

**CITY COUNCIL MEETING**

City of

**July 12, 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"*

Audio Time  
Stamp ↓

**I. CALL TO ORDER** – Mayor Bob Young called the meeting to order at 7:01 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 Phil DeLeo, Councilmember Mark Hamilton, Councilmember Neil Johnson, Councilmember Dave King, Councilmember Cheryle Noble and Councilmember Jim Rackley.

Staff members present were Administrative Services Coordinator Don Morrison, Finance Director John Weidenfeller, Public Works Director Daniel Grigsby, Planning & Community Development Director Bob Leedy, Interim Police Chief Buster McGehee, Judge James Helbling, Senior Human Resources Analyst Karen Meeks, City Attorney Jim Dionne and City Clerk Harwood Edvalson.

7:02:13

**Councilmember Rackley moved to convene an executive session of the City Council. Councilmember Hamilton seconded the motion.**

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

Mayor Young explained that pursuant to RCW 42.30.110(i) the City Council will meet for 30 minutes in executive session to discuss matters of current and pending litigation with the City's attorneys. The session started at 7:03 p.m. The regular meeting was reconvened at 7:29 p.m. Members of the public in the immediate vicinity of City Hall were notified that the regular meeting would resume immediately.

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

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

D. Agenda Modifications [A3.6.6]: See addition of executive session under Section IB of these minutes.

**II. PUBLIC HEARINGS, CITIZEN COMMENTS & CORRESPONDENCE:**

A. Public Hearings: [A3.6.12] None.

7:30:09

B. Citizen Comments:

Quinn Dahlstrom, Bonney Lake Planning Commissioner, described her efforts to obtain copies from the Planning Department of petitions submitted to the City that are relevant to her work as a Planning Commissioner. She said she had most recently resorted to submitting a Request for Public Disclosure in order to obtain them.

The Mayor and Councilmembers agreed that Ms. Dahlstrom should not have to submit a Request for Disclosure of Public Records in order to obtain information needed to perform her duties as a Planning Commissioner. Mayor Young directed that she be provided a copy of the petitions free of charge.

Michelle Gunn, 8708 188<sup>th</sup> Ave. E., said she believes citizens should have the right to expect that copies of submitted documents will be provided to the City's Commissions and Council. She expressed disappointment with the public notice for the last Planning Commission published by the newspaper. She said the meeting place was not correctly identified in the paper. She said those arriving late, who had gone first to the wrong location, were denied the opportunity to comment at the meeting because they had not signed up to speak at the designated time at the beginning of the meeting. She added that her property has not been removed from the list of those being considered by the Planning Commission for rezoning to match the Comprehensive Plan Land Use Plan.

Responding to Councilmember King's questions, there was a brief description of procedures used by the City Clerk's Office and the Planning Department for public notices. Councilmember King suggested that the City's procedures for public notice be put into a written procedure. Councilmember Hamilton suggested that in this instance where the meeting location was moved, that a sign be placed on the doors directing citizens to the new location. Councilmember DeLeo asked if those who had not had the opportunity to comment at the meeting will be heard by the Commission. Director Leedy said there will be an open public hearing on the issue on July 20<sup>th</sup>.

Linda Youngberg, 8507 182<sup>nd</sup> St. E., asked if she could get an update on the City's action about her report of unreturned phone calls from staff. She said that in speaking with others in town, she understands that her experience is not unique.

Mayor Young replied that he has followed up with staff and impressed upon them the importance of returning phone calls. Councilmember Johnson asked if there is a specific timeframe established within which staff is to return phone calls. Mayor Young responded that he believes a return call within 24 hours is generally reasonable.

Ms. Youngberg said she has been talking to Public Works staff about the cleanliness of the street shoulders. She said the Public Works crews have been spending their time on the retention ponds. She asked that the Council direct more money to the purchase of more mowers or the addition of staff to handle both the retention ponds and the cleaning and mowing of street shoulders.

