

**CITY COUNCIL MEETING**

City of

**February 13, 2007  
7:00 P.M.**

**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 ↓

**I. CALL TO ORDER** – Mayor 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 Deputy Mayor 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, Planning & Community Development Director Bob Leedy, Public Works Director Dan Grigsby, Administrative Services Director / City Clerk Harwood Edvalson, Chief Financial Officer Beth Anne Wroe, Police Chief Mike Mitchell, Judge James Helbling, Court Administrator Kathy Seymour, City Attorney Jeff Ganson, City Attorney Kathleen Haggard and Records & Information Specialist Virginia Phelan.

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

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

D. Agenda Modifications: None.

**II. PUBLIC HEARINGS, CITIZEN COMMENTS & CORRESPONDENCE**

A. Public Hearings:

1. **AB07-23 – Resolution 1647** – Latecomers Agreement for High Country Homes.

Mayor Johnson declared the meeting open at 7:01 p.m. There being no speakers, he closed the hearing at 7:01 p.m.

7:01:30

B. Citizen Comments:

Brent Hoff, City Employee, said he has worked for the City full time for 9 years and off and on part time for many years prior. He went on to say it is unusual for him to come to a Council meeting unless there is a very good reason. In this case, he said, he was coming before the Council to express his concern over the new pay schedule the City is about to implement. Mr. Hoff said payroll and human resources had promised help for employees as they dealt with the transition and the initial delay of wages, but now he feels they are retracting this offer. He said this change will cause a financial burden on many families and he wanted to make this problem known, as it appears it is being ignored.

Mayor Johnson inquired about a draw on the delayed check. Chief Financial Officer Beth Anne Wroe explained there would be an available draw on the 15<sup>th</sup> of the month of March for those who could not wait until the 22<sup>nd</sup> for their full paycheck. She said the balance would then be paid on the 22<sup>nd</sup> and the next paycheck would be on the 7<sup>th</sup> of April.

Mr. Hoff said the problem with this arrangement is that the delay between checks is so long, no matter how you divide it, it will not stretch out sufficiently. He said he knows this was negotiated in the new union contract, but realistically only about half of the union members voted on the contract and barely a majority of those voting passed it. He estimated about 75% of the employees were unhappy with this change.

City Administrator Don Morrison explained why the change in pay dates is being implemented. He described some of the problems the current policy creates and said this change will be a big improvement, but the problem is the transition time between the old way and the new. Mr. Morrison said there had been a lot of discussion on this topic during union negotiations and this was the final outcome. Mayor Johnson recommended individuals who foresee an undue burden meet with their supervisor, the CFO, the City Administrator and/ or himself and work out methods for easing this transition. He said he did not realize there were any problems and now that it has come to his attention he will be sure it is addressed for any one with special circumstances. Discussion was had on the possibility of allowing employees to cash out some vacation or their floating holiday.

Gregg Ridge, City Employee, said he has worked for the City for 28 years. He said seven days is excessively long and payroll can be done much more quickly than that. He went on to say in the past there has not been problems doing things the way they are currently done, as long as employees have sick leave and vacation to cover the extra week.

Eric Smith, City Employee, said he has worked for the City's Public Works Department for 9 years. He explained that the first time this plan to change pay

dates was broached with he and his fellow union employees, they were told Payroll would work with them to contact mortgage companies and other creditors. More recently, he went on, they were told they would not be given help and would have to work these things out alone. He said this change in attitude made many employees upset.

Mayor Johnson asked CFO Wroe what assistance the City had offered. She said she was not aware of what was stated initially, but she was under the impression the City would provide a letter for employees to give their creditors regarding new pay dates and they would also make sure employees had access to the Employee Assistance Program.

Shawn Griffin, City Employee, said he has worked for the City for 12 years. He recalled times past when the City had tried to change the pay dates and had to revert back because it was too much of a hardship. He explained his frustration with trying to get honest help and explanations regarding these changes. Mr. Griffin said the letter provided by Human Resources is essentially useless and recommended changing the transition time to minimize time between paychecks by delaying the February 28<sup>th</sup> check until March 7<sup>th</sup>.

