

CITY COUNCIL MEETING

City of

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

MINUTES



"Where Dreams Can Soar"

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.

Audio Time
Stamp ↓

I. CALL TO ORDER – Mayor Johnson called the meeting to order at 7:02 p.m.

A. Flag Salute – Mayor Johnson led the audience in the Pledge of Allegiance.

B. Roll Call [A1.3]

Records & Information Specialist Phelan 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, Chief Financial Officer Beth Anne Wroe, Police Chief Mike Mitchell, City Attorney James Dionne, and Records & Information Specialist Virginia Phelan.

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

1. Announcements: None.

2. Appointments: Marvin Vialle- Interim Planning Director and Kathy James-Assistant Planner

3. Presentations:

a. Proclamation – Arbor Day 2007

Mayor Johnson said this is the second annual Arbor Day and councilmembers Noble and Rackley suggested a contest in honor of Robert Ceola. Mayor Johnson read the Arbor Day proclamation and said Arbor Day will be April 11, 2007.

b. Proclamation – Bonney Lake High School Sports

Mayor Johnson said June 8th was to be Panther Sports Day and introduced Brett McDaniel, Bonney Lake High School Basketball Coach. Mr. McDaniel discussed the athletic and academic accomplishments of the Basketball team and introduced the members in the audience. Wrestling Coach Tony Clark spoke also to the accomplishments of his team. He said Panther Athletics are looking good at Bonney Lake High School despite it being a new school and this being the first year of seniors. Mr. McDaniel

introduced Kristin Scribner, who won the state championship for gymnastics. He said she is the first state champion of Bonney Lake High School athletics and still maintains a 3.8 GPA. Mayor Johnson congratulated all the athletes and instigated a standing ovation for them.

D. Agenda Modifications:

Deputy Mayor Swatman moved to amend the agenda to include Ordinance D07-72 as Item C of Full Council Issues and Resolution 1669 as Item D of Full Council Issues. Councilmember Noble seconded the motion.

Motion approved 7 – 0.

II. PUBLIC HEARINGS, CITIZEN COMMENTS & CORRESPONDENCE

A. Public Hearings: None.

B. Citizen Comments:

Don Sangesand, 5616 195th Pl. E., said several councilmembers told him the Ball Park Well meets EPA standards. He said the Council thinks the EPA is all seeing and all knowing and that he is wrong. However, now that the EPA wants cities to contain and treat storm water, Bonney Lake is suing them. Mr. Sangesand commented on the irony of that decision and said it took the EPA too long to realize the obvious about stormwater. He added that the prior administration was primarily concerned with helping developers no matter what the cost was to citizens.

Councilmember Rackley said the City did not join the lawsuit against the EPA, they merely discussed it as there was a time line. City Administrator Morrison said the City is happy with the EPA stormwater regulations. The concern discussed previously was in regards to the Washington Department of Ecology and how they were varying from the EPA regulations.

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:

1. Resolution 1664 – Replacing a budgeted Maintenance Worker I position with an Administrative Specialist position;
2. Resolution 1669 – Proposed contract for an urban designer;
3. An interim city hall;
4. Master Business License program;

7:21:15

7:28:10

5. Discussion on a cellular lease contract conversion program, which the committee would not be recommending;
6. Space needs for the Municipal Court, which includes interim space and using part of the urban design contract to have the consultants design some new buildings;
7. Report on PWTF Loan for Sumner sewer plant; and
8. Council committee procedures; Committees want to review any items they desire and some legal requirements will need to be determined before that can be implemented.

B. Community Development Committee

Councilmember Rackley said the Community Development Committee met on March 5th and discussed downtown stormwater, as well as the request of a contractor to close South Prairie Road, in order to finish their project, which the committee deemed a bad idea. He said the committee forwarded the following items to this meeting's agenda:

1. Ordinance D07-07 - The miscellaneous fixes ordinance to codify administrative determinations from Planning & Community Development Director Leedy's work over his years at Bonney Lake;
2. Taragon Junction 192 sewer and water developer extension agreement;
3. Debris grinding contract;
4. Water developer's extension agreement with Lakeland East Div. 21;
5. Water developer's extension agreement with Ashton Village;
6. Personal services agreement with Parametrix for 410 Sewer Repair, phases I and II;
7. Street Tree Plan/Community Forest Plan which will be done with grant money;
8. Grange improvements on 91st St. and 79th St.;
9. Changes in ward boundaries; and
10. Annexation of Angeline Road.

