

CITY COUNCIL MEETING

City of

**February 14, 2006
7:00 P.M.**



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.

MINUTES

"Where Dreams Can Soar"

Audio Time
Stamp ↓

I. CALL TO ORDER – Mayor Neil Johnson called the meeting to order at 7:00 p.m.

- A. Flag Salute - Mayor Johnson led the audience in the Pledge of Allegiance.
- B. Roll Call [A1.3]

City Clerk Edvalson called the roll. In addition to Mayor Johnson, elected officials attending were Councilmember David Bowen, Councilmember Phil DeLeo, Councilmember Mark Hamilton, Councilmember Dave King and Councilmember Cheryle Noble. Councilmember Jim Rackley was absent.

Staff members present were Administrative Services Coordinator Don Morrison, Planning and Community Development Director Bob Leedy, Public Works Director Daniel Grigsby, Interim Police Chief 'Buster' McGehee, Judge James Helbling, City Attorney Jim Dionne and City Clerk Harwood Edvalson.

Councilmember Noble moved to excuse Councilmember Rackley. Deputy Mayor Swatman seconded the motion.

7:01:52

Motion approved 6 – 0.

- C. Announcements, Appointments and Presentations [A3.6.9]
 - 1. Announcements: None.
 - 2. Appointments: None.
 - 3. Presentations: None.

7:02:14

- D. Agenda Modifications:

Deputy Mayor Swatman moved to add Resolution No. 1535 as new agenda item VIII. B under Full Council Issues. Councilmember DeLeo seconded the motion.

Motion approved 6 – 0.

II. PUBLIC HEARINGS, CITIZEN COMMENTS & CORRESPONDENCE

7:02:47

A. Public Hearings: [A3.6.12] None.**1. Public Hearing – AB06-15 – Public Hearing - Increase in Park Impact Fees**

Mayor Johnson opened the public hearing at 7:02 p.m. Director Grigsby explained the proposal to increase the Park Impact Fees from \$2000 to \$2893. He said the fee includes the addition of projects in 2005, such as the Moriarty addition to Allan Yorke Park. He said a further use of the increased impact fee will be to help provide the required 50% match for a park development grant from the Interagency Committee for Outdoor Recreation. He concluded by explaining that the City's Park Board has recommended the increased fee, and contemplates a recommendation for further increases after an update to the Parks Master Plan in the coming year. He said the Park Board recommends immediate approval of the current increase to minimize the potential for lost revenue if the fee increase is delayed.

Councilmember King asked for clarification regarding a reference in the staff report related to a civic center. Director Grigsby confirmed that the reference is to a community recreation center. Councilmember DeLeo asked the amount of the IAC grant. Director Grigsby responded that he would have to defer to the arrival of Assistant Director Leaf to provide that answer. Councilmember Hamilton noted that the staff report also mentions that setting the impact fee to its highest sustainable level is a show of good faith on the applicant agency's part in the IAC grant process.

Laurie Carter, Park Board Commissioner, spoke on behalf of the Park Board, and explained the need for the \$300,000 match for the IAC grant. She said the grant will be used only for new parks construction. She said that need for park facilities is population driven, and that more people means more parks are needed. She shared statistics about the number of new homes over the past two decades, and how the need for parks has increased. She concluded by again reporting the Park Board's recommendation for approval of this fee.

Fred Jacobsen, 9100 189th Ave. Ct. E., spoke in support of the fee increase.

Dan Decker, 20401 70th St. E., said that impact fees are good, but are also a catch-22. He predicted that a \$3,000 park impact fee will cause a reduced demand for new home construction, thereby reducing the actual revenue the City will receive. He agreed that the impact fee is needed, but urged the Council to look reasonably at the fees.

Tiffany Speir, Master Builders Association, spoke in opposition to the proposed fee increase. She said one of the major justification's by the City of the need of the increased fee is to support the acquisition of the Moriarty addition to Allan Yorke Park. She advised Council that this does not qualify under the State statutes dealing with impact fees. She said the park addition will not benefit the

residents in the areas where the most future growth is anticipated. She said that parks should be created closer to these areas of new construction. She acknowledged an impact of the fee could probably be legally supported, but not for the addition of the Moriarty property to Allan Yorke Park.