CFO Wroe explained, in detail, some of the accounting problems associated with the current pay policy. Mr. Griffin said communication needs to be improved so people are not in the dark as to the reasons for the change and so employees do not feel as if they are being lied to. Mayor Johnson said he needs to know what was originally promised so he can make it happen. He added there will be meetings scheduled with the supervisors so everyone is on the same page. There was general discussion about alternative options for dealing with the pay transition, as well as ideas from other cities.

Jerry Revelee, City Employee, said he has worked for the City for 32 years and wanted to add that he spoke to his loan officer, who told him the only way they would change his due date would be if he refinanced. He said this change is causing an undue burden on City Employees.

Mike Berand, 6711 West Tapps Highway E., said he addressed Council a month ago about the noise on the lake from boats. It is mainly boats launched at Allan Yorke Park after hours, he said. He said he has spoken to Chief Mitchell, who does not believe the current noise ordinance will be enforceable. Mr. Berand asked that this ordinance be reworded to become enforceable and that Council work with the Police Department to ensure there are patrols on the Lake after the launch closes.

Councilmember King inquired about the ordinance, stating it had been revised recently. Chief Mitchell explained the ordinance still does not cover noise from boat exhaust. Council conceded to rework the ordinance and it was suggested they add exhaust noise from cars, as well. Councilmember King added that the

new bollard system planned for the boat launch will prevent after hours launching onto the Lake.

Margaret Duggan, 10105 199<sup>th</sup> Ave E., said she is concerned about the newest version of the Lowe's proposal. She said she suspects the house to the North will not meet setback requirements if a driveway to Lowe's is installed. She also stated she does not understand how a driveway, which will only be used for commercial purposes, can exist in a residentially zoned area. Ms. Duggan said they should have to rezone. Also, she said, their plan to remove a house belonging to the Brookwater Homeowner's Association for the driveway will violate many civil rules and it is not something the City should approve. Planning and Community Development Director Leedy said because it is a Type III permit the City views it administratively and he agreed about the house removal being a civil issue. He also offered to meet with and explain to her the reason for the allowance of a residentially zoned driveway accessing a commercial property.

Don Sangesand, 5616 195<sup>th</sup> Pl. E., said he was criticized at the last council meeting about the Ball Park Well. He said the City keeps saying the filtration cost \$3 million, when in fact it costs \$1.5 million. The remaining \$1.5 million went to water mains. He went on to say \$1.5 million is too much to spend on something which does not even remove the bad taste and smell from the water. Mr. Sangesand felt the new water storage tank in Eastern Bonney Lake was built for the benefit of developers and rich people, while citizens such as himself, have to deal with the bad water from the Ball Park Well. He also noted he recently read that the City had pumped 1.3 billion gallons of water in 2006 and with figures like that he cannot see any reason why the City would have to use the Ball Park Well at all. He concluded by commenting on the irony of the City thinking he is ignorant when he attended the Downtown presentation where the City paid consultants to develop a Downtown Plan, who do not properly spell the word library.

Deputy Mayor Swatman commented he had once calculated the amount of water the City uses in a year and it equates to filling Lake Tapps with two inches of water. Councilmember Hamilton asked Mr. Sangesand how his water has tasted lately. He replied it is adequate, but he anticipates the Ball Park Well will be started again and he does not see why.

C. Correspondence: None.

8:00:00

### III. COUNCIL COMMITTEE REPORTS:

[A3.6.4]

A. Finance Committee

Deputy Mayor Swatman said the Finance Committee met twice since the last Council Meeting. On the evening of January 30<sup>th</sup>, they discussed:

1. Netversant contract for the Boat Launch Bollard;
2. Resolution 1637 – an agreement with Qwest; and
3. Sewer Grinder Pump Charges.

And on the Evening of February 13<sup>th</sup> they discussed:

1. The Boat Launch scenario;
2. Park Debt Restructuring Ordinance;
3. Sewer Grinder Pumps;
4. Utility Rates for Outside Customers;
5. Sub-metering Billing Ordinance for apartments and things; and
6. Photo Enforcement Revenue Discussion .

B. Community Development Committee

Councilmember Rackley said the Community Development Committee met on February 12<sup>th</sup> and discussed the Stream Team contract, which would be forwarded to Council with the CDC's recommendation for passage.

