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]

City Clerk Edvalson called the roll. In addition to Mayor Neil Johnson elected officials attending were Deputy Mayor Swatman, Councilmember David Bowen, Councilmember Phil DeLeo, Councilmember Mark Hamilton, Councilmember Dave King and Councilmember James Rackley. Councilmember Cheryle Noble arrived at 7:04 p.m.

Staff members present were City Administrator Don Morrison, Interim Planning & Community Development Director Marvin Vialle, Chief Finance Officer Beth Anne Wroe, Public Works Director Dan Grigsby, Police Chief Mike Mitchell, Community Services Director Gary Leaf, City Attorney James Dionne, Administrative Services Director/City Clerk Harwood Edvalson, Planning Manager Steve Ladd 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:

Councilmember Rackley moved to pull Consent Agenda Items D - Ordinance D07-157 and F – Ordinance D07-159 and add Resolution 1721 as item G of the Finance Committee Issues portion of the agenda. Deputy Mayor Swatman seconded the motion.

Motion approved 6 – 0.

II. PUBLIC HEARINGS, CITIZEN COMMENTS & CORRESPONDENCE

A. Public Hearings: None.
B. Citizen Comments:

Tom Kennedy 10206 201st Ave. Ct. E., said his concern is based on the recent Determination of Non-Significance released for the Lowe’s Project. The Developers applied for a rezone of two lots only, but the City added adjacent parcels into the area being considered for rezone. One of those parcels is Tract M, a strip along 100th owned by the Brookwater HOA. Mr. Kennedy expressed apprehension that if that parcel were to be zoned commercial, Lowe’s would essentially have permission to remove the planned 20ft buffer between the homes and the business from their plan. While it is unlikely they would chose to do that, the possibility is there and the residential neighborhood next door needs a proper buffer. Mr. Kennedy said he would take his concerns to the Planning Commission, but if this rezone makes it to Council he would like them to remove Tract M from the proposal.

Councilmember Hamilton inquired as to why Tract M was a part of this rezone. Interim Planning & Community Development Director Vialle said he would look into it. Mr. Kennedy noted the Associate Planner had cited some reasons to him, but said they would reconsider based on the buffering ramifications. Additionally, the developer told him this was part of their ‘Plan B’ if the appeals prevailed. Since they did not, the tract was not necessary for their project.

George Brown, co-owner of Thian Thai, Old Sumner-Buckley Hwy, proposed the City change the name of Old Sumner-Buckley Hwy within City Limits, as its name is inconsistent with the City’s identity. He also spoke to the less desirable aspects of current businesses Downtown, encouraging the City to set policies and restrict the zoning to better control the type and nature of the businesses Downtown. Councilmember Noble said the City wants the area to be more community-oriented and the current moratorium is a testament to the City’s work towards regulating the Downtown area according to the vision of the Downtown Plan. In response to Mr. Brown’s inquiry, Council briefly discussed commercial vehicle regulations in the City.

Raymond Frey, Greenwood Partners, LLC, Bellevue, offered an update on his projects. The plan will be submitted soon for the 184th extension and in a week or two the plans for the Eastown Lift Station will also be submitted. Councilmember Bowen asked about installing sewer and water lines simultaneously. Director Grigsby said sewer lines are generally installed deeper in the ground and offset from the waterline enough that they may be repaired without damaging each other. Council discussed the schedule for water and sewer in Eastown and Director Grigsby offered to return to Council with more details on the timelines.

Cecil Sidwell, 10302 199th Ave. E., asked who submitted the proposed rezone for the Lowe’s property and adjacent lots, including Tract M. He asked why the City thinks this is a good idea when the majority of property owners affected are opposed to it. This rezone would be bad for the neighborhood because of the reduced buffers and the possible conflicts with the Brookwater HOA’s CCRs.
Mr. Sidwell and his neighbors plan to submit a petition to the Planning Commission opposing this rezone.

Margaret Duggan, 10105 199th Ave. E., agreed with Tom and Cecil regarding the rezone. Additionally, she said, she is concerned about the Lowe’s access road which is planned to go through the Fry Property. According to surveyors she has met with, this addition of a road would require a plat alteration because there is a specific prohibition in the plat against properties accessing 200th Ave. Ct. E. She said there has been no paperwork submitted and if this road is built without proper authorization the City will be opening itself up to lawsuits. Director Vialle confirmed there has been nothing submitted for the plat alteration, but indicated discussions continue with the applicant.

C. Correspondence: None.

III. COUNCIL COMMITTEE REPORTS:

A. Finance Committee
Deputy Mayor Swatman said the Finance Committee met this evening and discussed:
1. Authorization to Apply for a 2007-2009 Express Grant with the State for Records Archiving;
2. An Ordinance for Credit Card Procedures;
3. Resolution 1720 – Surplusing City Equipment;
4. A Resolution regarding very past due accounts;
5. A Motion to allow the CFO to send notice to Bank of New York for Water and Sewer Bonds; and
6. Contract for the services of Dave Papandrew, CPA.

B. Community Development Committee
Councilmember Rackley said the Community Development Committee met on July 2nd and discussed the four Ordinances on the Consent Agenda, two of which were pulled off the Evening’s Agenda. The remaining two are:
1. Draft Ordinance D07-156 – Creating Optional Site Plan Approval; and
Councilmember Rackley said the CDC recommends passage of the forwarded items.

