An Ordinance Of The City Of Bonney Lake, Pierce County, Washington, Annexing Certain Real Property, Identified As “Annexation Area 7”, To The City Pursuant To RCW 35a.14.120 - .150, Effective On June 1, 2005. [O3.2.1]

**Motion approved 5 – 0.**

**V. FINANCE COMMITTEE ISSUES:**

- A. **AB05-110 – Ordinance 1123** – An Ordinance Of The City Of Bonney Lake, Pierce County, Washington, Amending Chapters 19.04 And 19.06 Of The Bonney Lake Municipal Code And Ordinance Nos. 984 And 1018, Relating To Application Of Impact Fees To Multifamily Residential Developments, And Making Other Clarifications. [A3.5.5][F4.3]

**Councilmember Rackley moved to approve Ordinance 1123. Councilmember Hamilton seconded the motion.**

**Motion approved 5 – 0.**

**VI. COMMUNITY DEVELOPMENT COMMITTEE ISSUES:** None.

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

**VIII. FULL COUNCIL ISSUES:**

- A. **AB05-100 – Ordinance 1118** - An Ordinance Of The City Of Bonney Lake, Pierce County, Washington, Amending Chapter 1.12 Of The Bonney Lake Municipal Code And Ordinance Nos. 1030, 923, 816, 648, 556, And 388 Relating To Designation Of City Council Ward 2 Boundaries. [A1.3][A3.5.5]

**Councilmember Rackley moved to adopt Ordinance 1118. Councilmember Noble seconded the motion.**

Councilmember Rackley noted that the proposed annexation cannot be properly attached to any other ward. Deputy Mayor Swatman said as the City continues to grow, there will be little differentiation in socio-economic conditions across the City to differentiate the wards. He said the best solution is to make all of the Council positions at-large.

**Motion approved 4 – 1. Deputy Mayor Swatman voted no.**

- B. **AB05-102 – Ordinance 1120** - An Ordinance Of The City Of Bonney Lake, Pierce County, Washington, Applying R-1 Zoning To The Area Commonly Referred To As “Annexation Area 7”. [O3.6.1.3]

**Councilmember Rackley moved to adopt Ordinance 1120. Deputy Mayor Swatman seconded the motion.**

Responding to Councilmember Noble’s questions, Director Leedy explained that the annexation area is approximately 70 acres. He added that the projected number of lots is approximately 300. He said that Bonney Lake is right on target to meet the requirements of the Growth Management Hearing Board. He noted that Pierce County would require greater density in this area than Bonney Lake.

**Motion approved 5 – 0.**

- C. **AB05-109 – Ordinance 1122** - An Ordinance Of The City Of Bonney Lake, Pierce County, Washington, Adopting A New Chapter 19.08 To The Bonney Lake Municipal Code, Relating To School Impact Fees. [A3.5.5] [F4.3]

**Councilmember Hamilton moved to approve Ordinance 1122. Deputy Mayor Swatman seconded the motion.**

Deputy Mayor Swatman noted that the ordinance the Council should be considering was revised from the one that was part of the original agenda packet. He noted that although the revised ordinance provides for collection by the school districts, it also still provides for a collection fee on the part of the City. He questioned if this was Council's intent.

**Councilmember Rackley moved to strike paragraph E on page 6 to eliminate the collection fee of \$50. Deputy Mayor Swatman seconded the motion.**

**Motion to amend approved 5 – 0.**

Deputy Mayor Swatman asked Mayor Young if he intended to sign the ordinance. Mayor Young said he has not yet decided. When asked by Councilmember Johnson why, he responded that he feels the City should collect the fees and that he struggles with the potential impacts to the building industry of the additional impact fees.

Theo Gideon, Master Builders Association of Pierce County, said the association is opposed to the imposition of impact fees. He said in a sense, the fees are passed on to both the current and future residents.

Deputy Mayor Swatman said the impact fee philosophy is flawed, but that it is the best mechanism at present. He said the City needs to make some attempt to deal with the impacts of growth.

**Amended main motion approved 5 – 0.**

- D. **AB05-118 – Ordinance 1125** – An Ordinance Of The City Of Bonney Lake, Pierce County, Washington, Ordering The Improvement Of Certain Property; Establishing Local Improvement District No. 05-13, And Ordering The Carrying Out Of The Proposed Improvement; Providing That Payment Of The Costs Of The Improvement Be Made By Special Assessments Upon The Property In The District, Payable Through Issuance Of Lid Bonds Or An Interfund Loan Of The City; And Providing For The Issuance And Sale Of Local Improvement District Warrants Or Other Short-Term Obligations Redeemable In Cash And Local Improvement District Bonds Or The Incurrence Of An Interfund Loan Of The City. [F2.4.16]

**Councilmember Rackley moved to approve Ordinance 1125. Deputy Mayor Swatman seconded the motion.**

Deputy Mayor Swatman said this issue has been worked on over a long period of time. He noted that the local residents will be paying for the improvements. He thanked Glen Souza

for continuing to pursue this improvement district.

**Motion approved 5 – 0.**

- E. **AB05-119 – Ordinance 1126** - An Ordinance Of The City Of Bonney Lake, Pierce County, Washington, Amending Chapter 12.04 Of The Bonney Lake Municipal Code And Ordinance Nos. 589, 589b, 798, And 949, Relating To Public Works Design Standards. [A3.5.5] [O3.6.2]

**Councilmember Rackley moved to adopt Ordinance 1126. Deputy Mayor Swatman seconded the motion.**

Councilmember Rackley thanked John Woodcock for the great work done on improvement of the standards.

Theo Gideon, Master Builders Association of Pierce County, said that he had tried to obtain the ordinance to provide input on the proposed standards, but was not contacted. He said his association has many building professionals that can provide practical input to the City's proposed standards. He said he was told it was a policy issue and would not be brought forward in the form of an ordinance.

Councilmembers Johnson and Rackley invited Mr. Gideon and his association to participate in Community Development Committee (CDC) meetings or provide input directly to Councilmembers. Deputy Mayor Swatman said he would like to see the MBA input on the issue. Councilmember Hamilton asked Mr. Gideon if the MBA would like to see this go back to committee. Mr. Gideon responded that they would welcome the opportunity to comment. Director Grigsby said there would be no problem from the staff perspective to have this discussed again at the CDC. He added that perhaps CDC agendas could be sent to the MBA.

**Councilmember Rackley moved to table Ordinance 1126 for two weeks. Councilmember Hamilton seconded the motion.**

**Motion to table approved 3 – 2. Deputy Mayor Swatman and Councilmember Noble voted no.**

**IX. EXECUTIVE SESSION:** None.

**X. ADJOURNMENT**

**At 9:10 p.m., Councilmember Johnson moved to adjourn the meeting. Councilmember Hamilton seconded the motion.**

**Motion approved 5 – 0.**

Documents submitted for or at the Council Meeting of April 26, 2005:

- Bonney Lake Citizen – *Letter of Appreciation for Steve Burnham* – Fred and Winona Jacobsen.
- Bonney Lake Citizen – *Letter to Jessica Larios from Army Corps of Engineers* – Art Palacek.
- City of Bonney Lake – *BLPD Training Enforcement Bulletin 05-001* – Robert Young, Mayor.
- Master Builders Association of Pierce County – *Letter to Mayor Young(04/26/05)* – Theo Gideon, MBA Government Affairs Associate.

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Harwood T. Edvalson, CMC  
City Clerk

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Robert Young, Mayor