C. Public Safety Committee

Councilmember DeLeo said the Public Safety Committee had met on Monday, March 5th and forwarded to Council an out-of-state travel request for two police officers.

D. Other Reports:

Councilmember Absence.

Councilmember King said he would be out of town on business next week and would miss the March 20th Council Workshop.

PCRC Affordable Housing Workshop.

Councilmember King encouraged everyone to attend the upcoming workshop at Sumner City Hall on March 14th, from 6:30 p.m. to 8:30 p.m. He requested the presence of Planning Manager Ladd or another Planning Department representative.

He said he will be reporting the City's impressions to his PCRC Affordable Housing Subcommittee for consideration as they deliberate on County wide planning policies.

Plateau Planning Group.

Deputy Mayor Swatman said he and the Mayor met with this group on March 7th. He said Plateau 465, Cascadia, Weyerhaeuser and others are trying to cooperate together to solve the transportation problem in the area. He added his concern is with the sewer situation. Cascadia is reluctant to discuss the sewer, but say they have it for all phases. He said the others seemingly want to be over taken by the City. Mayor Johnson related he and Administrator Morrison met with John Ladenburg and Shawn Bunney to discuss an interlocal agreement to study the South end of the City, the CUGA and related topics. He said they told him Cascadia may have a membrane plant which the County would operate. Deputy Mayor Swatman expressed hope that the County would draw their sewer service area large enough. He added that Chip Vincent from the County will update Council on Tuesday as to the Alderton-McMillan plan. He said areas in Alderton-McMillan wish to penetrate the City's UGA so they will be less limited.

Food Card Class.

Councilmember DeLeo announced a class would be held at the Senior Center by the Tacoma-Pierce County Health Department to obtain a food handler's card. The class is on March 28th from 6:00 p.m. to 8:00 p.m. and will cost \$10.

Wastewater Treatment.

Councilmember Rackley said there is a meeting on March 15th to discuss wastewater treatment with Sumner.

Beautify Bonney Lake.

Mayor Johnson said he recently attended a Beautify Bonney Lake meeting and this year it appears there will be many more participants than in years prior. There will be two staging areas, one at the Transit Center for work on the North end of the City and the other will be at Bonney Lake High School for work on the South end of the City. He added the School District will be assisting with a school bus for transporting people. Councilmember King said there was also discussion with DM Disposal on the idea of coupling Hazardous Waste Disposal Day with Beautify Bonney Lake.

7:42:50

IV. CONSENT AGENDA: [A3.6]

- A. **Approval of Corrected Minutes:** February 17th & 18th Special Council Meeting (Retreat), February 20th Council Workshop and February 27th Regular Council Meeting. [A3.6.2]
- B. **Checks/Vouchers:** Accounts Payable checks/vouchers #46676 in the amount of \$35.00; checks/vouchers #46677 thru #46679 in the amount of \$61,315.28; checks/vouchers #46680 thru #46795 in the amount of \$264,191.92; checks/vouchers #46796 thru #46817 in the amount of \$4,036.61 for utility refunds; and

checks/vouchers #46818 thru #46819 in the amount of \$18,839.42 for accounts receivable deposit refunds. [F4.9]

- C. **Payroll:** Payroll for February 16-28, 2007 for checks 25751-25791, including Deposits and Electronic Transfers in the amount of \$424,831.82. [F4.9]
- D. **AB07-02 – Ordinance 1227 [D07-02]**– An Ordinance Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Annexing Certain Real Property, Identified As The “Angeline Road Annexation Area”, To The City Pursuant To RCW 35A.14.120, Effective On April 16, 2007. [O 3.2.1]
- E. **AB07-03 – Ordinance 1228 [D07-03]** – An Ordinance Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Applying R-1 Zoning To The Area Commonly Referred To As The “Angeline Road Annexation Area”. [O3.2.1]
- F. **AB07-23 – Resolution 1647** - A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing The Mayor To Sign The Finalization And Recording Of The Latecomer Agreement For High County Homes. [A 3.13.5.1]
- G. **AB07-27 – Resolution 1648** - A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing A Water And Sewer Developer Extension Agreement With Tarragon Junction 192. [A 3.13.7]
- H. **AB07-54 – Resolution 1662** - A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing A Debris Grinding Contract With West Coast Stump Grinding. [O 4.14.1]
- I. **AB07-64 – Resolution 1666** - A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing A Professional Services Agreement With Parametrix For SR 410 Sewer Repair Phases 1 & 2. [O 4.5.1]
- J. **AB07-69** – A Motion of the Bonney Lake City Council Authorizing Out-of-state Travel for Sgt. Sasaki and Officer Kiblinger to Training in Florida. [A 4.7] [A 3.6.10]

