

City of

**COUNCIL WORKSHOP**

**March 1, 2005**

**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"*

**Roll Call**

Mayor Robert Young called the March 1<sup>st</sup> Council Workshop to order at 5:33 p.m.

Also in attendance 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 attending were Administrative Services Coordinator (ASC) Don Morrison, Public Works Director Daniel Grigsby, Planning and Community Development Director Bob Leedy, Interim Police Chief Buster McGehee, City Attorney Jim Dionne and City Clerk Harwood Edvalson.

**Agenda Items**

1. Open Discussion

Panorama West. Mayor Young addressed the Council regarding recent email from Kent Wong about the clearing and grading and development of Panorama West. He said that the Council's change in the municipal code prevents Mr. Wong from doing what he had hoped to do with respect to clearing and grading his site. He added that it may qualify for a variance, but that the administrative hearing process is estimated to take approximately six weeks. Director Leedy explained that the staff work, preparation, posting and mailing of notices, the notice period and the scheduling of the Hearing Examiner are the time consuming elements of the administrative process. Mayor Young said the second issue addressed by Mr. Wong has to do with the City's accounting system and the assessed charges. Director Weidenfeller said he and his staff have reviewed the financial processes and determined that they are accurate. He said he planned to sit down with Mr. Wong and explain the billing process.

Larios Wetland Assessment. Mayor Young reported that in response to the Council's concerns, he instructed Director Leedy to conclude the agreement with Parametrix on the Larios study. He said the City has secured another consultant that will remain independent and not reference any previous reports or studies. He said the consultant completed a site visit today and will have a report by the end of the week. Councilmember Noble asked for clarification on the kind of study being done. Director Leedy replied that it is a wetland delineation, mapping and survey, followed by a mitigation plan. Councilmember Rackley asked if the entire wetland was mapped. Director Leedy said he understood the consultant got permission to enter properties adjoining the Larios property to complete his survey. Councilmembers expressed appreciation for the administration addressing the concern for an independent study.

Sky Island Boulevard. Councilmember Johnson asked when the street striping in Sky Island would be done. Director Grigsby responded that the requisition was approved. He added that,

weather permitting, the striping should be done within the week. He added that not only the center line would be done, but the crosswalks would be painted as well.

Cedarview Park Completion. Councilmember Johnson asked when the installation of the toys at the Cedarview Park will be complete. Director Grigsby said it will take approximately one month to get the missing pieces. He said that staff will be busy installing woodchips while waiting for the parts.

Neighborhood Trash Cleanup Program. Councilmember Johnson asked if Director Weidenfeller had completed the risk assessment on the proposed neighborhood cleanup program. Director Weidenfeller replied he will work on it during the coming week.

Beautify Bonney Lake. Councilmember Johnson reported that this program is going forward with the major project to be conducted during the 3<sup>rd</sup> weekend in September. He said a Chamber Committee is sponsoring the group to work on the Ascent Gateway on SR410. He added that Assistant Public Works Director Leaf is the City's liaison to the committee. He said the committee will have another meeting at the end of March.

Bonney Lake Days. Councilmember Johnson expressed his concern that the proposed dates for Bonney Lake Days do not fall on the same weekend as the last two years. He advocated for a consistent date and said he believes that it should remain on the third weekend of August. Director Morrison explained that by changing the date to the second weekend of August, the City could benefit from the association with the Police Department's National Night Out. He said there had also been complaints from vendors about conflict with Orting Days that are held on the third weekend. Council discussed other conflicts on the weekends in the month of August. No particular consensus was reached.

Used Car Lot. Councilmember Hamilton asked about the used car lot on SR410. Director Leedy said the business is licensed as a used car lot and that Code Enforcement is working with the property owner to improve its condition.

Eastown Study. Councilmember Johnson asked about the status of this study. Director Leedy said he would provide an update by the next Council meeting. Councilmember Johnson expressed concern that the City had not aligned enough political support at the state level to help move this project forward. He added that it may make sense for the City to participate financially in the project in order to make it a reality. Director Grigsby said that SR410 is a state highway and that the project should be fully funded by them. He suggested completing the City's transportation vision statement for discussion at the Council retreat and then again approaching the legislators. The Council also discussed their philosophy of sewer development in the area, recalling the position that development should pay for the sewer extensions in the area. Councilmember Johnson sought assurance from Director Grigsby that he will be proactive concerning state programs that may apply to infrastructure improvements in this area. Director Grigsby replied, yes.

Area 41. Deputy Mayor Swatman distributed copies of possible access alignments to the Area 41 group of properties for Council information.

