

COUNCIL WORKSHOP

August 16, 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"

Audio
Time
Stamp ↓

Call to Order:

Mayor Robert Young called the August 16th Council Workshop to order at 5:31 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, Planning Manager Steve Ladd, Interim Police Chief Buster McGehee, City Attorney Jim Dionne and City Clerk Harwood Edvalson.

Agenda Items

5:33:20

1. Presentation: Greater Bonney Lake Historical Society – Signage For Historic Naches Trail.

Speaking on behalf of the Greater Bonney Lake Historical Society, Dennis Dhaese asked for City Council support for the placement of historical signs designating the Naches Trail at various points inside the City limits. Brandon Frederick, also with the Historical Society, explained how he used an 1872 survey map of the area and compared it to a current zoning map of the City to identify the trail's route within the City. He identified five points within the City where the Historical Society recommends signs. Mr. Dhaese said the Historical Society was under the impression that the Park Board had pledged \$1250 toward the sign project within the City. Councilmember Hamilton advised him that the Park Board has no authority to authorize expenditures for the City. He added that it would have to go through the City administration or Council. Councilmember King offered to use his Council discretionary funds to cover the cost and installation of the signs. Councilmember Johnson offered to fund the balance of the cost from his discretionary funds. Director Weidenfeller offered to work with the Historical Society to procure appropriate signs. Councilmember Johnson asked that Director Weidenfeller report back to Council on the estimated time to erect the signs.

5:43:10

2. Executive Session. Mayor Young proposed the Council meet in executive session pursuant to RCW 42.30.110(i) to discuss potential litigation. He announced the executive session will last 15 minutes. The session started at 5:45 p.m. At 6:00 p.m., the session was extended 10 minutes. The session was extended for 5 minutes at 6:10 p.m. At 6:15 p.m., the executive session was extended for 5 minutes. At 6:21 p.m., it was announced that the Council will meet in executive session for five minutes to discuss the performance of a public employee pursuant to RCW 42.30.110(g). The executive session concluded at 6:23 p.m.

6:23:33

3. Open Discussion.

DM Disposal. Mayor Young reported that the recycling bins near the Dairy Queen have been moved by DM Disposal and that the company is looking for a new spot to locate the bins. He invited suggestions as to possible locations.

Special Budget Workshop. Mayor Young said the Council had mentioned their desire to hold a special meeting to discuss the Council's goals and plans for the FY2006 Budget. He suggested using the fifth Tuesday of the month, August 30th. There was general agreement from the Council.

Weekend Crowds at Allan Yorke Park. Mayor Young said that Interim Chief McGehee reports the park and adjacent streets are very congested on nice weekends. Chief McGehee attributed the congestion to the fact that use of the City park is free, where as the County park has a parking fee. He noted that all of the arrests made by Bonney Lake Police are of non-residents.

Performance Measurements. Mayor Young explained that he has distributed literature to the department heads asking them to set at least three measurable performance measures for their departments to be used in the FY2006 Budget.

Current Water Production. Councilmember Rackley asked about the amount of water being pumped this year verses last year. Director Grigsby said he will not have definite numbers until sometime in October. He added that Operations and Maintenance Supervisor Rick Shannon said the City is using about the same amount of water as last year, but that no Tacoma water is being used due to the availability of the Ball Park Wells and the new treatment facility.

Park at Lake Bonney. Councilmember Rackley asked if the City would install a trash can at the little park at Lake Bonney. Councilmember Johnson said there is one there already, but that it appears either inadequate, or is not emptied frequently enough. Mayor Young said the situation will be looked at.

Personal Services Agreements. Councilmember Rackley asked for input from the Council about their concerns over personal service agreements. Deputy Mayor Swatman said that the way some of the previous agreements were structured it looked like the City was funneling money to certain individuals. Councilmember Johnson said he wanted to see several bids for the services, not agreements based on an individual bid. Councilmember Hamilton explained that the Council Community Development Committee (CDC) has recently looked at approving four agreements for the same service, so the City can obtain the services as needed if one or the other of the providers is busy and unable to assist the City at that time. Councilmember Johnson said he would like to see better controls in the agreement without open-ended hours or costs. Deputy Mayor Swatman asked about the benefits of having personal service agreements when procuring services. Director Grigsby responded that the City will receive services at a set fee, and can save time without having to again go through the requisition process. He mentioned that the City is considering asking for a flat rate for some services and limiting the agreements to one year.

Sale of City Hall Site. Councilmember Rackley asked if the City is considering selling back the property purchased for a new city hall. Councilmember Johnson said he would support that action. Deputy Mayor Swatman said he believed the issue would be discussed further later in the agenda.