Councilmember Rackley moved to approve the Consent Agenda. Councilmember Noble seconded the motion.

Motion approved 7 – 0.

7:43:30

V. FINANCE COMMITTEE ISSUES:

- A. **AB07-76 – Resolution 1664** - A Resolution Of The City Of Bonney Lake, Pierce County, Washington, Authorizing The Mayor To Hire An Administrative Specialist II In The Public Works Department In Lieu Of A Maintenance Worker I Position. [A4.6] [F 3.10]

Deputy Mayor Swatman moved to approve Resolution 1664. Councilmember Rackley seconded the motion.

Mayor Johnson said this resolution is to assist the Public Works Department, particularly the Assistant Public Works Director and Administrative Specialist IV. Administrator Morrison said this is a slightly less expensive position, but is needed more than the Maintenance Worker I at this time. He added that there is funding next year for an additional Maintenance Worker I. Mayor Johnson explained the Maintenance Worker I position budgeted for this year is merely being “swapped out” with an Administrative Specialist II position. Public Works Director Grigsby said there has not been an increase in administrative staff, despite the increasing work load and increases in crew.

Motion approved 7 – 0.

7:47:00

VI. COMMUNITY DEVELOPMENT COMMITTEE ISSUES:

- A. **AB07-53 – Resolution 1661** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing A Water And Sewer Developer Extension Agreement For Lakeland East Area 21. [A3.13.7]

Councilmember Rackley moved to approve Resolution 1661. Councilmember Hamilton seconded the motion.

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

- B. **AB07-63 – Resolution 1665** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing A Water And Sewer Developer Extension Agreement For Ashton Village. [A 3.13.7]

Councilmember Rackley moved to approve Resolution 1665. Councilmember Hamilton seconded the motion.

Motion approved 7– 0.

VII. PUBLIC SAFETY COMMITTEE ISSUES: None.

7:48:35

VIII. FULL COUNCIL ISSUES:

- A. **AB07-62 – Ordinance D07-62 [Ordinance 1231]** - An Ordinance Of The City Council Of The City Of Bonney Lake Amending Chapter 1.12 Of The Bonney Lake Municipal Code And Ordinance Nos. 1223, 1118, 1030, 923, 816, 648, 556, And 388

Relating To Designation Of City Council Ward Boundaries. [A 3.5.5] [A 1.1.3]

Councilmember Rackley moved to adopt Ordinance 1231. Councilmember Noble seconded the motion.

Deputy Mayor Swatman thanked staff for all their hard work on redistricting the wards in such a short period of time.

Motion approved 7 – 0.

- B. **AB07-07 – Ordinance D07-07 [Ordinance 1230] – An Ordinance Of The City Of Bonney Lake, Pierce County, Washington, Amending Various Portions Of The Bonney Lake Development Regulations, And Their Underlying Ordinances, To Fix Miscellaneous Contradictions, Ambiguities, And Similar Housekeeping.** [A 3.5.5]

Councilmember Rackley moved to adopt Ordinance 1230. Deputy Mayor Swatman seconded the motion.

Councilmember Rackley said this ordinance is the legacy of Director Leedy. It will codify most of his administrative recommendations over the past few years. He noted that he hopes it is passed. Director Leedy added the administrative recommendations occurred when there were problems with code interpretation. Councilmember Noble asked if the attorney had looked over the ordinance, to which City Attorney Dionne responded in the affirmative.

Motion approved 7 – 0.

