

CITY COUNCIL MEETING

City of

**May 10, 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 Bob Young called the meeting to order at 7:05 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, Assistant City Attorney Kathleen Haggard and City Clerk Harwood Edvalson.

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

1. Announcements:

2. Appointments: Mayor Young announced the appointment of Brian C. VanSickle as a Police Officer for the City of Bonney Lake. Judge James Helbling administered the Oath of Office to Officer VanSickle.

3. Presentations:

a. Mayor Young read a statement proclaiming May 13 – 17 as Police Week and May 15th as Peace Officer's Memorial Day.

Mayor Young asked Chief McGehee to comment on the recent graduation of Citizen Academy participants. Chief McGehee reported that there were 23 people participating in the program. He said that the group wanted to convey to the Council how valuable they found the program, and their appreciation for the men and women who serve with the Bonney Lake Police Department.

D. Agenda Modifications [A3.6.6]:

Councilmember Rackley moved to suspend the Council rules to allow for a grouping of agenda items into a consent agenda. Deputy Mayor Swatman seconded the motion.

Motion approved 7 – 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]:

Michelle Gunn, 8708 188th Ave. E., submitted a copy of a petition previously submitted by the residents of the Grandview neighborhood supporting the rezoning of her property and the property in Area 56 from commercial to residential. She questioned the validity of that petition and alleged the use of questionable collection methods. She also submitted the original copy of a petition she had recently presented to the Planning Commission regarding the rezoning of her commercial property in Area 56. She said the petition and its signers support retaining the commercial zoning on Area 56. Ms. Gunn also discussed parking in the area, and noted that it appears to be a concern of some of the residents. She offered to provide pictures taken in other areas of the City demonstrating parking violations in the residential neighborhoods. She suggested that what is allowed in residential neighborhoods should not be an issue in commercial areas. Ms. Gunn also distributed a map showing the lot combination of her properties and asked that the City's maps reflect the combination. Finally, Ms. Gunn addressed a memo from Deputy City Attorney Jeff Ganson regarding rezoning of property that may decrease the value of a particular parcel.

Lynn Storrs, 7715 191st Ave. E., distributed copies of plat maps showing a portion of the Larios property. He noted that the residents had to pay for their own study to substantiate the existence of wetlands on the Larios and adjacent properties. He said that there are violations on the Larios property that are not being enforced. He added that the resident-initiated wetland study recommends further study of down hill properties. He alleged that the Mayor overrode the Council's concerns and allowed another incomplete study. He said the result of the study was to make the wetlands smaller instead of larger as suspected. Mr. Storrs read from the City's policy regarding infiltration requirements. He questioned the manner in which these standards are being applied to the Larios property. He said the neighbors in the area received a letter stating that the City is no longer concerned about their properties.

Mayor Young said that the City does care about their properties. He asked Director Leedy a number of questions pointing out that there was a completed study identifying wetlands on the Larios Property and a mitigation plan for previous disturbance of the wetland. Director Leedy added that there is also the requirement for preparation of a storm water infiltration plan which is in process. He described the available appeal processes for those who object to the land use determinations on the property. He also affirmed that there is a Stop Work Order in place on the property until the outstanding issues are resolved by the property owner. Director Grigsby discussed the impervious surface standards and infiltration systems required on the Larios application. Mayor Young summarized that the City is trying to address the concerns of the neighbors. He said that the City is currently addressing the issues associated with the Larios short plat application. He said the characterization that the City is uncaring is incongruous with the City's continued action on the issues associated with this property. Mr. Storrs and Mayor Young discussed the applicability of the wetlands studies done on the property.

Councilmember Noble asked if silt fencing is installed where it should be on the Larios Property. Director Leedy said he thought it was, but said he will follow up tomorrow. Deputy Mayor Swatman said he is discouraged that the Mayor has not resolved the problems. He pointed out that the Council does not have staff to address the issues. Mayor Young said the City staff have worked numerous hours on the issues at hand. He said a report was provided to the Council outlining the due diligence by the City. Deputy Mayor Swatman said his opinion differs. He added that the staff's continued processing of additional development applications on the Larios property is an ineffective use of the Stop Work Order as leverage to encourage compliance. He added that a Council meeting is not the appropriate forum to resolve these problems.

