

**CITY COUNCIL MEETING**

City of

**April 10, 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** – Deputy Mayor Swatman called the meeting to order at 7:01 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 Jim Rackley. Councilmember Noble was absent.

Staff members present were City Administrator Don Morrison, Interim Planning & Community Development Director Marvin Vialle, Public Works Director Dan Grigsby, Police Chief Mike Mitchell, City Attorney James Dionne, Administrative Services Director/City Clerk Harwood Edvalson and Records & Information Specialist Virginia Phelan.

**Councilmember Rackley moved to excuse the Mayor and Councilmember Noble. Councilmember Hamilton seconded the motion.**

**Motion approved 6 – 0.**

- C. Announcements, Appointments and Presentations [A3.6.9]
  - 1. Announcements: None.
  - 2. Appointments: None.
  - 3. Presentations: Proclamation – Parks Appreciation Day – April 28<sup>th</sup>.  
Deputy Mayor Swatman read the proclamation for Parks Appreciation Day and said the annual Beautify Bonney Lake Day would happen simultaneously. He encouraged people to participate.
- D. Agenda Modifications: None.

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

A. Public Hearings:1. **AB07-92** – Moratorium on Downtown Development Permits

Deputy Mayor Swatman opened the hearing at 7:04 p.m. There was a correspondence from Winona Jacobsen entered into the record. There being no speakers, the hearing was closed at 7:05 p.m.

7:04:20

B. Citizen Comments:

Don Sangesand, 5616 195<sup>th</sup> Pl. E. said it is becoming more and more evident that there is corruption in all levels of government. He said the government is not open and is run by a few who have only their own best interests at heart. Mr. Sangesand asked if Bonney Lake leaders are continuing or correcting these problems. The City officials tell him to get his facts straight, but make it difficult to get those facts. He referenced a comment made by Councilmember King at the retreat which did not appear in the minutes. He said the minutes were distorted or incomplete to meet a devious motivation. The City is hiding information and moving towards a dictatorship. The citizens are being treated badly, not being listened to or informed. He concluded with an accusation that the City did nothing to try and stop the water tower which was built at the base of Elhi hill.

Councilmember King confirmed that he had stated at the retreat he would not run for re-election in 2009. He said he felt it was not relevant to the retreat, but had not asked for it to be included or omitted from the minutes. In reference to Mr. Sangesand's water tower comment, Councilmember Rackley said the City had spoken with the City of Sumner months ago and tried to work out alternatives with them to prevent the construction of the tower as it is now. Director Grigsby confirmed that, saying the City offered to provide water to Sumner and alternatively asked the tower be shorter and wider, or built across the road. He said Sumner was unable or unwilling to pursue these alternatives.

Pat Miller, 19205 79<sup>th</sup> St. Pl. E., asked the City to do what it can to prevent advertising being allowed on the water tower. He questioned the need to prohibit fishing in parts of Allan Yorke Park. Fishing should be allowed from the docks for those who arrive early preceding swimmers. He recommended the City change the ordinance to allow fishing during certain hours. Lastly, Mr. Miller asked the City explain the cost benefits of providing sewer service to the entire plateau.

Councilmember Rackley said the City prohibits fishing near the swimming area to keep hooks and other dangers free from that vicinity. These things can cause problems for swimmers when no one is actively fishing. Deputy Mayor Swatman said it is too soon to know the costs of servicing the whole plateau, but he is sure

it will be more expensive for sewer customers if the City does not service the entire area.

Dan Decker 20401 70<sup>th</sup> St. said the City Attorney had sent him a letter in response to his concerns about the legality of the LIDAR enforcement. He said the attorney's statements do not change the law written in the RCW which regulates speed trap distances. He explained in detail how LIDAR and RADAR work and their many technical differences, despite the attorney's statements that they are similar. He reminded Council that the RCW requires a quarter mile distance and he believes this applies to the photo enforcement.

- C. Correspondence: None.

7:18:25

### III. COUNCIL COMMITTEE REPORTS:

[A3.6.4]

A. Finance Committee

Deputy Mayor Swatman said the Finance Committee met this evening and discussed:

1. Resolution 1676 – Hiring an Assistant Police Chief;
2. Request for Out of State Travel for some of the Finance Staff;
3. Request for Proposals for Banking Services; and
4. Ordinance for revision of Park Regulations;

B. Community Development Committee

Councilmember Rackley said the Community Development Committee met on April 2<sup>nd</sup> and discussed traffic impact fee collection timing, stormwater permitting, the Alderton-McMillin Plan, the RAMP Meeting and Lowe's Traffic Impact Analysis, and Fiber Optic Cables. He said two items were forwarded to this Council Meeting:

1. Resolution 1674 – A Personal Services Agreement for Design of Eastown Water Main Project;
2. Resolution 1675 – Bonney Lake Blvd Reconstruction Project.