C. Public Safety Committee

Councilmember DeLeo said the Public Safety Committee had not met since the last Council meeting.

D. Other Reports:Rainier Communication Commission.

Councilmember Rackley said he attended the recent RCC meeting on WIFI and Steilacoom's pilot project is moving forward.

Lake Tapps Community Council.

Deputy Mayor Swatman asked if the other Councilmembers had received information from the Lake Tapps Community Council. He explained the document he was given is fairly accurate regarding water rights arbitration, but they tried to tie the Lake to sources from Bonney Lake water. He said there are meetings forthcoming and if anyone would like to participate there is more information available. He added the legislation is severely seeking the water right, but Muckleshoot and Auburn are fighting it.

Pierce County Regional Council.

Councilmember King reminded Council about the annual general membership meeting at 7:00 p.m. February 15<sup>th</sup>. He said there is a door prize for the largest attendance from any municipality.

Robert Ceola.

Mayor Johnson alerted Council that Robert Ceola had been readmitted to St. Joseph's hospital recently, but was released yesterday.

Legislative Day.

Mayor Johnson reminded Council that Thursday is the City's Legislative Day in Olympia. He said they have five or six meetings aligned with legislators and he has copies of the schedule for anyone who wishes to attend.

8:06:10

**IV. CONSENT AGENDA:** [A3.6]

- A. **Approval of Corrected Minutes:** January 16, 2007 Council Workshop and January 23, 2007 Council Meeting. [A3.6.2]
- B. **Checks/Vouchers:** 2006 Expenditures - Accounts Payable checks/vouchers #46286 and #46288 thru #46344 in the amount of \$555,074.49.  
2007 Expenditures - Accounts Payable checks/vouchers #46287 and #46345 thru #46448 in the amount of \$690,307.13. Accounts Payable checks/vouchers #46449 thru #46526 in the amount of \$7,335.93 for utility refunds. Accounts Payable checks/vouchers #46527 thru #46532 in the amount of \$2,322.43 for accounts receivable deposit refunds. [F4.9]
- C. **Payroll:** Payroll for January 16-31, 2007 for checks 25672-25713, including Deposits and Electronic Transfers in the amount of \$433,407.28. [F4.9]
- D. **AB07-12 – D06-340 [Ordinance 1223]** – An Ordinance Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Amending Chapter 1.12 Of The Bonney Lake Municipal Code And Ordinance Nos. 1118, 1030, 923, 816, 648, 556, And 388 Relating To Designation Of City Council Ward 5 Boundaries. [A 3.5.5] [A 1.1.3]
- E. **AB07-15 – Resolution 1637** – A Resolution Of The City Council Of The City Of Bonney Lake, Washington State Department Of Information Services, Authorizing A Service Level Agreement With QWEST For IGN Access Via A QWEST DSL Service For \$142.30 Per Month And One-Time Install & Equipment Fee In The Amount Of \$731.82 For A Minimum Subscriber Service Term Of 12 Months With Term Beginning On Date Of Service Installation March 1st 2007. [A 2.1]
- F. **AB07-37 – Resolution 1655** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing An Interlocal Agreement Between The City Of Sumner Police Department And The City Of Bonney Lake Municipal Court To Allow The Sumner Police Department To Be The Holder Of Bonney Lake Municipal Court Records For The Purposes Of The Washington Crime Information Center. [A 1.4]

**Councilmember Rackley moved to approve the Consent Agenda. Councilmember Bowen seconded the motion.**

**Motion approved 7 – 0.**

**V. FINANCE COMMITTEE ISSUES:** None.

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

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

**VIII. FULL COUNCIL ISSUES:**

8:06:40

- A. **AB07-47 – D07-47 [Ordinance 1224]** - An Ordinance Of The City Of Bonney Lake, Pierce County, Washington, Authorizing The Acquisition Of Property By Purchase Or Condemnation. [A 3.13.3.3]

**Councilmember Rackley moved to approve Ordinance 1224 [D07-47]. Deputy Mayor Swatman seconded the motion**

Deputy Mayor Swatman explained the ordinance was created so the City could continue the 184<sup>th</sup> connection. He said this has been a plan for many years and hopefully this will allow the City to negotiate a settlement with the homeowner so condemnation does not become necessary. He said this is mainly a tool for the resident because it allows them certain tax breaks if they have proof they were forced to sell. He added that the City cannot solve all the problems facing Downtown development alone and the Downtown Developers Group will need to drive much of the other aspects of the redevelopment.