Councilmember King asked that the Mayor and Council observe the Council Policies and Procedures and not engage those addressing the Council in protracted dialogue.

Barbara Bledsoe, 7711 191st Ave. E., said that she asked the City's wetland consultant 3 times if he had tested the land in back of her house. She said that there are apparent vegetative indicators of a wetland in the back of her house, which is directly behind the Larios house. She said that her property has not been tested for the presence of wetlands.

Art Palacek, 7716 190th Ave. E., described the two page copy of plat maps that Mr. Storrs provided to the Council. He noted that the wetlands originally noted on the Larios property was 210 sq. ft. He observed that the new study now showed the wetland to be 190 sq. ft., apparently to accommodate a new driveway on the Larios property. He asked how the City will address the results of this resurveying with such interested agencies as the Army Corps of Engineers and the State Departments of Ecology and Fish and Wildlife. He asked how much money has been allocated to accommodate the Mayor's proposed drainage study of the 191st Ave. neighborhood.

Director Grigsby responded that there is nothing in the current budget, but that with the adoption of new storm water rates and system development charges, a Capital Improvement Plan will include a storm water study of this drainage basin.

Sarah Butzine, 20415 S. Prairie Rd., said she represents Americorps at the WSU Demonstration Forest. She thanked the City for its efforts to enforce the sign code on illegal signs encumbering the property and for the citizen help with Community Trail Days. She said that Americorps will be back again this summer and is looking for opportunities to serve the community. She added that several programs are proposed that will use local youth as leaders. She added that a stipend for those youth will be available.

Councilmember Noble thanked Americorps for their efforts and asked for copies of the program flyers to include information in the Council Corner. Councilmember DeLeo asked if there had been an increase in use of the forest since the trails were constructed. Ms. Butzine responded that there has been an increase and that the increased use has reduced the amount of graffiti on the forest property. Councilmember King thanked Americorps for keeping the forest alive, well and useful in spite of the projected new use. He said the Council is concerned with the preservation of recreation uses on the property.

Jessica Larios, 7720 190th Ave. E., said she is not allowed to move forward until the Stop Work Order is lifted or partially lifted to allow mitigation work. She said that she is not

responsible for holding up the process. She said she is waiting for the completion of the storm water infiltration report. She added that she has put down straw to protect the property from undue erosion. She said that only one permit has been issued on her property, and that by mistake of the City. Ms. Larios said that she should not be penalized for the City's miscues and actions. She added that she has never refused to do anything that the City has requested.

Deputy Mayor Swatman said he is concerned that the storm water infiltration standards be correctly applied to her property so that others across the City will not point to her property and ask for an exception. Ms. Larios pointed out that her neighbor's garage was constructed in a wetlands buffer, contrary to what she is being required to do to protect the wetlands. Councilmember Noble asked if the Stop Work Order had been lifted to allow Ms. Larios to pursue mitigation. Director Leedy responded, no.

Don Sangesand, 5616 195th Pl. E., said the Mayor is running the water system into the ground by agreeing to run mains over most of the east side of the County. He said the Mayor has arranged for Tacoma water with an associated increase of rates to the detriment of the citizens. He added that the Mayor is directing new roads to bring traffic directly through the business district of Bonney Lake, which will worsen conditions on SR410. He asked why the Mayor has done nothing with respect to a tree ordinance. He suggested that the Mayor has also had meetings with Weyerhaeuser to support the development of the WSU Demonstration Forest in a way that will be detrimental to the citizens. He also urged the proper use of storm water retention and drainage to protect the City's aquifers.

Councilmember King thanked Mr. Sangesand for not including the Council in the list of actions the Mayor has taken. He added, however, that most of the Mayor's actions have required a majority vote of the Council. He said that most issues have been thoroughly discussed by the Council in Council meetings and workshops with input from staff, consultants and the public in an effort to establish the proper water, sewer rates and other fees and charges for the general benefit of the citizens of Bonney Lake.

Robert Ceola, 9104 189th Ave. Ct. E., distributed copies of an email from Director Leedy to Mr. & Mrs. Jacobsen on May 5, 2005. He asked why Mr. Leedy cited the Revised Code of Washington with respect to property division, when Ms. Gunn's latest action was to combine her parcels. He asked further why Director Leedy did not refer to the Bonney Lake Municipal Code which outlines the City's procedures for property combination.

