

City of

COUNCIL WORKSHOP

July 19, 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"

Call to Order:

Deputy Mayor Dan Swatman called the July 19th Council Workshop to order at 5:30 p.m.

Roll Call:

Also in attendance were 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 Dan Grigsby, Planning and Community Development Director Bob Leedy, Interim Police Chief Buster McGehee, Senior Accountant Barbara Barth, City Attorney Jim Dionne and City Clerk Harwood Edvalson.

Agenda Items

1. Discussion: Water Comprehensive Plan Questions and Answers

Director Grigsby introduced Geoff Dillard of RH2, Inc. Referring to the document distributed to the Council prior to the meeting, Mr. Dillard said he would be providing a new title page, appendices and a new Chapter 6. He said that the new Chapter 6 would enhance the document with information from their recent discussions with the State Department of Ecology.

Mr. Dillard noted that the plan uses the end of 2004 as its cutoff for data analysis. He added, however, that due to the unavailability of reliable consumption data in 2004, that data from 2003 was used. He said that the proposed rate increase discussed in the plan is the increase that the Council already implemented in 2005. He also said that the plan treats the Tacoma wholesale water supply purchase as an accomplished fact, which in fact was accomplished in early 2005. He concluded his preface by noting that the 6 year Capital Improvement Plan in the Comprehensive Plan matches the one used by EES consultants for their rate study.

Mr. Dillard summarized the City's current water resource position. He said based on the average demand over the last six years, the City has supply capacity through the year 2011. He added that peaking storage might extend that capacity out to the year 2020. He said that even with the construction of the peaking storage facility, the City does have additional storage requirements of about six million gallons that should be built in the next ten years. Councilmember Rackley asked about the exclusion of an emergency response plan. Mr. Dillard said it has been excluded as a security protection issue. Councilmember King concurred that the information is subject to restrictions directed by the Department of Homeland Security. Mr. Dillard continued his report by noting the inclusion in the plan of \$36 million in capital projects. He said that as steep slope

development continues in the service area, the City will see up to 21 different pressure zones in the next ten years. He mentioned that this will place a larger burden on the operations and maintenance staff.

Mr. Dillard said the Comprehensive Plan includes five policies. First is the requirement to have annexation commitments from property owners who request service and are outside the Urban Growth Area. Second is that additional conservation efforts are needed beyond the Council's efforts through variable water rates. He suggested that programs and incentives to retrofit high flow fixtures with low flow fixtures would be appropriate. Third is that the City should strive for a 20% buffer in its supply capacity. Fourth is that looping of the water system be better defined. He said the current requirement is that if a proposed water line is over 650 ft. in length or serves more than 15 homes, then it must be looped back to the system. He warned Council that they will probably receive complaints from developers on this issue. Fifth is that system development charges should be based on meter size, not demand.

Mr. Dillard recommended continued pursuit of additional water sources, repair/replacement of leaky water mains and appropriate increase of staff to manage new infrastructure. Councilmember Rackley and Deputy Mayor Swatman asked about the recent meetings with the Department of Ecology (DOE). Mr. Dillard reported that the city was successful in increasing the gallons per minute of its instantaneous water supply over what was part of the 1996 Comprehensive Plan, specifically additional water rights for Tacoma Point and the second well at Ball Field. He said that DOE also appeared to understand the City's interpretations of its water rights at Grainger Springs and Victor Falls. Councilmember Hamilton said he anticipates increased pressure for greater housing densities in the north end of the City's water service area. He asked if the plan anticipates this future demand. Mr. Dillard said that the 20 year projection is based on the current zoning. He said that conservation may help the City to meet unanticipated development at greater than currently planned densities. Mr. Dillard responded to several other questions posed by Councilmembers.

There was a brief discussion on how to proceed with the approval of the plan from this point. City Attorney Dionne recommended that the Council allow the plan to be folded into the General Comprehensive Plan approval process rather than create a separate approval process for this plan. Director Leedy agreed that the Water Comprehensive Plan will become part of the Capital Facilities Plan of the General Comprehensive Plan.

2. Open Discussion.

Nuisance Vehicles. Councilmember King asked what is happening with the junk vehicles on 96th St. E. Chief McGehee replied that the owner has shuffled the cars around on his property and appears to no longer have vehicles in the City right-of-way. He said the venue has shifted to an abatement issue, rather than a parking enforcement issue. He said the City staff are back to square one, and are trying to figure out how to resolve the problem.

