Call to Order:
Mayor Robert Young called the September 6th 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

1. Action: AB05-233 — A Motion Of The City Council Of The City Of Bonney Lake To Enter At Large Upon The Record The Mayor’s Objections Pursuant To His Veto Of The Council’s Adoption Of Ordinance 1157, And To Reconsider Ordinance 1157 — An Ordinance Of The City Of Bonney Lake, Pierce County, Washington, Amending Chapter 19.06 Of The Bonney Lake Municipal Code And Ordinance No. 1018, Relating To Park Impact Fees. [A3.5.5] [F4.3].

  Deputy Mayor Swatman moved to override the Mayor’s veto of Ordinance 1157. Councilmember Noble seconded the motion.

  Councilmember King asked Mayor Young if he would support the ordinance if this expansion to Allan Yorke Park were part of the Parks Master Plan. Mayor Young responded that he might, but would have to study the issue further. He said he is uncomfortable with paying for the acquisition of the Schuur Bros. property, because it is not part of the Parks Plan, and yet park impact fees are being increased to pay for the property. He said he has consulted the City Attorney. City Attorney Dionne said he is of the opinion that the Council can do what it did in passing this ordinance. Mayor Young said he disagrees with the City Attorney. When asked where the money will come from to pay the judgment on the property condemnation, Mayor Young responded that the current park impact fees could still pay for the property, but that it would just take longer. Councilmember Rackley said he will be abstaining from the vote on this issue. He said he wants nothing to do with it.

  Motion approved 6 – 0 – 1.
  Councilmember Rackley
abstained.

The text of the Mayor’s Memo to Council explaining his veto of Ordinance 1157 follows:

August 31, 2005

MEMORANDUM

To: City Council
From: Bob Young, Mayor.

RE: Veto of Ordinance No. 1157 – Park Impact Fee Increase.

Councilmembers:

I do hereby veto Ordinance 1157, “Park Impact Fee Increases.” My veto is for the following reasons:

GMA mandates that local government build and maintain urban facilities to meet the demands of growth, and the new development pay its share of costs of expanded public facilities. The Park Board, City Staff and I went through a thorough process in establishing the impact fee amount that should be attributed to new development. Through a process of establishing needs and estimated costs of development, the City Council concluded that a park impact fee of $1,500 should be assessed against every new residential dwelling unit constructed in the City. These fees “may be collected and spent for system improvements which are addressed by the park’s plan…” The $1,500 fee was established based on the current park’s and recreation plan capital facilities element which showed justification for that amount.

The motive for passing Ordinance 1157 is to help pay for the Superior Court judgment against the City flowing from the condemnation of the Schuur Brother’s property for expansion of Allan Yorke Park. Since this expansion is not included in the adopted Park Element of the Comprehensive Plan, we cannot justify this higher impact fee.

Therefore, I veto this ordinance that increases the park’s impact fees.


Finance Director Weidenfeller distributed a document that the Council could use as a baseline in their discussion about budget goals for FY2006. Several Councilmembers objected to the listing of a regional governance plan for parks as a goal. Director Weidenfeller said he extracted the information from that provided by the Council’s budget retreat consultant. Mayor Young urged the Council to look at the document simply as a starting place for their discussion.

Director Weidenfeller said that the acquisition of the Schuur Bros. property will reduce the General Fund surplus available for additional projects. He said the staff will try and front-load the Council’s goals and projects into the budget, and then come back with additional items that may require some negotiation and modification to the budget goals.

The City Council discussed the non-motorized transportation and the Fennel Creek Trail plans. Councilmember Rackley suggested that a placeholder in the budget planning be made for these
projects. Councilmember DeLeo suggested setting aside $50,000 each for sidewalks and trails. Council also discussed economic development. Councilmember Johnson observed that most of the $50,000 set aside for this year has not been spent. He suggested rolling over those funds with some additional funds in FY2006. Director Weidenfeller suggested an additional $20,000. There was a majority consensus for this additional amount.