Deputy Mayor Swatman asked that a legal opinion be prepared by the City Attorney. Mayor Young said a response will be provided at the workshop next week.

Les McCluggage, 19624 96th St. E., asked what efforts have been taken to remediate the code violations on his neighbor's property. He informed the Council that vehicles have been moved from the property onto an adjacent property owned by a different person. He again noted that the fire hydrant is completely obscured from view in the right-of-way.

Councilmember King said that the blocked fire hydrant issue has been referred to the East Pierce Fire and Rescue to be addressed. Chief McGehee noted that Officer Sainati is working with Code Enforcement on the hydrant and abatement issues. Mayor Young assured Ms. McCluggage that the abatement process is being pursued.

Councilmember King asked for a ten minute break in the meeting. Mayor Young called for a ten minute break at 8:19 p.m. The meeting was resumed at 8:37 p.m.

C. Correspondence : None.

III. COUNCIL COMMITTEE REPORTS:

[A3.6.4]

Finance Committee

Deputy Mayor Swatman said the Committee met earlier this evening and had an agenda packet thicker than the Council's packet this evening. He said they discussed the following topics:

1. Resolution 1440 – a contract with ACT/Cascadia Proof of Concept;
2. Resolution 1439 – a contract for dial tone services with QWEST;
3. A service contract with Liebert Global for the Public Safety Building UPS systems;
4. Ordinance 1131 – dealing with grammatical changes to the code to delete non-functional references;
5. Resolution 1428 – a contract with Glen McGilvra to perform census work in Annexation Area 7;
6. Resolution 1432 – a contract with H&S Consulting for on-call wetland services;
7. Resolution 1437 – the Non-motorized Transportation Plan (He thanked Councilmembers Hamilton and Noble for taking time to participate with him and staff in the selection of the consultants);
8. Resolution 1438 – dealing with the contract for addition to the Senior Center (He thanked the Mayor for his efforts to help secure the grant to help pay for the work); and
9. Resolution 1442 – for out-of-state travel for Bill Strand and Steve Willadson for signal training in Portland, OR.

Mayor Young added that the ACT-Cascadia item will be brought forward for action at the Council workshop next week.

A. Community Development Committee

Councilmember Rackley said the CDC met on the 18th and discussed the intersection at SR410 and Old Buckley Sumner Highway. He said they also discussed an Interlocal Agreement with Pierce County to deal with the upcoming annexation, as well as some developer extension agreements on the agenda this evening.

B. Public Safety Committee

Councilmember DeLeo said the Committee met on May 9th and discussed animal control, the parking around the new high school and a proposed jail contract with the City of Fife. Councilmember King added that the Committee received a copy of the new lake management plan for boating use of Lake Tapps.

C. Other Reports:

Councilmember Rackley reported that the Finance Committee received a report from Human

Resources about the time it takes to fill open vacancies. He said it was reported the average is approximately 3 months. He noted there has been some difficulty filling some engineering positions.

Councilmember King informed the Council that he will be absent due to an out-of-town assignment for work. He asked the Council to excuse his absence.

IV. CONSENT AGENDA: [A3.6] -

Councilmember Rackley moved to approve the consent agenda items occurring below. Councilmember King seconded the motion.

Deputy Mayor Swatman asked that Item J – AB05-133, be pulled for discussion. Mayor Young suggested that the pulled item be discussed as Item VI. C. under Community Development Committee Issues. City Clerk Edvalson read the titles of the three ordinances added to the consent agenda.

