

CITY COUNCIL MEETING

City of

April 24, 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 7:04 p.m.

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

B. Roll Call [A.1.1]

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, and Councilmember Dave King. Councilmembers Rackley and Noble were absent. Mayor Johnson arrived at 7:21 p.m.

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

Councilmember DeLeo moved to excuse Councilmember Noble and Councilmember Rackley. Councilmember King seconded the motion.

Motion approved 5 – 0.

C. Announcements, Appointments and Presentations [A.3.6.9]

1. Announcements: None.

2. Appointments: None.

3. Presentations:

a. Proclamation – Washington Native Plants Week

Deputy Mayor Swatman read the proclamation for Washington Native Plants Week and said the week will run from April 29th to May 5th. Susan Dowling from the Washington Native Plant Society and Fennel Creek Preservation Group accepted the proclamation and encouraged the City to make use of native plants

to beautify areas for public use and wildlife. For those interested in learning more the Society has a website at www.wnps.org.

b. Proclamation – Municipal Clerk’s Week
Deputy Mayor Swatman read the proclamation and declared the week of April 29th to May 5th as Municipal Clerks Week.

D. Agenda Modifications: None.

II. PUBLIC HEARINGS, CITIZEN COMMENTS & CORRESPONDENCE

A. Public Hearings: None.

B. Citizen Comments:

Bob Cantrall, 7318 W. Tapps Hwy., said he lives in the first house south of Allan Yorke Park. He thanked the City for the street lights at the park, which are effectively deterring night time activity. He asked the City to close off the boat launch until the lake has filled. This would prevent access onto the lake bed by dirt bikes, jeeps and other off-road vehicles, which are there in excess during the nights and weekends.

Grant Sulham, 10005 183rd Ave. E., said last July he did a public disclosure request for information on fireworks complaints and learned there were no citations issued, despite there being 33 complaints and 25 lbs of fireworks confiscated. He said he was treated poorly upon calling police dispatch when he reported illegal fireworks.

Cecil Sidwell, 10302 199th Ave. E., said the revised MDNS for Lowes does not allow access through a residential lot. He heard, however, that if that lot is gifted to the City an access can then be built through it. The plat map also specifies that no access shall run through any of those lots onto 200th Ave. Ct. E. Lowes is proposing a left turn into their property from 200th, while the City’s traffic study rejected such an idea in 2003. Traffic in the area is not likely to have improved in the time since that study. Mr. Sidwell added that the City had a letter from Parametrix from 2004 recommending only right-in right-out access.

Public Works Director Grigsby and Interim Planning & Community Development Director Vialle explained the process for approval of the Lowes project in response to Council inquiry. Deputy Mayor Swatman said this would not come before the Council for approval. Mr. Sidwell said his main concern was regarding the gifting of property to the City in order to make an access road to Lowes. He requested the Council deny acceptance of the property if an attempt is made to gift it.

7:09:55

Margaret Duggan, 10105 199th Ave. E., urged the City Council not to accept the gift of property by Lowes. The property in question is part of a plat prohibiting access through it. The City rezoned this area to R-1 and has determined commercial access is not an appropriate use of the lot. Ms. Duggan reminded Council there had been a petition from 300 – 400 people requesting no access for Lowes off of 200th Ave. Ct. E. She said this access would not benefit the City and Council should honor the wishes of the residents in the area.

Bob Lockwood, 19814 99th St. Ct. E., said he is one of the owners of the Lowes property and is trying to satisfy everyone. He said the City admitted the land should not have been rezoned R-1 and the developers have jumped through many hoops to solve all the problems with this project. Lowes should be allowed to move forward.

Dan Decker 20401 70th St. apologized to the City Attorney for prior statements made. He explained the difference between RADAR and LIDAR, specifically that LIDAR is based on time and distance. He said RCW 46.61.170 specifically states that if time and distance are used to calculate speed, a quarter of a mile is the minimum allowed for speed to be determined. He added he is not against the use of LIDAR. Mr. Decker also said according to Einstein when the entire world's bees die there will be four years before people follow. The bees are dying off now. Councilmember Bowen responded that the problem is often overlooked, but quite serious.