Councilmember Johnson said that on September 24<sup>th</sup> the Chamber of Commerce is sponsoring another "Beautify Bonney Lake" event. He said the Council is behind keeping the City looking good. He added that about 400 people are expected to participate. He emphasized the need to maintain the looks of the City on a regular basis in addition to these periodic special clean-up events. Councilmember Noble asked if Public Works had obtained a special mower and equipment to deal with the retention ponds. Director Grigsby said that a special mower had been purchased and additional temporary employees hired to help with the cleaning of retention ponds and weed abatement in the City. He noted that with the extra moisture this year, Public Works will be required to rent special mowing equipment more frequently. He added that his budget request for next year will include additional equipment and temporary staff to address these issues. Councilmember Johnson suggested that the personnel savings resulting from the lengthy hiring process for approved staff positions be applied to hiring additional temporary staff. Mayor Young said he has already approved use of those funds for that purpose. Councilmember King congratulated the Planning and Public Works Departments for their work on long-range plans that are currently being implemented. He said such plans as those for sidewalks, storm water and community forestry will improve the City's infrastructure and help beautify the City. Director Weidenfeller commented that the increased project activity of the Public Works Department has left them short-handed at times, but they are working very hard to serve the needs of the City.

Steve Crossly, Owner of Papa's Kitchen, Bonney Lake, provided a history of his stressful dealings with City staff and their application of impact fees to the patio project at his restaurant. He said he had been prepared to pay the traffic impact fee, but when he was later told that he must also pay a \$20,000 system development charge for sewer, he objected. He emphasized that his patio is a seasonal use at best for a few months of the year, and that the patron use of the outside seating essentially replaces the unused inside seating on nice days. He said that many of his customers go outside the City on nice days where outdoor seating is offered. He added that there are at least a dozen other establishments in the City that put out tables and chairs that have not been asked to pay additional impact fees. He asked that he be treated similarly.

Deputy Mayor Swatman questioned the need for any permit for this patio addition. He and Councilmember Noble stressed that businesses should be treated similarly. Councilmember Noble emphasized the need to retain small businesses particularly in the downtown area. She urged staff to be creative in assisting Mr. Crossly. Councilmember King agreed that the issues should be explored, but cautioned that the solutions might appropriately require legislation rather than creative interpretation or exception. He suggested that a limitation on square footage might be appropriate to restrict unplanned impacts to the infrastructure. Councilmember Johnson urged

staff to approach the situation with a solution-driven methodology to assist this small business owner. Mayor Young suggested the topic be further discussed at the next Council workshop.

Tom White, 20610 La Paloma Drive, Sumner, urged the retention of the forest on the Weyerhaeuser/WSU property. He noted that the City wants to be a Tree City, and yet is considering allowing the development of this property. He said the forest is excellent wildlife habitat for eagles, owls and deer. He urged the Council to slow down the growth in the area and not allow the development of this property for commercial and housing uses. He said he has spoken with Shawn Bunney of the County Council and expects that he will be contacting City officials.

Aida Baber, 2921 211<sup>th</sup> Ave. E., said she has worked at Papa's from the beginning. She said that most of the employees live locally. She added it is a shame that the young people who depend on Papa's for after-school and summer jobs have to be laid off because the restaurant is slow without outdoor seating during the summer months.

Jessica Larios, 7720 190<sup>th</sup> Ave. E., said that the stop work order on her property has been lifted, but that she has discovered the processing of her building permits have been put on hold. She said she can get no one to return her calls. She added that every time she complies with the City's requirements, staff comes back and says they missed something more that she has to do. She said she has missed some of the Council meetings and said that the media player for the Council meeting audio on the website is difficult to use.

Director Leedy said he will call Ms. Larios tomorrow and respond to her questions about the status of permits, as well as provide a status report to the Mayor.

Michelle Gunn, 20613 97<sup>th</sup> St. E., said that she can't believe the City's position on Papa's patio addition. She said that little businesses are not receiving the appropriate support from the City.

C. Correspondence: None.

At 8:26 p.m., and responding to Councilmember Rackley's request, Mayor Young declared a 5 minute break in the Council meeting. The meeting resumed at 8:36 p.m.

8:37:00

### III. COUNCIL COMMITTEE REPORTS:

[A3.6.4]

#### A. Finance Committee

Deputy Mayor Swatman reported that the Committee met earlier in the evening at 5:30 p.m. He said the Committee considered the following:

1. The RFP for Official City Newspaper;

2. Resolution 1467 and the approval to pay Bonney Lake Days vendors outside the normal review process as is usually done in preparation for Bonney Lake Days;
3. Resolution 1455, an on-call contract for Cascade Design, proposal turned down by the Committee;
4. Resolution 1466, a request to surplus a police car, on tonight's agenda;
5. Ordinance 1144, an interfund loan to fund improvements adjacent to Bonney Lake High School;
6. Ordinance 1145, providing for financing of the 95<sup>th</sup> St. LID;
7. Ordinance 1148, a proposal to add an additional employee in the Public Works Project Manager position.

