

CITY COUNCIL MEETING

City of

**February 28, 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 – Deputy Mayor Dan Swatman called the meeting to order at 7:03 p.m.

A. Flag Salute - Deputy Mayor Swatman led the audience in the Pledge of Allegiance.

B. Roll Call [A1.3]

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

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.

C. Announcements, Appointments and Presentations [A3.6.9]

1. Announcements: None.
2. Appointments: None.
3. Presentations: None.

7:04:34

D. Agenda Modifications:

Councilmember DeLeo moved to move Resolution No. 1526 from the Consent Agenda to item VIII. F under Full Council Issues. He also moved to substitute Ordinance No. 1121 on the agenda in place of Ordinance 1181. Councilmember Rackley seconded the motion.

Motion approved 7 – 0.

II. PUBLIC HEARINGS, CITIZEN COMMENTS & CORRESPONDENCE

A. Public Hearings: [A3.6.12] None.

7:05:22

B. Citizen Comments:

Keith Stanley, 10900 193rd Ave. E., said that based on the Council comments at the last Council workshop and on the article in the March 1st edition of the Bonney Lake – Lake Tapps Courier Herald, he believes that most Councilmembers favor studying the 192nd Corridor, but not going forward with construction .

Deputy Mayor Swatman responded that news headlines can be inaccurate. He added he believes a majority of the Council wants to plan for the 192nd Corridor, but the issue is when monies will be available for construction. Mr. Stanley said the Council seems to want to hold up construction to put pressure on the County to build the Rhodes Lake Corridor. He said the issue is the immediate need for additional North/South connections. He said that if the 192nd connection is not built within the next two years, most residents in his area will not be able to get out of their neighborhood.

Mr. Stanley asked about the South Prairie improvements. Director Grigsby said the project will be bid in the spring and will take from 6 months to a year to complete. Mr. Stanley asked the Council not to put the 192nd Corridor construction on hold just to try and force the County's hand on improving the Rhodes Lake Road Corridor. He said it may take ten years to build that improvement.

Councilmember Hamilton said the Council is not opposed to the eventual construction of the 192nd Ave. Corridor. He said that the City needs a commitment from the County on the Rhodes Lake Road Corridor to handle the additional traffic from development in the south end of the plateau. Director Grigsby said he believes the County will conclude its EIS on the Rhodes Lake Road Corridor Study this coming summer. Councilmember King urged the Council to move along and allow others to comment on this or other issues under Citizen Comments.

Don Sangesand, 5616 195th Pl. E., asked the Council when the minutes from the Council retreat will be available. He urged the Council to implement the recommendations of the FCS study on the Finance Department. He also said that all levels of government should work together to solve the City's transportation problems. He noted the proposed development of 53 condominiums next to Allan Yorke Park and expressed concern for the traffic issues already on those roads. He also commented on developers trying to build on steep slopes and urged a moratorium on such development.

Mr. Sangesand asked the Council for assistance to address the continued notices to his residence for a backflow prevention device test. He said he has tried numerous times to get the City to stop sending the forms and asked for the Council's help. He offered copies of his last remarks to those interested.

Deputy Mayor Swatman said the backflow prevention device testing notices should be easy to resolve. Responding to Councilmember Rackley's question about when

the retreat minutes would be available, Administrative Services Coordinator Morrison said the final draft had been received today. He expected they will be part of the Council's workshop packet for review and comment.

Michael Owen, 10709 189th Ave. E., distributed copies of his remarks. He spoke in opposition to the connection of the 192nd Avenue Corridor to 189th Ave. E. He addressed such issues as safety, property value, neighborhood impact, use of public funds and environmental impact. He urged that the funds earmarked for the connection be used for sidewalks the length of 192nd, a center turn lane for residences along 192nd, sidewalks and lighting in Bonney Lake Manor, marked pedestrian and school crosswalks with flashing signage and a traffic signal at 200th/104th. He urged an additional north/south street extension be cut at 200th Ct. E. He also proposed that the City's property held for the connection of 189th Ave. E. be sold to adjacent property owners providing for a pedestrian path for those wanting access to Bonney Lake High School. He said there is a 20 ft. change in elevation between the 189th and 192nd. He also asked that the Council remove the 189th Ave. E. connection from consideration in the proposed 192nd Corridor Study.

Councilmember DeLeo asked about the elevation difference between 189th and 192nd. Mr. Owen said the 20 ft. differential is his approximation, and that a survey would have to be done to establish the true height.