C. Public Safety Committee

Councilmember DeLeo said the Public Safety Committee met on April 2<sup>nd</sup> and discussed park safety. Additionally, the Fireworks Ordinance on this evening's agenda was forwarded.

D. Other Reports:

Alderton-McMillin Plan Meeting.

Deputy Mayor Swatman said he attended the recent land use meeting of the Pierce County Planning Agency for the Alderton-McMillin Plan. Many developers in the area attended and attempted to disburden themselves from the Plan. He added that he had spoken at the hearing, but as a city representative was outnumbered. City Administrator Morrison said there are more hearings coming up and he will provide a schedule to Council. Councilmember Rackley said he is opposed to this plan and

noted the road from the Plateau is a very important issue. The Council needs to respond formally to this Plan.

7:30:35

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

- A. **Approval of Corrected Minutes:** March 20<sup>th</sup> Council Workshop and March 27<sup>th</sup> Council Meeting. [A3.6.2]
- B. **Checks/Vouchers:** Accounts Payable checks/vouchers #46954 thru 47077 in the amount of \$404,933.88. Accounts Payable check/voucher #47078 for AR deposit refund in the amount of \$815.37. [F4.9]
- C. **Payroll:** Payroll for March 16-31, 2007 for checks 25858-25867, including Deposits and Electronic Transfers for \$147,240.02. (Police Department)  
Payroll for March 16-31, 2007 for checks 25868-25899, including Deposits and Electronic Transfer for \$304,645.41. (AFSCME and Non-represented) [F4.9]
- D. **AB07-80 – Ordinance 1234 [D07-80]** - An Ordinance Of The City Of Bonney Lake, Pierce County, Washington, Amending Sections 2.04.860, 2.04.890, And 2.04.910 Of The Bonney Lake Municipal Code And The Corresponding Portions Of Ordinance No. 1061 And Adding New Sections 2.04.015 And 2.04.315 Relating To The Council Rules And Procedures. [A 1.1.2] [A 3.5.5]
- E. **AB07-65 – Ordinance 1233 [D07-65]** - An Ordinance Of The City Of Bonney Lake, Pierce County, Washington, Amending Chapter 3.90 Of The Bonney Lake Municipal Code And Ordinance No. 826, Relating To Miscellaneous Fees. [A 3.5.5] [F 4.3]
- F. **AB07-56 – Resolution 1663** - A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing The Mayor To Sign A Grant Agreement With Pierce County For A \$10,000 Grant For Senior Center Operations In 2007. [F 5.3.4]
- G. **AB07-71 – Resolution 1668** - A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing The Use Of Special Purchasing Procedures For The Bonney Lake Days Celebration And Other Special Events. [F 4.8]
- H. **AB07-81 – Resolution 1674** - A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing A Professional Services Agreement With KPFF Consulting Engineers For The Eastown 96th Street Water Main Project. [O 4.10.2]
- I. **AB07-82 – Resolution 1675** - A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing A Professional Services Agreement With Jerome W. Morrisette & Associates, Inc. P.S. For The Bonney Lake Blvd Reconstruction Project. [O 4.8.2]
- J. **AB07-89** – A Motion Of The Bonney Lake City Council Approving Out-of-State Travel for Barbara Barth and Donna Berube to Portland, OR. [A 3.6.10] [A 4.7]

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

**Motion approved 6 – 0.**

7:39:15

**V. FINANCE COMMITTEE ISSUES:**

- A. **AB07-21 – Ordinance 1232 [D07-21]** - An Ordinance Of The City Of Bonney Lake, Pierce County, Washington, Amending Chapter 12.12 Of The Bonney Lake Municipal Code And The Corresponding Portions Of Ordinance Nos. 1150, 1037, 1015, 826, 669, 661, And 454 Relating To Park Regulations. [A 3.5.5]

Deputy Mayor Swatman said passage of this ordinance is urgent. The system needs to be programmed and cards created for the residents. This year will be a chance to collect data and next year the ordinance can be reworked.