Councilmember King asked Ms. Speir if the MBA has a recommended distance standard that could be used to determine which residents will benefit from a park. Ms. Speir said there is no bright-line standard. She suggested that a common sense question of how far a person would drive to use a park is a good gauge. She said the impact fee is not supposed to be used to address existing unmet capacity for parks. Councilmember King asked Ms. Speir to define capacity. He asked if the impact fee calculation supports land acquisition. Ms. Speir responded that the fee calculation does allow for land acquisition, but again suggested that it should be for parks closer to the new development.

Councilmember DeLeo said that data would suggest that new homes in Bonney Lake are being sold to young families with children. He said that Allan Yorke Park with the Moriarty Addition will allow sufficient space and facilities to support different types of tournament play. He said that families will drive from all parts of the City to support their children in the use of these facilities for tournament play. Deputy Mayor Swatman said that if you survey Allan Yorke Park users, you will find that many come from outside the City. He said there is little doubt the park facilities will be used from all sectors of the City and beyond.

Administrative Services Coordinator Morrison commented that he is unaware of any intent of legislators to limit the development of parks to those areas with new construction. He noted that the IAC grant will be used to support the development of the Fennel Creek Trail, not the City's acquisition of the Moriarty property. Director Leedy said that a review of the current park impact fee level has shown that an unreasonably low amount was calculated for land acquisition. He said the increased fee includes a more reasonable estimate for property prices. ASC Morrison said that in his conversations with City Managers/Administrators from other cities they have indicated no correlation between impact fees and levels of construction. He said that other variables appear to be more important to builders, and that an increase in the park impact fee will likely not be a discouragement to continued building in Bonney Lake.

Councilmember Bowen asked if there is an average range for impact fees. ASC Morrison responded that there is, but can't recall that figure this evening. Assistant Public Works Director Leaf said the increase will put Bonney Lake a little higher than the average that he has observed. ASC Morrison added that many park impact fees in other cities were established in the 90's and have been held low because they have been accumulating funds over a number of years. Councilmember Hamilton observed that the value of homes will increase with the increase in park properties. Councilmember King advised that the City review whether or not proposed legislation to preempt city impact fee authority has been approved by the State legislation. He said if it has, then this discussion may be rendered moot.

Louisa Smith, 20112 Church Lake Road, said that she built her home in 1963 and cannot believe the escalation in housing prices in the intervening years. She said that people look at a community when they purchase a home, not at the level of impact fees associated with the construction of the home. She said the addition of \$893 to the park impact fee amortized over the life of the loan will have little effect on home sales.

Seeing no others wishing to address the issue, Mayor Johnson closed the hearing at 7:34 p.m.

7:34:00

B. Citizen Comments:

Keith Stanley, 10900 193rd Ave. E., thanked the City for the placement of the cross walk signs at 192nd and 109th. He said he wanted to register his no vote for construction of a Lowe's store on South Prairie Road. He added that a \$3,000 impact fee over thirty years will not have much of an impact on the purchase of a home. He thanked Councilmember Noble for her response to his email about the connection of 189th Ave. E. to the proposed extension of 192nd Ave. E. He said the connection just makes sense. He added that with all the anticipated improvements to the corridor, there will be no point for commuters to use this connection. He said the users will be those that live in the Fennel Ridge development where they live.

Mike McCarney, Lot #27 – 109th St. Ct. E., said that he was involved with the issues related to the development of Fennel Ridge from the beginning. He said that the original entrance to the development was intended for the north end of 189th Ave. E., but was changed because the City could not acquire the right-of-way for development of the intersection. He said that access was allowed at the south end of the new development until the street network in the north end was developed in the future. He said there is a need for sidewalks in his neighborhood of Bonney Lake Manor.

David Hancock, 19009 108th St. Ct. E., said the connection of 189th Ave. E. will be a low cost solution to improve the traffic situation to benefit the greater good of the entire community. He encouraged the Council to make the street connection.