Michelle Gunn, 8708 188th Ave. E., distributed copies of photos. She pointed out where trees had been removed from her property, and where other trees left standing in the neighborhood had been toppled by the recent storm. She said that property owners should have the right to protect their homes by removing trees which they feel endanger them. She described a current storm water runoff issue created by the City's past road work in the area. She said her property was developed to the old street levels and the new levels have resulted in excessive street runoff onto her property. She described her unsuccessful attempts to have the issue addressed by staff. She asked if she could play a voicemail that she had received into the meeting record. Although Councilmember DeLeo expressed interest in hearing the recording, there was a majority consensus to refer the issue to the Mayor for resolution. Councilmember Rackley said the issue will be discussed at the Council Community Development Committee meeting.

Terry Linville, 19209 112th St. E., said the connection of 189th Ave. E. was a condition of the final approval for the Fennel Ridge Development. He said it is supported by representatives of Public Safety, City staff and the Bonney Lake Manor Home Owners Association. He summarized his observations of Deputy Mayor Swatman's involvement with the issue and characterized it as being biased in favor of the Fennel Ridge neighborhood. He said the connection made sense nine years ago to the Hearing Examiner and urged the Council not to amend the study and take away the connection.

Deputy Mayor Swatman said that Mr. Linville's comments were inaccurate. He said the Council has determined to make the hard decisions and move forward to the next pressing issues. He said whatever action is taken by the Council will be with consideration for the benefit of all.

Tom Kennedy, 10206 201st Ave. Ct. E., said that many residents in the neighborhoods south of SR410 will benefit from the traffic relief generated from the construction of the 192nd Ave. Corridor. He agreed that the County should help with the traffic situation in the area, but urged the Council not to delay construction of this corridor.

Councilmember Hamilton said the 192nd Corridor is important, but again emphasized the need for Rhodes Lake Road Corridor off the plateau. He said the County has promised the Rhodes Lake Road improvements for a number of years, but have still made no final commitment. He said the City Council is trying to put pressure on the County to step up and support the East/West corridor along Rhodes Lake Road. Deputy Mayor Swatman spoke in agreement. He said the planning for the 192nd Corridor will go forward, but will take time. He said it will take additional time for the City to identify funding sources for final design and construction. Both Councilmembers King and Rackley emphasized the need for an additional East/West transportation corridor. Councilmember Rackley reminded the Council that there will be an additional 9,000 to 10,000 homes built to the South of Bonney Lake.

Dan Decker, 20401 70th St. E., asked for additional information regarding the membrane filter sewage treatment system mentioned in a previous meeting by Director Grigsby. He suggested it may save the City from additional costs for future expansion of the Sumner treatment plant. He said the cost savings might be used for a new park. Mr. Decker noted he was looking forward to a progress report from the new mayor at the conclusion of his first 90-days in office. He added that he is thinking about promoting a change in January 2007 for the City to become a charter-city. He said the Mayor-Council form of government is failing, although he is pleased with the current administration so far. He urged the Council and Mayor to continue to work together.

Councilmember Hamilton asked Director Grigsby if a presentation could be made on the membrane filtering process for sewage treatment at a future workshop. Director Grigsby said that a presentation can be made.

Councilmember Rackley moved that the Council take a ten minute break in the meeting. Councilmember Noble seconded the motion.

Motion approved 7 – 0.

At 7:56 p.m., Deputy Mayor Swatman declared a ten minute break in the meeting. The meeting was reconvened at 8:07 p.m.

C. Correspondence: None.

8:07:27

III. COUNCIL COMMITTEE REPORTS:

[A3.6.4]

- A. Finance Committee
Deputy Mayor Swatman said the Finance Committee met earlier in the evening and discussed Substitute Ordinance 1121 related to Civil Service. He added the Committee discussed an email received by most of the Council from MapInfo-Thompson that conducts economic studies. He said there would be further discussion about this under the Buxton item under Full Council Issues.
- B. Community Development Committee
Councilmember Rackley said the Committee has not met since the last Council meeting.
- C. Public Safety Committee
Councilmember DeLeo said the Public Safety Committee met last night with six of the seven Councilmembers in attendance. He said they heard a presentation on the East Pierce Fire and Rescue Emergency Management Plan, which included some recommendations for the City to pursue in its Emergency Management planning.
- D. Other Reports: None.

8:08:47

IV. CONSENT AGENDA: [A3.6]

Councilmember Rackley moved to approve Consent Agenda Items A, B and D. Councilmember Noble seconded the motion.

