

City of

COUNCIL WORKSHOP

August 2, 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:

Mayor Robert Young called the August 2nd Council Workshop to order at 5:33 p.m.

Roll Call:

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, Finance Director John Weidenfeller, Public Works Director Dan Grigsby, Planning and Community Development Director Bob Leedy, Interim Police Chief Buster McGehee and City Clerk Harwood Edvalson. City Attorney Jim Dionne joined the meeting in progress.

Agenda Items

1. Open Discussion

Blake Property. Mayor Young reported that Mr. Blake is due to be arraigned in municipal court tomorrow at 10:00 a.m. for nuisance vehicle violations. He added that the Health Department has acknowledged the need to inspect the property and will soon follow-up. He said they will provide a report on their inspection to the City's Code Enforcement Officer. Mayor Young also said that the property corners are scheduled to be surveyed by Parametrix.

Larios Short-plat Determination. Mayor Young reported that a letter of plat approval was sent today with an appeal period ending August 17th. Mayor Young said he will forward a summary provided by Planning Manager Ladd of the actions on the Larios Short-plat.

New Look of City Website. Mayor Young said the reformatted website has been launched. He said the home page is new with some added enhancements such as new search engines and compatibility with pod-casting.

Larios Property Approvals. Councilmember Noble said that she has done additional research into the Larios Short-plat approvals based on the concerns expressed by residents. She described the changes in the Public Works Department requirements from a June recommendation for an infiltration trench to handle runoff, to the current recommendation for the addition of six inches of permeable topsoil to the site to handle run-off. She asked if this recommendation was in keeping with the adopted storm water regulations. Director Grigsby explained that the current soil has been determined to be impermeable. He noted that adding additional impermeable surface to the site will have no additional impact on the amount of runoff from the property. He

added that the requirement to add six inches of permeable topsoil to the site will now provide a medium that will retain some of the water on the site, which it has not previously done. Councilmember Noble said that the City erred in the first place with its issued permits. She added that the City should now be very diligent in making sure that any foreseeable problems are appropriately dealt with. She said she does not believe that six inches of top soil will resolve the runoff issues with this property. Deputy Mayor Swatman said he has some legal questions and asked if the City Attorney will be present later in the meeting. Mayor Young responded that the City Attorney should be arriving shortly and suggested that the discussion be continued later in the meeting.

Fennel Creek Trail. Deputy Mayor Swatman said he attended the trails meeting last Thursday with the homeowners along Fennel Creek. He said he believes their concerns are that the City is going to come-in, take property for a trail and begin bulldozing next year. He said this will not happen and that the City should create a statement to the area's property owners about their intentions regarding a trail, property acquisition and timelines. He noted that in most places if the trail is more than five feet from the water, the person using the trail will not be able to see that there is a creek. He suggested that widening and use of Angeline Road might be more feasible than a trail along Fennel Creek. He said in general the residents attending the meeting did not like the concepts presented, but did appreciate being invited to provide their input.

Abandoned House in Cedarview. Deputy Mayor Swatman asked that Code Enforcement look at an abandoned mobile home at the intersection of 93rd and 207th. He said it was burned out and the lot is now grown over and covered with bushes.

Moriarty Property. Deputy Mayor Swatman observed that in the near future the City may have to issue a large check for the purchase of the Moriarty property. He urged the Council to think about the various alternatives for funding the purchase. He invited emails from Council regarding suggestions for methods of funding to be sent to the Finance Committee.

Website Improvements. Deputy Mayor Swatman thanked the Mayor and Information Technology Coordinator McEwen for the website improvements. He explained some of the benefits of pod-casting now supported by the website.

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.

Abandoned Building on Old Buckley Sumner Highway. Councilmember King suggested that the abandoned building just east of Bonney Lake Auto Parts Store should be abated. He said the fact that the property is for sale should not relieve the property owner from appropriately securing the property.

Swiss Park Agreement. Councilmember King said the Public Safety Committee reviewed recommended language from the City's insurer regarding the recently approved Swiss Park agreement for use of their gun range by the Police Department. He said the suggested language was incomplete and said the Committee had reworked the language to try and address the

insurer's concern. Director Weidenfeller said he would ask the insurer to look at the language suggested by the Public Safety Committee.

