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, Senior Human Resources Analyst Jennifer Young, Interim Police Chief ‘Buster’ McGehee, Judge James Helbling, Deputy City Attorney Jeff Ganson and City Clerk Harwood Edvalson.

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

1. Announcements: None
2. Appointments: None.
3. Presentations:
   a. AB05-254 – Ordinance 1171 - Tree Retention Ordinance – Planning Commissioner Grant Sulham presented the Planning Commission’s unanimous recommendation that the Council adopt the ordinance. He said the commission has seen the pendulum swing back on forth on this issue and wanted to bring it back to center with a workable, commonsense solution to tree retention in Bonney Lake. He noted that the Commission held a public hearing on the proposed ordinance on September 7th. He suggested that the Council discuss the ordinance further at the next Council Workshop and offered to be present to answer questions from the Planning Commission perspective.

   Councilmembers asked a few questions about provisions of the ordinance and concluded to discuss the ordinance in-depth at the next Workshop.

D. Agenda Modifications [A3.6.6]: None.
II. PUBLIC HEARINGS, CITIZEN COMMENTS & CORRESPONDENCE:


B. Citizen Comments:

Leota Musgrave, 9308 202nd Ave. E., asked about the status of the Moriarty House. She said the Historical Society would like help from the Council to make it into a museum for Bonney Lake. She mentioned the possibility of relocating the house on the property if necessary. She asked the Council to identify what they are looking for from the Historical Society so they can in turn approach the public about donations and assistance.

Councilmember Hamilton said the Council wants to see a feasibility plan for the use of the house. He asked that the Historical Society put together a written proposal. Councilmember Rackley proposed that the issue be discussed at the next Council Workshop. Mayor Young said it will be on the next workshop agenda.

Dan Decker, 20401 70th St. E., thanked the recent mayoral candidates for a fine primary race, and wished Neil Johnson and James Rackley good luck on the November 8th general election. Mr. Decker then spoke about the monetary impacts of illegal aliens on society and the local and state economy. He said millions of dollars are lost to the tax base when illegal aliens wire transfer funds out of the country. He urged the Council to be the first city in Washington to follow the lead of the State of California by adopting legislation that allows police officers to question those stopped about their residency. He denounced the U.S. immigration policy of granting citizenship to the newborn children of illegal aliens and referred to those children as “anchor” babies. He said it is time to take action in the State of Washington.

Tana Latterell, 19301 84th St. E., said she has written and asked what’s happening with the development planned between 182nd and Locust on 84th. She said she is concerned with the current speeding and traffic conditions and wants to know what plans are in place to handle the increased traffic flow of 200 additional cars.

Councilmember Noble said she had received Ms. Latterell’s letter and was going to speak with Public Works Director Grigsby. Mayor Young said he will have either Director Leedy or Director Grigsby follow-up with Ms. Latterell.

Dan Rattenbury, 18406 Old Sumner-Buckley Hwy., suggested the City plan for development with an entertainment focus in the DC zone for the Downtown area. He referenced the Seattle Center as a model, and said he favors an IMAX-type of use. He said that the entertainment orientation would favor after-hours use of the area during non-peak traffic times. He asked if the Council is interested in the information he’s put together.

Councilmember Johnson said the Council will gladly accept the information, and suggested that Mr. Rattenbury present his ideas to the Chamber of Commerce
Executive Board. He said the Board meets the 1st Thursday of the month at the City Hall Annex.

Don Sangesand, 5616 195th Pl. E., said the Ball Park Well water still smells foul and tastes bad. He explained that his wife is particularly sensitive to what is best described as the chlorine smell of the water. Others in the audience agreed that they have noticed the smell in the water in their homes as well.

Councilmember Rackley asked if a sample had been arranged for Council to taste. Director Grigsby distributed cups of water to the Council and selected staff. The general consensus was that the water was drinkable, but did have a residual smell of chlorine. Director Grigsby explained that the State mandates the use of chlorine at the Ball Park Well site and other sites in the City to purify the water, and in the case of the Ball Park Well, improve the naturally occurring odor. He said Bonney Lake adds less than half the chlorine that the City of Tacoma uses. He said it never reaches even the lower limits of the range deemed acceptable by the State. He said he would verify the statement, but he believes the same levels of chlorine are used throughout the Bonney Lake water system. Councilmember King asked if it was the City’s intent to reduce the use of the Ball Park Well during the lower demand periods of the fall and winter. Director Grigsby responded that the new treatment plant was still under warranty, and the intent is to operate the equipment full-time to determine if there are any problems before the warranty period expires. Councilmember Rackley asked if Director Grigsby could bring back an analysis of the City’s water quality for the next workshop. Director Grigsby responded, yes.