- A. **Checks/Vouchers:** Accounts payable checks/voucher #43094 thru 43199 and wire transfer #1777628 in the amount of \$458,763.64. Accounts payable checks/voucher #43200 for utility refunds in the amount of \$280.47. [F4.9]
- B. **Payroll:** February 1-15, 2006 for checks 24619-24661, including Deposits and Electronic Transfers in the amount of \$259,555.42. [F4.9]
- C. ~~**AB06-20 – Resolution 1526 – Authorizing An Agreement With The Buxton Company For A Community Identification And Retail Attraction Study.**~~ [A1.25]
- D. **AB06-31 – A Motion of the City Council Of the City of Bonney Lake, Pierce County, Washington Approving Out-of-state Travel and Training in Portland, OR for the Building Official.** [A3.6.10] [A4.7]

Motion approved 7 – 0.

V. FINANCE COMMITTEE ISSUES: None.

VI. COMMUNITY DEVELOPMENT COMMITTEE ISSUES: None.

VII. PUBLIC SAFETY COMMITTEE ISSUES: None.

8:09:31

VIII. FULL COUNCIL ISSUES:

- A. **AB06-15 – Ordinance 1179** – An Ordinance Of The City Of Bonney Lake, Pierce County, Washington, Amending Chapter 19.06 Of The Bonney Lake Municipal Code And Ordinance Nos. 1018 And 1157, Relating To Parks Impact Fees. [A3.5.5] [F4.3]

Councilmember Hamilton moved to adopt Ordinance 1179. Councilmember Noble seconded the motion.

Councilmember Bowen said he would not support the ordinance. He said it would be unfair to make the new people in the City pay for the trail system.

Motion approved 6 – 1. Councilmember Bowen voted no.

- ~~B. **AB06-39 – Ordinance 1181** – An Ordinance Of The City Of Bonney Lake, Pierce County, Washington, Creating A New Chapter 2.08 Of The Bonney Lake Municipal Code, Reorganizing The Internal Affairs Of The City, Establishing Departments And Offices Of The City, Defining The Functions, Powers, And Duties Of City Officers And Employees, And Repealing Ordinance Numbers 205, 506, 506A, 543, 543A, 690, 770, 774, 868, 782, 811, 813, 849, 851, 862, 883, 977 and 983. [A3.5.5] [A4.3.3]~~
- B. **(Substitute) AB06-38 – Ordinance 1121** - An Ordinance Of The City Of Bonney Lake, Pierce County, Washington, Amending Chapter 2.08.045 Of The Bonney Lake Municipal Code And Repealing Ordinance No. 883 Relating To The Exclusion Of The Position Of Chief Of Police From The Civil Service System.

Councilmember DeLeo moved to adopt Ordinance 1121. Councilmember Noble seconded the motion.

Deputy Mayor Swatman explained that the City administration wanted to pull proposed Ordinance 1181 from the agenda for more work. He said that at the recent retreat, a majority of the Council had indicated a willingness to move forward with removing the Police Chief's position from the Civil Service. He said this ordinance accomplishes that action.

Councilmember Hamilton said he would oppose adoption of the ordinance. He said he feels the Chief's position should be somewhat autonomous from the Mayor's pressure. He said any discipline of the Chief should be a public process. He added that the Civil Service status of the Police Chief should not swing back and forth with every new mayor. Councilmember Rackley said that leaving the Chief's position in the Civil Service would limit the Mayor and Council's ability to appoint this department head. He added that the position could be reinstated to the Civil Service at any time.

Motion approved 5 – 2. Councilmembers Hamilton and King voted no.

- C. **AB06-41 – Resolution 1538** - A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Declaring An Emergency And Waiving Competitive Bidding Requirements For Replacement Of A Sewer Trunk Line. [O4.5.1]

Councilmember King moved to approve Resolution 1538. Councilmember Rackley seconded the motion.

Director Grigsby explained that this resolution will expedite the procurement of services to make an emergency repair of the sewer steel sewer line that recently failed. Responding to Councilmember Rackley's question about how much time is saved by approving this resolution, City Engineer Woodcock said the formal bidding process would have taken about sixty days. He said another break in the line was identified over the weekend and advised the Council that the City should move forward with all possible speed. Councilmember Rackley observed that the City may pay a premium for not going out to bid. City Engineer Woodcock responded that the City will work closely with the proposed contractors. He said if good cost figures are not negotiable with Parametrix and DDJ, Inc., then they will move on to negotiate with other contractors. Addressing Councilmember King's concerns about provisions for an emergency by-pass, Director Grigsby responded that the City has already procured the equipment necessary to handle that situation.