**Motion approved 6 – 0.**

- B. **AB07-85 – Resolution 1676** - A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing The Mayor To Hire An Assistant Chief Of Police and A Patrol Officer In Lieu Of The Administrative Lieutenant's Position. [A 3.9.1]

**Councilmember Rackley moved to approve Resolution 1676.  
Councilmember DeLeo seconded the motion.**

Chief Mitchell explained that one of his first tasks upon employment in the City was to evaluate the Department's organization to see if it is meeting the needs of the citizens. The City presently needs less administration and more officers. The resolution would be a significant savings, which could be used for hiring additional officers. Also, this position offers logical progression for promotion so the City may retain its force. Councilmember Rackley suggested increasing the Lieutenant's pay to encourage sergeants to apply. Councilmember King said there is no lack of work for administration and soon the City will need an Operations Lieutenant.

**Motion passed 6 – 0.**

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

7:45:10

**VII. PUBLIC SAFETY COMMITTEE ISSUES:**

- A. **AB07-68 – Ordinance D07-68** - An Ordinance Of The City Of Bonney Lake, Pierce County, Washington, Regulating The Sale, Purchase, Use, And Possession Of Fireworks Within The City Of Bonney Lake; Providing For Civil And Criminal Enforcement Of Consumer Fireworks Regulations, Incorporating By Reference Provisions Of Title 70.77 Of The Revised Code Of Washington (RCW); Repealing Chapter 5.14 Of The Municipal Code, And Adopting A New Chapter 5.14. [A 3.5.5] [01.10]

**Councilmember DeLeo moved to approve Ordinance D07-68. Councilmember King seconded the motion.**

Councilmember Hamilton inquired as to the amount of public input received on this ordinance. Councilmember King responded there had been communications from homeowners who were dissatisfied with fireworks activities, some who desired a ban and others who felt the opposite. He said there was also input from the Fire Marshall. The result was a balance between opposing viewpoints in the form of an ordinance adopting state regulations by reference and additional, more stringent rules.

**Councilmember Bowen moved to strike section 5.14.170. Councilmember Hamilton seconded the motion.**

Councilmember Bowen explained his view that the mayor should not have full control to ban fireworks. He suggested this stipulation may be exploited by a future Mayor to ban fireworks all together, instead of temporarily banning them for emergency reasons. Councilmember DeLeo suggested allowing Council this authority.

**Councilmember DeLeo moved to amend the amendment by giving the authority to declare temporary fireworks bans to the Council instead of the Mayor.**

There was excessive discussion on the benefits and potential problems of putting this authority in the hands of the Council versus the Mayor.

**Councilmember Rackley moved to table Ordinance D07-68. Councilmember Bowen seconded.**

**Motion to table Failed 3 – 3.  
Councilmembers King, DeLeo and Bowen voted no.**

**Motion to amend the amendment passed 4 – 2. Councilmembers King and Rackley voted no.**

Council discussed the semantics of the original amendment motion in detail and the effect it will have on the amendment's amendment.

**Motion to amend Ordinance D07-68 Failed 1 – 5 with Councilmember Hamilton voting yes.**

**Councilmember DeLeo moved to amend the Ordinance in section 5.14.170 by replacing the first “Mayor” to “City Council”, removing the sentence beginning with “temporary emergency order shall...” and striking the last two sentences. Councilmember Bowen seconded the motion.**

Council again discussed the possible difficulty of establishing a quorum for an emergency meeting to set the emergency order. There was additional debate on the value of giving this authority to the Mayor and the role of the Council in declaring emergency fireworks bans. Councilmember Rackley asked that the ordinance return to committee for further evaluation.

**Motion to amend Ordinance D07-68  
failed 3 – 3 with Councilmembers  
Rackley, King and Hamilton voting no.**

Deputy Mayor Swatman inquired as to the zones where fireworks stands would be allowed. Councilmember King said it is determined by the state, but essentially they are prohibited in residential areas. Additionally, the locations have many restrictions.

**Deputy Mayor Swatman moved to amend section F to include the language “No temporary fireworks stands shall be located within 500 feet of each other”**

There was no second.

Councilmember Hamilton speculated as to the futility of enforcing fireworks laws. Chief Mitchell outlined his plan for educating the public and enforcing the new ordinance. Councilmember DeLeo said the ordinance does not require much additional enforcement as its main impact is to further limit the days in which fireworks are allowed to be ignited. Councilmember King added that the ordinance had also been changed to allow perpetrators to voluntarily relinquish fireworks to officers in exchange for a misdemeanor charge not being filed.

**Motion to approve Ordinance D07-68  
Failed 3 – 3 with Deputy Mayor Swatman  
and Councilmembers Bowen and Rackley  
voting no.**

**At 8:36 p.m. Councilmember Rackley moved for a ten minute break. Councilmember Bowen seconded the motion.**

**Motion approved 6 – 0.**

The meeting reconvened at 8:48 p.m.