Contact for Swiss Park. Councilmember Johnson asked if Chief McGehee had received contact information for the Swiss Park representative who appeared at the Public Safety Committee meeting. Chief McGehee said he expected to receive the information tomorrow.

Trimming and Clean-up Schedule. Councilmember Johnson asked Director Grigsby if there is a schedule for street clean-up in the City. He asked when the crews would proceed up Myers Road and clean-up on Old Sumner Buckley Highway. Director Grigsby said the crews have been

focused on the preparation for the 104th St. projects. He added that he will provide the schedule for clean-up of streets.

Review of Home Depot and Big 5 Designs. Councilmember Johnson asked if PDF files are available for review, or if he needs to come by the office. Director Leedy responded by inviting Councilmember Johnson to come by the office. He said he has requested the computer files from the developers, but not yet received them.

Status Report on PW Positions. Councilmember Johnson asked Director Grigsby to update the Council on the status filling the vacancies in the Public Works Department. Director Grigsby responded that Project Manager Larsen started on July 18th. He added that three Maintenance Worker II employees will start on August 1st. He said that the Utility Engineer position is being re-advertised as previously discussed, that meter reader applications are now in review, and that interviews for the engineering technician candidate are proceeding.

Council Corner/Bonney Lake Reporter. Councilmember Johnson asked if there are any more articles from the Councilmembers for the Council Corner. Both Councilmembers Rackley and DeLeo said they will submit articles by tomorrow. Administrative Services Coordinator (ASC) Morrison asked if the Council Corner and the Bonney Lake Reporter could be combined this month. He said the Bonney Lake Reporter portion will be dedicated to information for Bonney Lake Days. Councilmember Johnson agreed that the two publications should be combined this month. Councilmember Noble asked if space has been offered to the City's Boards and Commissions, specifically the Park Board. Councilmember Johnson said he will offer them space in the next issue of the Council Corner.

Lake Bonney Driveway. Councilmember Johnson said he was contacted by Councilmember Noble to look into the ongoing driveway concerns of one of the residents on the one-way road around Lake Bonney. He described the situation and handed out to the Council a history of the owner's contacts with the City and his thoughts on the situation. He asked if there will be a standard established to make sure the City considers all the possible impacts before acting in a similar fashion. The Council discussed some of the past actions taken by the City to resolve this issue. Councilmembers Johnson and Noble said they feel that there has been a breakdown in communication between the property owner and the City. Councilmember Johnson asked the Council to share their thoughts on the situation with him.

Street Lighting Ordinance. Councilmember Rackley said the Community Development Committee has been working on a Street Lighting Ordinance, but has met resistance from the Mayor and his staff. He said the ordinance is nearing completion and should come forward to the Council. He added that the Mayor objects to the assumption of additional costs in the future by the City. Councilmember Hamilton said the issue is an equity one. He said some citizens pay for street lights through their property taxes, others also pay for them through their homeowners associations, and some don't have any street lights at all. He said the City should look at it as a safety issue. Councilmember Johnson suggested that since the lights will impede drug activity that perhaps the Drug Fund could pay for the street lights. Deputy Mayor Swatman said he thought that perhaps it could fund the initial purchase of the lights, but probably could not be used for operational costs and maintenance. Deputy Mayor Swatman asked if Director Weidenfeller had completed his five year forecast of revenues. ASC Morrison said he thinks Director Weidenfeller is working to make it a part of the 2006 budget process. Councilmember Rackley said the expenditure estimate for the remainder of this year is \$20,000. He said the Council budgeted \$35,000. He said the probable future cost will be double what the City currently pays for a total of \$45,000. Director Grigsby suggested that the draft ordinance could be brought back

for discussion at the August 2nd Council Workshop. There was general consensus on the part of the Council to bring the ordinance forward for Council consideration at the July 26th Council meeting.

Wilderness Ridge Annexation. Deputy Mayor Swatman said that the Wilderness Ridge neighborhood is in the County's CUGA area. He said several owners have expressed interest in annexation by petition. He said he understands that the only thing holding up the process for the homeowners is the drafting of a legal description of the annexation area. Director Leedy said that City staff has talked to several homeowners, but that they do not seem able to achieve the signatures required for the 10% petition method. He said they have been informed that the process can move forward without the legal description. Both Deputy Mayor Swatman and Director Leedy agreed to contact the interested parties.