Louisa Smith, 20112 Church Lake Rd., commented on the Beautify Bonney Lake campaign over the weekend. She said the lights intended to light the statue at Ascent Gateway are inoperative. She noted the statue was dedicated in February 1991 at a cost of $80,000. She added that the amount was raised solely through donations. She asked that the lights be repaired.

Administrative Services Coordinator (ASC) Morrison said the third phase of the Ascent Gateway Project is to redo the lighting. Councilmember Rackley asked about the new lettering for the entry signs. ASC Morrison said the new signs are nearly ready to come forward for Council action and approval.

Grant Sulham, 10005 183rd Ave. E., said his grandparents are immigrants and so is his neighbor. He noted that a recent Medal of Honor winner was a German Jew who had first suffered through the German concentration camps. He said the United States is a nation of immigrants and recited the wording on the base of the Statue of Liberty that welcomes all to her shores.

Fred Jacobsen, 9100 189th Ave. Ct. E., asked for clarification on what the Council hopes to see from the Historical Society on the use of the Moriarty house.

Councilmember Hamilton asked that the Society present a plan to show how the home can be brought up to acceptable building code standards for the type of occupation proposed. Director Grigsby noted that City inspectors reviewed the house and presented a list of items that must be addressed to a contractor. The contractor’s
estimate was in excess of $100,000. Councilmember Hamilton asked Director Grigsby to provide the Society a copy of the list. Director Grigsby said he will. Councilmember Johnson asked if the house is part of the master plan being developed for the park addition. Councilmember DeLeo said the house plans should include a full basement as it has now. ASC Morrison says the current park plan assumes the house will be moved to a better site. He said the house’s current site makes optimum development of the park property difficult. Mayor Young said an explanation of the park planning and development timeline will be brought to the workshop.

On another topic, Mr. Jacobsen, who is on the Puyallup River Watershed Council, reminded the Council that the Fennel Creek and Lake Bonney tours will take place tomorrow. He said the tours will start at 1:00 p.m. in the Sumner Fred Meyer parking lot.

In response to Councilmember Rackley’s question, Director Grigsby said the public meeting on the 20 year transportation plan will be held on October 26th. Councilmember DeLeo thanked the Public Works Department for their work to preserve the rhododendrons and clear the brush around the Moriarty house.

Louisa Smith – urged the Council to take care of the house and try and preserve it until its fate is decided.

Les McCluggage, 19624 96th St. E., thanked the Police Department for their efforts to clear out vehicles from the right-of-way in front of his neighbor’s house. He asked what can be done about the rest of the property. He noted the home does not have a water service and has not had one for twenty years. Mayor Young said the Health Department was supposed to follow-up on that issue, and said he would check with them again. The Council discussed the conditions and current City efforts. Director Leedy said that Code Enforcement Officer Bryan has set up a number of remediation programs with the property owner, but the property owner never follows through. Interim Chief McGehee noted that the neighbor has a court appearance set for November 9th, and suggested the City await this legal test of its ordinance.

Councilmember Rackley asked for a break in the meeting. Mayor Young declared a ten minute break at 8:07 p.m. The meeting reconvened at 8:20 p.m.

C. Correspondence: None.

III. COUNCIL COMMITTEE REPORTS:
[A3.6.4]

A. Finance Committee
Deputy Mayor Swatman said the Committee discussed the ordinance for updating the utility charges and connection fees, late payments, etc. He said the Council will see that proposed ordinance in the near future. He said the Committee also discussed some complaints about utility bills from some of the larger homes generally outside the City that use water to irrigate extensive landscaping. He added that Public Works
is working with them to verify the accuracy of the meters. He said the Committee also discussed the proposed uses of the Drug Fund. Deputy Mayor Swatman said the Interim Police Chief has nearly worked out the animal control issues, as well.

Deputy Mayor Swatman asked if some consensus was required to authorize the expenditure of funds to fly in a candidate for the Utilities Engineer/Assistant City Engineer position. The Council discussed the process to allow the City to pay for interview and moving expenses for the candidate. Deputy City Attorney Ganson said the moving expenses are usually handled through an employment agreement. He said it would be appropriate for the Council to authorize the proposed expenditure for the flight now. Mayor Young asked for a motion.

**Deputy Mayor Swatman moved to cover the flight and interview expenses for the candidate with the understanding that authorization of moving expenses will require further Council approval. Councilmember Rackley seconded the motion.**

Councilmember Johnson asked if there had been an intense search to fill the position. Director Grigsby responded that there had been two searches. The first provided no candidates. After an increase in salary and national advertising, the second search had returned only four candidates. He said the only acceptable candidate, although currently living out-of-state, has family in the area and appears to have the desired qualifications based on a telephone interview. He said the candidate has been a consulting engineer with cities the size of Bonney Lake and larger.