Councilmember Hamilton said condemnation is the last resort and he hopes the City will be able to negotiate a fair deal. Councilmember Rackley said he is normally against condemnation, but in the case of roads it is sometimes necessary. He said citizens in the West part of town will not be able to head East on Hwy 410 without the 184<sup>th</sup> connection.

**Motion approved 7 – 0.**

- B. **AB07-30 – Resolution 1653** - A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing A Contract With Netversant Washington For The Construction Of Boat Launch Controls On Lake Tapps. [O 5.3]

**Councilmember Noble moved to approve Resolution 1653. Deputy Mayor Swatman seconded the motion.**

Councilmember King said he is glad this resolution has come forward. He said he believes this system will help the City control the capacity of the Lake in terms of how many recreational boats can be on it during the peak season. Councilmember King added that this probably will not be a revenue generator, because it is really about safety. He recommended maximum publicity on the new boat launch system so people may be prepared and understand it in advance of using it.

Deputy Mayor Swatman agreed, saying it is a work in progress as far as the logistics are concerned, but it requires immediate action to procure the hardware. Carol Ujick and Leota Musgrave, from the Park Board, inquired as to who will fix the system if it breaks down or malfunctions. Deputy Mayor Swatman said there would be someone there to help. The reason for the automated system is to eliminate after hours launching and the risk of theft, which occurs when people are paying in cash. There was discussion on whether this contract had been initiated by the Park Board or staff and why bollards were chosen.

Mayor Johnson said this system would allow the Police to control access to the Lake. Councilmember Bowen expressed concern about authorizing a contract for a system which was not thoroughly planned out. Councilmember King said many high security places, as well as other boat launches, use this technology to control entrance. Councilmember DeLeo said the North Lake Tapps Park has a gate to control access to the Lake and Allan Yorke Park needs to have something too.

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

- C. **AB07-41** – A Motion Of The Bonney Lake City Council Granting Approval Of The Stone Creek Preliminary Plat Subject To The Conditions Recommended By The Hearing Examiner; And With The Added Condition That Lots 1-4 Share A Common Access Easement Of 20 Feet, And Access To Lots 1 And 4 Be From Said Easement. [A 3.6.10]

**Councilmember Hamilton moved to approve the Stone Creek preliminary plat. Councilmember Bowen seconded the motion.**

Deputy Mayor Swatman said the Municipal Code specifically says possible lots shall be designated to access from local streets, but the 4 flag lots all access 214<sup>th</sup>. He said this is a very dangerous plan because 214<sup>th</sup> is a high speed arterial. In response to questioning from Councilmember Rackley, Director Leedy pointed out the differences between the original lot layout and the new one. He said the developer had to add lots in order to meet the density requirement, thus the retention pond was removed and replaced with the lots in question.

Councilmember Rackley said he did not want to be responsible for allowing creation of such a dangerous situation. Deputy Mayor Swatman suggested trying to allow a variance for the density requirement. City Attorney Ganson said changes would ultimately require the Hearing Examiner again.

**Councilmember Rackley moved to table the preliminary plat for a week. Deputy Mayor Swatman seconded the motion.**

**Motion approved 4– 2.  
Councilmembers**

**Hamilton and King voted  
no. Councilmember Noble  
was absent for the vote.**

**IX. EXECUTIVE SESSION:** Pursuant to RCW 42.30.110(1)(i) the City Council adjourned to Executive Session at 8:41 p.m. for 30 minutes to discuss litigation. At 9:12 p.m. they extended the executive session for 5 minutes. The regular Council meeting reconvened at 9:18 p.m.

**X. ADJOURNMENT**

**At 9:18 p.m., Councilmember Bowen moved to adjourn the meeting. Councilmember Rackley seconded.**

**Motion approved 7 – 0.**

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Harwood T. Edvalson, CMC  
City Clerk

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Mayor Neil Johnson, Jr.