Terry Linville, 19209 112th St. E., thanked the council for the cross walk signs. He also spoke in support of the 189th Ave. E. connection. He said that in 1996, the Bonney Lake Manor Homeowners Association backed off from taking legal action because of the promise to provide this future connection. He said the Fennel Ridge Developer paid \$10,000 to the City toward the future construction of the connection. He added that the \$10,000 was used for improvements on Angeline Rd. He said the disputed connection was originally an issue between the City and the Homeowners Association and is not a dispute between neighborhoods. He asked the Council if the City will uphold its end of the deal.

Deputy Mayor Swatman asked if Mr. Linville has information about the \$10,000. Mr. Stanley spoke from the audience and said he can provide the information.

David Dahlin, 10906 193rd Ave. E., spoke in favor of the connection to improve the public safety in the area.

Louisa Smith, 20112 Church Lake Rd., spoke of the Bonney Lake High School Key Club's application for grant funding from Walmart. She said the Puyallup Kiwanis Club has funds available to provide assistance to the Bonney Lake Kiwanis Club to help with the support of the BLHS Key Club. She noted the Bonney Lake Kiwanis Club will have a golf tournament in June to support a scholarship fund at the high school. She also noted that the time is getting near for Bonney Lake Days. She suggested that the City is behind in its planning for this great event. She added that there is a need for continuity in planners for the event, even if the City chooses to use an outside source for planning and management of the event.

Mayor Johnson said that the third weekend in August has been set-aside for the Bonney Lake Days celebration. He said the event planning will involve past participants, and invited Ms. Smith to be a continuing part of the effort.

Maryanne Meehan, 19208 109th St. E., spoke in support of the 189th Ave. E. connection. She expressed concern for children waiting for school busses in the area, and said the connection will reduce the traffic congestion from the west side of 192nd Ave E.

Cary Baker, 19004 108th St. Ct. E., encouraged the connection of 189th Ave. as an enhancement to pedestrian safety in the area. She thanked the City for the cross walk signs, but pointed out that the cross walks have not yet been painted. She encouraged the installation of a stop bar on the pavement at the intersection of 192nd Ave. E. and 109th St. She noted that the connection of 189th Ave. E. is endorsed by Public Safety. She also noted the need for sidewalks in the area.

Deputy Mayor Swatman asked if Ms. Baker has considered the potential for increased traffic in her neighborhood should the connection of 189th Ave. E. to 192nd Ave. E. be made. Ms. Baker responded that only the people in Fennel Ridge will use the connection, and that others will use the improved 192nd Ave. E. corridor.

Gary Campbell, 19105 109th St. E., said the roads at the lower end of Fennel Ridge were not designed to carry the full ingress and egress loads of the Fennel Ridge Development. He said a northern connection was anticipated. He agreed that a stop bar at 192nd and 109th is needed. He expressed appreciation for the installation of the cross walk signs and the increased patrol in the area by the police department.

Mike McGraw, 19218 110th St. E., said he is concerned for the impacts on the Bonney Lake Manor and Fennel Ridge neighborhoods from the new developments to the south. He said the improved 192nd Ave. E. corridor will be a good thing if it provides sidewalks for the children. He asked the Council to make the 189th Ave. E. connection as originally planned.

Don Sangesand, 5616 195th Pl. E., said the results of the Council retreats have been too long in being made available to the citizens. He encouraged the use of modern electronics to make the retreat information more readily available to residents.

David Coutts, 19200 113th St. E., said that the additional connection to 189th Ave. E.

is needed for public safety because of the traffic backups in the area for two hours each day due to school traffic. He said the connection will benefit the whole area. He said there are no sidewalks or street lights in the area now.

Councilmember King said the Council had received an email about a low interest loan for the 92nd Ave. E. corridor and asked Director Grigsby for clarification. Director Grigsby said the City had received a \$1 Million low-interest loan that will allow the pre-construction design work to go forward and help with the right-of-way acquisition for the corridor project.

Councilmember Noble highlighted Assistant Public Works Director Leaf's contribution to securing the loan for the City. Director Grigsby said the it was the sustained effort of Assistant Director Leaf that helped the City receive the loan.