Motion approved 7 – 0.

- D. **AB06-42 – Resolution 1539** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Approving The 192nd Corridor Study And Directing The Mayor To Proceed With Partial Design And Right-Of-Way Acquisition. [O4.8.2]

**Councilmember Rackley moved to approve Resolution 1539.
Councilmember King seconded the motion.**

Although signed up to speak, Keith Stanley declined the opportunity to address the Council at this time.

Terry Linville spoke in support of the 192nd Ave. E. Corridor and the connection of 189th to 192nd. He asked the Council to consider where all the vehicles will go if the corridor is not constructed.

Councilmember King said the Council should adopt the resolution as presented. He said the additional design work will help the Council make the decision in the future about the connection of 189th to 192nd. Councilmembers Hamilton and Rackley also spoke in favor of the resolution as presented.

Deputy Mayor Swatman moved to amend Resolution 1539 by adding the following:

(4) the future design of 192nd St. E. Corridor shall not include the design of or right of way acquisition for a connection to 189th.

Councilmember Noble seconded the motion.

Deputy Mayor Swatman explained that he is proposing the amendment to bring conclusion to the discussion about the connection of the 189th Ave. E. cul-de-sac to the 192nd Ave. E. Corridor. He said whatever the outcome on the vote for this amendment is, it should be the official position of the Council. Councilmember Rackley observed that the deletion of the connection from the plan might save the City some money. But, he added, the connection has been anticipated for a number of years. He said the connection is supported by the consultants and staff.

Councilmember King commented that no homeowners association opposes the corridor, although some have expressed concern for the connection of the cul-de-sac and the traffic impacts. He said the arguments about the impacts of Cascadia are immaterial at this time. He suggested that the information obtained by the early design may help the Council with the decision on the connection of the cul-de-sac. He urged the Council to vote against the amendment and pass the resolution as originally proposed.

Councilmember DeLeo said the Council may not have had the full information ten years ago when a decision on the cul-de-sac was originally made. He said he was unaware of the grade separation issue between 189th and 192nd. He expressed concern for sight-distance safety and said he would support the amendment. Councilmember King reminded the Council that the engineers would use best practices in design of the intersection and that it would not be designed in an unsafe manner.

**Motion to amend approved 4 – 3.
Councilmembers Hamilton, King
and Rackley voted no.**

Amended motion approved 7 – 0.

- E. **AB06-40** – A Motion Of The City Council Of The City Of Bonney Lake, Pierce County, Accepting the Final Plat for the Brookside III Development. [A3.6.10] [O3.7.2]

**Councilmember Rackley moved to approve the Brookside III Final Plat.
Councilmember Hamilton seconded the motion.**

Angela Wingate, representing Investco, offered to respond to Council's questions. Deputy Mayor Swatman said this is a somewhat perfunctory action by the Council. He said he hopes the developer is not telling people that 103rd will not go through. He said it is definitely planned to be a connecting road.

Motion approved 7 – 0.

- F. **AB06-20 – Resolution 1526** – Authorizing An Agreement With The Buxton Company For A Community Identification And Retail Attraction Study. [A1.25]

Councilmember DeLeo moved to table Resolution 1526 to the next workshop. Councilmember Rackley seconded the motion.

Deputy Mayor Swatman noted that the other vendor will be making a presentation at the workshop.

Motion approved 7 – 0.

IX. EXECUTIVE SESSION: None.

X. ADJOURNMENT

At 8:44 p.m., Councilmember King moved to adjourn the meeting. Councilmember Noble seconded the motion.

Motion approved 7 – 0.

Harwood T. Edvalson, CMC
City Clerk

Mayor Neil Johnson, Jr.

Documents submitted for or at the Council Meeting of February 28, 2006:

- Bonney Lake Resident – *Bonney Lake Backflow Prevention Test 2-28-06* – Don Sangesand.
- Bonney Lake Resident – *Memorandum to Mayor, Council and Dan Grigsby from Michael and Carla Owen* – Michael Owen
- Bonney Lake Resident – *Pictures of Wind-felled Trees* – Michelle Gunn.
- City of Bonney Lake – *Staff Report – City Engineer – PSE and Qwest Easements on South Prairie Project 2/28/06* – John Woodcock, City Engineer.
- City of Bonney Lake – *Police Department Press Release February 28, 2006* – Arthur W. McGehee, Interim Police Chief