Overcrowding at Allan Yorke Park. Councilmember DeLeo said the Public Safety Committee also discussed the overcrowding situation at Allan Yorke Park on weekends. He said the Committee presumes that the conditions are caused by the County's \$12 entrance fee for use of their park on the north end of Lake Tapps. He suggested filling the levy parking lot to grade with the levy, fencing the area, charging for entrance and limiting the number of entrants. Mayor Young said Public Works Director Grigsby will be speaking with the Cascade Water Alliance about an agreement for lease or purchase of the property for the City's use. Councilmember King said the Public Safety Committee believes this must be a part of the integrated plan for the further development of the Moriarty property and Allan Yorke Park. He said foot traffic will continue to be a concern, particularly if parking along the dike is eliminated on the north side of the road. Councilmember King said that Deputy Mayor Swatman and Councilmember Johnson have also suggested the City look into a wetland relocation project to allow greater development of the Moriarty property. Councilmember Hamilton said the City will probably have to follow the County's lead and institute fees for park use along the lake. Councilmember King pointed out that the floating swim platform is a continuing problem and recommended its removal.

SR410 Projects. Councilmember Johnson said he received an update from the State regarding the planned projects for Highway 410. He said their latest thought is to merge the two projects for widening and intersection work. He said they've purchased the gas station at 233rd and will focus on the intersection work, while the longevity of the new gas tax remains in question due to I-912. He said it sounds as if nothing will be done out there until 2007 – 2009. Mayor Young said he hasn't heard any change from their plans to work on the intersection in 2006 with the widening project to be funded by gas tax in 2007-2008. Councilmember Johnson said the project has been subject to delay and bounced between Department of Transportation(DOT) offices. He added that he gets mixed messages and stories depending on the person with whom he speaks. He suggested that perhaps the City use a legislative focus person or lobbyist like Auburn. He said Auburn appears to be successful with that approach. Mayor Young added that kudos should be given to our state legislators who were successful in securing \$12-13 million in the gas tax bill. He added that this is one project on the list that the 9 cent gas tax will actually complete. Councilmember King surmised that the combination of the projects could be a chess move giving the DOT a convenient project to kill if funding is cut as a result of I-912.

One-way Road – Lake Bonney. Councilmember Johnson noted that he provided information to the Council on the history of a complaint from Anne Klemmes about the impacts to her driveway from the imposition of a one-way road around Lake Bonney. He said he understands there are stop signs out there now, but there is still a big impact to this property owner. He said he does not believe the City did the right thing in this instance. He said widening the driveway will not resolve the access problems. Councilmember DeLeo asked if the City had offered to build access to 74th from this property. Director Grigsby replied that it is his understanding that when the house was originally built, the City recommended that the house be built with access to 74th St. Councilmember Johnson said the City should correct something that it should have resolved when the street was designated as a one-way street. Deputy Mayor Swatman agreed that it appears a full-size vehicle cannot make a proper turn into this driveway. He asked if there was any indication from the property owner that they were agreeable with the one-way road when it was installed. Director Grigsby said he is unaware of such an indication from the property owner. Deputy Mayor Swatman said he feels it is up to the City to correct the problem. Councilmember Johnson said he understands the cost to provide the access onto 74th to be about \$16,000.

Councilmember Noble noted that Ms. Klemmes has tried to reach the Mayor several times. She said that Ms. Klemmes spoke to Cathy Harstad, but wants to speak directly with the Mayor. Mayor Young said he will contact her. Responding to Councilmember DeLeo's inquiry as to the property owners suggested solution, Councilmember Johnson said they prefer the new access to 74th St. Councilmember Hamilton said he disagrees that the taxpayers should have to correct what was originally poor access to the property to begin with. He said they should have taken the City's recommendations when originally building the house. Councilmember Johnson countered that it was a two-way road when they put in their driveway. Mayor Young said he will speak with Ms. Klemmes and the City Engineer to look into this further. Deputy Mayor Swatman asked if there is sufficient cause for the City to take action on private property to correct this problem. City Attorney Dionne replied that with the proper nexus and a determination of the Council that in their judgment the City has a duty to fix a problem which the City created, then it can give direction to the Administration to have it done. Mayor Young reiterated that he will return with some kind of response to the Council.