Finance Dept. Review - Draft. Deputy Mayor Swatman asked why the City is not making the Draft Finance Department Review document available to the public. Councilmember Rackley said he believes the City should wait until it has the final report before making it available. Mayor Young said the City Attorney's Office has advised that if a public disclosure request is filed for this document then the City should make it available. City Attorney Dionne said there are things the City could redact from the report. He said that draft policy recommendations might not be released, but that factual information should be released.

Madronna Park Site. Deputy Mayor Swatman said he understood from Park Board members that they have been instructed to work further at this time on plans for the old Madronna Tank Site. He asked why the planning process would be stalled. Mayor Young said the Board was asked to develop a concept, but that he is not aware they have been asked to stop. Director Grigsby said there is a concept drawing. He said crews are clearing the underbrush and smaller trees and will follow with some earthwork. He said that is all that will be done at this point. Deputy Mayor Swatman suggested seeking bids on the work to establish the proposed cost of the project. Director Grigsby said the project will be included in the proposed CIP as part of the Council consideration for the upcoming budget. He said the CIP will help establish a priority for the parks projects so that inordinate attention is not given to projects of lower priority.

City Use of Puget Sound Energy Poles. Councilmember Hamilton said he has had informal discussions with Puget Sound Energy about the use of their utility poles to hang City banners. He said they have given tentative agreement, but would like to have the type of banners identified. He added that they would prefer the City use the light poles rather than the telephone poles. He advised that certain restrictions will apply if the City desires to use the phone poles. He also reported that PSE will not allow the installation of cross-street banners on their poles. Councilmember Johnson observed that the Council was told 21/2 years ago that the poles could not be used. He encouraged discussion to determine the direction the City wants to go.

Seniors Trip to Montana. Councilmember Noble asked Director Weidenfeller if arrangements have been made for the seniors to use the van for the proposed trip to Montana. Director Weidenfeller said the only requirement is that the appropriate forms be completed prior to travel.

96th St. Water Tank Property. Councilmember Johnson said that he spoke with the Mount Rainier Soccer Association about development of the property. He said they were very interested in leasing the property after grading to build and maintain a soccer complex that would have public use as well. He said it could be a great idea for the City. Councilmember King asked if the County's potential regional park will divert the soccer association's interest away from the City park. Councilmember Johnson said the association appears to be interested in a small park that will attract less competition for use than would a regional park. Councilmember King urged that the City's obligations be clearly spelled out before an agreement is signed. Councilmember Johnson agreed and thought that it was great to have a private entity interested in developing the park. Mayor Young agreed that it was an excellent opportunity. Councilmember Johnson said he will gather additional facts from the association's meeting and indicate the City's interest in discussing the use of this property.

Nuisance Vehicle Abatement. Councilmember Rackley asked about the status of the property with all the cars on it. Mayor Young said the surveyors will finalize the property boundaries next week. He said the City had not yet received any word from the Health Department.

Responding to Council request, Mayor Young called for a ten minute break at 6:53 p.m. He brought the meeting back to order at 7:03 p.m.

7:04:01

4. Review of Council Minutes: August 2 Council Workshop and August 9 Council Meeting.

Councilmember Noble drew attention to the August 2nd minutes, page 6, under other business. She asked that a comment be inserted to indicate that Councilmembers agreed that the Senior's trip to Montana was a great idea. There were no other comments or corrections made.

Councilmember Rackley asked if the discussion about the Fire Department Lease of the Public Safety Building could be moved up to allow Chief Dan Packer to participate. Mayor Young asked if there would be objection from the Council if the item were placed after the Council discussion about Downtown Zoning and Property Rezones. There was no objection.

7:05:42

5. Discussion: AB05-208 – Ordinance 1154 – Rezoning Various Properties To Be Consistent With The Comprehensive Plan.

Director Leedy briefly described the genesis and history of this issue. He said a controversial rezone application caused the staff to review the Comprehensive Plan and the City's Zoning Map for inconsistencies. He said that 65 were initially identified. He explained that the Planning Commission tried to do a physical tour of the all the sites. He said that approximately half of the inconsistencies were taken care of through subsequent Comprehensive Plan Map amendments. He said that the Planning Commission, though not required on area-wide rezones, held a public hearing on the issue, and have now forwarded their recommendations to Council for consideration. The City Council discussed the various groupings of inconsistencies.

Deputy Mayor Swatman and Councilmember Rackley questioned the necessity of some of the Commission's recommendations. On properties with steep slopes, the Council discussed with staff whether the Critical Areas Ordinance provides sufficient protection, or whether rezoning is needed as proposed by the Planning Commission. The appropriateness of the RC-5 zoning within city limits was also discussed in light of the Growth Management Act and recent decisions of the Growth Management Hearings Board about residential densities within cities. Councilmember Hamilton spoke in favor of the Planning Commission's recommendations. He said that there is sufficient developable land within the City at the present time. He added that future Councils could change the recommended zoning in the future as the inventory of buildable lands is exhausted.

