

CITY COUNCIL MEETING

City of

**August 23, 2005
7:00 P.M.**



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.

MINUTES

"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 Department Assistant Phelan called the roll. In addition to Mayor Young, elected officials attending were Deputy Mayor Dan Swatman, Councilmember Phil DeLeo, Councilmember Mark Hamilton, Councilmember Cheryle Noble and Councilmember Jim Rackley. Councilmember Neil Johnson and Councilmember David King were absent.

Staff members present were Administrative Services Coordinator Don Morrison, Finance Director John Weidenfeller, Public Works Director Daniel Grigsby, City Engineer John Woodcock, Planning Manager Steve Ladd, Interim Police Chief Buster McGehee, Judge James Helbling, City Attorney Jim Dionne and City Clerk Department Assistant Virginia Phelan.

Councilmember Noble moved to excuse Councilmembers Johnson and King. Deputy Mayor Swatman seconded.

Motion carried 5-0

- C. Announcements, Appointments and Presentations [A3.6.9]
 - 1. Announcements: None.
 - 2. Appointments: None.
 - 3. Presentations: None.
- D. Agenda Modifications [A3.6.6]:
A motion was added to apply for a TIB Grant with WSDOT after the council committee reports. (See Section III. of these minutes.)

II. PUBLIC HEARINGS, CITIZEN COMMENTS & CORRESPONDENCE:

7:02:30

- A. Public Hearings: [A3.6.12]
 - 1. AB05-199 – **Resolution 1475 – Six Year Transportation Improvement Plan**

Mayor Young opened the hearing at 7:02. John Woodcock explained that the Six Year TIP is organized into five categories including intersection improvements, arterial roadway major improvements, roadway reconstruction, transportation studies, and trail projects. He went on to tell the council that like last year, the value will be about 30 million dollars, but there are major changes from 2005 including moving improvements of Sumner Buckley Hwy from 2008 to 2007 and a delay of South Prairie Road projects due to right of way purchasing. He went on to say that 7 miles of chip sealing, the 192nd corridor study, non motorized transportation plan and 20 year transportation plan will be accomplished this year.

Dan Decker, 20401 70th St E., expressed curiosity as to what exactly would happen with the transportation plan, whether there would be improvements or just spent money.

Councilmember DeLeo questioned City Engineer Woodcock about the projected yearly cost of the chip seal program. City Engineer Woodcock explained that the cost is not expected to increase much, but can be adjusted on a yearly basis if needed.

There being no further speakers, Mayor Young closed the public hearing at 7:07 p.m.

7:07:05

2. **AB05-205 – Ordinance 1151 – Utility Charges and Connections.**

Mayor Young declared the public hearing open at 7:07 p.m. Finance Director Weidenfeller explained that the ordinance has been brought forward to cut down the billing from 90 days to 45 days and to raise fees that have not been changed in many years. Mayor Young explained that the city likes to have public hearings whenever fees are increased.

Dan Decker, 20401 70th St. E. said that he felt the utility increases were not to the benefit of the people but to the benefit of a certain few.

There being no further speakers, Mayor Young closed the public hearing at 7:09 p.m.

7:09:30

3. **AB05-213 – Ordinance 1157 – Park Impact Fees.**

Mayor Young declared the public hearing open at 7:09 p.m. Finance Director Weidenfeller described the purpose of the ordinance as being to raise extra money for the recent acquisition of park land. Councilmember Rackley inquired if the \$1000 increase was directly related to the addition to Allan Yorke Park. Director Weidenfeller confirmed that it was.

Theo Gideon, P.O. Box 1913 Tacoma, WA 98401. spoke on behalf of the Master Builders Association of Pierce County. He elaborated on some of the thoughts expressed in a letter given to the Council by the Association. He said the MBA

feels that if the City wishes to maximize the portion of the parks impact fee dedicated to community parks like Allan Yorke Park, they are still not justified in increasing the fee to its legal maximum. Mr. Gideon went on to question the motivation to acquire the addition to Allan Yorke Park as well as the need for more park in that area and discrepancies in the comprehensive plan. He said the cost of the park would be unfairly allocated to the citizens.