Wendy Fry, 9903 200th Ave. E., said she owns the house in question. She had asked the City for explanations on why her house was rezoned from C-2 to R-1 in 2005, but never received a sufficient answer. This has been a cause of stress for her and the City needs to take action on what was done to remedy the situation.

Vera Lockwood, 19814 99th St. Ct. E., said the Lowes project has been held hostage by the homeowners in the area. They have rejected every option proposed. The traffic will improve if the roads and access points are developed under the current proposal. She pleaded with Council to let the project move forward.

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. Electronic comments on the City's website and related first amendment issues;
2. Un-metered utility services;
3. Motion for Mayor to apply for Public Works Trust Fund Loans;

4. Master Business License program; and
 5. City Wellness Program.
- B. Community Development Committee
Councilmember Hamilton said the Community Development Committee met on April 16th and moved forward Resolution 1679 related to privatization of City sewer grinder pumps.
- C. Public Safety Committee
Councilmember DeLeo said the Public Safety Committee has not met since the last council meeting.
- D. Other Reports:

Pierce County Regional Council.

Councilmember King said he represented the City at the April 19th Puget Sound Regional Council meeting. He received a report on the progress of the update of urban and rural centers for transportation and business. Additionally there was a presentation from Normal Abbott on PSRC Rural Corridors and the grant program. The City of Bonney Lake is not active in this program as there are constraints in the City on things which qualify as rural connections, but other local cities are working on projects as a result of these grants.

The PCRC had the opportunity to reallocate some Congestion Mitigation Air Quality (CMAQ) funds to nearby cities for non-motorized projects for reducing vehicle pollution. Those who attended the meeting also received a copy of a housing affordability study. Councilmember King recommended each councilmember obtain a copy of the study, as it is great reading for those interested in successful, affordable housing projects. "Affordable Housing" is defined as that which is affordable for those at 80% of median income for City residents.

7:43:33

IV. CONSENT AGENDA: [A3.6]

Councilmember Bowen asked to pull item E and move it to CDC Issues so it may be discussed.

- A. **Approval of Corrected Minutes:** April 3rd Council Workshop and April 10th Regular Council Meeting. [A3.6.2]
- B. **Checks/Vouchers:** Accounts Payable checks/vouchers #47079 in the amount of \$5,404.15. Accounts Payable checks/vouchers #47080 thru 47191 (and wire transfer numbers 2675763, 3200700, and 3200701) in the amount of \$1,285,784.90. Accounts Payable check/voucher #47192 for AR deposit refund in the amount of \$500.00. Accounts Payable check/voucher #47193 thru 47229 for Utility refunds in the amount of \$2,290.15. [E.9]
- C. **Payroll:** Payroll for April 1-15, 2007 for checks 25900-25905, including Deposits and Electronic Transfers for \$93,133.63. (Police Department)

Payroll for April 1-15 for checks 25906-25940, including Deposits and Electronic Transfer for \$218,213.56. (AFSCME and Non-represented) [14.9]

- D. **AB07-83 – Resolution 1670** - A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing A Permissive Use Agreement Between Bob Cantrall And The City Of Bonney Lake To Allow The City To Attach The Swim Line At Allan Yorke Park To Mr. Cantrall's Private Bulkhead. [05.2]
- ~~E. **AB07-93 – Resolution 1679** - A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Giving Public Works Staff The Authority To Execute Maintenance Covenant, Release And Hold Harmless Agreements For Private Sewer Grinder Pumps. [04.5.1]~~
- F. **AB07-99** – A Motion Of The Bonney Lake City Council Authorizing The Mayor To Submit Public Works Trust Fund Loan Applications For The Upcoming Loan Cycle. [A.3.6.10] [14.12.25]

Deputy Mayor Swatman moved to approve the Consent Agenda. Councilmember Bowen seconded the motion.