Eye Sore at Locust and Bonney Lake Boulevard. Councilmember King urged that the City pursue the owner of this property to properly abate the nuisance conditions on the property. He noted that the City has delayed enforcement action with the thought that the owner is resolving issues with developing the property with the Lake Jane Homeowners Association. Mayor Young said he will discuss this with the Code Enforcement Officer and the planners.

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.

Larios Short-plat. Deputy Mayor Swatman asked if short-plat approval was given for the Larios property. Director Leedy responded that the plat has been approved, but no authorization for signing the documents will be given until the appeal period is passed. Deputy Mayor Swatman questioned how the City can allow property to be split that can't meet storm water runoff standards. He asked if there isn't some property right to develop created by the City's actions. He said the Council is concerned about this situation. City Attorney Dionne said the matter is currently being reviewed and researched. Deputy Mayor Swatman asked if an appeal of this short-plat decision would ever come before the Council. City Attorney Dionne said he will have to review the Municipal Code.

Councilmember Turns 40. Councilmember Johnson informed the Council that today is Deputy Mayor Swatman's 40th birthday.

2. Review of Council Minutes: July 19 Council Workshop and July 26 Council Meeting.

City Clerk Edvalson noted that it had been pointed out to him that Councilmember Johnson is mentioned twice in the roll call for the July 19th meeting. Councilmember Johnson observed that the Call To Order incorrectly identifies the meeting of July 19th as June 19th. City Clerk Edvalson said the corrections will be made before the Council acts to approve the minutes at the next Council meeting.

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

Director Grigsby said the primary question on this issue seems to be the method for calculating the SDC charge for accessory uses. He said the two alternatives are a flat rate percentage of the

base fee, or keeping the current process of certified estimate of flows for sewage. Mayor Young said there appears to be consensus to lower the fee, but agreed that the question seems to be how to do it. Deputy Mayor Swatman advocated for using the current code to calculate fees for sewer SDCs. Councilmember Hamilton said he favored a flat 50% fee for accessory uses. He said it may seem a bit steep, but it will help the Council to get a grasp on development in the City.

Councilmember King expressed concern for the definition offered for an accessory business unit. He asked what happens when accessory business units change uses. Councilmember Hamilton said he didn't believe the City could ever address all the contingencies. He urged adoption of the ordinance and implementation of corrections as needed in the future. Director Grigsby emphasized that there is no impact to the water system if a business use changes as long as the meter size does not increase. Mayor Young suggested that the proposed ordinance be moved forward with provisions to retain the current method of calculation for sewer SDCs and that a flat rate of 33% fee be put in place for water SDCs on accessory units. There was general consensus to move the ordinance forward for formal Council consideration.

At Council request, Mayor Young called for a ten minute break in the meeting at 6:50 p.m. Mayor Young brought the meeting back to order at 7:05 p.m.

4. 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]

Director Leedy said the proposed ordinance has been slightly modified based on the Council's comments at the last meeting. He added that the statement regarding covenants and restrictions has been moved into the body of the ordinance. Director Leedy explained that the City Attorney's Office felt that proposed distinctions between mobile homes and manufactured homes were unnecessary and would confuse the ordinance. He said that Building Official Hight has tried to incorporate the city's standards and building requirements for manufactured homes into this ordinance required by state mandate. Deputy Mayor Swatman said his position is that state law prohibits the City from enacting this ordinance and he will not be voting for it. Director King said that the way the building trends are going in Bonney Lake, there is little likelihood that builders will buy existing lots to put manufactured homes on them. There was general consensus to move the ordinance forward to the next Council meeting.

5. Discussion: AB05-184 – Ordinance 1144 – Interfund Loan for 104th St. Improvements.

Deputy Mayor Swatman said he asked that this ordinance be discussed with the Council to encourage them to consider the proposed funding source for the project. He said he wants to see the improvements move forward, but disagrees that the funding should come from the Transportation Impact Fund. He expressed concern that a revision of the Transportation Improvement Program to accommodate this project on 104th St. will jeopardize some other program that is currently on the list. Councilmember Rackley said he does not want to see the project slowed as a result of funding discussions. Deputy Mayor Swatman said the project is currently going forward. He said his concern is that the decision on funding source was made by the Administration and not the Council.