Councilmember King thanked all those who have given input from all sides of this issue. He said he has been impressed with the well reasoned civil discourse on the issues, and that his hopes appear founded that the City will become the kind of City the Council has envisioned.

Dan Decker, 20401 70th St. E., complimented the Council on their apparent ability to work together with the new mayor. He said the change in atmosphere has helped the department directors to be more relaxed in providing information to the Council and citizens. He mentioned that he missed the presence of the tractor that used to be covered with graffiti on SR410. He said he enjoyed the changing personal expressions painted there. Mr. Decker discussed the need for a longer and dedicated merge lane descending Elhi hill from Myers Road. He said there may be multiple sources for construction funding. He mentioned other improvements such as an increased turn pocket from eastbound SR410 onto Old Sumner Buckley Highway and from eastbound SR410 onto Meyers Road. He said this may have little impact on the congestion eastward in the City, but that improvement needs to start somewhere. He also noted with pleasure that the City Council is using the City Attorney more in its meetings.

C. Correspondence: None.

8:28:44

III. COUNCIL COMMITTEE REPORTS:

[A3.6.4]

A. Finance Committee

Deputy Mayor Swatman said the Finance Committee met earlier in the evening and that with Councilmember Rackley's absence, the discussion was largely limited to items appearing on this evening's agenda.

B. Community Development Committee

Councilmember Hamilton said the Committee last met at 5:00 p.m. on February 6th. He said the Committee discussed the connection policy for the proposed Naches Terrace sewer connections. He said the discussion included whether an SDC should be paid by properties connecting immediately to the system and the amount they

should pay if required to pay. He said the Committee also discussed the proposed new street light plan, which is still in progress. He also said the committee recommends approval of items D, E and F on the Consent Agenda.

Deputy Mayor Swatman asked for clarification on the Naches Terrace sewer connection issue. Councilmember Hamilton said that when the connection is made, the 16 residents who have dry-line sewers will immediately be connected to the City's sewer system. Director Grigsby added that those residents are now served by a community septic system and will be connected right away to the City's sewer system. He said other residents who are on individual septic systems will be required to hook up in the future as circumstances dictate.

C. Public Safety Committee

Councilmember DeLeo said the Public Safety Committee also met on February 6th, and forwarded only one item on for Council approval. He said that item is the out-of-state travel for Sergeant Sasaki.

D. Other Reports:

Councilmember Noble noted that she, Councilmember Hamilton, ASC Morrison and Mayor Johnson recently received an introduction into the world of congressional funding possibilities. She said that an allocation request to Congressman Reichert by March 1 will at least get Bonney Lake into the system for consideration for help with infrastructure improvements, parks or a community center. She said that if a line item allocation is made, it will not be fundable until 2008.

Councilmember DeLeo noted a correction to information provided in the Bonney Lake Reporter regarding the Kiwanis Club Prayer Breakfast. He said a change was needed to accommodate the speaker, and that the meeting will be held on April 11th. He said that all are invited and encouraged those interested to RSVP by E-mail. He also noted that an inter-club meeting with the Buckley Kiwanis Club on February 21st will feature Director Leedy discussing the Eastown Plan. He noted the Kiwanis meetings are from 7 - 8 a.m. at the Bonney Lake Senior Center.

Councilmember King noted the upcoming general meeting of the Pierce County Regional Council and urged Council attendance. He asked that they contact him at this late date to coordinate dinner arrangements.

Mayor Johnson said that he and Councilmember Rackley met with the Lake Bonney conservation group to discuss the continuing need to address storm drainage into the lake. He said the group has requested the City's full support for an adequate filtering system. He proposed that the Council might discuss this at the upcoming retreat.

Mayor Johnson asked Interim Chief McGehee to report on the bomb threat at the high school. Chief McGehee said that the children were removed to the adjacent middle school, while the high school was searched with the County's K-9 team. He said the dog alerted to scents from some lockers. He added that the County Bomb squad used their robot to investigate the lockers. He said fortunately no bomb devices were found, and attributed the false indications to handling common fireworks or legal noise makers. He said this is the first year the City has had an

agreement for bomb squad services, and that the City has already benefited from that agreement. He praised the professionalism of all involved in the response to the incident.