- A. **Approval Of Meeting Minutes:** April 12 Council Meeting, April 19 Council Workshop, April 26 Council Meeting. [A3.6.2]
- B. **Claims:** Accounts payable checks/voucher #40372 thru 40491 (voiding check/voucher #40454) in the amount of \$1,176,231.45. [F4.9]
- C. **Payroll:** Payroll for April 16-30th, 2005 for checks 23644 -23698, including Deposits and Electronic Transfers in the amount of \$328,413.01. [F4.9]
- D. **AB05-121 – Ordinance 1128** - An Ordinance Of The City Of Bonney Lake, Pierce County, Washington, Amending The Annual Budget For The Calendar Year 2005. [F3.8]
- E. **AB05-122 – Ordinance 1129** - An Ordinance Of The City Of Bonney Lake, Pierce County, Washington, Amending Chapters 13.04 And 13.12 Of The Bonney Lake Municipal Code And Ordinance Nos. 1047, 1046, 916, 909, 907, 892, 828, 763, 692, 692a, 588, And 571c, Relating To Utility Discounts For Senior And Disabled Citizens. [A3.5.5]
- F. **AB05-131 – Ordinance 1131** - An Ordinance Of The City Of Bonney Lake, Pierce County, Washington, Eliminating References to Chapters 18.12 and 18.36 BLMC Which Were Repealed By Ordinance 1099. [A3.5.5]
- G. **AB05-132 – Resolution 1437** - A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing A Professional Services Agreement Between The City Of Bonney Lake And The Transpo Group, For The Purpose Of Developing A Non-Motorized Transportation Plan. [O5.10]
- H. **AB05-134 – Resolution 1438** - A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Awarding A Contract To Lake Tapps Construction For An Addition To The Senior Center, And Authorizing The Mayor To Enter Into A Construction Agreement Therefor. [O4.4.2]
- I. **AB05-125 - A Motion** Of The City Council Of The City Of Bonney Lake, Setting May 17, 2005 at 5:30 p.m., Or As Soon Thereafter As Possible, For A Public Hearing On Storm Water Rates And System Development Charges. [A3.6.10][A3.6.12]
- J. AB05-133 (Moved to Agenda Item VI. C.)

- K. **AB05-135 – A Motion** Of The City Council Of The City Of Bonney Lake Canceling the Regular Council Workshop of June 21, 2005 Due To Council Attendance At The 2005 Association Of Washington Cities Annual Conference. [A1.1.2] [A3.6.10]

Motion approved 7 – 0.

V. FINANCE COMMITTEE ISSUES:

- A. **AB05-120 – Ordinance 1127** - An Ordinance Of The City Of Bonney Lake, Pierce County, Washington, Amending Chapter 1.20 BLMC And Ordinance Nos. 835 And 874, Relating To Designation Of The Official Newspaper. [A3.5.5][A3.20.8]

Deputy Mayor Swatman moved to approve Ordinance 1127. Councilmember Noble seconded the motion.

Mayor Young discussed with Council the staff's reservations with the possible use of a weekly newspaper as the City's official newspaper. He said that delays in printing official notices and accompanying delays in the City's official processes were the chief concern. Deputy Mayor Swatman said that the Mayor had not understood the intent of the proposed ordinance. He said the ordinance merely removes the requirement for daily publication of the official newspaper, thus allowing the Council to consider weekly publications. He said the requirement for a daily newspaper could still be an added condition of the request for bids.

Motion approved 6 – 1. Councilmember King voted no.

VI. COMMUNITY DEVELOPMENT COMMITTEE ISSUES:

- A. **AB05-97 – Resolution 1421** - A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing A Water Developer Extension Agreement With Dan Jensen for The Rainier Plateau PPD. [A3.13.7]

Councilmember Rackley moved to approve Resolution 1421. Councilmember Hamilton seconded the motion.

Motion approved 5 – 2. Councilmembers Johnson and Noble voted no.

- B. **AB05-126 – Resolution 1433** - A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing A Developer's Temporary Maintenance & Operations Agreement For Sanitary Sewer Force Main With Fairweather Cove Estates, Inc. [O4.5.1]

Councilmember Rackley moved to approve Resolution 1433. Councilmember Hamilton seconded the motion.

Deputy Mayor Swatman asked if the sewage would flow to Auburn like the Dieringer

Schools. Director Grigsby responded, yes. He said an Interlocal Agreement was established with Auburn to deal with this property. Councilmember Rackley said the agreement was done about one year ago. He asked about the study of the Northern Sewer Service Area. Director Grigsby said a draft scope of work has been prepared and that discussions with the other affected cities will take place shortly to help establish boundaries and possible agreements.

Motion approved 6 – 1. Councilmember Noble voted no.