Bill Sweatman, 70118 181st Ave E., reiterated Mr. Gideon's feeling that the \$5 million for the Moriarty property would be better spent on multiple parks around the City. He expressed displeasure with the possible increase in park impact fees.

Dan Rattenbury, Priced Right Sign, 18406 Old Sumner Buckley Hwy., asked the Council about the frequency of the increase of fees.

Mayor Young explained that a study had been done, which allowed the maximum park impact fee to be \$2,522. At that time Council decided to only charge \$1,500 per property. He clarified that it is only done when park studies are done and is not an annual fee. Director Weidenfeller responded to inquiry by Mr. Rattenbury by explaining how the city intended to pay the \$5 million for the park with interfund loans and confirmed that the council can repeal this increase later if they choose.

Dan Decker, 20401 70th St. E., reminded the Council of the past of the Moriarty property. He said Mr. Moriarty had offered it to the city in 2002. He alluded to illegal intentions of the man who intended to build duplexes on this property.

Jerry Dwight, 2519 41st St SE, Puyallup, said that he felt the fees are unfair and should be split up among the homeowners and not just the new developers.

There being no further speakers, Mayor Young closed the public hearing at 7:27 p.m.

7:27:10

B. Citizen Comments:

Pat Miller, 19205 79th St PI E., said he does not support the park purchase. He is concerned about the cost and that the public will never know the total cost. He said he would like there to be a public hearing on all interfund transfers to show the exact costs. He is concerned about the interest required on the interfund loans and the cost of wetland mitigation.

Councilmember Hamilton was prompted by Mr. Miller's comments to inquire about the distribution of interest on the interfund loans. Finance Director Weidenfeller clarified that the interest will be equally distributed to the funds. Deputy Mayor Swatman said the majority of the citizens would take money from their own pockets to pay for parks as proven by the 53% approval of the park bond. He said this will have very little to no cost to the taxpayer.

Dan Decker, 20401 70th St. E., explained that the Moriarty property is coming to the city at about ½ a million dollars an acre and is actually a good deal. He predicted a dramatic increase in the value and the number of people using Allan Yorke Park in the next 15 - 20 years. Mr. Decker reminded Council that Allan Yorke Park has one of only two public boat launches on the lake. He then expressed disapproval of Bonney Lake Days being used as a political forum. He also spoke against the potential downzones of some of the citizen's commercial property.

Councilmember Hamilton asked Director Weidenfeller about the process of deciding how to pay for the park addition and whether there are other options for paying for the property. Director Weidenfeller explained that the impact fees now can pay for the park, but there would not be any additional money to develop other areas of parks.

Michelle Gunn, 8708 188th Ave E., commented on Ordinance 1155 for the downtown plan. She invited the Council to come walk her property line so they can visualize better when discussing the ordinance next week. She said she felt that Section 14 and 16 of the ordinance were exact opposites and proposed that Section 16 be removed because it is discriminatory. She said that her street has been deemed residential though it is comparable to many other streets in the city that are not having ingress and egress limited in the way that it is on her property. She went on to identify evidence of inconsistencies in buffer requirements. Additionally she told the council the judgment on the Shuur property is not the value of the land but the value of the lawsuit.

Councilmember Hamilton clarified that though a jury determines the value of land in the condemnation, it is not considered a lawsuit.

Raymond Frye, 1075 Bellevue Way NE, Ste. 117, Bellevue, spoke on behalf of two of his clients who will be affected by Ordinance 1160. He expressed concern for the City of Bonney Lake and warned that passing this ordinance will bring a lot of litigation. He recommended alternatives to deal with the steep slopes, instead of using a blanket rezone and reminded the Council that R-5 is a rural zoning and is therefore inappropriate for an urban area.

