

CITY COUNCIL MEETING

City of

**August 9, 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 7:00 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 and Community Development Director Bob Leedy, Planning Manager Steve Ladd, Interim Police Chief Buster McGehee, Detective Dana Hubbard, 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. Planning Commission Report: AB05-208 – Ordinance 1154 – Rezoning Various Properties To Be Consistent With The Comprehensive Plan. Planning Commissioner Derek Osborn reported that the Commission unanimously recommended the rezone of areas as outlined in the submitted materials. He noted that Area 41 and 42 are recommended C2 zones.
 - b. Planning Commission Report: AB05-209 – Ordinance 1155 – Implementing The Downtown Plan By Establishing Appropriate Zoning Districts. Planning Commissioner Osborne said that the Planning Commission unanimously recommends Ordinance 1155 and the associated map dated June 15, 2005 for implementation of the proposed downtown zoning. He said the Commission recommends R-2 zoning for 18812 88th St. E. He said the property at 8710 188th Ave.E. is recommended for downtown mixed zoning on the condition that no access be granted from 88th St. E. for commercial purposes including a parking lot.

Councilmembers questioned the rationale for some of the recommended

commercial zoning and the access restriction stipulation on the property at 9710 188th St. E. Planning Manager Ladd explained that the access restriction was an attempt to preserve the residential character of 88th St. E. by requiring commercial access to the property from 188th St. E. At the conclusion of Council questions, Mayor Young said the proposed ordinances will be scheduled for discussion at a Council workshop.

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

II. PUBLIC HEARINGS, CITIZEN COMMENTS & CORRESPONDENCE:

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

7:12:30

- B. Citizen Comments:

Dan Rattenbury, 18406 Old Sumner-Buckley Hwy., distributed site plans to the City Council and asked the City Council on behalf of the property owners in the vicinity of Priced Right Signs to consider granting an access easement across its property. He said in exchange, the owners will create a connecting internal circulation loop on their properties.

Quinn Dahlstrom, 6527 193rd Ave. E., said that if the Mayor had taken Mr. Moriarty's offer to sell his property for \$600,000, then the City would have averted this purchase of additional property for Allan Yorke Park that will now cost in excess of \$5 million. She thanked the Council, excluding Councilmember Rackley who she said lacked vision. She said the seniors of the city see this land as a perfect vision for the City. She said that all of those who worked so hard to obtain the park, at whatever cost, should be proud of their efforts.

Dan Decker, 20401 70th St. E., noted that the cost to purchase the Moriarty property will approach \$6 million. He said it is a smart move and will be good for the City in the future. He also commented on the Comprehensive Plan areas. He suggested that the City should buy the properties of those whose properties are being down-zoned. He said that Area 56, Michelle's Studio of Dance property, should not have its access restricted. He urged Council to be supportive of this enterprise which adds to the character of the City's youth.

Laurie Carter, 18119 85th St. E., noted the \$5 million cost for the Moriarty property. She said she hoped park construction would start soon. She applauded the Council for listening to the people, and making this great decision to buy the land. She said the residents will be glad in the future, and urged continued vision by the Council for improving the City's parks.

Ardith DeRaad, Executive Director of AADV, 107 N. Meridian, Puyallup, presented Councilmember Phil DeLeo with a plaque recognizing his service to many sectors of the community and specifically to those served by the Alliance Against Domestic Violence. Councilmember DeLeo was applauded by the audience.

Sharilyn Anderson, 18207 74th St. E., asked that with all the money being spent on the addition to Allan Yorke Park the Council remember that the little park on Lake Bonney needs some attention. She said the weather has been right for major algae blooms on the lake. She said the citizens have been wonderful stewards of the lake and have harvested two truck loads of algae with the rakes provided by the City and the nets from the Stream Team. She said the Bonney Lake Conservation Association awaits the City's contracted preparation of an Integrated Aquatic Management Plan to provide strategies for improving the health of the lake. She invited Councilmembers and interested citizens to participate in a meeting at the library on August 13th at 9:00 a.m.

Councilmember Rackley asked about the status of the Integrated Aquatic Management Plan. Director Grigsby said he would inquire of City Engineer John Woodcock and provide an update. Councilmember DeLeo thanked Ms. Anderson for keeping the Council aware of the current conditions at Lake Bonney.