Length of Council Meetings. Deputy Mayor Swatman suggested that the Council consider, at their upcoming retreat, options for dealing with the recent long Council meetings. He expressed his belief that the Council cannot appropriately consider its business as the hours extend into the late night. The City Council briefly discussed some alternatives and agreed to add it to their

discussion at the retreat.

Meth Lab. Councilmember King asked for an update on the recent meth lab discovered near Myers Road. Interim Chief McGehee reported that an officer responding to an odor of ammonia lead to the arrest of 3 persons and the discovery of an underground meth lab. Councilmember King said that some construction work is being done on another house that was condemned after discovery of a meth lab. He said he would provide information to the Code Enforcement Officer for follow-up.

Junk Vehicles. Councilmember King asked if the junk vehicles had been removed from the property where the meth lab was discovered. He added that there are several junk vehicles in that area of the City. He encouraged the aggressive abatement of junk vehicles and uninhabitable buildings. Councilmember Noble added that the Council had offered to fund an additional code enforcement position to help pursue this effort. Mayor Young reported that the City is in the process of hiring a part-time position to assist with code enforcement. Councilmember Johnson asked for a report to keep the Council abreast of code enforcement efforts, permits issued, street sweeping and other activities. Mayor Young responded that a schedule of street sweeping has been on the City's website. He said he'd check to make sure the schedule is current. He added that a quarterly report would be issued in April covering department activities during the first quarter.

Sign Code Enforcement. Councilmember King asked about the Code Enforcement Sign Code Sweep. Director Leedy replied that two truck loads of illegal signs were collected. He added that the Mayor has authorized more follow-up efforts on the weekends. He said he will provide a more formal report to the Council. He noted that those conducting the sweep don't have time on the weekends to stop and educate businesses.

Old Fire Station. Councilmember Hamilton asked about the status of the old fire station. Director Leedy replied that it has been sold to another individual, who is waiting for zoning amendments to maximize the number of lots he can create in a short plat. He added that Code Enforcement has insisted the owner take steps to remediate the violations on the property.

Street Lights. Councilmember DeLeo said the Public Safety Committee is discussing street lights and street safety. He said the Committee requests that Councilmembers survey their wards to identify dark intersections and areas requiring greater illumination. He added that the Committee wants to hear back from the other Councilmembers and then prioritize the items for recommendations on implementation.

Interlocal Discussions. Councilmember Rackley said that while at the AWC Conference in Olympia, he and Councilmember Noble discussed the possibility of inviting the Plateau cities to a conference here in Bonney Lake to discuss issues of mutual concern and interest. He suggested a date in the later part of April, on a Saturday, from 9 am to 1 pm. He asked for Council support. Councilmember King spoke in support of meeting to address common concerns such as animal control, regional parks and Cascadia impacts. Councilmember Johnson added the new sewage treatment facility at the Rainier School as another potential topic of mutual interest. There was general consensus to move ahead with the meeting.

HB1967 / SB 5907. Councilmember King encouraged the City to monitor the progress of these two legislative bills regarding municipal authority to regulate appropriate residential zoning densities.

## 2. Agenda Modifications

Mayor Young asked for a motion to modify the agenda and add the following:

**Action: AB05-73 – Ordinance 1110** – An Ordinance Of The City Council Of The City Of Bonney Lake, Washington, Amending The Comprehensive Plan To Comply With A Central Puget Sound Growth Management Hearings Board Order.

**Action: A Motion** of the City Council of the City of Bonney Lake, Washington, approving the payment to JF Development in the amount of \$56,189.53 outside of the regular voucher approval process.

Mayor Young said that Ordinance 1110 is a housekeeping item and a request from Directors Leedy and Grigsby. He said the ordinance changes the Comprehensive Land Use Map and should have been done in conjunction with the action taken last week by the Council in response to the order from the Growth Management Hearing Board (GMHB). He added that this final step to comply with the GMHB will help with the consideration of some Public Works Trust Fund Loan applications. Mayor Young said the second item is an overdue payment authorized in 2002 to pay back latecomer fees to the developers of Willowbrook. In response to Council's questions, Director Weidenfeller explained that this is an urgent action item that is past the statutory due date and should be released in advance of the normal check approval and payment cycle.