**VIII. FULL COUNCIL ISSUES:**

- A. **AB07-91 – Resolution 1678** - A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Supporting The City Of Bonney Lake As The Principal Sewer Provider On the Bonney Lake Plateau. [A 1.1.1]

**Councilmember Rackley moved to approve Resolution 1678. Councilmember Hamilton seconded the motion.**

Deputy Mayor Swatman said this resolution is a statement of intent, not a takeover, so the Administration is aware of Council's position. Councilmember Hamilton said he intends to support this resolution because a single utility on the Plateau is preferable to many and the City could better serve the public. He added it is in the best interest of the customers to control rate costs. Councilmember Rackley said he supports it for the same reasons.

Director Grigsby explained his belief that the intent is to provide a policy statement for guidance to Staff. Councilmember Bowen added his understanding that it was unclear Bonney Lake was interested in providing sewer. The City does not intend to interfere or cause problems, but want to ensure its voice is heard. Councilmember King questioned the phrase "Bonney Lake Plateau" and asked that the area in question be described more specifically. Council discussed how to describe the area.

**Councilmember Bowen moved to amend the resolution to add the description after "Greater Bonney Lake Plateau..." as "being the contiguous area West of 234<sup>th</sup> Ave. and having greater than 300 feet in elevation". Councilmember Rackley seconded the motion.**

**Motion to amend approved 4 – 2 with Councilmembers Hamilton and King voting no.**

**Motion to approve resolution 1678 as amended approved 5 – 1 with Councilmember King voting no.**

- B. **AB07-87** – A Motion Of The Bonney Lake City Council Indicating Councilmember Jim Rackley as the City's Vote For The Small Cities Representative Position On The Pierce Transit Board. [A 3.6.10]

**Councilmember Bowen moved to approve AB07-87. Councilmember King seconded the motion.**

**Motion approved 6 – 0.**

**Councilmember Rackley moved to reopen public comment on Resolution 1678. Councilmember Bowen seconded the motion.**

**Motion approved 6 – 0.**

City Attorney Dionne invited speakers Chuck Lappenbusch, Cascadia Director of Development and Brian Ziegler, Pierce County Director of Public Works and Utilities. Mr. Ziegler said he was unsure his testimony would be meaningful as the resolution had been passed, but wanted to clarify some points. He said the County has a responsibility to ensure cost effective, environmentally sensitive sewer service to all county residents and the final decision on the best provider will be made by the State Department of Ecology. He invited the City to open the lines of communication with the County and participate in a study to determine who will best serve the area.

Councilmember Rackley said the resolution is an attempt to illuminate the fact the City desires inclusion on discussions. He said the City has been omitted from the loop thus far and the rumors Council has been hearing regarding events on the Plateau have them very nervous. He agreed the need exists for more communication and stated his belief is that the City is in the best position to provide sewer service to the area.

There was discussion on the semantics and facts of the resolution and the possible future role of Bonney Lake in providing sewer. Mr. Ziegler clarified that the County will not be providing the sewer, rather they will be assisting with the operations and maintenance of the system for the City of Orting. Orting will continue to be the service provider and in coming years, the area may be better served by Bonney Lake. He said in the future the State DOE will probably recommend the service in Cascadia and Bonney Lake's potential new membrane plant be consolidated. There was continued debate on the role of Pierce County on the Plateau and the City's interests. Councilmember Rackley said Mr. Ziegler would be coming to an upcoming CDC meeting for more in-depth discussion.

Chuck Lappenbusch explained the progress of Cascadia's development and the schedule for completion of Phase one. Councilmember Rackley invited him to join Mr. Ziegler at a future CDC. Mr. Lappenbusch accepted the invitation and reminded Council that Cascadia is very open to all discussions. He referenced various projects on the Plateau to which Cascadia has been a party and said they cannot regress in their progress, but will continue to be open to discussions on the future of Cascadia. Councilmember Hamilton stated the City has no intention of delaying the project or putting it in any jeopardy; they desire solutions to accommodate everyone.

**IX. EXECUTIVE SESSION:** Pursuant to RCW 42.30.110(1)(b) the City Council announced an Executive Session for 20 minutes to discuss property acquisition. At 9:40 p.m. the meeting adjourned to Executive Session. The regular Council meeting reconvened at 9:59 p.m.

**X. ADJOURNMENT**

**At 9:59 p.m., Councilmember Bowen moved to adjourn the meeting. Councilmember Rackley seconded.**

**Motion approved 6 – 0.**

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Harwood Edvalson, CMC  
City Clerk

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Mayor Neil Johnson, Jr.