Mayor Young noted that some of the properties have been logged and the developers are proceeding with plans for building on the properties. He suggested the City may have trouble with downzoning the buildable portions of those properties.

Bart Tracy, property owner of Area 12, was invited to read an excerpt from a recent court opinion on a similar situation in Bremerton. He added that he and two other property owners in the area have geotechnical studies that support the buildable nature of their properties. When asked his opinion, City Attorney Dionne said he believes there are valid arguments that would support the Planning Commission's recommendations. Council again discussed grouping some properties for further discussion and action. They discussed whether another workshop would be needed. Mayor Young asked how many Councilmembers would like to have the item move forward to discuss further at the next Council meeting. Feeling there was a majority in favor, Mayor Young said it will move forward.

Mayor Young called for a five minute break in the meeting at 7:59 p.m. Mayor Young brought the meeting back to order at 8:13 p.m.

Mayor Young said that during the break, suggestions were made to break up the ordinances to allow Council to group similar Areas for proposed action. Councilmember Noble suggested that the Areas proposed for designation as Public Facilities be grouped, such as 3, 7a, 11a, 21c, and 21d. There was general agreement. Councilmember Rackley noted that Areas 30a and 30d are already being developed. There was also a majority consensus given to remove Areas 40 and 41 from the list of areas of inconsistency to be rezoned. Councilmember DeLeo suggested two ordinances, one to deal with the Areas proposed for the RC-5 zoning and one to deal with the areas proposed for public facilities zoning. There was again a general consensus to accept this proposal and develop a third ordinance to encompass the remaining properties for consideration at a future Council meeting.

8:25:23

6. Discussion: AB05-209 – Ordinance 1155 – Implementing The Downtown Plan By Establishing Appropriate Zoning Districts.

The City Council discussed the Downtown Plan as proposed by the Planning Commission. Concern was expressed that the plan is not cohesive, and does not adequately address a civic center component in the Downtown area. Planning Manager Ladd explained that the City's Comprehensive Plan is the basis for the proposed zoning. He said the proposed zoning plan includes two new zones and an overlay zone. Deputy Mayor Swatman suggested that the Council use the fifth Tuesday of the month to meet with the Planning Commission to better understand their thinking behind the proposed Downtown Plan. There was a majority consensus to meet on Tuesday, August 30th with the Planning Commission.

8:35:28

7. Discussion: AB05-212 – Draft Lease Agreement With Fire District For Continued Use Of Public Safety Building.

Administrative Services Coordinator (ASC) Morrison said that staff seeks a motion to authorize the administration to begin discussions with the Fire District on a renewed lease for a portion of the Public Safety Building.

Mayor Young recognized the attendance of Chief Packer from East Pierce County Fire and Rescue. Chief Packer said that he met earlier in the year with Councilmember Hamilton and ASC Morrison, but was surprised to learn that the issue was on the workshop agenda. He expressed hope that the Council would give the City's negotiators some overarching guidelines for the negotiations. He explained that although the current lease expires at the end of 2005 there is a two year extension provision. He said the Fire District Board has indicated a desire to stay in the building for the long term. He said the building/station functions as a hub for fire response in their system. Chief Packer indicated the District would be interested in owning the building if that is of interest to the City. He said the Board believes the District's fire services overall serve the City's residents as much as they do the residents outside the City, so there should be no additional charge for that portion of the building. He said the area that the Board believes would be fair is a charge for the administrative offices that provide service District-wide.

There was a Council majority consensus that the City should not currently consider the sale of the building, but should move forward with negotiations for the continued lease of the building. Mayor Young said the team will move forward with negotiations and report back to the Council.

8:56:30

8. Discussion: Driveway Access For 7401 182nd Ave. E.

Mayor Young said that he met with Anne Klemme and viewed the property. He said he feels that

the first step is to have Ms. Klemme file a claim for damages with the City for loss of access. He said the City's insurance may say it is a just claim and pay for the damages. He added that it looks like the 74th St. access is viable for a one way access to the property. Director Weidenfeller added that by going through the claims process, the City receives an opinion that any City sponsored repairs are not a gift of public funds. Councilmembers Johnson and Noble expressed concern that the claim may negatively impact the City's rating and insurance rates. They also expressed concern over the length of time it may take to go through the insurance process. Councilmember King cautioned against taking action on private property. Responding to Council's questions, City Attorney Dionne said the City Council could make a determination that the City caused the problem and direct staff to do something about it. The City Council and staff discussed the merits and time involved in using the City's insurance authority or the City Attorney to do a review of the situation. Councilmember Hamilton said that creating a circular driveway on the property adds value to the property that should be recognized by the property owner, and suggested a negotiated settlement.

