CALL TO ORDER – Mayor Johnson called the meeting to order at 7:00 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. and left at 9:22 p.m.

Staff members present were City Administrator Don Morrison, Planning & Community Development Director John Vodopich, Police Chief Mike Mitchell, Community Services Director Gary Leaf, Public Works Director Dan Grigsby, 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: Introduction of Director John Vodopich – Department of Planning and Community Development. Mayor Johnson introduced and welcomed the City’s new Planning and Community Development Director John Vodopich, who started August 6th.
2. Appointments: None.
3. Presentations: None.

D. Agenda Modifications:
Councilmember King moved to add Draft Ordinance D07-173, Adoption of the Downtown Design Guidelines, to Full Council Issues, Item A. Councilmember Bowen seconded the motion.

Motion approved 6 - 0.

Councilmember Rackley moved to pull CDC Issues Item B: Draft Ordinance D07-164 – Non-Motorized Transportation Plan and reschedule it to the August 28th Council Meeting. Councilmember DeLeo seconded the motion.
II. PUBLIC HEARINGS, CITIZEN COMMENTS & CORRESPONDENCE

A. Public Hearings: None.

B. Citizen Comments:

Lory Sogolow, 8904 206th Ave. E., said he lives between Swiss Park and 214th and there are sight issues where his driveway opens out onto Sumner-Buckley Hwy. There have been many accidents and multiple fatalities. He was able to ease the problem for awhile by installing a “Hidden Driveway” sign, but the County took the sign down. Mr. Sogolow said this problem needs to be resolved and he is looking for help or advice on what he can do. He recommended annexing his area and straightening the road.

Councilmember Hamilton expressed familiarity with this issue. He said he has tried to contact Pierce County Councilmember Shawn Bunney to discuss it, but has not succeeded yet. Police Chief Mitchell said there have been four fatalities in that area since he started working for the City ten months ago. He confirmed there is excessive speeding, but it is the County’s jurisdiction and they claim to be understaffed. Chief Mitchell suggested the City may be able to work with the County or use the Traffic Safety Commission to do some enforcement in the area. Council discussed possible solutions and Chief Mitchell offered to make contacts in the County to see what can be done.

George Brown, Thian Thai Restaurant, Sumner-Buckley Hwy, asked about Police protocol, noting he reported something stolen recently and was interrogated in a manner he felt to be excessive. Chief Mitchell confirmed it is protocol to ask a lot of identifying questions to ensure the Department has proper records.

Mr. Brown also asked about the possibility of obtaining funding to paint a mural of the vision for Downtown on the South facing side of his restaurant. Council discussed possible sources and recommended he contact Beautify Bonney Lake and see if they would be interested in this project.

Melanie Castrilli, 18610 88th St. E., said she just bought her first home a year ago and now she shares her property line with the Diamond Lounge. The Lounge is a constant noise problem for her and her neighbors. They are frequently sleep deprived and have to call 911 every night. Additionally, there is foul language, lit cigarettes, litter and a variety of other unsavory things emanating from the business late into the night. Police Chief Mitchell said there have been 49 calls into dispatch relating to the Diamond Lounge. The City is aware of the problem and is working on a solution. He requested the citizens continue to complain and call 911 so there will be record of the nuisance caused by the Lounge.

Patricia Davis, 18609 88th St. E., said she and her husband Lance have lived in their home behind the Lounge for 40 years. She said the loud music lasts until 2:30 in the morning and the lack of sleep is having a negative effect on her health. The problem seems to be getting worse and they have to call the Police frequently. Police Chief
Mitchell said the Police Department has cited the Diamond Lounge for noise violations. They were shut down for a period of time and he has been in frequent contact with the Liquor Control Agent.

Jodie Lapiere, 18616 88th St. E., said she just moved from her home behind the Diamond Lounge because her experience was causing her to hate living there. She took a loss on her house because she had to disclose the commercial noise. Last time she spoke to Council about the problem it improved for a little while, but now it is worse than ever.

Council, Chief Mitchell and City Attorney Dionne debated other possible actions to take, including filing additional complaints with the Liquor Control Board, modifying the zoning code for Downtown, positioning officers outside the bar to catch drunk drivers and re-evaluating the Impact Fees paid during the last tenant improvement. Mayor Johnson said there would be further discussion with the Attorney and appropriate action would be taken.

Ralph Raymond, 9314 Angeline Road E., asked Council not to approve the Dewitt/Simmons rezone on this evening’s agenda. There is a serious flaw in access. The easement through his property is only intended to be used for two homes, not a high density area like the property in question. He said the Planner said access would be from the North, but the City does not have control of the North. Mr. Raymond added that the City mishandled the purchase of the Dewitt property and paid over twice the accessed value. He said he hopes this discrepancy will be investigated because he believes that money could have been spent more wisely.