Louisa Smith, 20112 Church Lake Rd., told an anecdote about the repair of a reported water leak, and how the City was delayed while it got a permit from the County for work in the right-of-way. She also urged the City to put up a sign that calls the addition to Allan Yorke Park, the Moriarty Addition. She applauded the acquisition of the additional property. She suggested that a portion of it could be used for paid boat-trailer parking. She concluded by calling attention to the upcoming Bonney Lake Days and inviting all to go and have a good time.

Linda Youngberg, 8507 182nd Ave. E., explained that she first heard of the zoning inconsistencies issue just prior to January 1, 2005, while it had been initiated two years previous. She said the first they heard of the access restriction recommended on Area 56 was when the motion was made. She said that the restricted access is similar to the spite-strip on 100th Ave. adjoining Area 41. She said the motion and vote at the Planning Commission to include the access restriction was confusing and questioned the reported results. She also commented on the Moriarty park property acquisition. She noted that the City will pay approximately \$1 million per usable acre. Ms. Youngberg also commented on the clean up of the sides of the streets. She said that after the last time she had mentioned it at a Council meeting, the crews were out with the weed-eaters and small tractors. She said they soon stopped and the streets have reverted to an unkempt appearance. She said attention to the streetscapes is needed everyday. She asked if Councilmember Johnson had received the maintenance schedule he requested.

Councilmember Johnson confirmed with Director Grigsby that he had received via email three different schedules for the City's various maintenance services. Ms. Youngberg praised Councilmember Johnson for his help in getting a response to her questions from Rick Shannon. She noted that neither Dan Grigsby, nor John Woodcock have returned her recent calls.

Homer Dean, 13915 299th Ave. E., Buckley, said he has addressed the Planning Commission about the two parcels his family owns in Area 19A. He said the intent of the annexation into the City was to facilitate the residential development of the property. He said he opposes the rezone of this property from R-1 to RC-5.

Councilmember Rackley asked about the steepness of the slopes on the parcel. Mr. Dean responded that there are some steep slopes, but that other portions are flat. He said any concerns can be mitigated and remedied through appropriate engineering.

Gregg Gunn, 18102 85th St. E., asked why the Planning Commission would restrict access on 88th St. to his property. He observed that his is the only property proposed by the Commission to have such a restriction. He objected to the restriction to his property.

Melvain Donyes, 20124 S. Prairie Rd. E., said he appreciates the Council and staff for their hard work. He said he represents the silent majority who are unable to be at this meeting. He read a letter-to-the-editor in which he wrote against the Council's use of condemnation and the resultant cost to acquire the Moriarty property. He criticized Deputy Mayor Swatman and Councilmember Johnson for supporting the condemnation, and praised Councilmember Rackley for the opinion that condemnation should only be used for roads or transportation reasons.

Councilmember Johnson said he feels it was the right action, particularly since the property was owned by a developer. He said the City's strong tax base will pay for the property within five years. He said the City needs to act with vision. He added that the action to condemn the property was not taken lightly. He said the action was taken as a team. Mr. Donyes asked if the Councilmember Johnson would support Mr. Schuur's offer to take the property back. Councilmember Johnson responded that the Council could act as a group to do so, but he would not like to see the Council flip flop. He said the Council must stick to its vision. Mr. Donyes responded that he does not want anyone to think that he believes the Council took this action lightly. He said the result is just too expensive.

Councilmember Hamilton thanked Mr. Donyes for coming to the meeting. He said he had lost sleep prior to making the condemnation decision. He added that the Council was in a position to correct the past mistakes of the City. He said he believes a look into the future will show this acquisition effort was worth it. Mr. Donyes said there appears to be continued mindset on the Council in favor of condemnation. He said citizens are concerned about the development of the Fennel Creek Trail. Councilmember Hamilton said he wanted to make it very clear that there is no discussion what-so-ever to use condemnation on the Fennel Creek Trail. Mr. Donyes said he has seen the Council's condemnation action as well in Area 42. He said he is concerned that the City maintain the personal property rights of individuals. Councilmember King noted that the subject is weighty, but asked that the Council move forward to hear the other members of the public wanting to speak during Citizen Comments.

Michelle Gunn, 8708 188th Ave., read from the Planning Commission recommendation regarding commercial access to her property from 88th St. E. She

noted that she has attended related meetings for seven months, and was struck by the sudden addition of this restriction. She believes it is a discriminatory action and illegal. She listed other properties that have commercial access off of residential streets. She distributed a document to the Council for their consideration and asked for an invitation to her and her husband to participate in the Council workshop to discuss plans on that property. She said the Planning Commission's recommendation really limits any development on the property.