**Motion approved 7 – 0.**

Continuing with his Finance Committee report, Deputy Mayor Swatman asked Mayor Young if he would characterize the anticipated tenor of the transition to the new mayor. Mayor Young responded that he told his staff that business would move ahead until the end of the year and there would be as smooth a transition as possible. Deputy Mayor Swatman explained that in the Mayor’s absence during the Finance Committee meeting, Director Weidenfeller had been informed that the Council anticipates the preparation of a very simple budget. He said the Council wants a budget based on the current budget with allowances for those things the Council has already decided. He said it is anticipated the new mayor will want to develop a new budget after being sworn in. He confirmed the Council does not want to hold any hearings or meetings on the budget beyond that necessary to adopt this simple budget.

B. **Community Development Committee**

Councilmember Rackley said the CDC met on September 19th and discussed the school traffic issues and Public Works expenditure reports. He said the City will take over street lighting beginning October 1st. He listed 15 items that have been forwarded for Council action this evening.

The Council listened to Director Grigsby describe some of the school traffic issues
and discussed possible solutions. Deputy Mayor Swatman was insistent that a traffic signal is needed before the next senior class at the high school is prepared to drive to school. Director Grigsby agreed to provide a report on the issues for discussion at the next workshop.

C. Public Safety Committee
Councilmember DeLeo reported that the Committee has not met since the last Council meeting.

D. Other Reports:
Councilmember DeLeo reported that the Rainier Cable Commission meeting is on Thursday. He said that, as requested, he has provided the Council information for their review about what is gained by the City’s membership. He asked for Council consensus to commit the City’s continued participation at the upcoming meeting.

Councilmember DeLeo moved to approve the commitment of $14,600 for continued membership in the Rainier Cable Commission. Councilmember Johnson seconded the motion.

Deputy Mayor Swatman asked why membership does not cover participation in the Regional Media Center and the provision of our own cable channel. Councilmember DeLeo explained that the Council has never opted to participate in the Regional Media Center. He also explained the lobbying efforts made at the State and Federal levels on behalf of the members of the Rainier Cable Commission. Councilmember Rackley noted that cable companies are attacking the installation of WIFI systems like the one contemplated for Bonney Lake. He said the lobbying effort on behalf of the cities has been useful.

Motion approved 6 – 1. Deputy Mayor Swatman voted no.

Deputy Mayor Swatman reported that an insufficient number of Councilmembers had been present to make the 192nd Corridor Open House a special Council meeting. He said he wanted to submit a petition received at the meeting so it might appear on the official meeting record. He said the petition is from the homeowner’s in the Fennel Ridge Development who are opposed to the connection of 189th Ave. E. to 192nd Ave. E. Councilmember Rackley asked City Clerk Edvalson to provide Council with copies of the petition. Director Grigsby said he also received a portion of a buyer’s acknowledgement for the homes in that area that denotes the potential connection of the two streets through the right-of-way in the cul-de-sac. He described further how the Hearing Officer who approved the 189th cul-de-sac said that he would approve such a long cul-de-sac only with the understanding that when 192nd was put through, then 189th would be connected. Deputy Mayor Swatman said there are approved new neighborhoods with much longer cul-de-sacs. He said he saw no need for the 189th connection to 192nd.

Councilmember Johnson thanked the Mayor for allowing staff to participate in the Beautify Bonney Lake event. He said there were a total of about 350 people participating in projects throughout the City. He thanked Councilmembers who
participated in the event as well. Mayor Young apologized that he had a prior obligation, but said he tried to make sure staff were available to help with the event. Special recognition was given to Director Grigsby, Rick Shannon and Gary Leaf. Councilmember Rackley expressed appreciation for Godfather’s Pizza and all the pizza that was donated.

IV. CONSENT AGENDA: [A3.6]

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

Mayor Young invited Director Grigsby to explain some of the items on the consent agenda. Director Grigsby explained that the consent agenda includes several agreements for on-call services with geotechnical engineers. He said the agreements lock in prices, shorten the procurement time for services, and give alternatives when one or the other of the consultants has a conflict of interest in a particular project. Director Grigsby also noted that there are motions to accept the closeout of several projects, all of which came in on time and within budget amounts, including approved change orders.

Councilmember DeLeo said he would like to pull items H, I, K, and L. Deputy Mayor Swatman said he would like to pull items D, E, F, and G.