Councilmember King drew the audience attention to the availability of the Police Department's Annual Report. He said it is a further demonstration of the Department's professionalism. He said the report is available on the City's website or by email from Chief McGehee.

8:43:29

IV. CONSENT AGENDA: [A3.6]

Deputy Mayor Swatman asked to have Item F removed from the Consent Agenda for further discussion.

**Deputy Mayor Swatman moved to approve the Consent Agenda as modified.
Councilmember Hamilton seconded the motion.**

- A. **Approval of Corrected Minutes:** January 17th Council Workshop, January 19th Town Hall Meeting, January 23rd Town Hall Meeting and January 24th Council Meeting.
- B. **Checks/Vouchers:** Accounts payable checks/voucher #42866 thru 43037 in the amount of \$1,280,695.38. Accounts payable checks/voucher #43038 thru 43093 for utility refunds in the amount of \$4,273.80. [F4.9]
- C. **Payroll:** Payroll for January 16-31, 2006 for checks 24570-24618, including Deposits and Electronic Transfers in the amount of \$375,346.78. [F4.9]
- D. **AB06-22 – Resolution 1527** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing An Agreement With A & A Excavating For The Award Of Driftwood Point North Water Main Replacement Project. [O4.10.2]
- E. **AB06-23 – Resolution 1528** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing An Agreement With Hughes Supply, Inc. For Leak Detection Services. [O4.10.1]
- F. ~~**AB06-24 – Resolution 1529** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing A Facility Relocation Agreement With Puget Sound Energy For The South Prairie Road Improvements Project From SR410 To 202nd Ave. E. [O4.8.1]~~
- G. **AB06-21** – A Motion Of The City Council Of The City Of Bonney Lake, Pierce County, Washington Canceling the June 20, 2006 Council Workshop. [A1.1.2] [A3.6.10]
- H. **AB06-29** – A Motion of the City Council Of the City of Bonney Lake, Pierce County, Washington Approving Out-of-state Travel and Training in Tampa, FL for Sgt. Sasaki. [A3.6.10] [A4.9]

Motion approved 6 – 0.

V. FINANCE COMMITTEE ISSUES:

8:44:06

- A. **AB06-25 – Resolution 1530** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing An Interlocal Agreement With The Sumner School District, City Of Bonney Lake And City Of Sumner Relating To The Continued Operation Of A Joint Recreation Program. [05.7]

Deputy Mayor Swatman moved to approve Resolution 1530. Councilmember Hamilton seconded the motion.

Deputy Mayor Swatman mentioned that the contract did not indicate the cost for services. ASC Morrison said that Rebecca Giles had verbally indicated that the amount would not increase for this year. He suggested that perhaps the resolution could be approved with a “not-to-exceed” clause.

Councilmember Noble moved to amend the resolution for approval not to exceed \$27,500. Deputy Mayor Swatman seconded the motion.

Councilmember King noted that the agreement will have to come back for Council approval if a request is made that exceeds the \$27,500.

Motion approved 6 – 0.

Amended motion approved 6 – 0.

- B. **AB06-28 – Resolution 1532** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing A Contract With Berk & Associates For Retreat Facilitation Services. [A2.12]

Councilmember Noble moved to approve Resolution 1532. Deputy Mayor Swatman seconded the motion

ASC Morrison noted that the request is for authorization to sign the agreement not to exceed \$11,000. He said he expected the cost to be at least \$2,000 less than that.

Motion approved 6 – 0.

8:48:08

VI. COMMUNITY DEVELOPMENT COMMITTEE ISSUES:

- A. [From Consent Agenda, Item F] **AB06-24 – Resolution 1529** - A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing A Facility Relocation Agreement With Puget Sound Energy For The South Prairie Road Improvements Project From SR410 To 202nd Ave. E. [04.8.1]

Deputy Mayor Swatman moved to approve Resolution 1529. Councilmember Hamilton seconded the motion.