Motion approved 5 – 0.

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

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

7:44:09

- E. **AB07-93 – Resolution 1679** - A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Giving Public Works Staff The Authority To Execute Maintenance Covenant, Release And Hold Harmless Agreements For Private Sewer Grinder Pumps. [04.5.1]

Councilmember Bowen moved to approve Resolution 1679. Councilmember Hamilton seconded the motion.

Councilmember DeLeo expressed concern that those with private grinder pumps may not have back ups or compatibility with the City's pumps in times of power outages and other emergencies. Council discussed the difference between service and cost of the grinder pumps when they are the City's property versus the individuals' property.

Deputy Mayor Swatman was of the opinion that the citizens without grinder pumps are subsidizing those who have them because the charges are not adequate to cover maintenance costs. Councilmember DeLeo debated that the City burdened those property owners with grinder pumps because of the desire to save money by installing grinder pumps instead of installing very deep sewer lines. Were the lines deep enough that grinder pumps were unnecessary; the cost to maintain them would be much higher. Councilmember Hamilton said the discussion has been going on for

years and there is no intention to force property owners to take over ownership of the grinder pumps if they do not want. The City needs to be sure to charge appropriate fees to prevent the other citizens from having to subsidize those with grinder pumps.

**Motion to approve Resolution 1679
approved 5 – 0.**

VII. PUBLIC SAFETY COMMITTEE ISSUES: None.

7:50:35

VIII. FULL COUNCIL ISSUES:

- A. **AB07-96 – Ordinance 1235 [D07-96]** - 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] [O.R.10]

Councilmember Hamilton moved to approve Ordinance 1235. Councilmember DeLeo seconded the motion.

Councilmember King thanked the Council, citizens, staff, and industry persons responsible for making this ordinance upgrade possible. He said this ordinance has features to empower police to act more effectively in response to fireworks misuse. He said Mr. Sulham's comments about fireworks were well placed. Many people do not know the difference between legal and illegal fireworks. The proposed ordinance explicitly defines what is legal. The City has limited control over location and type of purchase, although with this ordinance the control and ability of enforcement will be stronger.

Deputy Mayor Swatman moved to amend the ordinance section 5.14.100 on page 7 to add item F. "temporary fireworks stands allowed only in C-2 and C-3 zones." Councilmember King seconded the motion.

Councilmember King recommended the zoning ordinance be amended during the next update to reflect the prohibition of fireworks sales in the DC zone.

**Motion to amend Ordinance 1235
approved 4 – 1. Councilmember Bowen
voted no.**


**Motion to approve Ordinance 1235 as
amended approved 5 – 0.**

IX. EXECUTIVE SESSION: Pursuant to RCW 42.30.110(1)(b) the City Council adjourned to an Executive Session at 7:57 p.m. for 15 minutes to discuss property acquisition. At 8:16 the Executive Session was extended 5 minutes. The regular Council meeting reconvened at 8:19 p.m.

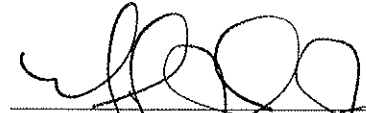
X. ADJOURNMENT

At 8:20 p.m., Councilmember King moved to adjourn the meeting. Deputy Mayor Swatman seconded the motion.

Motion approved 5 – 0.



Harwood Edvalson, CMC
City Clerk



Mayor Neil Johnson, Jr.

Items submitted for the April 24, 2007 Council Meeting:

- City of Bonney Lake – *Memo from Planning Manager Ladd to Director Vialle Re: UGA Amendment Procedures and Falling Water* – Interim Planning & Community Development Director Vialle.
- City of Bonney Lake – *Memo Re: Rhodes Lake Road Corridor Study – Project Leadership Team Report* - Public Works Director Grigsby.
- City of Bonney Lake – *Rhodes Lake Road Corridor Study 2030 Impact* – Public Works Director Grigsby.