CALL TO ORDER – Mayor Neil Johnson called the meeting to order at 7:03 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 Deputy Mayor Dan Swatman, Councilmember David Bowen, Councilmember Phil DeLeo, Councilmember Mark Hamilton, Councilmember Dave King, Councilmember Cheryle Noble and Councilmember Jim Rackley.

Staff members present were City Administrator Don Morrison, Community Services Director Gary Leaf, Interim Police Chief ‘Buster’ McGehee, Judge James Helbling, City Attorney Jim Dionne, Administrative Services Director / City Clerk Harwood Edvalson, Court Administrator Kathy Seymour and Planning Manager Steve Ladd.

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

1. Announcements: None.

2. Appointments: None.

3. Presentations:

a. Susan Adams, Director of the Crystal Judson Family Justice Center described the programs available to the public for domestic violence intervention and education. She provided brochures to the Council. She noted Councilmember Noble also toured the Center.

Councilmember Noble thanked Ms. Adams for her presentation to draw more attention to the issue of domestic violence. She noted the City is working in cooperation with the Center to provide a DV Kiosk to allow for electronic filing of protection orders. Councilmember King asked about the sources of funding for the Family Justice Center. Ms. Adams noted Pierce County, the Cities of Tacoma, Lakewood and University Place; and the Puyallup Tribe of Indians have all provided funding. She added that federal grants and appropriations, as well as private donations have also been obtained for the Center.
Deputy Mayor Swatman moved to add Resolution 1590 to the agenda for Council consideration as Item VIII. C. Councilmember Rackley seconded the motion.

Motion approved 6 – 1. Councilmember Bowen voted no.

II. PUBLIC HEARINGS, CITIZEN COMMENTS & CORRESPONDENCE


B. Citizen Comments:

Don Sangesand, 5616 195th Pl. E., addressed the Council regarding water quality issues at his home and his observation that it is linked with the use of Ball Park Well #2. He expressed his dismay that this situation has been ongoing for so long. He asked when conditions will be improved, and surmised that the lack of improvement is the result of indifference on the part of the Mayor, Council and senior staff at Bonney Lake. He submitted his written comments to the City Clerk along with his table of water quality observations.

Councilmember Rackley noted that the issue has been the topic of discussion by the Community Development Committee. He said the City is trying to upgrade its water supply and the Water Department continues to work on the problem. He said no one takes the issue lightly. Mayor Johnson asked Director Grigsby at what point the City decides this is not working and seeks an alternative. Director Grigsby said one of the problems is nitrogen in the water which causes a milky appearance. He said this soon clears after the water leaves the tap. He said the chlorine level in the water depends on the water being drawn from the ground. He added that at no time has the level of chlorine exceeded safe drinking water standards. Director Grigsby said the #2 Ball Park Well is run only as needed, and the mineral content of the water varies.

Councilmember King asked if the 15 MG Peaking Storage Tank will have an impact on the water quality for Mr. Sangesand. Director Grigsby said he will report back with an answer. Councilmember Noble said this situation is unacceptable. Councilmember DeLeo asked if the $3 million filtering plant is operating as it was designed. Director Grigsby said he is confident it is. Councilmember Rackley said the Community Development Committee will investigate and discuss the issue some more and return with recommendations to the Council.

Pat Miller, 19205 79th St. Pl. E., asked if his recommendations for a fifth signal at the SR410/Old Sumner Buckley Highway Intersection Improvement Project have been seriously considered.

Director Grigsby said the suggestions were provided to the consulting engineers and will be reported on when they return with the 30% design report. He said he did not
know at this point whether the fifth signal light will be a part of the consultant’s recommendations.

Mr. Miller identified an employee with the City of Renton who has successfully resolved similar well problems as those reported by Mr. Sangesand. He suggested someone from Bonney Lake contact the City of Renton.

Planning Manager Ladd asked the Mayor if this would be an appropriate time to introduce two new employees. He introduced Heather Stinson, Associate Planner, and Ellen Talbo, Assistant Planner. He noted that both have a master’s degree. He said Ms. Stinson will deal with long plats and commercial developments, and Ms. Talbo with short plats and miscellaneous applications.