Bart Tracy, Hwy 410, Area 12, said that he's been working on his property since 1997 and has weathered two comprehensive plan amendments. He read from a staff report recommending a major portion of his property be designated C2 to facilitate economic development. He said the City keeps changing its mind. He reminded the Council that his property was designated C2 when it was annexed, after spending thousands of dollars on fees, architects, engineers and geotechs to make sure it was feasible. He said the bottom line is that his damages from this downzone may be around \$10 million dollars. He went on to explain that he wants to make a senior facility because there is no place for seniors in Bonney Lake. He added that a wholesale downzone makes no sense. He concluded that his intent is to support economic development, growth, jobs, and seniors.

Karin Leslie, 9415 Riverside Drive E., Sumner, said she was representing her mother and aunt who own property in area 18. She explained the expenses they have endured doing studies on this property to prepare it for development. She said this downzone would make them lose money that they had hoped to use for retirement. Ms. Leslie explained that the property's proximity to surrounding developments make it pointless to designate it as conservation land. She appealed to the Council to fail Ordinance 1160.

Dave Renaud, 922 Shaw Road, Suite A, Puyallup, came on behalf of Abbey Road Group and said he was representing a client trying to develop areas 18 and 19. He said the Critical Areas Ordinance ensures protection of these steep slope areas already and that the City has limited buildable areas. He explained that despite the steep slopes on his client's property, it is developable according to Bonney Lake Municipal Code Title 16.28. He reminded the Council about all the environmental review these areas would already go through without having to downzone to protect it. He spoke of his feeling that this area would be beneficial to the citizens and the City's infrastructure if it were developed. He said it would help the City meet GMA requirements and it would make an excellent gateway to the City. Mr. Renaud then asked the Council to keep the C-2 zoning in place.

Karl Thun, P.O.Box 10, Graham, came to represent Lot 19 on the rezone. He said half of it was commercial zoning when he purchased it 10 years ago, then 5 years ago the entire thing was made commercial. He said legal issues would be brought up with the City if they downzone, since he would be losing so much money.

Frank Stratton, 21107 410 Hwy E., spoke on behalf of owners of 37 acres of the property proposed to be down zoned. He explained this land is under contract with a builder. He said the property has gone under feasibility studies and consequently the steep slopes can be managed. He explained that a major financial impact will occur on all the property owners. The City assigned the C-2 zoning in the first place and he asked that they keep it that way.

Craig Shipman, P.O.Box 1307, Sumner, is a lot owner in Area 13. He said he had three geotech studies done on his property and the psi rating is better than anything he has built on in the last 30 years. He explained that he has put all the money he can into building homes on his property so he can have something for his retirement and he feels it would be unfair for the City to downzone.

Councilmember DeLeo asked what Mr. Shipman is trying to build. Mr. Shipman explained that he has put 39 lots together for single family residential homes.

Daisha Redifer, 9118 210th St Ct. E., Graham, explained that her grandparents had bought property in 19a as an investment. She said they put over \$75,000 into it and had intended to make a profit so that they could pay for their grandchildren's college education. She said that the grandchildren are of college age now and the grandparents have both passed away in the time it has taken to complete this project. She urged the Council not to approve this downzone.

Aletha Vazquez, 207 Bridge Street SE, Orting, said she came on behalf of Spiketon Heights in 19a of the area proposed for rezone. She explained that she is one of the grandchildren whose college education is on the line with this rezone. She said she just wants to fulfill her grandparent's dream for her children and herself.

Homer Dean, 13195 299th St E, Buckley, said that he is the father of the two previous speakers. He said he could not understand how the City could feel that his property is unusable when they have not even looked at it. He has been developing property for 20 years and this property is much less difficult than many that he deals with. Mr. Dean explained that he promised his father he would fulfill his dream and finish this project for the grandchildren. He described the work that has already been done to the property and told how the location is perfect for development.

Linda Youngberg, 8507 182nd Ave. E., warned the Council not to make decisions that would result in spending a lot of money on judgments, which are bound to be very expensive.