Councilmember King asked if the Bonney Lake Municipal Code defines what makes a residential street versus a commercial street. Director Grigsby commented that the Public Works development standards differentiate between the two requiring different construction specifications. Councilmember Hamilton said he believes that dealing with this issue as part of the ordinance is mistaken. He said he does not see why the Council would want to tie the hands of this property owner. Director Leedy said the Planning Commission acted in concert with their recommendation to try and separate the types of traffic in this neighborhood. Councilmember DeLeo said he feels it is improper for the ordinance to identify a specific parcel. He said the issue should be dealt with during the development permit, not at this time.

Les McCluggage, 19624 96th St. E., distributed a real estate flyer to the Council. He explained how he has tried to sell his property. He added that the property had originally consisted of two tax parcels, but had been combined into one for tax purposes. He discussed potential development of the property, and asked questions about which rules apply to his property. Director Leedy offered to meet with Mr. McCluggage to clarify those issues. Mr. McCluggage said he spoke to the County Health Department about the fact that his neighbor has had no City water service since 1981. He added that the Health Department said they would not discuss a case that is currently being pursued by the City of Bonney Lake.

Councilmember King asked Interim Chief McGehee about the status of the neighbor's property. Chief McGehee responded that the neighbor has been arraigned and will be scheduled for another appearance in 15 to 30 days. Councilmember DeLeo asked if Chief McGehee had observed the neighbor's vehicles illegally parked on the adjacent island of property owned by the City. Chief McGehee responded, no, but that a survey of the property boundaries should be finished soon, which would allow further action by the City. Mayor Young added that the City's Code Enforcement is anticipating an inspection of the neighbor's property by the Health Department, and will receive a report.

Councilmember Rackley, distributed a letter to the Council about his position on the condemnation of the property for addition to Allan Yorke Park. He said rather than take the time to read it, he would like it included with the record of the meeting.

Robert Ceola, 9104 189th Ave. Ct. E., thanked the Council for trying to guide the City. He distributed copies of maps from various points in the development of the Bonney Lake area to the Council to help them as they consider the future.

Mayor Young thanked him for his views and providing copies of the maps.

Responding to Councilmember Rackley's request, Mayor Young declared a ten minute break in the meeting at 8:30 p.m.

- C. Correspondence: None.

8:45:11

III. COUNCIL COMMITTEE REPORTS:

[A3.6.4]

A. Finance Committee

Deputy Mayor Swatman said the committee met this evening and considered several items. First was Ordinance 1151 proposing a minor change to the utility charges and connections. He said there will probably be a meeting scheduled to receive public input on the issue. Second was Ordinance 1153 repealing two obsolete chapters of the Bonney Lake Municipal Code dealing with the City's defunct fire services. Third was a discussion of Resolutions 1478 and 1479 dealing with the City's official newspaper. He said that the Committee also discussed the Permit Center application deposits. He said there will be further discussion on the issue.

Deputy Mayor Swatman said the Committee also discussed proposed funding for the Allan Yorke Park addition. He said Bonney Lake's growth provides sufficient funds to pay for the acquisition, and the taxpayer's will not have to individually pay anything. He said the parks impact fee could, by itself, pay for the addition over the next ten years. He said he is glad to be part of this particular Council that has a forward vision. He asked that Mayor Young copy the Council on his press releases.

B. Community Development Committee

Councilmember Rackley said the CDC met on August 2nd and discussed three items this evening's agenda.

C. Public Safety Committee

Councilmember DeLeo reported that the Committee met on August 1st and forwarded two items on to this evening's agenda.

D. Other Reports:

Deputy Mayor Swatman noted that 192nd is now open at Old Sumner-Buckley Highway. He said the open intersection is good for the residents and will give motorists new alternatives for travel within the City.

Councilmember Johnson asked about the delay of the Finance Department Review. Administrative Services Coordinator Morrison responded that the consultant's are responding to the comments generated by the draft document. He added that their final draft is expected by the end of August. Deputy Mayor Swatman said he believes the Council needs the report before it can seriously deliberate on the budget. He said the report is expected to comment on the City's budgeting of fund balances. Director Weidenfeller said the draft report had a lot of changes that needed to be made. He said he believes that he deserves the same courtesy as extended to other directors who have had their departments reviewed, and allow him to review the report and discuss it with his staff and provide a response. He said it is then normally

scheduled for a Council workshop if the Council desires to discuss it. Councilmember King said he doesn't want anyone to think that the City is failing in the accounting of its funds. He said the State Auditor has returned four annual reports with no audit findings. He added that the review was to report on how to make the operations of the Finance Department more efficient to deal with a rapidly growing City. Deputy Mayor Swatman agreed that the City is looking for ways to improve.