Boat Trailer Parking. Deputy Mayor Swatman said he understands that the boat trailer parking situation for the Senior Center Parking has been sorted out. Director Grigsby said the current signs say no boat trailer parking in the senior center. He asked if Council favored allowing parking during some periods of the day. There was general consensus to leave the signs as they currently are. Deputy Mayor Swatman asked about the temporary use of the Moriarty property for additional boat trailer parking. Director Grigsby said he has been instructed to make temporary overflow parking available for Bonney Lake Days on the Moriarty property.

Trash in Allan Yorke Park. Deputy Mayor Swatman said there appears to be an insufficient number of trash cans or need for more frequent pick up of trash near the boat ramp and in the water-side portion of the park. Councilmember DeLeo agreed that there is only one can at the far end of the dike area where trash overflows and is re-distributed by the crows. Director Grigsby said he will look into the situation.

Skate Park completion. Deputy Mayor Swatman asked if the treatment of the dirt between the edge of the concrete and the fence in the skate park has been finished. Director Grigsby said he understood that the dirt was prepared and sown with clover. He said he will follow-up on the effectiveness of the planting.

Ascent Gateway Lettering. Councilmember Noble thanked the staff for the sample letter currently displayed at the Ascent Gateway Monument. Councilmembers agreed that the size of the lettering will be adequate for the entryway sign.

Computerized Plans for Parks. Councilmember Johnson asked if the consultant had generated the computerized files for the proposed park plans. Director Grigsby said he will look into it. Councilmember DeLeo reminded staff that it was Eric Schmidt who had made the original presentations and promised the files.

Soccer Club Contacts. Deputy Mayor Swatman asked if Councilmember Johnson had made contact with the soccer association. Councilmember Johnson said he has had contact with three soccer clubs who are interested in developing facilities. Deputy Mayor Swatman said that from experience he knows that if a three-field complex can be developed, there will be many people drawn to the use of that facility.

National Night Out/Bonney Lake Days. Councilmember King noted that in about a month these two events will take place. He added that he will probably not be in attendance since his focus will be on the wedding of his daughter at about that same time.

Citizens Night Out Softball Team. Councilmember Johnson pitched participation on the team to improve the citizen team's odds of winning. Councilmember Rackley offered to umpire again.

Fennel Ridge Letters. Deputy Mayor Swatman explained to Council that the recent letters from the Fennel Ridge Homeowner's Association are not in opposition to the completion of 192nd St., but are in opposition to the connection of their cul-de-sac to the proposed road. He agrees with them that the connection to the cul-de-sac makes little sense.

At Council request, Deputy Mayor Swatman called for a five minute break in the meeting at 6:55 p.m. The meeting was brought back to order by Deputy Mayor Swatman at 7:06 p.m.

3. Review of Council Minutes: July 5 Council Workshop and July 12 Council Meeting.

Councilmember DeLeo asked that Page 2 of the July 5 Council Workshop Minutes be amended under the heading "Taxes" to include that Director Weidenfeller said he would provide copies to all the Councilmembers. Councilmember DeLeo also asked that a statement be added on Page 5 of the same minutes after the stated time that the executive session concluded, as follows, "when the Council determined that an executive session was not appropriate." Deputy Mayor Swatman also asked that the minutes be corrected to remove the statement attributed to the Mayor at the time of adjournment to the session about the specific purpose of the executive session. He said a review of the audio recording will show that the Mayor did not specifically announce the purpose of the session when he announced the duration and the start of the executive session.

4. Action: AB05-192 – Resolution 1468 – Award Bid 95th Street Improvements LID Project (Looker & Associates). [O4.8.2]

Director Grigsby explained the three action items were reviewed last night by the Council Community Development Committee and brought forward for Council action. Councilmember Rackley pointed out that the project is nearly six years in the making. He said he is glad it is moving forward. He also noted that the City will be paid back for its expenditures on the project by the local improvement district. Councilmember DeLeo noted that the bid amounts for some of the items were extremely low when compared with the other bidders. He asked if this is cause for concern. Director Grigsby responded that he doesn't anticipate any change orders as a result of the bid, and that the way the contractor chooses to break down his bids in this instance is inconsequential.

Deputy Mayor Swatman reminded the Council that this is a proposed action item and that there should be a motion before further discussion of the item.

Councilmember Rackley moved to approve Resolution 1468. Councilmember DeLeo seconded the motion.