C. Correspondence: None.

III. COUNCIL COMMITTEE REPORTS:

[A3.6.4]

A. Finance Committee
Deputy Mayor Swatman said the Finance Committee met this evening and discussed the following:
1. Resolution 1586 – the 2006 Bonney Lake Days purchasing policy;
2. Resolution 1587 – on tonight’s agenda for an agreement to reassess the economic feasibility of the Downtown Plan; and

B. Community Development Committee
Councilmember Rackley said the Community Development Committee met on June 5th. He said the following items were discussed:
1. Water quality at Ball Park Well #2;
2. Annexation Area #1;
3. Eastown ULID;
4. Resolution 1582 – authorizing annexation and utility agreements;
5. Resolution 1579 – for the installation of a grease interceptor at the Senior Center
6. Resolution 1584 – for a personal services agreement for inspection services with Gould construction;
7. Resolution 1585 – an agreement for construction of the 15 MG Peaking Storage Reservoir;
8. AB06-121 – a motion accepting the work on the pumps for Lift Station 17; and
9. AB06-133 – a motion accepting the emergency sewer repair project performed by DDJ.

Councilmember Rackley noted that the Committee also discussed Draft Ordinance DO06-135 related to amending the water connection charges. He noted the Committee had asked that the Council be provided information on the fiscal impact
of the anticipated refunds. Director Grigsby said the information will be provided to the Council.

C. Public Safety Committee
Councilmember DeLeo said the Public Safety Committee met June 5th. He said the Committee discussed Resolution 1589 dealing with a Neighborhood Crime Mapping Service. Councilmember King added the Committee also discussed AB06-130 to allow Court Administrator Seymour to attend the National Court Administrator’s Association meeting in Florida.

D. Other Reports:
Councilmember King notified the Council that Councilmember Hamilton will be representing the City at the upcoming Pierce County Regional Council meeting. Councilmember DeLeo observed the County’s planning meetings for a regional park on the plateau are scheduled for Tuesday evenings. He asked the Mayor to have someone contact the County and suggest that some or all of the planning meetings be changed to a different time, particularly since the park is so close to Bonney Lake.

IV. CONSENT AGENDA: [A3.6]

Councilmember Rackley moved to approve the Consent Agenda as printed. Deputy Mayor Swatman seconded the motion.

A. Approval of Meeting Minutes: May 16th Council Workshop, May 17th Special Council Meeting, May 18th Special Council Meeting, May 23rd Council Meeting, June 1st Special Council Meeting.

B. Checks/Vouchers: Accounts payable checks/voucher #44001 thru #44141 and wire transfer #6012006 in the amount of $511,745.18. [F4.9]

C. Payroll: May 16-31, 2006 for checks 24939-24993, including Deposits and Electronic Transfers in the amount of $393,386.73. [F4.9]

D. AB06-122 – Resolution 1579 – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing An Agreement With Richard’s Plumbing & Drain Services For The Installation Of A Grease Interceptor System At The Senior Center. [O4.4.2]


G. **AB06-137 – Resolution 1585** – A Resolution Of The City Of Bonney Lake, Pierce County, Washington, Authorizing An Agreement For The 15 MG Peaking Storage Reservoir To Skaar Construction, Inc. [O4.10.2]

H. **AB06-143 – Resolution 1589** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing A Memorandum Of Understanding With The Pierce County Information Technology, Geographic Information Systems Division For The Use Of The Sheriff's Neighborhood Crime Mapping Web Service. [O1.9]

I. **AB06-121** – A Motion Of The City Council Of The City Of Bonney Lake, Accepting The Completion Of Lift Station 17 Pump Manufacturing Project Performed By Whitney Equipment Co. [A3.6.10][O4.10.2]

J. **AB06-130** – A Motion of the City Council of the City of Bonney Lake, Authorizing Out of State Travel for Kathy Seymour to attend the National Association of Court Management Conference in Ft. Lauderdale, FL. [A3.6.10] [A4.7]

K. **AB06-133** – A Motion Of The City Council Of The City Of Bonney Lake, Accepting The Completion Of The Emergency Sewer Repair Project Performed By DDJ Construction Co., Inc. [A3.6.10][O4.5.2]

Motion approved 6 – 1. Deputy Mayor Swatman voted no.