9:01:20

IV. CONSENT AGENDA: [A3.6]

Councilmember Rackley moved to approve the consent agenda. Councilmember King seconded the motion. Councilmember DeLeo asked that Item E be pulled for separate consideration. Mayor Young said the item will be considered at the end of the Full Council Issues section of the meeting agenda.

- A. **Approval of Corrected Minutes:** July 19 Council Workshop and July 26 Council Meeting.
- B. **Claims:** Accounts payable checks/voucher #41202 thru #41311 (voiding check #41271) in the amount of \$409,055.36. Utility Refund checks/vouchers #41312 thru # 41323 in the amount of \$895.47. [F4.9]
- C. **Payroll:** Payroll for July 16th- 31st, 2005 for checks 23963-24020, including Deposits and Electronic Transfers in the amount of \$336,833.47. [F4.9]
- D. **AB05-184 – Ordinance 1144** – An Ordinance Of The City Of Bonney Lake, Pierce County, Washington, Providing For An Interfund Loan In Order To Fund Immediately Needed Improvements. [F4.7]
- ~~E. **AB05-200 – Ordinance 1150** – An Ordinance Of The City Of Bonney Lake, Pierce County, Washington, Amending Section 12.12.020 Of The Bonney Lake Municipal Code and Ordinance No. 454, Relating To Use Of Motor Vehicles In City Parks. [A3.5.5] [Moved for discussion as Agenda Item VIII. C.]~~
- F. **AB05-197 – Resolution 1473** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing Personal Services Contract With Aggregate Construction For The Sidewalk Concrete Work At Cedarview Park. [O4.11.2]
- G. **AB05-202 – Resolution 1477** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing The Mayor To Sign A Memorandum Of Understanding With Pierce County To Receive Reimbursement For Lab Team Overtime For The Period Of One Year (January 1, 2005 – December 31, 2005). [O1.10.5]
- H. **AB05-199** – A Motion of the City Council of the City of Bonney Lake to A Set Public Hearing on Six Year Transportation Improvement Plan for August 23, 2005 at 7:00 p.m. During The Regular Council Meeting. [A3.6.10] [A3.6.12]

City Clerk Edvalson read the title of Ordinance 1144.

Consent Agenda approved 7 – 0.

V. FINANCE COMMITTEE ISSUES: None.

9:02:15

VI. COMMUNITY DEVELOPMENT COMMITTEE ISSUES:

A. **AB05-176 – Resolution 1461** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing An Interlocal Agreement Between City Of Auburn And City Of Bonney Lake For The Establishment Of Sanitary Sewer Service Boundaries. [O4.5.1]

Councilmember Rackley moved to approve Resolution 1461. Councilmember Hamilton seconded the motion.

Motion approved 4 – 3. Deputy Mayor Swatman and Councilmembers Johnson and Noble voted no.

B. **AB05-195 – Resolution 1471** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing An Interlocal Agreement Between City Of Auburn And City Of Bonney Lake Pierce County Right Of Way Permit For Sewer Service To Fairweather Cove. [O4.5.1]

Councilmember Rackley moved to approve Resolution 1471. Councilmember Hamilton seconded the motion.

Motion approved 4 – 3. Deputy Mayor Swatman and Councilmembers Johnson and Noble voted no.

C. **AB05-198 – Resolution 1474** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing a Water & Sewer Developer’s Extension Agreement with Edge Development, LLC for Garden Meadows. [A3.13.7]

Councilmember Rackley moved to approve Resolution 1474. Councilmember Hamilton seconded the motion.

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

VII. PUBLIC SAFETY COMMITTEE ISSUES: None.

9:04:43

VIII. FULL COUNCIL ISSUES:

- A. **AB05-157 – Ordinance 1137** – An Ordinance Of The City Of Bonney Lake, Pierce County, Washington, Relating To The Installation Of Manufactured Homes Within The City Of Bonney Lake. [A3.5.5]

Councilmember King moved to adopt Ordinance 1137. Councilmember Hamilton seconded the motion.