The City Council discussed the Eastown Development Plan and the Surface Water Management Plan. A need for additional allocations beyond what was already anticipated for the coming year was not identified. The Council asked that sufficient funds be included in the budget to implement and maintain the street lighting plan over the next five years. There was consensus, again, to eliminate the regional parks governance issue from the goals. When asked about a community recreation center, Councilmember King said no decision should be made until the City Hall issue is resolved. Councilmember Hamilton said he hopes the economic development study for the Downtown Area will help determine if these facilities are appropriate in this area.

The City Council discussed the Water Fund and water conservation. Concern was expressed about the adequacy of current water revenues based on the number of brown lawns seen this summer. Councilmember King asked about alternative conservation measures, such as low-flow shower heads or pressurized toilets that are not rate-based programs. Councilmember Rackley said the Community Development Committee will consider additional conservation measures. Lake Tapps and the Cascade Water Alliance (CWA) were discussed as possible future sources of water. Mayor Young said that the City is currently speaking with the CWA about use of the berm area for enhancements to Allan Yorke Park. Councilmember DeLeo suggested a five year plan to set-aside funds to deal with possible water funding issues coming up in the next few years. There was a majority consensus to have the Public Works Director estimate some of the funding needs for the Council to evaluate an amount for the proposed set-aside program.

The Council identified a need for $20-30,000 additional funds in next year’s budget to refine the Downtown Area plan to include the economic development study of the area. There was consensus to also include $20,000 for seasonal promotional banners on utility poles in the City. The Council also briefly discussed the ongoing negotiations about animal control and the Fire District lease of the Public Safety Building. Councilmember Hamilton emphasized the need for the Police Department to advise on the amount of additional space currently needed and the anticipated need for the future. Consent was given by the Council to include funds in the budget for the Police Department’s Citizens Academy next year.

Council discussed the possibility of doing cable broadcasts of Council meetings. Webcasting was also discussed as an alternative. The Mayor reported that the WiFi project is progressing. He said the bottom line is that the concept works for the City. He said enhanced data communication between City Hall and the annex are in the works through installation of a WiMax system. He said a loan from the Drug Fund with a payback of three years will be used to fund implementation of a City-wide WiFi program. An increase in manpower for the Police Department was mentioned as a request from the Police Chief. Councilmember Johnson asked that $60,000 be included in the budget to cover environmental studies and improvements to the City’s lakes and streams.

Mayor Young called for a ten minute break at 7:11 p.m. He brought the meeting back to order at 7:28 p.m.
Nuisance Vehicles. Councilmember Rackley asked for an update on the nuisance vehicle abatement efforts. Interim Chief McGehee reported that a survey of the subject property had been completed and four vehicles located in the City’s right-of-way were impounded today. He noted that a fifth-wheel and other vehicles had been moved by the property owner. He added that there are some twenty vehicles and a school bus still remaining on the property. Director Leedy said that the Health Department has not yet inspected the property.

The Body Shop. Councilmember Johnson referred to email he has received from owner of the Body Studio that is taking over the former True Value Hardware location. He said that the owner has spent months trying to get her tenant improvements. Mayor Young said he looked into this issue several weeks ago and discovered that the problem was with the landlord, not the City. Councilmember Johnson said the perception in the business community is that it is the City’s problem. He asked for an update report so that he can straighten out any misperceptions. Mayor Young said the staff will look into it.

Anne Klemme Driveway. Councilmember Noble asked if any resolution had been reached in the negotiations with Ms. Klemme regarding improved access to her property. Mayor Young said that Ms. Klemme does not agree that there is any additional value to her property in the City’s proposed remedy to the access issues and is not willing to share the costs to correct the situation. He added that Ms. Klemme said she has a copy of the City’s liability claim form in hand, but has not yet filed a claim.

Finance Review. Councilmember Noble asked about the completion of the Finance Department Review, and if there is a timeline for its delivery. Mayor Young said he hopes to receive the review in a couple of weeks. He said there is not currently a firm date for delivery.