V. **FINANCE COMMITTEE ISSUES:**


   **Councilmember Noble moved to approve Resolution 1588.**

   **Councilmember DeLeo seconded the motion.**

   Mayor Johnson explained the purpose of the Advisory Committee is to allow greater public involvement and input in the Council’s decision process. Councilmember King said he understands the Mayor’s purpose, but feels the Council is elected to represent the citizens, to discuss the issues and take action for the good of the community. He noted the City has appointed boards and commissions, and asked what areas are missing which are not covered by these advisory bodies. Mayor Johnson responded there are some topics that seem to fall in between the respective scopes of the appointed boards and commissions. He added he would be willing to have the Committee just be advisory to him so he could in turn provide more considered advice to the Council. Councilmember Rackley suggested the community forums held earlier in the year seemed to be effective and might be a better format for input to the City Council. In a side note, he informed the Council he had been elected the Vice-President of the Puyallup River Watershed Council.

   Deputy Mayor Swatman said he can see the Advisory Council as a sounding board
and added that with the Council’s approval to establish the Council it can also be disbanded by the Council. Councilmember Hamilton expressed concern the Advisory Council might conflict with the private groups that have recently formed. Mayor Johnson said he has been in contact with those groups offering to work with them. He added that those who have contacted him so far about participating on the Advisory Council are not currently active with any of the private groups. Councilmember Noble encouraged representation from such groups as the Community Livable and Fennel Creek groups. Councilmember King cautioned the Mayor and Council that a sincere advisory body appointed in good times can become a band of cronies in bad times.

Mayor Johnson offered to pull the item and report back to the Council after the Advisory Council’s first meeting under his direction. Mayor Johnson was reminded that a motion and second to approve the resolution was on the floor.

**Motion approved 6 – 1. Councilmember King voted no.**


Councilmember Rackley moved to approve Resolution 1587. Councilmember Noble seconded the motion.

Councilmember Rackley said he will support the resolution because he was assured in the Finance Committee meeting this study will not be a re-purchase of previous studies. Responding to Councilmember Hamilton’s question about the status of the Buxton Study, Deputy Mayor Swatman said this proposed study will focus on the Downtown area and includes an urban design component that the Buxton-type study will not have. Planning Manager Ladd added that the purpose of the current study will be to reassess the economic viability of the Downtown Plan and determine appropriate land uses. He said a Buxton-type study could still be done in the future. Mayor Johnson said he has discovered the source of the primary data used in Buxton-type studies and suggested the City may be able to obtain the psycho- graphic data to do its own work.

**Motion approved 5 – 2. Deputy Mayor Swatman and Councilmember King voted no.**

VI. **COMMUNITY DEVELOPMENT COMMITTEE ISSUES:** None.

City Clerk Edvalson noted that an amended copy of the ordinance was distributed earlier in the evening to the City Council and staff.

**Councilmember Hamilton moved to adopt [DO06-135] Ordinance 1192.** Deputy Mayor Swatman seconded the motion.

Director Grigsby noted the proposed ordinance corrects an error in the table adopted by ordinance in 2004. He said that while the previous ordinance added a per unit charge, the table failed to make a change in the charges for meter size. Councilmember Rackley asked if the Council could be provided with a list of the refunds anticipated. He noted the amount of refunds will be about $990,000. He added the refunds will be made from the SDC Fund. Councilmember Hamilton asked if interest will be included on the refunds. Director Grigsby said he will check and report back. Councilmember Rackley noted the refund is not projected to slow down future projects to be constructed out of the fund.

Motion approved 7 – 0.

VII. **PUBLIC SAFETY COMMITTEE ISSUES:** None.

VIII. **FULL COUNCIL ISSUES:**

A. **AB06-115** – **Ordinance 1189** – An Ordinance Of The City Of Bonney Lake, Washington, Amending Chapters 16.13, 16.28 And 17.44 Of The Bonney Lake Municipal Code And Ordinance Nos. 766, 988, 1070 And 1171, Pertaining To Development And Tree Removal On Steep Slopes. [A3.5.5]

Councilmember Hamilton moved to adopt Ordinance 1189. Deputy Mayor Swatman seconded the motion.

Planning Manager Ladd noted ordinance makes a variety of house-keeping and fairly minor changes following best available science on a site-by-site basis. He said most recently some changes were made on page 4 of the ordinance to how the geotechnical reports are utilized. He said monitoring reports will be required and a final report filed with the City before occupancy permits are issued on the development site.

Motion approved 7 – 0.

Code To Add A New Section 16.16.040 Relating To The Prohibition Of Internal Combustion Engines On Lake Bonney. [A3.5.5]

Councilmember Rackley moved to adopt Ordinance 1191 [DO06-129]. Councilmember Noble seconded the motion.