- C. **AB05-133 – A Motion** Of The City Council Of The City Of Bonney Lake, Authorizing the Mayor to Expedite Street Improvements on 104th Street Adjacent to Bonney Lake High School. [A3.6.10][O4.8.2]

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

Councilmember Rackley asked about funding for the improvements. Director Grigsby explained that Storm Water, Streets and Traffic Impact Funds are all likely sources to pay for the estimated \$195,000 project. Deputy Mayor Swatman said he was appreciative of the Mayor and staff for identifying the needs and pursuing the remedies. He questioned the need for Council approval of the actions. Director Grigsby said he looked at it as an advise and consent process. He noted that the money was not included in the current year's Transportation Improvement Plan. Director Weidenfeller added that as the work goes forward, staff will identify more concrete sources of funding for the projects. Councilmember Hamilton asked about traffic impact fees paid by the school. Director Grigsby responded that mitigation actions required of the school was to pay up to \$175,000 for the installation of a traffic signal between the high school and junior high. He said an additional \$8,000 was required for mitigation done at the time of permitting.

Motion approved 7 – 0.

VII. PUBLIC SAFETY COMMITTEE ISSUES: None.

VIII. FULL COUNCIL ISSUES:

- A. [Tabled from 04/26/05]**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] [O4.2]

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

Councilmember Noble asked about the recommendations on the proposed ordinance from the Master Builder's Association of Pierce County. Director Grigsby said the issues dealt with eliminating conflicts between the City's and Pierce County's standards for storm water infiltration ponds, correcting an internal conflict with road widths and widths of right-of-

ways. Councilmember Noble asked about the side-sewer ownership issue. Director Grigsby said that issue extends the responsibility of the property owner to maintain a private side-sewer lateral all the way to the sewer main, and not stop at the edge of the right-of-way.

Director King added that at the last meeting of the Pierce County Regional Council, the County agreed that some of their design standards and treatment standards for storm water are in need of update. He said the Bonney Lake Public Works department is forward looking and ahead of the County in this regard. Councilmember Rackley added that most cities have adopted this new standard of side-sewer lateral maintenance.

Motion approved 7 – 0.

- B. **AB05-137 – A Motion** Of The City Council Of The City Of Bonney Lake Appointing Two Voting Delegates In Addition To The Mayor To Represent The City of Bonney Lake at the 2005 AWC Annual Conference. [A1.1.4][A3.6.10]

Mayor Young asked for nominations.

Deputy Mayor Swatman nominated himself and Councilmembers Johnson and Noble as voting delegates to the Conference.

Deputy Mayor Swatman noted that, although the Mayor may have traditionally been a voting delegate, AWC clearly contemplates that the Council will make the decision.

Councilmember Hamilton nominated Mayor Young as a voting delegate.

Councilmember Noble withdrew herself from consideration stating that she had never been a part of the AWC Business meeting and that she would be willing to defer for the Mayor to allow him to participate.

By common consent the remaining nominations for voting delegates were Deputy Mayor Swatman, Councilmember Johnson and Mayor Young.

Motion approved 7 – 0.

- IX. **EXECUTIVE SESSION:** None.

- X. **ADJOURNMENT**

At 9:13 p.m., Councilmember Johnson moved to adjourn the meeting. Councilmember King seconded the motion.

Motion approved 7 – 0.

- Bonney Lake Citizen – *Copy of Petition Supporting Rezone of Area 56 (March 22, 2005)* – Michelle Gunn.
- Bonney Lake Citizen – *Original Petition Supporting Retention of Commercial Zoning on Area 56* – Michelle Gunn.
- Bonney Lake Citizen – *Enlarged Color Map of Lot Combination* – Michelle Gunn
- Bonney Lake Citizen – *Memo from Jeff Ganson (April 14, 2005)* – Michelle Gunn
- Bonney Lake Citizen – *Two Plot Maps – Larios Property* – Lynn Storrs
- WSU Cooperative Extension – *Letters and Flyers Regarding WSU Demonstration Forest* – Sarah Butzine, Americorps.
- Bonney Lake Citizen – *Two Plot Maps – Larios Property* – Lynn Storrs
- City of Bonney Lake – *Letter to Mr. .& Mrs. Jacobsen; Citations from the RCW and BLMC* – Robert Ceola.

Harwood T. Edvalson, CMC
City Clerk

Robert Young, Mayor