Councilmember Hamilton asked for an explanation as to why these items require action this evening. Director Grigsby explained that the Looker & Associates is the low bidder on two of the projects and based its low bid on the fact that it would only have to mobilize once to complete both projects. Deputy Mayor Swatman expressed his appreciation for the Public Works Department on these issues before Council tonight. Responding to Councilmember King's question about prior experience with Looker & Associates, Director Grigsby said that the City Engineer has worked with them before and found their work to be satisfactory.

Motion approved 7 – 0.

5. **Action: AB05-193 – Resolution 1469** – Award Bid 104th – Bonney Lake High School Bid Award (DDJ Construction). [O4.8.2]

Councilmember Noble moved to approve Resolution 1469. Councilmember Rackley seconded the motion.

Director Grigsby explained that a spreadsheet on the bids for this project was distributed to Council before the meeting. He noted that the bid opening did not occur in time to be included in the Council agenda packet for the workshop. He said the Engineer's original estimate for this project was \$236,000, but did not take into account the need for an overlay of the street rather than chip sealing. He also commented that the bid is probably higher than expected because contractors have generally already bid for the projects that will keep them busy for the summer. He said, therefore, that contract's bid in the middle of the summer will typically come in at a higher cost.

Councilmember King asked for clarification on the amount the Council is being asked to authorize. He noted that the documents provided for Council review do not include complete information. Director Grigsby clarified that the \$277, 580 bid, plus the requested 10% for contingency and 10% for project management and inspection brings the total request for the resolution up to \$333,096. The City Council discussed possible sources from where the additional money might come. ASC Morrison pointed out that the resolution does not have to identify the source of funds, and that a budget amendment, if needed, could be adopted at a later date to clarify the funding sources.

Councilmember Noble moved to amend Resolution 1469 to change the required expenditure amount to \$333,096. Councilmember Rackley seconded the motion.

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

Councilmember DeLeo moved to further amend Resolution 1469 by adding the name of Looker & Associates to the resolution title. Councilmember Noble seconded the motion.

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

Councilmember King protested the number of times action items are being included on the workshop agenda. He acknowledged the pressure that Council is putting on the City staff to move projects forward, but added that he is suspicious of material that the Council is asked to consider and approve on the fly. Several Councilmembers expressed appreciation for the work of the Public Works staff to move these projects along. Councilmember Johnson said he will support the resolution, but questioned the need to act this evening particularly when the efforts on the project started in February. Councilmember King also expressed his appreciation for Director Grigsby's ability to move this project forward, but cautioned the Council that grievous errors are sure to arise if they keep going forward in this particular manner.

Amended motion approved 7 – 0.

6. **Action: AB05-194 – Resolution 1470** – Award Bid Peaking Storage Water Main Bid Award (DDJ Construction). [O4.10.2]

Councilmember Rackley moved to approve Resolution 1470. Councilmember Noble seconded the motion.

Director Grigsby said this resolution awards the contract for one of three construction projects related to the Peaking Storage Tank. He said this contract is for the in-ground pipeline to connect the tank to the water distribution system. He said award is being sought tonight because this is the same contractor who has been installing the water line along east Lake Tapps and also bid with the hope of avoiding demobilization on that project and remobilization for this project. Councilmember King asked if DDJ has done work previously for the City. Director Grigsby said they are the ones doing the directional bore right now for the water line under the canal. He said they have nearly completed the project and have done it much more quickly than anticipated. Councilmember King complimented all those involved in these projects for bringing them in generally on or under budgeted amounts and on or under the allotted times.

Motion approved 7 – 0.

7. **Discussion/Action:** Emergency Ordinance Regarding SDC-TIFF Rate Calculations And Impacts Of Outdoor Seating.

Deputy Mayor Swatman noted that no item for action had been included in the Council meeting packet or provided at the meeting tonight. Councilmember Rackley said the topic description includes outdoor seating and said he doesn't believe that outdoor seating in Bonney Lake impacts any of the applicable capacities because it is so limited in duration and in its nature. Deputy Mayor Swatman agreed asking where the enforcement is for other businesses in the City that have put out additional tables and chairs in good weather. Councilmember King advised that if the municipal code needs revision, then the Council should act. He urged the Council to be careful of its reinterpretation, particularly in light of its discussion later in the meeting about accessory business and dwelling units. He suggested a percentage of the indoor seating as being acceptable outdoors before an impact is assessed. Councilmember Hamilton urged leaving it up to the administration to use common sense in the application of impact fees. He said that most restaurants do not add capacity, their clientele only moves from the inside to the outside. Councilmember Johnson agreed saying that it comes down to the Chief Administrative Officer articulating a policy to interpret the Code. He said the Council can then change the Code if it finds the enforcement policy is not according to its liking.