C. Public Safety Committee
Councilmember DeLeo said the Public Safety Committee met on July 2nd and had a presentation by American Traffic Systems for a possible alternative to the Nestor System, and a presentation by a representative from the City of Puyallup regarding the concept of a regional dispatch center.

D. Other Reports:

Softball Championship
Deputy Mayor Swatman congratulated the Mayor, who is the coach for the 11-12 year old girls fast pitch team, which is now on its way to the State Championships.
IV. CONSENT AGENDA:  [A3.6]

A. Checks/Vouchers: Accounts Payable checks/vouchers #47893 thru 47895 in the amount of $1,262,607.15. Accounts Payable checks/vouchers #47896 thru 48006 in the amount of $402,529.00. Accounts Payable checks/voucher #48007 thru 48015 in the amount of $20,404.09 for accounts receivable refunds.  [F4.9]


D. AB07-157 – Ordinance D07-157 - An Ordinance Of The City Of Bonney Lake, Pierce County, Washington, Amending Title 16 Of The BLMC And Ord. No. 1070 To Allow Permeable Surfaced Trails Within 50 Feet Of Streams.  [A 3.5.5]

E. AB07-158 – Ordinance 1245 [D07-158] - An Ordinance Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Amending Title 14 BLMC And Ord. No. 988 To Cause In-Process Permits To Expire If Inactive For Over One Year.  [A3.5.5]

F. AB07-159 – Ordinance D07-159 – An Ordinance Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Amending BLMC 18.04.020 And Ord. No. 740, Relating To The Zoning Code’s Definition Of Building Height.  [A3.5.5]

G. AB07-155 - Resolution 1717 – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing A Contract With RTS Hydro-Seeding, LLC, Inc. For Seeding Cedarview Park Turf  [O5.2]

H. AB07-148 - A Motion Of The City Council Canceling The August 7, 2007 Council Workshop To Allow The City Council And Staff To Participate In The National Night-Out Against Crime.  [A1.1.2] [A3.6.10]

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

Motion approved 7 – 0.

V. FINANCE COMMITTEE ISSUES:

A. AB07-79 – Ordinance 1243 [D07-79] – An Ordinance Of The City Of Bonney Lake, Pierce County, Washington, Amending Chapter 3.68 Of The Bonney Lake Municipal Code And Ordinance No. 789, Relating To Planning Department Services And Permit And Application Fees.  [A 3.5.5] [F 4.3]

Deputy Mayor Swatman moved to approve Ordinance 1243. Councilmember King seconded the motion.
Councilmembers King and Rackley expressed appreciation that this ordinance was finally coming to Council.

Motion Approved 7 – 0.

B. **AB07-125 – Resolution 1697** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Declaring Sewer Grinder Pump And Easement Surplus Per BLMC Chapter 3.88. [F 4.6.3]

Councilmember Rackley moved to approve Resolution 1697. Deputy Mayor Swatman seconded the motion.

Motion Approved 7 – 0.

C. **AB07-151 – Resolution 1714** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing The Mayor To Sign A Lease Agreement With Bruce Hornabach To Continue Renting The Simmons Property After Purchase By The City. [A 3.13.2.2]

Councilmember Rackley moved to approve Resolution 1714. Deputy Mayor Swatman seconded the motion.

Councilmember Bowen asked about paid relocation. Administrator Morrison said that stipulation only applies to federally funded projects and would not be necessary in this case. He spoke highly of Mr. Hornabach’s references as a tenant. Councilmember King reminded Council that there is a plan for that property in the future and the City is not just leasing for profit.

Motion Approved 7 – 0.

D. **AB07-160 – Resolution 1718** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Ratifying A Purchase And Sale Agreement To Acquire The Buck Property At 8508 182nd Avenue East. [A 3.13.3.3]

Councilmember Rackley moved to approve Resolution 1718. Deputy Mayor Swatman seconded the motion.

Mayor Johnson said this property is necessary for the 184th Ave. Extension.

Motion Approved 7 – 0.

E. **AB07-161 – Resolution 1719** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Ratifying A Purchase And Sale Agreement To Acquire The Kimball Property At 18401 89th Street East. [A 3.13.3.3]

Councilmember Hamilton moved to approve Resolution 1719. Deputy Mayor Swatman seconded the motion.

Administrator Morrison said this property would be part of the future Downtown Civic Center Project.
F. **AB07-174** – A Motion Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing Submittal Of An Application for the 2007-2009 Washington State Archives Express Grant. [A 3.6.10] [F 5.2.1.12]

Councilmember Rackley moved to approve AB07-174. Councilmember Noble seconded the motion.

Administrative Services Director Edvalson said this grant falls under the state archives program. The proposal is to provide microfilm backup of Council Minutes, Ordinances and Resolutions since 2000 and to have electronic copies created of past microfilmed versions of these documents prior to 2000. Councilmember King praised the effort to make electronic records more available to the public.

Motion approved 7 – 0.


Councilmember Hamilton moved to approve Resolution 1721. Councilmember Rackley seconded the motion.

Motion approved 7 – 0.

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

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

VIII. **FULL COUNCIL ISSUES**: None

IX. **EXECUTIVE SESSION**: None:

X. **ADJOURNMENT**

At 7:53 p.m., Councilmember Rackley moved to adjourn the meeting. Councilmember Noble seconded the motion.

Motion approved 7 – 0.