Councilmember King said he is not too concerned in this instance about the funding source. He said the project probably would have been slowed if the discussion had occurred on the front end. He said he feels this is the best solution for this size of a project. He added that a larger project with a longer-term payback should have its funding source discussed up front. He said the draft

finance department analysis identified challenges in the budget this year to make sure that ending year fund balances, contingency fund and cumulative reserve fund are adequately identified and prepared for use in line with the Council's long-term vision for the City. Councilmember Hamilton asked what projects may be forfeited by pursuing this project from the Transportation Impact Fund. Deputy Mayor Swatman said the need is to bring attention to the potential for unknown impact to the Council's long-range plans. Mayor Young said the item will be moved forward for Council action.

6. Discussion: AB05-176 Resolution 1461 – Interlocal Agreement with the City of Auburn – Establishment of Sanitary Sewer Service Boundaries and AB05-195 – Resolution 1471 – Interlocal Agreement with the City of Auburn – Pierce County Right of Way.

Director Grigsby said that the two resolutions should be considered together. He said the first allows Auburn to take sewer from Bonney Lake's service area for treatment. The second allows the City to piggyback on Auburn's agreement with Pierce County to run sewer lines in the County's rights-of-way. He added that the City's current agreements only cover water lines and that piggy-backing on Auburn's agreement is a more expeditious way to move the Fairweather Cove project forward. Responding to Councilmember Rackley's questions about County Urban Growth Areas, Director Leedy said that the Fairweather Cove and surrounding areas are in a County Urban Growth Area and are subject to annexation.

Councilmember Rackley said tough agreements are needed with Sumner and Auburn about who will annex and service the north end of Lake Tapps. He said the higher density development envisioned by these two cities in this area may impact the City's ability to provide water service to this part of Bonney Lake's water service area. Deputy Mayor Swatman says it is clear that Auburn Councilmembers feel that since they provide sewer service to this area that they will eventually annex and serve the area. He said we may have service agreements to the contrary, but that's the way Auburn Councilmembers see it. Councilmember Rackley said that Sumner has the same designs on coming up the hill and annexing the north end of the Lake. Councilmember Hamilton said this agreement is just for a limited area, but that he believes the other cities will try and annex into this area. Director Grigsby explained his efforts over the past few months to schedule a meeting of the waste treatment committee with these other cities to deal with this topic of service boundaries. There was general consensus to schedule the meeting and see if they attend. Mayor Young said this issue will be moved forward for Council action.

7. Discussion: Other Business.

Weekend Trip for Seniors. Councilmember DeLeo asked if the Council will support the use of the Senior Center Van for a weekend seniors trip to a sapphire mine in Montana. He said the only expense to the City will be the wear and tear on the van. There was general Council consensus in support of the proposal. Councilmember Johnson asked if there had been a risk management review of the proposal. Director Weidenfeller said that people will have to sign waivers. Mayor Young said the staff will work on it.

Budget Workshop. Councilmember Hamilton said that he understands from Director Weidenfeller that there is no plan to have advance 2006 budget documents prepared. Director Weidenfeller responded that the budget documents do not usually come out until the end of September or early October after the Mayor's budget has been submitted. He added that the Council's priorities are well-defined this year and believes they will be well addressed in the preliminary draft budget. Councilmembers Hamilton and Rackley suggested a special meeting to review Council goals and budget expectations on an upcoming Saturday. Director Weidenfeller

said he will look at some dates. Councilmember Johnson said he will only participate if Director Weidenfeller has updated the 10 year model that he has previously promised. Director Weidenfeller said it is a two step process to update, but that he expects to have it done in the next week or so. Councilmember Hamilton said the Community Development Committee looked at the Transportation Improvement Plan and noticed that many of the projects are currently just wishes, that there is no funding attached. He said part of Council discussion should be to review the improvement priorities.

8. Executive Session.

Pursuant to RCW 43.30.110(g)(i), Mayor Young announced that the City Council will meet for twenty minutes in executive session to consider the performance of a public employee and current litigation. The session started at 7:38 p.m. and concluded at 7:59 p.m.

11. Adjournment.

At 7:59 p.m., Mayor Young declared that the meeting was adjourned for lack of further business.

Documents submitted for/at the Council Workshop of August 2, 2005:

- None.

Harwood T. Edvalson, CMC
City Clerk

Robert Young, Mayor