Councilmember Rackley said the area residents thought the provision was in the municipal code all along. Councilmember Noble noted the Lake Bonney residents appreciate the restoration of this prohibition on the lake. She noted the provision is enforced by the Police Department.

Motion approved 7 – 0.

C. Resolution 1590 - A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing The Mayor To Enter Into An Agreement With Nestor Traffic Systems, Inc. For A Traffic Signal Violation Video-Enforcement System And Mobile Speed Enforcement System. [This item was added to the agenda under Agenda Modifications – ID.]

Deputy Mayor Swatman moved to approve Resolution 1590. Councilmember Rackley seconded the motion.

Deputy Mayor Swatman said the proposed agreement was discussed in the Finance Committee meeting earlier this evening. He said there are still many pieces that have to fall into place before the agreement can be functional. But, he added, this is a good time to move it forward. Councilmember Rackley reminded the Council that the agreement is not intended to be a net revenue generator, but to be revenue neutral. Councilmember King asked if the state has given permission for use on state highways. Mayor Johnson responded the issue has not yet been resolved.

Todd Aikens, Chief Operating Officer for Nestor Traffic Systems, said the agreement only requires a reasonable effort on the part of the City to assist in the implementation of the system. If no permit is issued by the state, then there is no obligation on the part of the City. He added the state wants to see an agreement before they will seriously negotiate a permit.

Councilmember Noble suggested adding a time limit for Nestor to negotiate a permit with the state. Councilmember Bowen said he cannot support the agreement at this time. He said there are too many issues left unresolved. He added the state should be able to see the City’s interest without having a signed agreement. Councilmember DeLeo asked about the level of service for the school zone speed enforcement. Mr. Aikens said the agreement calls for a minimum of 20 hours per week of enforcement. He said there would be no problem with doing more if the City wishes. Mayor Johnson noted that Mr. Aikens had previously offered 10 hours of technician time free of charge on the speed zone monitoring. Councilmember Hamilton asked if there are termination provisions in the agreement. City Attorney Dionne said there are none. Mr. Aikens said there is an evaluation made at the end of six months. He described a process whereby if the City is not at least breaking even on its revenue, then the agreement is terminated without additional cost to the City.
Councilmember Rackley moved to amend the agreement with the following items subject to the City Attorney’s review and approval of the language:

1. Six months after the systems are operational issuing citations, Nestor and the City shall perform an evaluation of the program. If in the event revenues generated by the program are less than the fees paid to Nestor, Nestor and the City shall in good faith attempt to agree on new locations for the Red Light Systems pursuant to Section 1.2 Exhibit A. If the City and Nestor are unable to agree upon locations, the City in good faith shall renegotiate the cap fees. If Nestor and the City are unable to agree on a new location for the cap fees, the City may terminate with no termination fees.

2. Ten hours per month of free technician work in school zones.

3. The Agreement is void after 90 days if the State fails to give its approval for use of the State-controlled right-of-way and facilities.

Deputy Mayor Swatman seconded the motion.

Councilmember King questioned the need to approve the agreement this evening. He noted the agreement was not on the original agenda, and there have been several changes proposed. Councilmember Rackley said there is no reason to delay. Deputy Mayor Swatman said there appears to be a Council majority that wants the process to get underway. Councilmember King responded he only wants everyone to completely understand what is being proposed. He added there appears to be a compelling safety need.

Vote on amendment: 6 – 1.
Councilmember Hamilton voted no.

Vote on amended motion: 5 – 2.
Councilmembers Bowen and Hamilton voted no.

IX. EXECUTIVE SESSION:

Pursuant to authority of RCW 42.30.110(1)(b), Mayor Johnson announced an executive session for 10 minutes to discuss potential property acquisition. He said there will be no action this evening as a result of the executive session. The session started at 8:25 p.m. and was extended for five minutes at 8:35 p.m. The regular meeting was reconvened at 8:40 p.m.

X. ADJOURNMENT

At 8:40 p.m., Councilmember Rackley moved to adjourn the meeting. Councilmember King 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 June 13, 2006:

- Bonney Lake Resident – Letter to the Council – Ball Park Well Water – Dated June 14, 2006 – Don Sangesand
- City of Bonney Lake – Revised Ordinance No. D06-135 – Harwood T. Edvalson, City Clerk.
- City of Bonney Lake – Resolution 1590 – Nestor Traffic Systems – Dan Swatman, Deputy Mayor