Although he said he had no doubt Deputy Mayor Swatman would vote no this evening, Councilmember King expressed his appreciation for the Deputy Mayor's thoughts and views during the Council's last discussion of this item. He added that he feels the ordinance needs to be adopted.

Motion approved 4 – 3. Deputy Mayor Swatman and Councilmembers Johnson and Noble voted no.

- B. **AB05-174 – Ordinance 1142** - An Ordinance Of The City Of Bonney Lake, Pierce County, Washington, Amending Chapters 13.04, 13.12, 18.04 And 18.31 Of The Bonney Lake Municipal Code And Ordinance Nos. 561, 571C, 588, 692, 692A, 740, 746, 763, 747, 787, 828, 919, 968, 988, 1073, 1083, 1094, And 1100 Relating To Accessory Business Units.

Councilmember Rackley moved to adopt Ordinance 1142. Councilmember DeLeo seconded the motion.

Councilmember King advocated the defeat of this ordinance. He observed that a definition for accessory business unit has not been previously used. He said the City would be ill served to adopt the ordinance without further detailed discussion and consideration of the ramifications. Director Grigsby noted that the agenda bill for the ordinance should be corrected to reflect a proposed 67% reduction in the water system development charge.

Motion defeated 2 – 5. Deputy Mayor Swatman and Councilmembers Hamilton, Johnson, King and Noble.

- C. **AB05-200 – Ordinance 1150** – An Ordinance Of The City Of Bonney Lake, Pierce County, Washington, Amending Section 12.12.020 Of The Bonney Lake Municipal Code and Ordinance No. 454, Relating To Use Of Motor Vehicles In City Parks. [A3.5.5]

Councilmember DeLeo moved to adopt Ordinance 1150. Councilmember Johnson seconded the motion.

Councilmember DeLeo said he had asked that this ordinance be removed from the Consent Agenda so that he could propose some amended language.

Councilmember DeLeo moved to add the following language (underlined) to Section 1: “This section shall not apply to any disabled person using a wheelchair conveyance as defined in RCW 46.04.710, or city-owned or approved park maintenance vehicles.” Councilmember Johnson seconded the motion.

Motion to amend approved 7 – 0.

Amended main motion approved 7 – 0.

IX. EXECUTIVE SESSION:

Pursuant to RCW 42.30.110(i), Mayor Young announced the Council will meet in executive session to discuss potential litigation. He said the session will last 30 minutes. The session was convened at 9:14 p.m. The executive session was extended for 15 minutes at 9:44 p.m. and again at 9:59 p.m. for 10 minutes. The session concluded at 10:04 p.m.

10:04:50

Deputy Mayor Swatman said he wanted to discuss the short-plat of the Larios property. He asked why the City’s action should create special development rights on this property. Director Grigsby explained how the proposal to add topsoil to the property would actually increase the retention of water on the property up to the point where the soil is saturated. He said at that point, the property will drain in the same manner as it does currently. City Attorney Dionne observed that the action appears to comply with the City’s Municipal Code. He said those who would challenge the City’s action may do so through the appeal process as established in the Code. He said the City has a dual responsibility to the applicant and the general public. Councilmember King said it is odd that there are no drainage issues with the other properties in the neighborhood that probably have the same type of soils found on the Larios property. He said if the code is bad, then let’s change the municipal code. He added that the neighbors have always had the option to go to court. Deputy Mayor Swatman said he is concerned about the applicability of the City’s action on this property to other properties in the City. Councilmember Hamilton asked if there was no other appropriate solution than the addition of the topsoil. Director Grigsby said the standard is that the development of the property can drain no more water from the property than it did originally. He added that, although he was not here when the property was cleared, the grass surface proposed now will probably have more of a positive impact on the drainage than the vegetation that was previously there. With no action proposed by the Council, Councilmember King suggested that the Council conclude its meeting.

X. ADJOURNMENT

At 10:16 p.m., Councilmember Rackley moved to adjourn the meeting. Councilmember King seconded the motion.

Motion approved 7 – 0.

Harwood T. Edvalson, CMC
City Clerk

Robert Young, Mayor

Documents submitted for or at the Council Meeting of August 9, 2005:

- Bonney Lake Citizen – *Citizen Comments Remarks* – Quinn Dahlstrom.
- City of Bonney Lake – *Remarks on Purchase of Addition to Allan Yorke Park* – Councilmember James Rackley.
- Bonney Lake Citizen – *Real Estate Flyer— Welcome Home!* – Les McCluggage.