Louisa Smith, 20112 Church Lake Rd. E., reminded everyone that the Planning Commission is only supposed to be an advisory board. She worried that their recommendations are being taken unquestioningly. She expressed concern that Melvain Donyes had used Citizen Comments time during a previous meeting as a political forum, which she felt was inappropriate. Ms. Smith issued a warning about the City's decision to have a 'local source newspaper'; she felt that favoring one newspaper over another could backfire on the City. She also commented on Mr. Thun's ongoing problems with the Planning Department, the purchase of the Moriarty Property, and Bonney Lake Days. She offered praise to Administrative Coordinator Don Morrison, Deputy City Clerk Cathy Harstad, Operations and Maintenance Supervisor Rick Shannon, Lead Worker Curt Roundtree and other volunteers for their hard work. Lastly, she advised Council to be proactive about passing an ordinance to keep sex offenders out of the City.

C. Correspondence: none

Responding to Council request, Mayor Young called for a ten minute break in the meeting at 8:26 p.m. The meeting was reconvened at 8:39 p.m.

8:39:00

III. COUNCIL COMMITTEE REPORTS:

[A3.6.4]

A. Finance Committee

Deputy Mayor Swatman said the committee met this evening and considered AB05-210 – Resolution 1480 an agreement with WSDOT for SR410/Sumner Buckley intersection improvement, Ordinance 1159 – authorization for payment plans for permitting and utilities fees; a resolution for DM Disposal agreement, which turns out to be unneeded; and a proposal for a flat-fee tree permit when appropriate for a simple application.

B. Community Development Committee

Councilmember Rackley said the committee rescheduled their next meeting to August 29th due to the September 5th Holiday. He said that the CDC discussed some developer extension agreements for Plaza West and Legacy Park as well as a traffic mitigation agreement with WSDOT. They also discussed geotechnical service agreements, which can be expected to come forward in the future.

C. Public Safety Committee

Councilmember DeLeo said that the Public Safety Committee had not met recently, but had rescheduled their next meeting to August 29, 2005 due to the September 5th holiday.

E. Other Reports:

Mayor Young expressed appreciation to Administrative Services Coordinator Morrison, Deputy City Clerk Cathy Harstad-Everett, and all the City staff who volunteered for their successful work on Bonney Lake Days. Councilmember Rackley added that the attendance appeared to be the highest it had been in the past few years.

Councilmember Swatman made a motion to authorize the Mayor to sign an application for a TIB Grant for the intersection improvements of 410 and Sumner-Buckley Highway. Councilmember Rackley seconded the motion.

Mayor Young explained that the language in the grant says that the Council's approval is required.

Motion approved 5 – 0.

8:42:30

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

Councilmember Hamilton moved to approve the consent agenda. Councilmember Rackley seconded the motion. Councilmember Rackley asked that Items E, I, and J be pulled for separate consideration. Mayor Young said that E will be considered at the end of the Full Council Issues section of the meeting agenda and I & J will be considered at the end of the Community Development Committee Issues Section.

- A. **Approval of Corrected Minutes:** August 2 Council Workshop and August 9 Council Meeting.
- B. **Checks/Vouchers:** Accounts payable checks/voucher #41324 thru #41454 (voiding check #41409) in the amount of \$1,163,577.71. [F4.9]
- C. **Payroll:** Payroll for August 1-15, 2005 for checks 24021-24075, including Deposits and Electronic Transfers in the amount of \$254,648.80. [F4.9]
- D. **AB05-207 – Ordinance 1153 –** An Ordinance Of The City Of Bonney Lake, Pierce County, Washington, Repealing Chapters 2.44 And 2.48 Of The Bonney Lake Municipal Code And Ordinance Nos. 432 And 341, Relating To Volunteer Fireman's Pension Fund And Fire Apparatus. [A3.5.5]
- E. ~~**AB05-214 – Ordinance 1158 –** An Ordinance Of The City Of Bonney Lake, Pierce County, Washington, Transferring Funds From The Contingency Fund. [F4.7]~~