Deputy Mayor Swatman said there are other properties in the area which the City is also considering purchasing. The northern parcel is one of those. He suggested Mr. Raymond should be glad the City owns the property because that means he will have input as to what is done with it. His understanding is there is no intention to use Mr. Raymond’s road for access.

David Konsmo, P.O.Box 1962, Auburn, said the Eastown utility infrastructure was required to be provided by the City of Bonney Lake when they annexed Eastown from Pierce County in November of 2001. On behalf of 85% of the commercial property owners, Mr. Konsmo requested immediate installation of utility infrastructure. He described the history of Eastown and said he and the other property owners have been relying on the City to do this and have planned accordingly.

Mr. Konsmo asked why his recent letter to the Public Works Department was ignored and said the City needs to make this a priority. He said the City had promised not to put other commercial areas first and he cannot understand why the City is not being supportive of Eastown. Councilmember Noble said she has no recollection of promises being made. Director Grigsby said there was once an attempt to develop an LID, but he has no recollection of the City promising to pay for infrastructure either. Mayor Johnson said the City would review Mr. Konsmo’s letter and research the topic.

Roger Watt, 12029 225th Ave. Ct. E., said he owns the Golfing Range in Eastown and feels annexation to the City was dependent on the City providing utilities. He said
the impression was the City felt Eastown would be beneficial to annex, but now it is not allowing the owners to develop their properties. Mr. Watt noted it has been five and a half years since his property was annexed and he feels nothing has changed. In response to his inquiry Mayor Johnson said Eastown is important to the City and the City cares. A lot of time is being spent developing designs for the utilities in Eastown and coordinating with the State on widening the highway.

Director Grigsby said WSDOT has funding and promised completion by December of 2009. Additionally, when the Sewer Lift Station in Eastown is complete, all property owners east of the new Mazatlan Restaurant will be able to hook up to it. He went on to explain the upgrade to the Sewer Treatment Plant in Sumner and the difference between Sewer Capacity and Sewer Availability. Mr. Konsmo said the City needs to ensure the capacity is there for Eastown. Deputy Mayor Swatman said there is quite a bit of capacity now, but the law requires the City to allocate space on a first-come, first-served basis.

Ray Frey, 12356 Northup Way, Suite 119, Bellevue, said he speaks on behalf of Eastown, LLC and Greenwood, LLC and would like to give an update on their projects. The grading and filling plans were recently reviewed by Parametrix and he is waiting for the MDNS to be issued. The comment deadline is August 27th. They are hoping to use the fill dirt from the Lowe’s site on the French property in Eastown. Regarding the Greenwood proposal, Mr. Frey said the appeal period will end on August 22nd and there have been no comments or appeals filed yet. They hope to start work on September 15th.

Councilmember Hamilton expressed concern that there is a plan to fill property so close to the headwaters of Fennel Creek. He asked for assurance that all precautions are being taken. Planning and Community Development Director Vodopich explained many of the requirements which had to be met in order for Mr. Frey to receive his permit. Mr. Frey elaborated on the locations of wetlands and the buffers being provided. He said they have done everything required of them.

Rick Gienger, 11919 Canyon Rd. E., Managing partner for Eastown, LLC said the Civil Engineers on site have worked very diligently to ensure everything is done properly. He said the site is being improved and all Pierce County Storm Drainage regulations are being met. In 34 years of business, Mr. Gienger said, he has never degraded a downstream property owner.

Marian Betzer, 19812 32nd St. Ct., E., said she is on the Fennel Creek Advisory Committee and has worked in many capacities to protect Fennel Creek. She said homeowners have allowed her to see the results of filling in some of the ponds in the area and she is very concerned about the fill planned for the Eastown property Mr. Frey is developing. She said the watershed is unique to the City of Bonney Lake and must be protected. She added she is not opposed to development necessarily; she merely wants to ensure the impacts are benign. There needs to be balance between development and conservation of habitats.

Winona Jacobsen, 9100 189th Ave. Ct. E., agreed that the City must be very careful in the Eastown development area. She said depositing the fill soil over the Fennel Creek tributary will be detrimental.
C. Correspondence: None.

At 8:35 p.m. Deputy Mayor Swatman moved for a 15 minute break. Councilmember Rackley seconded the motion.

Motion approved 7 – 0.

The meeting reconvened at 8:54 p.m.

III. COUNCIL COMMITTEE REPORTS:

A. Finance Committee
Deputy Mayor Swatman said the Finance Committee met this evening and discussed:
1. Acquisition of Moody Property;
2. Lease for Unit A of Kimball Property; and
3. Downtown Funding options.