**Councilmember Rackley moved to amend the agenda and add the listed items.  
Councilmember King seconded the motion.**

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

## 3. Discussion: AB05-65 – Resolution 1401 – Council Retreat Facilitation Agreement.

Administrative Services Coordinator (ASC) Morrison explained that the facilitator the Council has used the past two years is not available this year to work with the Council. He mentioned that Jack (John) Collins comes highly recommended from Municipal Research and Services. He noted that Mr. Collins has been associated with city management for over 30 years. ASC Morrison said the proposed agreement is for up to 50 hours at \$95/hr., a reduction in the hourly rate over previous years. He introduced Mr. Collins who summarized his background and discussed with Council his understanding of some of the issues to be discussed at the retreat.

## 4. Review of Minutes: February 15 Council Workshop and February 22 Council Meeting.

Councilmember Noble noted that the spelling of Director Leedy's name should be corrected in the February 15<sup>th</sup> meeting minutes near the top of Page 2.

## 5. **Action: AB05-73 – Ordinance 1110** – An Ordinance Of The City Council Of The City Of Bonney Lake, Washington, Amending The Comprehensive Plan To Comply With A Central Puget Sound Growth Management Hearings Board Order.

Director Leedy affirmed that this action is just to modify the Comprehensive Land Use Map consistent with the action that the Council took at their meeting last week. Councilmembers

asked for a color copy and a PDF document of the redrawn map.

**Councilmember Rackley moved to adopt Ordinance 1110. Councilmember Hamilton seconded the motion.**

The Council briefly discussed the proposed ordinance with Director Leedy responding to questions.

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

6. **Action: A Motion** of the City Council of the City of Bonney Lake, Washington, approving the payment to JF Development in the amount of \$56,189.53 outside of the regular voucher approval process.

The City Council expressed a desire for more information before acting on this motion. Director Weidenfeller explained that the funds are trust monies that have been held by the City and should be paid out to the developer. He explained that this was the first one in four years processed by his staff and that the paperwork had inadvertently been delayed. He urged approval this evening, because the statutory deadline had passed on February 22<sup>nd</sup> for the timely payment of the funds. He added that he would be reviewing the Finance Department's internal procedures to prevent this delay in the future.

**Deputy Mayor Swatman moved to table this item to the end of the meeting to allow the Finance Director to provide documentation on the issue. Councilmember Johnson seconded the motion.**

**Motion approved 7 – 0.**

Responding to Councilmember Rackley's request, Mayor Young declared a ten minute break at 6:59 p.m. The meeting was reconvened at 7:15 p.m.

7. **Reconsideration: AB05-17 – Resolution 1368** - A Resolution Of The City Of Bonney Lake, Pierce County, Washington, Authorizing A Water And Sewer Developer Extension Agreement With Brookfield III P.L.L.C. For Brookfield III. [A3.13.7].

Director Grigsby described why he recommends a variance from the Public Works Design Standards for this development based on the infeasibility of the required improvements. He described the excessive financial impact of building the gravity sewer line required to connect this development at the nearest point. He also explained that future street alignments in that area may conflict with any extensive gravity lines or other utility improvements installed now. He said the improvements Investco has agreed to approximately offset what they would be required to install without a variance from the Design Standards. The City Council discussed the definition of 'feasible' as used in the Design Standards.

Sean Martin, 1302 Puyallup St., Sumner, representing Investco, described the protracted negotiations with the City on the proposed developer's agreement. He reviewed Investco's estimate of the costs for those in the agreement and those that would have to be otherwise installed. He said that Investco has made concessions at nearly every turn and that the development is time sensitive.

Deputy Mayor Swatman and Councilmembers Johnson and Noble expressed the opinion that the developer should be required to make the public improvements outlined in the Municipal Code. Councilmembers DeLeo, Hamilton, King and Rackley suggested that the Council should follow the advice of their hired staff experts and, given the uncertainty of the final design of the 192<sup>nd</sup> St. corridor, recommended the alternate improvements envisioned in the proposed agreement. City Attorney Dionne advised Council that this table item is an actionable item at the meeting.

**Councilmember Rackley moved to approve Resolution 1368. Councilmember Hamilton seconded the motion.**

**Motion approved 4 – 3. Voting no were Deputy Mayor Swatman and Councilmembers Johnson and Noble.**

Councilmember King suggested another ten minute break to allow the Council to regroup from the previous discussion and review the materials that Director Weidenfeller had assembled for the second added agenda item. Mayor Young called for a ten minute break at 8:11 p.m. The meeting resumed at 8:23 p.m.