- F. **AB05-203 – Resolution 1478** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington Designating The Tacoma News Tribune As The Sole Source Official Newspaper For 2005-2006. [A3.20.8]
- G. **AB05-204 – Resolution 1479** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Designating The Bonney Lake & Lake Tapps Courier-Herald As The City’s Local Source Newspaper For 2005-2006. [A3.20.7]
- H. **AB05-216 – Resolution 1482** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing A Local Agency Participating Agreement With Washington State Department Of Transportation For The Transfer To State Developer Mitigation Payments For The SR410 – 214th Ave. E. To 234th Ave. E. Widening. [O4.8.1]
- ~~I. **AB05-218 – Resolution 1484** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing Water Developer Extension Agreement With Bonney Lake Plaza West, L.L.C. For Bonney Lake Plaza West. [A3.13.7]~~
- ~~J. **AB05-219 – Resolution 1485** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing Sewer Developer Extension Agreement With Bonney Lake Plaza West, L.L.C. For Bonney Lake Plaza West. [A3.13.7]~~

Consent Agenda approved 5 – 0.

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

8:43:45

VI. **COMMUNITY DEVELOPMENT COMMITTEE ISSUES:**

- A. **AB05-217 – Resolution 1483** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing Water And Sewer Developer Extension Agreement With Legacy Park, L.L.C. For Legacy Park. [A3.13.7]

Councilmember Rackley moved to approve Resolution 1483. Councilmember Swatman seconded the motion.

Motion approved 5 – 0.

- B. **AB05-218 – Resolution 1484** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing Water Developer Extension Agreement With Bonney Lake Plaza West, L.L.C. For Bonney Lake Plaza West. [A3.13.7]

Councilmember Rackley moved to approve Resolution 1484. Councilmember Hamilton seconded the motion.

Councilmember Rackley said he had pulled this item along with Resolution 1485 because he wanted to see if there are any comments from the public. There being none, the Council voted.

Motion approved 5 – 0.

- C. **AB05-219 – Resolution 1485** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing Sewer Developer Extension Agreement With Bonney Lake Plaza West, L.L.C. For Bonney Lake Plaza West. [A3.13.7]

Councilmember Rackley moved to approve Resolution 1485. Councilmember Hamilton seconded the motion.

There were no comments on Resolution 1485.

Motion approved 5 – 0.

VII. PUBLIC SAFETY COMMITTEE ISSUES: None.

8:47:45

VIII. FULL COUNCIL ISSUES:

- A. **AB05-208 – Ordinance 1154** – An Ordinance Of The City Of Bonney Lake, Pierce County, Washington, Rezoning Various Properties To Be Consistent With The Comprehensive Plan. [O3.8.2]

Councilmember Hamilton moved to approve Ordinance 1154. Councilmember Noble seconded the motion.

Mayor Young pointed out that this ordinance relates to 30a&b and Brookside among others and is almost entirely related to public land. He explained that it is not the rezoning ordinance that many of the citizens had come to speak about. Deputy Mayor Swatman verified that there had been no bad comments heard about this ordinance.

Motion approved 5 – 0.

- B. **AB05-225 – Ordinance 1160** – An Ordinance Of The City Of Bonney Lake, Pierce County, Washington, Rezoning Various Steep Slopes To Be Consistent With The Comprehensive Plan.

Councilmember Hamilton moved to approve Ordinance 1160. Councilmember Noble seconded the motion.

Mayor Young explained that Ordinance 1160 is the one that deals with steep slopes and is what most of the citizen comments were about. Councilmember Rackley

expressed a desire to discuss this more before taking action. Councilmember DeLeo agreed and recommended meeting with the property owners to tour their land.

Councilmember Rackley moved to table Ordinance 1160.

Deputy Mayor Swatman was of the same mind and it was decided that the first workshop in September was an adequate date to table this ordinance to.

Councilmember DeLeo seconded the motion.

Motion approved 5 – 0.

- C. **AB05-205 – Ordinance 1151** – 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. 561, 578, 588, 662, 768, 826, 892, Relating To Utility Charges And Collections. [A3.5.5] [F4.3]

Councilmember Rackley moved to approve Ordinance 1151. Councilmember DeLeo seconded the motion.