Deputy Mayor Swatman observed that usually the cost of relocation of electrical facilities in the right-of-way falls to the utility. Director Grigsby said that City Engineer Woodcock and the County have reviewed the agreement and determined that the electrical utilities were in place before the City's improvements in the right-of-way and therefore took precedence in location over the City's improvements. He said in this instance the City must bear the cost of moving the electrical utilities. He said the City's Franchise with Puget Sound Energy does not apply in this case. Councilmember Hamilton suggested that the Council approve the agreement, but challenge the determination. Director Grigsby said that City Engineer Woodcock and the County are confident that the cost is to the City. Councilmember King suggested that the Mayor be authorized to move ahead. Mayor Johnson said the Staff will make it a priority to review the situation and verify whose burden it is to relocate the utilities.

Motion approved 6 – 0.

At 8:54 p.m., Councilmember Noble moved that the Council take a ten minute break. Councilmember Hamilton seconded the motion.

Motion approved 6 – 0.

Mayor Johnson called the meeting back to order at 9:10 p.m.

VII. PUBLIC SAFETY COMMITTEE ISSUES: None.

9:11:19

VIII. FULL COUNCIL ISSUES:

A. Quasi-judicial Action

AB06-27 – A Motion of the City Council Of the City of Bonney Lake, Pierce County, Washington, Approving And Adopting The Hearing Examiner's Findings, Conclusions And Conditions Of Approval For The Orchard Grove Preliminary Plat. [A3.6.10] [O3.6.3]

Deputy Mayor Swatman moved to approve and adopt the Hearing Examiner's findings, conclusions and conditions for the Orchard Grove Preliminary Plat. Councilmember Hamilton seconded the motion.

City Attorney Dionne explained that this is a quasi-judicial matter, and discussed with Council the implications of their actions. He said this is the first one the Council has dealt with since changing its code to make the Hearing Examiner's findings on preliminary plats a recommendation to the Council. He advised the Council that he would prepare new findings and conclusions for the Council for their further action if they wished to reject or amend the Hearing Examiner's recommendations.

Deputy Mayor Swatman asked if the Council could take comment from the parties involved. City Attorney Dionne responded that they could hear arguments from both sides of the issue, but would have to judge whether new information was being introduced. He said the Council must determine the issue based on the record provided.

Councilmember DeLeo asked if the project would include the completion of 183rd. Planner Elizabeth Chamberlain said that the avenue would be completed to 84th.

Deputy Mayor Swatman said the main issue appears to be the interpretation of the new ordinance dealing with the definition of "net acreage." City Attorney Dionne said that Findings 15-17 directly address this issue. He said the Hearing Examiner's finding and interpretation of the municipal code is consistent with the staff recommendation on the issue. Councilmember King said that the staff interpretation is the same as his own interpretation of the Council's intent upon adoption of the underlying ordinance. Councilmember DeLeo asked if the Council's decision on this issue will be precedent setting. City Attorney Dionne affirmed that it will be until/and if the Council changes the code.

Motion approved 6 – 0.

- B. AB06-33 – Resolution 1535** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington Stating The Council's Intent With Respect To The Interpretation Of Ordinance No. 1137 Relating To The Placement Of Manufactured Homes Within The City Of Bonney Lake.

Deputy Mayor Swatman moved to approve Resolution 1535. Councilmember Hamilton seconded the motion.

Deputy Mayor Swatman explained that the resolution directs the Mayor regarding older manufactured homes in mobile home parks, particularly with respect to the issue of allowing only new manufactured homes in the parks. Councilmember King said that an adjustment to Ordinance No. 1137 is needed and spoke in support of the resolution.

Motion approved 6 – 0.

IX. EXECUTIVE SESSION: None.

X. ADJOURNMENT

At 9:31 p.m., Councilmember Hamilton moved to adjourn the meeting. Deputy Mayor Swatman seconded the motion.

Motion approved 6 – 0.

Harwood T. Edvalson, CMC
City Clerk

Mayor Neil Johnson, Jr.

Documents submitted for or at the Council Meeting of February 14th, 2006:

- Master Builders Association of Pierce County – *Letter Dated 02-14-06 to Mayor Johnson and Councilmembers* – Tiffany Speir, Government Affairs Director.
- City of Bonney Lake – *AB06-33 – Resolution 1535* – Deputy Mayor Swatman.