Mayor Young said the items pulled from the consent agenda will be discussed after Item VIA on the agenda.

A. Checks/Vouchers: Accounts payable checks/voucher #41618 thru #41723 in the amount of $738,015.32. Utility Refund checks/vouchers #41724 thru #41811 in the amount of $5,675.19. [F4.9]

B. Payroll: Payroll for September 1-15, 2005 for checks 24131-24183, including Deposits and Electronic Transfers in the amount of $260,460.65. [F4.9]

[Trouth a clerical error, there was no Item C. on the agenda.]


E. AB05-221 – Resolution 1487 – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing A Personal Services Agreement With Krazan For On-Call Geotechnical Support Services During Construction. [O4.10.1]

F. AB05-222 – Resolution 1488 – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing A Personal Services Agreement With Geoengineers, Inc For On-Call Geotechnical Support Services During Construction. [O4.10.1]

G. AB05-223 – Resolution 1489 – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing A Personal Services
Agreement With PSI For On-Call Geotechnical Support Services During Construction. [O4.10.1]


I. AB05-238 – Resolution 1494 – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing An Agreement With The Transpo Group For The Design Of The SR 410 And Sumner Buckley Highway Intersection Improvements. [O4.8.1]

J. AB05-239 – Resolution 1495 – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing The Award Of The Driftwood Point Water Main Replacement Project To DDJ Construction, Inc. [O4.10.2]

K. AB05-240 – Resolution 1496 – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing The Award Of The Ball Park Off-Site Water Main Project To DDJ Construction. [O4.10.2]

L. AB05-247 – Resolution 1498 – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing An Interlocal Agreement With Pierce County For The 214th Ave. E. And 96th Street E. Intersection Improvements. [O4.8.2]

M. AB05-241 – A Motion of the City Council of the City of Bonney Lake, WA Accepting As Complete The Lake Tapps Parkway And 9th St. E. Water Main Replacement Project By Rodarte Construction, Inc. And Authorizing The Release Of Retainage Once The Contract Closeout Documents Requirements Are Completed. [A3.6.10] [O4.10.2]

N. AB05-242 – A Motion of the City Council of the City of Bonney Lake, WA Accepting As Complete The Peaking Storage Facility Grading Project By Pivetta Brothers Construction, Inc. And Authorizing Release Of Retainage Once Contract Closeout Requirements Are Met. [A3.6.10] [O4.10.2]

O. AB05-243 – A Motion of the City Council of the City of Bonney Lake, WA Accepting As Complete The 190th Ave. E. Water Main Replacement Project By Nova Contracting, Inc. And Authorizing Release Of Retainage When Contract Closeout Requirements Are Met. [A3.6.10] [O4.10.2]

P. AB05-244 – A Motion of the City Council of the City of Bonney Lake, WA Setting A Public Hearing For The Proposed High Country Latecomers Agreement For October 11, 2005 During The Regular Council Meeting That Starts At 7:00 P.M. [A3.6.10] [A3.6.12]

Q. AB05-245 – A Motion of the City Council of the City of Bonney Lake, WA Accepting As Complete The Ball Park Wells And Treatment Facility Project By Prospect Construction Co. And Authorizing The Release Of Retainage Once Contract Closeout Requirements Are Met. [A3.6.10] [O4.10.2]

Consent Agenda as amended approved 7 – 0.

V. FINANCE COMMITTEE ISSUES: None.
VI. COMMUNITY DEVELOPMENT COMMITTEE ISSUES:

A. **AB05-246 – Resolution 1497** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing A Concomitant Agreement With Ashton Village LLC. [O4.7.1] [O4.8.1]

Councilmember Rackley moved to approve Resolution 1497. Councilmember Hamilton seconded the motion.

Director Grigsby explained that the agreement allows for the exchange of property to create connecting streets and consolidate drainage ponds into one large pond. He said the greater traffic circulation would be a benefit as well as the reduced number of drainage ponds. Councilmember Rackley said the agreement will result in dollars saved for the City. Councilmember King spoke in support of the improved design facilitated by this agreement.

Motion approved 7 – 0.

Items from the Consent Agenda:

D. **AB05-220 – Resolution 1486** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing A Personal Services Agreement With Landau Associates, Inc. For On-Call Geotechnical Support Services During Construction. [O4.10.1]

E. **AB05-221 – Resolution 1487** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing A Personal Services Agreement With Krazan For On-Call Geotechnical Support Services During Construction. [O4.10.1]

F. **AB05-222 – Resolution 1488** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing A Personal Services Agreement With Geoengineers, Inc For On-Call Geotechnical Support Services During Construction. [O4.10.1]

G. **AB05-223 – Resolution 1489** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing A Personal Services Agreement With PSI For On-Call Geotechnical Support Services During Construction. [O4.10.1]

Councilmember Rackley moved to approve Items D, E, F and G (Resolutions 1486, 1487, 1488 and 1489) with one motion. Councilmember Hamilton seconded the motion.

