

CITY COUNCIL MEETING

City of

**May 8, 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 Mark Hamilton, and Councilmember Dave King, Councilmember Noble, and Councilmember Rackley. Councilmember DeLeo and Mayor Johnson were absent.

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

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

Motion approved 6 – 0.

- 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: None.

7:03:12

B. Citizen Comments:

Russ Rudolf, 7515 191st Ave E., said he has been a resident of Bonney Lake for 37 years. The house next to him built a “mother-in-law” apartment over the garage and has been illegally renting it. This initially occurred in 2004 or 2005 and has been an on-going code enforcement issue. Mr. Rudolf explained the history of his neighbors moving tenants in and out over the years and the complaints he has made to the City. Originally, he said, he was told there would be a \$1000 per day fine if the apartment was rented. This fee has never been imposed and he feels the associated ordinance needs to be enforced or re-written if it cannot be enforced.

City Administrator Morrison said his understanding is there have been three separate code enforcement issues as a result of the three separate tenants who have occupied that building. Each time the enforcement action becomes too threatening to the landlord he vacates the apartment. Then when new tenants move in the City must begin again. Administrator Morrison explained that the City is trying to develop a tougher code enforcement process. Possibly, the Code Enforcer will be given the power to write tickets. This way the Court can process the violators in a more efficient manner.

Council discussed the illegal occupation, how it progressed to this point and what can be done to resolve the issue. Mr. Rudolf noted the neighbor is also building more and has a history in the County of failing to obtain the proper permits.

Robert Bird, 7225 192nd Ave. E., said his neighbor cut down five old-growth fir trees. He asked if a permit was required for such action and noted it is the same gentleman of which his neighbor Mr. Rudolf had been speaking. Deputy Mayor Swatman answered that his understanding is if the property has a residence, clear cutting is allowed without a permit. Mr. Bird said there was a mobile home, but it was removed. Additionally, the person in question is planning to build another duplex on that property and there may be a discrepancy between the actual zoning and the zoning assumed for this person’s building plans. Deputy Mayor Swatman said the City can easily discover the zoning.

Don Sangesand, 5616 195th Pl. E., said he recently received an email from the Mayor saying the Mayor and Council are dedicated to correcting the problems with the Ball Park Well. He thanked the Council and Mayor for not forgetting about this problem. Councilmember Bowen said he may be exempt from the Mayor’s reference. He wants all citizens to have good water, but would have to taste Mr. Sangesand’s water next time the Ball Park Well is activated. If he agrees the water is bad, he would then be willing to vote to spend more money on the well. Mr. Sangesand said that would be fair and offered an invitation to anyone to taste his water when activation of the well occurs, so they may witness the problems for themselves.

Dan Decker 20401 70th St., voiced his concern regarding the City Council taking action at Council Workshops. Workshops, he explained, are for discussion and Meetings are for action. When action is taken at Workshops, he feels it is a violation of his rights because he is not given the opportunity to speak to those items and does not have proper notification that these topics will be put to a vote. Mr. Decker added his opinion that the Police Department is in need of another vehicle and at least one and a half more officers.

Deputy Mayor Swatman said the Council has the right to take action at a workshop and in so doing, an invitation for anyone to speak is offered before a vote is taken. He noted it is highly unusual for an action item not to appear on the agenda. Councilmember King added that he has a well known distaste for action items being brought to Council Workshops, but acknowledged there are instances when time sensitive issues need to be addressed. Mr. Decker said there are always exceptions, but generally this behavior is inappropriate.

Mrs. Moore, Inlet Island, explained some history of Lake Tapps and said she is concerned about the urbanization of the Lake. She lives in the UGA and wants to maintain her rural lifestyle. The proposal for a 92 unit multi-family building with a dock and boat slips is disturbing to her. Deputy Mayor Swatman said the application she is referring to did not come before the Council. It is a matter for the Hearing Examiner to decide. Councilmember Rackley added the State mandates the laws regarding docks and things of that nature and the City is in charge of the building. Mrs. Moore also noted her concern about the confusion and fighting which will be caused with so many cities possibly regulating different parts of the Lake. Deputy Mayor Swatman noted the Council's job is to urbanize and plan for the City's future. Councilmember Noble added it is a State Mandate.