Mayor Young explained that the ordinance consolidates a comprehensive review and an update of utility administration changes and charges for the past few years. Councilmember DeLeo said he would not support this because reduction of time from 90 days to 45 for turning off water did not appear in the bill and the increase in turn on fees is excessive for the amount of work involved. He said that if someone's water gets turned off it's usually because they cannot afford to pay their bill and this will not help them catch up. Councilmember Noble agreed.

Finance Director Weidenfeller reminded council that turn-ons can be quite expensive for the city if it is after hours. He explained that they condensed many of the steps in the billing process to get the 45 day result seen on Ordinance 1151. He also said the City can only go back four months to collect on a water bill. Councilmember DeLeo said he would be willing to consider 60 days, but not 45.

Motion Failed 2 – 3 with Deputy Mayor Swatman and Councilmembers DeLeo and Noble voting no.

Deputy Mayor Swatman asked that this ordinance be taken back to Finance Committee to address some of Councilmember DeLeo's concerns.

Mayor Young recommended an Executive Session. Deputy Mayor Swatman offered the alternative of tabling ordinances 1156 and 1158 since there are two council members absent.

Deputy Mayor Swatman moved to Table Ordinances 1156 and 1158. Councilmember DeLeo seconded the motion.

**Motion Passed 4 – 0 – 1.
Councilmember Rackley
abstained.**

~~D. **AB05-211 – Ordinance 1156** – 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. **AB05-213 – Ordinance 1157** – An Ordinance Of The City Of Bonney Lake, Pierce County, Washington, Amending Chapter 19.06 Of The Bonney Lake Municipal Code And Ordinance No. 1018, Relating To Parks Impact Fees. [A3.5.5] [F4.3]

Councilmember DeLeo moved to approve Ordinance 1157 Deputy Mayor Swatman seconded the motion.

Councilmember DeLeo said he was not in favor of this ordinance, but may consider it if the fee is lowered to \$2,000. Deputy Mayor Swatman agreed that this amendment may be more appropriate. Councilmember Hamilton offered support for an amendment, but expressed concern that it may not make enough of a difference. He reminded Council that they could have passed this fee when the first Parks Impact Fee ordinance came through. Councilmember DeLeo said this change could result in about \$150,000 a year for park buildup.

Councilmember DeLeo moved to amend Ordinance 1157 by changing the fee to \$2,000. Deputy Mayor Swatman seconded the motion.

**Motion to amend Passed 3 – 0 – 1.
with Councilmember Hamilton
voting no. Councilmember
Rackley abstained.**

Dan Decker, 20401 70th St. E. reminded the Council again that Mr. Moriarty had offered his property to the city in 2002. He repeated his earlier opinions of the man who bought the property for duplexes and those who later opposed condemnation of the land.

**Motion Passed 4 – 0 – 1.
Councilmember Rackley
abstained.**

~~F. **AB05-214 – Ordinance 1158** – An Ordinance Of The City Of Bonney Lake, Pierce County, Washington, Transferring Funds From The Contingency Fund. [F4.7]~~

Mayor Young explained that Mr. Moriarty had in fact offered to sell his land to the City, but that the Mayor at the time had been Mayor Carl Whisler, three mayors prior to himself.

X. ADJOURNMENT

At 9:05 p.m., Councilmember Rackley moved to adjourn the meeting. Councilmember Noble seconded the motion.

Motion approved 5 – 0.

Virginia Phelan
City Clerk Department Assistant

Robert Young, Mayor

Documents submitted for or at the Council Meeting of August 23, 2005:

- Master Builders Association – *Commentary on Ordinance 1157* – Theo Gideon
- Raymond Frey – *Email: Ordinance 1154 Rezoning Properties to RC5* – Mayor Young
- Bart Tracy – *Email: August 16th City Council Meeting Re: Down Zone* – Mayor Young
- City of Bonney Lake – *Motion for TIB Grant application* – Dan Grigsby