Councilmember King moved to authorize the Mayor or his representative to negotiate with the affected property owner regarding the City's participation in developing access to 74th St. and to satisfy any claims the property owner may have with regard to this matter. Councilmember Hamilton seconded the motion.

Motion approved 7 – 0.

9:28:15

9. Discussion: AB05-205 – Ordinance 1151 – Related to Utility Charges and Connections.

Councilmember King said that he likes the reduced times for the turnoffs. There was a majority consensus to move the item forward to the next Council meeting.

9:28:47

10. Discussion: AB05-211 – Ordinance 1156 – Interfund Loan To Fund Immediately Needed Improvements – Park Impact Fee Fund; AB05-213 – Ordinance 1157 – Relating To Parks Impact Fees; AB05-214 – Ordinance 1158 – Closing And Repealing The Contingency Fund.

Mayor Young explained that these ordinances deal with a plan to pay for the amount due for the acquisition of the Schuur property. Director Weidenfeller recommended that the loans recommended in Ordinance 1156 be limited to the prime rate of interest. He explained that a loan from the General Fund would allow the City to pay back the General Fund out of Park Impact Fees over time. He added that this action will make it possible for the Council to use General Fund monies for other projects of their choosing. Director Weidenfeller also recommended increasing the Parks Impact Fees by a thousand dollars and closing the Contingency Fund.

Councilmember Rackley asked if sewer improvements would be impacted by the loan from the Sewer Fund. Director Weidenfeller said he anticipates the Council will have to revisit the loans from time to time. He said current analysis indicates the money is there for the loan. He said the rate of return on the loan will be beneficial as an investment for the monies in the fund.

Deputy Mayor Swatman raised the possible sale of the City Hall property as a mechanism for reducing the amount of loans between funds. Mayor Young expressed opposition to the sale of property that would have to be replaced at some point in the future. There was a brief discussion of the sale of the City Hall property. Councilmember Hamilton said there had been a Council consensus to table any further action on the City Hall property until after the November election.

Deputy Mayor Swatman asked about the Mayor's recent memo to department heads about

reducing spending, overtime, etc. Mayor Young explained that this is the same memo that he issues every year in the fall. He said he re-issued it a few weeks earlier than normal because he does not want a cash flow problem for the City to develop.

The Council discussed the proposed ordinances and staff recommendations. There was general consensus to move the ordinances forward for consideration by changing the interest rates on Ordinance 1156 to the prime rate, and by changing Ordinance 1158 to transfer the money to the General Fund without closing the Contingency Fund.

9:57:30

11. Action: A Motion Of The City Council Of The City Of Bonney Lake Setting A Public Hearing For The Regular Council Meeting Of August 23, 2005, Which Starts At 7:00 p.m. To Receive Public Input On Proposed Ordinance 1151 – Related to Utility Charges and Collections.

Deputy Mayor Swatman moved to set the public hearing for the regular Council Meeting of August 23, 2005, which starts at 7:00 p.m. to receive public input on proposed Ordinance 1151 – related to utility charges and collections. Councilmember Johnson seconded the motion.

**Motion approved 6 – 0 – 1.
Councilmember Rackley
abstained from voting.**

9:58:24

12. Action: A Motion Of The City Council Of The City Of Bonney Lake Setting A Public Hearing For The Regular Council Meeting Of August 23, 2005, Which Starts At 7:00 p.m. To Receive Public Input On Proposed Ordinance 1157 – Increasing Park Impact Fees.

Councilmember Hamilton moved to set the public hearing for the regular Council Meeting of August 23, 2005, which starts at 7:00 p.m. to receive public input on proposed Ordinance 1157 – increasing park impact fees. Councilmember Johnson seconded the motion.

Councilmember DeLeo said he is not in favor of increasing the fees.

**Motion approved 4 – 2 – 1.
Councilmembers DeLeo and King
voted no. Councilmember
Rackley abstained.**

13. Adjournment.

At 9:59 p.m. and with no objection from Council, Mayor Young adjourned the meeting.

Documents submitted for/at the Council Workshop of August 16, 2005:

- Bonney Lake Citizen – *Email and Pictures from Betsy Olsen – Aug. 15, 2005* – Elizabeth Olsen.
- Bonney Lake Historical Society – *Memo to Council re: Historic Naches Trail!* – Dennis Dhaese.
- City of Bonney Lake – *Street Chip Seal Notice/Schedule* – Director Dan Grigsby.

Harwood T. Edvalson, CMC
City Clerk

Robert Young, Mayor