B. Community Development Committee
Councilmember Rackley said the Community Development Committee met on August 6th and discussed a feasibility study for 191st Ave. E. and 79th St. E., GASBE 34, a Department of Ecology Stormwater Grant, and the SR410 underground walkway in Eastown, which the Department of Transportation is recommending against. Action items discussed at the CDC included:
2. Fennel Creek Trail Plan, moved to this Agenda;
3. Falling Waters/Creekridge Glen UGA Extension;
4. Comprehensive Plan Amendment to rezone Target, moved to this agenda;
5. Comprehensive Plan Amendment for Bonney Lake Marketplace, moved to this agenda;
6. Non-motorized Transportation Plan;
7. Resolution 1741 – A Personal Services Agreement with RH2 for Southern Sewer Area;
8. Downtown Plan, moved to this agenda;
9. Comprehensive Plan Rezone for Simmons Property, moved to this agenda;
10. Comprehensive Plan Amendment for Greenwood Property, moved to upcoming workshop; and
Councilmember Bowen said he is very concerned about the wildlife needing to cross HWY 410 and the City should at least keep the crossings open for that purpose. If they are filled in now it will cost much more in the future to dig them out again. Mayor Johnson suggested this topic be moved to Workshop for discussion.

C. Public Safety Committee
Councilmember DeLeo said the Public Safety Committee met August 6th and discussed safety issues in Cedarview. There will be a follow up discussion on this at the upcoming August 20th meeting. To this meeting’s agenda, the Public Safety Committee moved a motion for out of state travel for Officer Hoag to attend a Meth Lab Class. This item is on the Consent Agenda.

D. Other Reports:
Councilmember Rackley pointed out that Channel 22 now has detailed show listings as a result of his complaint.

Councilmember Absence
Councilmember King said he would be out of town on business and would consequently be absent at the upcoming Council Workshop.

IV. CONSENT AGENDA: [A3.6]

A. **Checks/Vouchers**: Accounts Payable checks/vouchers #48144 thru 48149 in the amount of $11,189.87; #48150 in the amount of $9,930.00; #48151 thru 48307 in the amount of $581,621.46; #48308 in the amount of $11.00 for accounts receivable refunds; and wire transfers #162142 and 168125 in the amount of $689,778.20. [F4.9]


C. **AB07-190 - Resolution 1740** - A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Ratifying A Purchase And Sale Agreement To Acquire The Moody Property At 18411 89th Street East. [A 3.13.3.3]

D. **AB07-191 - Resolution 1741** - A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing A Professional Services Agreement With RH2 Engineering For Southern Sewer Service Area Comprehensive Plan. [O 4.5.1]

E. **AB07-195 - Resolution 1744** - A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing The Mayor To Sign A Lease Agreement With John Ingham For The Lease Of City Property At 18401 89th Ave. E., Unit #A. [A 3.13.2.2]

F. **AB07-185** - A Motion Of The Bonney Lake City Council Scheduling a Special Joint Council/Planning Commission Meeting for August 28, 2007 at 6:30 p.m. in the Council Chambers to hold a public hearing on the proposed annexation of the 17-acre Peaking Storage Tank Site for municipal purposes. [A 3.6.12][A3.6.10] [This is a reschedule of the special meeting and hearing originally planned for 08/14/07].

G. **AB07-193** - A Motion Of The Bonney Lake City Approving Out-of-State Travel To Oregon For Officer Robert Hoag. [A3.6.10][A 4.7]

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

Motion approved 7 – 0.

V. FINANCE COMMITTEE ISSUES: None.

VI. COMMUNITY DEVELOPMENT COMMITTEE ISSUES:
A. **AB07-163 – Ordinance 1246 [D07-163]** – An Ordinance Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Adopting A Fennel Creek Trail Plan As Part Of The Comprehensive Plan. [O 3.5.2]

Councilmember Rackley moved to approve Ordinance 1246, Councilmember Noble seconded the motion.

Councilmember Hamilton commended Planning Manager Ladd for his work on this Plan. Planning Manager Ladd responded that he is proud of the Plan and the Environmental Impact Statement (EIS) which he prepared. He said it is very technical, but provides good data and he hopes it will be used as intended. Deputy Mayor Swatman thanked Community Services Director Leaf for his extensive involvement in this project and the grant received to fund some of the trail. Councilmember King added his gratitude to the Friends of Fennel Creek for their tireless efforts in educating and working to preserve the Creek.

**Motion approved 7 – 0.**

B. **AB07-164 – Ordinance D07-164** - An Ordinance Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Adopting A Non-Motorized Transportation Plan As Part Of The Comprehensive Plan. [O 3.5.2]

C. **AB07-165 – Ordinance 1247 [D07-165]** - An Ordinance Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Adopting A Refined Downtown Plan. [O 3.5.2]

Councilmember Rackley moved to approve Ordinance 1247. Deputy Mayor Swatman seconded the motion.

Planning Manager Ladd said this has been in process for a long time and included a lot of citizen help. There has been an EIS done on the Downtown Plan, but it will be replaced with a Planned Action EIS. He requested Council adopt the Plan.