Mrs. Moore added her concern that the turn-on charges for water are extremely high. She said she had to pay once when it was only \$25 and was upset because she felt the City should not have turned her water off in that case. Deputy Mayor Swatman said the City would look into this and get back to her.

C. Correspondence: None.

7:53:26

III. COUNCIL COMMITTEE REPORTS:

[A3.6.4]

A. Finance Committee

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

1. An Ordinance for Accepting Donations;
2. Companion Resolution and Ordinance for a Master Business Licensing Program;

3. An Ordinance which Prohibits Deceptive and Fraudulent Practices for Third-Party Utility Billing;
4. Resolution 1686 – City Wellness Program;
5. Discussion on Lake Tapps Christian Water Bills;
6. Fennel Creek Application and Matching Fund Grants; and
7. Police Department Vehicles.

B. Community Development Committee

Councilmember Rackley said the Community Development Committee met on May 7th and will move forward to the May 22nd Council Meeting, with a recommendation to pass:

1. Resolution 1682 – Repairing Angeline Road;
2. Resolution 1685 – Demolishing the Moriarty House;
3. AB07-105 – A Request for Council to Authorize Pierce Council Conservation Grant for Fennel Creek Trail System;
4. AB07-108 – Release of Retainage for Storm Debris Grinding Contract;
5. Resolution 1688 – Paving for Cedarview Park.

Councilmember Rackley later noted that AB07-105 is on this evening's consent agenda.

C. Public Safety Committee

Councilmember King said the Public Safety Committee met on May 7th and discussed:

1. A Resolution Setting Permit Fees for Fireworks Stand Sales;
2. Police Department Vehicles;
3. Ecology Block Placement at Allan Yorke Park; and
4. The Police Department Annual Report.

Councilmember Noble added there was discussion on a vision statement for the Public Safety services in the City.

D. Other Reports: None.

7:59:58

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

- A. **Approval of Minutes:** April 17th Council Workshop and April 24th Regular Council Meeting. [A3.6.2]
- B. **Checks/Vouchers:** Accounts Payable checks/vouchers #47230 thru 47357 in the amount of \$236,088.37. [F4.9]
- C. **Payroll:** Payroll for April 16-30, 2007 for checks 25942-25949, including Deposits and Electronic Transfers for \$133,039.94. (Police Department) Payroll for April 16-30, 2007 for checks 25950-25989, including Deposits and Electronic Transfer for \$306,547.45. (AFSCME and Non-represented) [F4.9]
- D. **AB07-105** – A Motion Of The Bonney Lake City Council Authorizing The Mayor To Submit A Pierce County Conservation Futures Grant Application. [A 3.6.10]

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

Motion approved 6 – 0.

V. FINANCE COMMITTEE ISSUES: None.

VI. COMMUNITY DEVELOPMENT COMMITTEE ISSUES: None.

VII. PUBLIC SAFETY COMMITTEE ISSUES: None.

8:00:18

VIII. FULL COUNCIL ISSUES:

A. **AB07-101 – Resolution 1683** - A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Ratifying A Purchase And Sale Agreement To Acquire The Hopkins Property At 18416 89th Street East. [A 3.13.3.3]

Councilmember Rackley moved to approve Resolution 1683. Councilmember Bowen seconded the motion.

Councilmember Hamilton thanked City Administrator Morrison for his fine work in negotiating the purchase of this property, which will add to the Downtown Plan. Deputy Mayor Swatman agreed, noting Administrator Morrison and Mayor Johnson have been working diligently on Downtown properties. Councilmember King noted the sellers were also very interested in offering their property to put towards the City's vision for the future.

Motion to approve Resolution 1683 approved 6 – 0.

IX. EXECUTIVE SESSION: Pursuant to RCW 42.30.110(1)(b) and RCW 42.30.110(1)(i) a the City Council adjourned to an Executive Session at 8:02 p.m. for 15 minutes to discuss property acquisition and potential litigation. The Council meeting reconvened at 8:15 p.m.

X. ADJOURNMENT

At 8:15 p.m., Councilmember Bowen moved to adjourn the meeting. Councilmember Noble seconded the motion.

Motion approved 6 – 0.

Harwood Edvalson, CMC
City Clerk

Mayor Neil Johnson, Jr.

Item submitted for the May 8, 2007 Council Meeting:

- Bonney Lake Citizen – *Documentation Regarding ADU Code Enforcement Issue* – Russ Rudolf.