Mayor Young clarified that the City Clerk's presentation on the Official City Newspaper proposed that two RFP's be published. One RFP will be for a daily newspaper as the Official Newspaper. The other will be for a "local source" newspaper that could be a weekly newspaper where those items not legally requiring publication in the Official Newspaper could be published.

B. Community Development Committee

Councilmember Rackley said the CDC met on July 6th and discussed the following:

1. An ordinance dealing with accessory business and dwelling units, which was forwarded to the Council Workshop next week; and
2. The Madrona Water Tank Demolition completion report;

He noted that the water and sewer extension agreements for Home Depot that are on this evening's agenda also came through the Community Development Committee, as well as the demolition of the Thiemann House and the personal services contract for programmable logic at the Tacoma Point Wells.

C. Public Safety Committee

Councilmember DeLeo reported that the Committee met on July 6<sup>th</sup>. He said that two consent agenda items dealing with public disturbance noises and an agreement for the use of the Swiss Park Gun Range. He added that the Committee also discussed a potential agreement with a neighboring City for animal control, providing for sufficient court parking, and an ordinance regulating parking around the new high school.

D. Other Reports: None.

8:41:11

IV.

**CONSENT AGENDA:** [A3.6]

**Councilmember Rackley moved to approve the consent agenda. Councilmember DeLeo seconded the motion. Councilmember Johnson asked that Item H be pulled for separate consideration. Councilmember King asked that Item D be pulled for separate discussion.**

- A. **Approval of Corrected Minutes:** March 22 Council Meeting, May 17 Workshop, May 24 Council Meeting, June 14 Council Meeting, June 28 Council Meeting
- B. **Claims:** Accounts payable checks/voucher #40989 thru #41078 (voiding check #41067) in the amount of \$113,389.06. Utility Refund checks/vouchers #41078 replacing check # 40925 in the amount of \$264.95. [F4.9]
- C. **Payroll:** Payroll for June 16th -30th, 2005 for checks 23848-23908, including Deposits and Electronic Transfers in the amount of \$369,413.54. [F4.9]
- D. (Excluded) **AB05-181 – Ordinance 1143** - An Ordinance Of The City Council Of The City Of Bonney Lake, Pierce County, Amending Chapter 9.44 Of The Bonney Lake Municipal Code And Ordinance Nos. 961 § 1, 2002; 876 § 1, 2002; 790 § 38, 1998; And 703 § 2, 1995, Relating To Public Disturbance Noises. [A3.5.5] [O1.8.5]
- E. **AB05-77 – Resolution 1409** - A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing A Water Developer Extension Agreement With Home Depot U.S.A., Inc., A Delaware Corporation, For The Home Depot. [A3.13.7]
- F. **AB05-78 - Resolution 1410** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing A Sewer Developer Extension Agreement With Home Depot U.S.A., Inc., A Delaware Corporation, For The Home Depot. [A3.13.7]
- G. **AB05-155 – Resolution 1449** - A Resolution Of The City Council 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 At Grade Storage Facility Thieman House. [O4.10.2]
- H. (Excluded) **AB05-168 – Resolution 1457** - A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing The Mayor To Enter Into A Personal Services Agreement With Dennis Tompkins For Arborist Services. [A3.1]
- I. **AB05-172 – Resolution 1458** - A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing The Routine Expenditure Of Funds For Certain Police Activities Without Prior Council Authorization. [F3.8]
- J. **AB05-182 - Resolution 1464** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing The Mayor To Sign An Agreement With The Swiss Sportsman’s Club Of Tacoma For The Use Of The Firearms Shooting Range. [O1.9]
- K. **AB05-175 – Resolution 1460** - A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing A Personal Services Contract With R.E.P. Electric, Inc. For The Tacoma Point Wells 2 & 4 Programmable Logic Controller Retrofit. [O4.10.1]
- L. **AB05-188 - Resolution 1466** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing The Surplus And Disposal Of A Police Vehicle. [F4.6.3]
- M. **AB05-169** – A Motion of the City Council of the City of Bonney Lake, WA, Approving The Corrected Legal Descriptions For Annexation Area 7. [O3.2.1]

- N. **AB05-177** - A Motion of the City Council of the City of Bonney Lake, WA, Accepting the Madrona Tank Demolition Project Completion (WM Dickson). [A3.6.10] [A3.13.9.4]

At the Mayor's request, City Clerk Edvalson read the titles of items appearing on the Consent Agenda.