Shared Leave. Councilmember Noble distributed two drafts of an ordinance to support the sharing of employee leave during periods of bereavement. City Attorney Dionne said that while State Law does not allow what is being proposed to apply to state and school district employees, Bonney Lake as a code city can do what it wants in this regard. The City Council discussed the pros and cons to the proposed ordinances and concluded to discuss it further at the next workshop.

Councilmember Rackley excused himself from the meeting at 7:49 p.m.

Tree City USA. Deputy Mayor Swatman asked if the appropriate measures are being taken to have the City qualify for designation as a Tree City USA. Administrative Services Coordinator Morrison (ASC) said that most of the criteria have been met. Councilmember Hamilton said the last criterion is to select a date for a celebration, such as Arbor Day. ASC Morrison concurred and said that the application for Tree City USA is made after all the criteria are met.

Clearing of Parks Property. Deputy Mayor Swatman asked about the clearing on the Schuur piece of property next to Allan Yorke Park. Director Grigsby said that employees are clearing out the undergrowth to open up the property for security purposes. He said the same is being done around the Ponderosa Water Tank site and the area around Ball Field #4. He said a tub grinder will be brought in to mulch the woody debris, which will then be spread around under the trees and shrubs. He added that the City is looking at a plan to mitigate the wetlands on the Schuur property. Deputy Mayor Swatman asked to look at the documents from the Schuur Bros. to see how they had proposed to deal with the wetlands.

Sidewalk at Cedarview Park. Deputy Mayor Swatman asked if the need for a sidewalk at
Cedarview Park has been resolved. Director Grigsby said a contract for the work has been awarded. He said the addition of some steps in the sidewalk plan as the result of a Washington Cities Insurance Authority walk-through of the park caused a delay in the project. He added that the work should soon be completed.

Restricted Parking. Councilmember DeLeo distributed a proposed ordinance for the restricting of parking in neighborhoods adjacent to the new Bonney Lake High School. The City Council discussed how to handle areas currently outside of the City that may want to annex. Questions regarding the type of permit issued, the placement of signs, opting out by those neighborhoods that don’t want to participate, etc. were discussed. Mayor Young said the ordinance will be referred to the City Attorney’s Office for review and comment.

4. Approval of Minutes: August 16 Council Workshop, August 23 Council Meeting, August 30 Joint City Council/Planning Commission Special Workshop and September 1 Special Council Workshop.

Councilmember King asked for a follow-up report from Director Weidenfeller on the Historical Society signs. Director Weidenfeller said he spoke with Don Frazier, who agreed that the signs should go through the Design Commission for input. He estimated it would take a month or two for this to be completed.


Director Leedy said the Planning Commission has tried to establish appropriate zoning classifications for the area. He said the Council’s concerns from the last meeting have been heard and suggested adoption of the current proposed ordinance to protect the development of the area, while the Planning Commission goes back and refines the concepts as part of the 2006 Comprehensive Plan amendment process. Deputy Mayor Swatman questioned the height limitation in the proposed DM zone. Planning Director Ladd suggested that the economic development study of the area may suggest the appropriate building height.

Councilmember King noted that changes were made to Section 16 dealing with access from commercial properties to residential streets. He said that where the ordinance identified a single property before, it perhaps now is as non-specific as it should be. He asked that changes made to ordinances subsequent to Council discussion be further highlighted to differentiate between changes made prior to the Council’s discussion. Councilmember DeLeo spoke in favor of deleting this section from the ordinance. He cited existing instances of commercial properties with access through residential streets as one of the reasons to remove the proposed language. There was a majority consensus to leave the section until the Council meeting, where further discussion could determine whether or not to leave it in the ordinance. Mayor Young said the ordinance would be moved forward.


Council again discussed whether or not zoning changes are needed to protect these properties from development of steep slopes. Councilmember Rackley noted that many of the properties are already vested for development. City Attorney Dionne affirmed that previous zoning applies to those properties that are being developed in a manner consistent with their original vesting.
David Renaud, The Abbey Road Group, LLC, representing the proposed development of Areas 18 and 19, said these properties were annexed into the City under the proviso that they would be zoned C-2. He said it would be unfair to now change their zoning to limit their development plans. He said the property is developable.