- C. **AB07-72 – Ordinance D07-72 [Ordinance 1229] – An Ordinance Of The City Of Bonney Lake, Washington, Establishing A Moratorium On The Acceptance Of Development Permit Applications For The Downtown Core Zone.** [O3.6.4]

Deputy Mayor Swatman moved to adopt Ordinance 1229. Councilmember Noble seconded the motion.

Deputy Mayor Swatman said this ordinance reflects Council direction relating to code issues with Downtown. It affects eleven properties inside the Downtown Core triangle. He added it gives the City the time it needs to get things in order. City Attorney Dionne said the language of Section 5 needs to be replaced in order for the ordinance to be effective immediately. He suggested the words “Pursuant to RCW 35A.12.130, the Council declares a public emergency and finds that in order to protect the public health, safety, property and peace, this ordinance shall be effective upon adoption”. He added that the ordinance will require five votes to pass.

Councilmember Rackley noted that the City intends to move swiftly so the moratorium will not be needed for long. City Attorney Dionne said the new language in the ordinance is only to allow the City to maintain status quo for the next five days so no one applies for permits to avoid the pending ordinance.

Councilmember DeLeo moved to strike Section 5 and replace it with “Pursuant to RCW 35A.12.130, the Council declares a public emergency and finds that in order to protect the public health, safety, property and peace, this ordinance shall be effective upon adoption”. Councilmember Rackley seconded the motion.

**Motion to amend Ordinance 1229
approved 7 – 0.**

Councilmember King said the word “moratorium” tends to raise a lot of eyebrows. The City has significant work to do to ensure the health and safety of the citizens in this crucial project. He said there are problems, but they are not unsolvable. Direction can be made quickly and the permitting process can be reopened. Councilmember Hamilton asked if there were any permit applications currently in place for the area in question. Director Leedy responded no. In response to inquiry as to how applications would be handled during this moratorium, Director Leedy said the Permit Counter would probably have copies of the ordinance for distribution with a cover memo explaining the moratorium and its anticipated length. Councilmember Hamilton confirmed with Director Leedy property owners would be notified and that all permits, including tenant improvements, would be affected by this ordinance.

**Motion to approve Ordinance 1229 as
amended approved 7 – 0.**

- D **AB07-73– Resolution 1669** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing A Personal Services Agreement Between The City Of Bonney Lake And Makers Architecture & Urban Design To Develop Design Guidelines For Downtown, A Capital Facilities Plan For Downtown And Schematics For A Commercial / Retail Building On 184th Ave.
[03.1]

Councilmember Noble moved to approve Resolution 1669. Councilmember DeLeo seconded the motion.

Councilmember Rackley asked if the City went to bid for this project. Deputy Mayor Swatman said the City chose Makers because they have a vision of what they want to see and have been working on the Downtown project all along. He said Planning Manager Ladd supports this vigorously and is confident in his work as well as the abilities of Makers to review and provide input. Councilmember King asked that the Design Commission be involved. Director Leedy said they have been at the staff level and will continue.

Councilmember Hamilton asked about the design for a commercial office building. Administrator Morrison explained the property is located at the site of the old Montessori school and it will provide space for Court, possibly Council Chambers and other offices in the interim until a new city hall is built. Councilmember

Hamilton asked about the legality of renting areas of the building for commercial use. City Attorney Dionne said it is acceptable as long as it is for a public purpose. Since the City will be building something with extra space to prepare for future needs, they are allowed to rent it in the interim.

**Motion to approve Resolution 1669
approved 7 – 0.**

IX. EXECUTIVE SESSION: Pursuant to RCW 42.30.110(1)(b) the City Council announced an Executive Session for 15 minutes to discuss property acquisition, to be preceded by a three minute break. At 8:17 p.m. the meeting adjourned to Executive Session. At 8:38 p.m. the Executive Session was extended for 10 minutes. The regular Council meeting reconvened at 8:47 p.m.

X. ADJOURNMENT

**At 8:47 p.m., Councilmember Hamilton moved to adjourn the meeting.
Councilmember Noble seconded.**

Mayor Johnson concluded the meeting by expressing his appreciation to Director Leedy for his contributions to the City.

Motion approved 7 – 0.

Virginia Phelan
Records & Information Specialist

Mayor Neil Johnson, Jr.