8. (Tabled from 02/22/05) AB05-35 – Ordinance 1081 – An Ordinance Of The City Of Bonney Lake, Pierce County, Washington, Amending Chapter 14.10 Of The Bonney Lake Municipal Code And Ordinance Nos. 988 And 1025, Relating To Area-Wide Land Use Applications.  
[A3.5.5][03.5.1.1]

City Attorney Dionne said that he recommends 50 acres as the threshold between site-specific and area-wide rezone considerations. He added that at the last meeting, the Council had considered 30 acres. He noted, however, that there are no current parcels in the City that fall between 30 and 50 acres, so he advocated that the Council take the higher threshold. He said there is a court case that says 32 acres is site-specific. Deputy Mayor Swatman expressed concern about non-contiguous properties being lumped together for an area-wide action. City Attorney Dionne said if there is a rational tie to all the properties then it could be considered area-wide, particularly if there is diversity of ownership. Deputy Mayor Swatman and Councilmember King spoke in favor of preserving flexibility through determination of the Director.

**Deputy Mayor Swatman moved to adopt Ordinance 1081. Councilmember Rackley seconded the motion.**

Council discussed reverting to the prior language of the code to preserve some flexibility to the Director of Planning and Community Development. There was consensus to allow that flexibility, but to set the threshold for area-wide at 40 acres.

**Councilmember Rackley moved to amend the main motion by retaining the Director's current discretion to deem any proposal to be site specific if the public interest will be better served and to set the threshold for area-wide at 40 acres. Councilmember DeLeo seconded the motion to amend.**

**Motion to amend approved 7 – 0.**

**Amended main motion approved  
7 – 0.**

9. Discussion: AB05-49 – Ordinance 1104 – Planning Department Fees.

The City Council discussed this issue. Concern was expressed that a fixed-cost system of fees may not generate sufficient revenues to cover expenses. Mayor Young responded that the staff will keep track of the revenues and request Council give additional consideration as needed. Another concern expressed was that comprehensive plan amendments would cost a single-lot owner the same as a large developer. Director Leedy said the staff work involved is nearly the same in either case. Several other questions were asked. Mayor Young again assured the Council that if problems with the ordinance arise, then the ordinance will be brought back to the Council to address the concerns. Council agreed that staff would have an opportunity at the next Council meeting to further address their current questions. They added that if the information wasn't satisfactory, then the item could be tabled to the next workshop. Councilmember Noble spoke in favor of having additional information before the Council meeting to allow sufficient time for review.

10. Discussion: AB05-69 – Alternative Fluoridation Program

Deputy Mayor Swatman and Councilmember Rackley spoke in favor of the program as being the best alternative available to mandatory fluoridation of the City's water system. Mayor Young noted that all the water companies are resisting this proposed program, as are the cities of Sumner and Milton. Councilmember Hamilton expressed concern that the program will continue to grow and increase in complexity. Councilmember King said he has no confidence that the effectiveness of the program will be measurable. The exact source of funding for the program was discussed. Director Weidenfeller suggested it would be a direct charge to the Water Fund. City Attorney Dionne said the proposed program is the County's attempt to address some of the issues upon which they were defeated in their earlier efforts at mandatory fluoridation of water systems. He said this is their effort to provide a less intrusive means of achieving the same goal. Mayor Young said a resolution would be brought forward at the next meeting for the Council to consider.

11. Tabled **Motion** (See Item #6) of the City Council of the City of Bonney Lake, Washington, approving the payment to JF Development in the amount of \$56,189.53 outside of the regular voucher approval process.

**Councilmember Rackley moved to approve the payment to JF Development in the amount of \$56,189.53 outside of the regular voucher approval process. Councilmember King seconded the motion.**

Deputy Mayor Swatman thanked Director Weidenfeller for providing information for Council review. He asked about some of the dates of approval and how the item was allowed to lapse past its due date. Director Weidenfeller explained there was a gap in their internal process that allowed the item to be misplaced and action delayed. He said the issues are being addressed.

**Motion approved 5 – 2.  
Councilmembers DeLeo and  
Johnson voted no.**

12. Adjournment.

With Council's consent, Mayor Young adjourned the meeting at 9:08 p.m.

Documents submitted for/at the Council Workshop of March 1, 2005:

- Investco – *Brief Summary of Brookfield III, Phase II Pump Station* – Sean Martin, Project Manager, Investco
- City of Bonney Lake – *Agenda Modification Packet* – Harwood Edvalson, City Clerk
- Private Citizen – *Vehicular Ingress and Egress Options for Area 41 Properties* – Linda Youngberg, Property Owner.
- City of Bonney Lake – *Latecomers Agreement with JF Development Company and Financial Documentation* – John Weidenfeller, Bonney Lake Finance Director.

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Harwood T. Edvalson, CMC, City Clerk

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Robert Young, Mayor