Councilmember Hamilton said the City has allowed development on steep slopes such as Sky Island and Panorama West. He contrasted the realization of those development dreams to the unfulfilled dreams of property owners adjacent to the Larios' Short-plat and development. He named the Storrs, Robinsons, Palaceks and Barbara Bledsoe as victims of the City staff’s mishandling of sensitive development and the impacts to adjacent properties. He said he does not believe the City is prepared to handle development of such sensitive areas. Mayor Young said he takes exception to the remarks. He said he feels the staff have done a good job, and stands by the studies conducted by the City. He praised Director Grigsby’s analysis of the situation. He added that the best available science has been applied to the situation. Councilmember Hamilton said the City did a great job of covering their liability exposure to the detriment of the adjacent property owners. He said the City conducted studies and then blamed the adjacent property owners for conditions when they complained of water accumulations. Councilmember Rackley agreed that the City did everything but fix the problem.

Getting back to the topic at hand, Councilmember Hamilton said the RC-5 zoning is the best the City has to protect the steep slope properties. Councilmember Rackley again disputed the real impacts to these properties when so many of them have already vested under the current zoning. There was a majority consensus to bring the proposed ordinance forward for Council consideration at the next Council meeting.


Director Grigsby said a six year plan for transportation capital improvement projects (TIP) is required each year. He said it includes a best guess as to how projects will be funded, but that ultimate completion of the projects depends on funding availability. Councilmember DeLeo said he would like to see a better identification of funding sources for the proposed projects. Director Grigsby said the options are essentially limited to using existing budget revenues, passing a levy or bond, or getting a grant. Councilmember DeLeo responded that knowing what potential sources of funding will be used can help the Council decide which funds need to be augmented through the budgeting process for the desired improvements. Director Weidenfeller said the TIP is a plan designed to respond to a statutory requirement. He said the Capital Improvement Plan (CIP) now being developed will include a financial plan for all the projects, including public works and parks projects. Mayor Young said the ordinance will be moved forward.

8. Discussion: AB05-147 – Storm Water Rate Increase and System Development Charge Creation.

Director Grigsby said that at the last workshop this issue was discussed and the Council was presented with 3 different rate structures. He said the proposed rate structure was to increase the current monthly rate per equivalent service unit (ESU) from $3.90 per month to $5.00 per month. He said this is a bare bones rate to implement some of the Storm Water Master Plan. He said the second part of the ordinance proposed a system development charge to help with some of the needed improvements. He said the SDC is proposed to be $320 per building. The Council asked to again see the information associated with this proposed ordinance.

Councilmember Rackley moved to table this discussion to the next workshop. Deputy Mayor Swatman seconded the motion.
Motion approved 6 – 0.

9. Executive Session: Pursuant to RCW 42.30.110(c), Mayor Young announced that the Council will meet in executive session for 15 minutes to consider a real estate transaction. The session started at 8:59 p.m. and concluded at 9:06 p.m.

10. Adjournment.

At 9:07 p.m. and with no objection from Council, Mayor Young adjourned the meeting.

Documents submitted for/at the Council Workshop of September 6, 2005:

- City of Bonney Lake – City Council 2006 Budget Priorities Meeting (09/06/05) – Finance Director John Weidenfeller.
- City of Bonney Lake – Ordinance A – Related to Shared Leave – Councilmember Cheryle Noble.
- City of Bonney Lake – Ordinance B – Related to Shared Leave – Councilmember Cheryle Noble.
- City of Bonney Lake – Ordinance – Restricting Parking – Councilmember Phil DeLeo.
- City of Bonney Lake – Map – BLHS Restricted Parking – Councilmember Phil DeLeo.

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Harwood T. Edvalson, CMC           Robert Young, Mayor
City Clerk