Deputy Mayor Swatman asked if there is a particular statement of the problem from the staff. Director Leedy said it is his understanding that impact fees are based on the available seating. He said the Code doesn't grant the Mayor latitude to interpret the standard. Director Grigsby said a proposal to modify the Code has been drafted and should be forwarded to the Council soon. Deputy Mayor Swatman asked why the Code wasn't being enforced against other businesses. City Attorney Dionne said that if someone had applied for a permit under false pretenses and materially failed to disclose intended capacity both inside and out, then the City may be able to require an additional assessment of impact fees as part of its enforcement of the Code. He said how the City handles the situation of where someone may be adding capacity where no other permit is required is more problematic for the City. He surmised that the proposed legislation

would clarify this situation. Councilmember DeLeo said he has concerns about leaving interpretation and enforcement up to the administration. He asked what would happen if there was a hidden agenda on the part of the administration, a non-responsive situation to a complaint, or a refusal to interpret the code. He said in that case, the issue winds up back with the City Council. He said the ordinances should spell things out in black and white. Several Councilmembers emphasized that no building permit had been required for the patio built by Papa's Kitchen. They wondered how an assessment of impact had been applied.

Deputy Mayor Swatman asked if the Council Community Development (CDC) Committee would look into these issues further. CDC Chairman Rackley agreed. Councilmember Hamilton noted that the allocation of impacts to appropriate fees is not a perfect science. Councilmembers DeLeo and Rackley agreed that impact fees are appropriate if they are administered fairly. Director Grigsby said the Mayor noted that this is the first time this issue of outdoor seating has been raised and acknowledged that it needs to be resolved.

8. Discussion: AB05-174 – Ordinance 1142 – Accessory Business and Dwelling Unit (ABU/ADU) Water and Sewer SDC Fee Reduction.

Director Grigsby said that this issue started with an espresso stand application by Papa's Kitchen. He said the proposed ordinance treats accessory business uses and accessory residential dwelling units similarly. He explained the philosophy behind the proposal to charge only 50% of the standard impact fees for accessory business or dwelling units.

Deputy Mayor Swatman said that Bonney Lake Municipal Code (BLMC) 13.12.105 already allows an estimate of the sewage flow by a certified engineer to stand as the basis for assessment of an impact fee for accessory business uses. Director Grigsby said there would be an additional impact to staff to review the calculations. He said administration of a fee based on a fixed percentage would be easier and less staff intensive. Deputy Mayor Swatman countered that he does not feel much staff time will be required to review a certified engineer's submittal. Councilmembers explored various scenarios and how the proposed ordinance would be applied. Councilmember Noble suggested that Director Grigsby receive any questions and concerns for further work on the proposed ordinance. Director Grigsby agreed.

9. Discussion: 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 Rackley expressed concern for the deletion of the term "mobile home" from the proposed ordinance. He feared that they would no longer be regulated within the City. Planning Manager Ladd said that under the ordinance mobile homes could no longer come into the City. Councilmember King raised questions about mobile homes becoming accessory building units and the enforcement of conditions, covenants and conditions running with deeds with respect to the regulating of manufactured homes. After further discussion, City Attorney Dionne noted that there is no hurry to adopt the proposed ordinance. He suggested that Council send any further questions and concerns to the staff. Deputy Mayor Swatman said it will be brought back to the next workshop for further review.

10. Discussion: AB05-184 – Ordinance 1144 – Interfund Loan to fund 104th St. Improvements.

Deputy Mayor Swatman said this issue has been discussed with the Finance Committee, but he wanted further input from the Council. He said the item would be rescheduled for further

discussion at the next workshop.

11. Adjournment.

At 8:58 p.m., Councilmember Rackley moved to adjourn the meeting. Councilmember Noble seconded the motion.

Motion approved 7 – 0.

Documents submitted for/at the Council Workshop of July 19, 2005:

- City of Bonney Lake – *104th St. Improvements Projects* – Dan Grigsby, Public Works Director.

Harwood T. Edvalson, CMC
City Clerk

Robert Young, Mayor