**Consent Agenda, as amended,  
approved 6 – 1. Deputy Mayor  
Swatman voted no.**

8:43:40

- D. **AB05-181 – Ordinance 1143** - An Ordinance Of The City Council Of The City Of Bonney Lake, Pierce County, Amending Chapter 9.44 Of The Bonney Lake Municipal Code And Ordinance Nos. 961 § 1, 2002; 876 § 1, 2002; 790 § 38, 1998; And 703 § 2, 1995, Relating To Public Disturbance Noises. [A3.5.5] [O1.8.5]

**Councilmember Noble moved the adoption of Ordinance 1143. Councilmember DeLeo seconded the motion .**

Councilmember King explained that the new ordinance makes enforcement of the noise ordinance easier and adds nuisance noise enforcement provisions for motor vehicles, watercraft and juvenile operators. Councilmember Noble thanked the Public Safety Committee on behalf of her constituents on Locust Avenue. Councilmember DeLeo asked if police officers would have to observe the illegal behavior before acting. Judge Helbling clarified that sworn affidavits or witnesses would still generally be considered by the municipal judge.

**Motion approved 7 – 0.**

8:48:15

- H. **AB05-168 – Resolution 1457** - A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing The Mayor To Enter Into A Personal Services Agreement With Dennis Tompkins For Arborist Services. [A3.1]

**Councilmember Hamilton moved to approve Resolution 1457. Deputy Mayor Swatman seconded the motion.**

Councilmember Hamilton asked if an RFP was issued for the arborist services. Administrative Services Coordinator (ASC) Morrison said that an RFP was issued, and that three proposals were received. He said the least expensive proposal was selected because the provider also had experience with local properties and would know local soil conditions and types of trees.

Councilmember Johnson expressed concern that the terms of the agreement are too vague. He emphasized the need to outline a training program for staff as part of the arborist's duties. He added that he dislikes the open-ended nature of the agreement. ASC Morrison explained that while some of the duties are defined, programs like the Community Forestry Program are new and the extent to which the arborist may be used is not yet fully understood. Councilmember Hamilton agreed that the City will

be in a better position next year to refine the agreement after it has some experience with this contract and the City's new programs. Councilmember King suggested limiting the agreement to one year.

Councilmember Rackley asked why the staff just doesn't use the requisition system for procuring services. ASC Morrison said that one of the services provided by the arborist is to respond in instances of emergency. He said the City will not want to wait for processing through the requisition system in the event of an emergency need. He added that having an agreement in place is a more efficient way to obtain needed services. Councilmember Hamilton agreed that an agreement allows for greater customer service to the community applying for permits. Councilmember Rackley said he would support the agreement if it includes a termination date.

Mayor Young proposed that Item #8 of the agreement be modified to include, "or one year, whichever is sooner."

**Councilmember Rackley moved to add the language as proposed by the Mayor. Councilmember King seconded the proposed amendment.**

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

Councilmember Johnson proposed limiting the amount of the contract and requiring that it return for Council approval before being increased. ASC Morrison suggested that the Exhibit B – Rates be modified to read \$85/hr. up to \$10,000. Councilmember Rackley suggested that the agreement and amount be reviewed again as part of the budget process for 2006.

**Councilmember Johnson moved to amend the Exhibit B – Rates portion of the agreement to limit the expenditure to a maximum of \$10,000. Councilmember Rackley seconded the motion.**

**Motion to amend approved 5 – 2.  
Deputy Mayor Swatman and  
Councilmember King voted no.**

**Vote on original motion as  
amended approved 7 – 0.**

**V. FINANCE COMMITTEE ISSUES:** None.

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

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

**VIII. FULL COUNCIL ISSUES:** None.

**IX. EXECUTIVE SESSION:** See Section IB of the minutes of this meeting.

**X. ADJOURNMENT**

**At 9:05 p.m., Councilmember King moved to adjourn the meeting. Deputy Mayor Swatman seconded the motion.**

**Motion approved 7 – 0.**

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Harwood T. Edvalson, CMC  
City Clerk

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Robert Young, Mayor