Deputy Mayor Swatman expressed the opinion that the Council should not be dealing with these items. He noted most of them contain provision for changing the rates over time. He said the City should have gone out for an RFP and selected the top two. Director Grigsby said the agreements say rates will not increase more than once per year. Councilmember Rackley noted that the Community Development Committee had asked for Council input on these types of agreements and had received the direction from Council to bring them forward to the Council meeting.
Councilmember King asked for a point of order to determine if the motion was appropriate. Deputy City Attorney Ganson said the motion had been to adopt as a group, so the proposed vote was in order.

Motion approved 6 – 1. Deputy Mayor Swatman voted no.


Councilmember Rackley moved to approve Resolution 1493. Councilmember Hamilton seconded the motion.

Motion approved 6 – 1. Councilmember Johnson voted no.

I. AB05-238 – Resolution 1494 – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing An Agreement With The Transpo Group For The Design Of The SR 410 And Sumner Buckley Highway Intersection Improvements. [O4.8.1]

Councilmember Rackley moved to approve Resolution 1494. Councilmember Hamilton seconded the motion.

Director Grigsby began an explanation and was stopped by Deputy Mayor Swatman’s “Call for the Question.”

Deputy Mayor Swatman moved to close debate. There was no second.

Motion to close debate failed 3 – 4. Councilmembers DeLeo, Johnson, King and Rackley voted no.

Director Grigsby said there is an increasing problem at the intersection of SR410 and Old Sumner Buckley Highway. He said the proposed project is a mitigation action for Cascadia in lieu of several partial mitigation projects. He described the proposed additional turn lanes and necessary changes in signalization, and said the project will also be designed to improve the City’s appearance at this major intersection. Councilmember Rackley asked for a summary of the funding for the design of this project. Director Grigsby said there is an unused Federal Grant for $400,000, an $111,000 in mitigation funds from Sky Island, and the remainder from the Cascadia project.

Motion approved 7 – 0.
K. **AB05-240 – Resolution 1496** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing The Award Of The Ball Park Off-Site Water Main Project To DDJ Construction. [O4.10.2]

Councilmember Rackley moved to approve Resolution 1496. Councilmember Hamilton seconded the motion.

Councilmember DeLeo asked about the other projects currently under construction by DDJ, Inc. He questioned whether or not there were too many projects for them to effectively pursue. Director Grigsby explained that DDJ, Inc. is finishing up its two current projects and is prepared to begin the next two. He said the contractor was able to reduce their bid because they are able to save on mobilization of equipment and manpower.

**Motion approved 7 – 0.**

L. **AB05-247 – Resolution 1498** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing An Interlocal Agreement With Pierce County For The 214th Ave. E. And 96th Street E. Intersection Improvements. [O4.8.2]

Councilmember Rackley moved to approve Resolution 1498. Councilmember Hamilton seconded the motion.

Councilmember Rackley explained that this is an interlocal agreement to allow the County to proceed with this project. Director Grigsby added it also allows the County to maintain the traffic signal within Bonney Lake’s jurisdiction. Deputy Mayor Swatman asked if there was any guarantee the traffic signal will be installed before the Home Depot’s Grand Opening. He reported that the City has apparently short-circuited the SEPA-consideration process with the County, and feared there will be confusion similar to the traffic signal on 192nd Ave. at Target. Director Leedy said he is unaware of any problems, but will investigate and report back, including whether or not the store can open without the traffic signal in place. Councilmember Hamilton said the traffic signal is critical for the public safety in this area.

**Motion approved 7 – 0.**

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

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

IX. **EXECUTIVE SESSION:** None.

X. **ADJOURNMENT**
At 9:19 p.m., Deputy Mayor Swatman moved to adjourn the meeting. Councilmember Noble 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 September 27, 2005:

- City of Bonney Lake – Ball Park Well Treatment Plant Sample Report – Dan Grigsby, Public Works Director.
- City of Bonney Lake – Memo from Rainier Communications Commission to Phil DeLeo dated 9/15/05 – Councilmember Phil DeLeo.
- City of Bonney Lake – Excerpt from Buyer’s Acknowledgement Re: Connection of 189th Ave. E. Dated 03/29/2000 – Dan Grigsby, Public Works Director.