**Motion approved 7 – 0.**

D. **AB07-168 – Ordinance 1248 [D07-168]** - An Ordinance Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Amending The Comprehensive Plan And Zoning Map In The Vicinity Of The Target Store. [O 3.5.2]

Councilmember Rackley moved to approve Ordinance 1248. Deputy Mayor Swatman seconded the motion.

Planning Manager Ladd confirmed this amendment was recommended by the Planning Commission.

**Motion approved 7 – 0.**

Councilmember Rackley moved to approve Ordinance 1249. Deputy Mayor Swatman seconded the motion.

Ralph Raymond, 9314 Angeline Road E, said he stated his comments earlier and hopes his point was understood. There are unresolved issues with this amendment which may result in a lawsuit.

Planning Manager Ladd said this amendment was recommended by the Hearing Examiner because it is considered a site-specific action. The Downtown Plan shows this property as a part of Downtown, but the land use map is inconsistent. This ordinance will bring the map, the plan and the zoning in compliance. He concurred that the easement referenced by Mr. Raymond is inappropriate for access. That is why the Plan shows traffic going north from the property. In response to Councilmember Rackley’s request, Planning Manager Ladd confirmed the plans are not to direct traffic down Angeline Rd.

Motion approved 7 – 0.

F. AB07-172 – Ordinance D07-172 – An Ordinance of the City Council Of The City Of Bonney Lake, Pierce County, Washington, Amending The Comprehensive Plan And Zoning Map For Tax Parcel #4910000021 (Tuggle Parcel) From Medium-Density Residential (R-2) To Commercial (C-2). [O 3.5.2][O 3.8.2]

Councilmember Rackley moved to approve Ordinance D07-172. Councilmember Noble seconded the motion.

Planning Manager Ladd said the Hearing Examiner recommended against this amendment. Councilmember Rackley said because of the location of the property there is no sensible reason he could see not to grant the rezone. Councilmember DeLeo said the creeping effect of rezoning in this area was an issue in the past when the Qualey property was rezoned. He said he would not support this. Deputy Mayor Swatman stated that he agrees with the Hearing Examiner, as well.

Motion Failed 2 – 5. Councilmembers Bowen and Rackley voted to approve it.

VII. PUBLIC SAFETY COMMITTEE ISSUES: None.

VIII. FULL COUNCIL ISSUES:

A. AB07-163 – Ordinance 1250 [D07-173] – An Ordinance Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Lifting The Moratorium Established By Ordinance 1229, Amending Chapters 18.18, 18.26, 18.36, And 18.37 BLMC, And Adding Chapters 18.35 And 18.38 BLMC, To Bring The Text Of The Downtown Zoning Districts In Line With The Downtown Plan, And Repealing Or Amending Portions Of Ordinances No. 1071 § 1, No. 747 § 1, No. 746 § 4, No. 740 § 6, No. 1230 § 19, No. 1155 § 4, No. 1099 § 19, No. 851 § 32, No. 740 § 6, No. 1230 § 6; No. 1099 § 23; No. 746 § 8; No. 740 § 10, No. 1155 § 3, No. 1155 § 1, And No 1155 § 2. [A3.5.5]
Councilmember Rackley moved to approve Ordinance 1250. Deputy Mayor Swatman seconded the motion.

Planning Manager Ladd noted this ordinance which adopts the Downtown Design Guidelines also includes lifting the moratorium. He spoke highly of the guidelines and recommended adoption. Councilmember King said this ordinance is proof the City is working to create the best Downtown possible. It culminates the efforts of many people in a short period of time. Mayor Johnson thanked staff for all their hard work.

Motion approved 7 – 0.

Councilmember Hamilton moved to extend the Council meeting beyond 10:00 p.m.
Councilmember DeLeo seconded the motion.

Motion approved 6 – 1 with Deputy Mayor Swatman voting No.

IX. EXECUTIVE SESSION: Pursuant to RCW 42.30.110(1)(b), RCW 42.30.110(1)(i) and RCW 42.30.110(1)(g) the City Council announced an Executive Session at 9:22 p.m. for an hour and a half to discuss property acquisition, potential litigation and a personnel issue. The meeting reconvened at 10:52 p.m.

Councilmember Rackley moved to amend the agenda to add the working agreement with Cascadia to the agenda. Councilmember Bowen seconded the motion.

Motion to amend agenda approved 6 – 0.

Councilmember Rackley moved to allow the Mayor to sign and execute the Cascadia agreement. Councilmember Bowen seconded the motion.

Motion approved 6 – 0.

X. ADJOURNMENT

At 10:53 p.m., Deputy Mayor Swatman moved to adjourn the meeting. Councilmember King seconded the motion.

Motion approved 6 – 0.
Documents submitted for the August 14th City Council Meeting: