CALL TO ORDER – Mayor Neil Johnson

A. Flag Salute: Matthew Wilson from Cub Scout Troop 172 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, Councilmember Cheryle Noble, and Councilmember James Rackley.

[Staff members present were City Administrator Don Morrison, Public Works Director Dan Grigsby, Associate Planner Heather Stinson, Planning & Community Development Director John Vodopich, City Attorney James Dionne, Chief Financial Officer Al Juarez, Administrative Services Director/City Clerk Harwood Edvalson, and Records & Information Specialist Susan Duis.]

C. Announcements, Appointments and Presentations: [A3.6.9]

1. Announcements: Dan Decker submitted a petition for a Charter City to the City Clerk today. The council will review copies of the petition.

   John Vodopich previously distributed a memo regarding a meeting at the 184th Avenue Extension next Tuesday, November 20, 2007 at 4:00pm. Council members, planning commission members, and others are welcome to attend.

   The holiday message will be taped Wednesday, November 14, 2007, at 9:30am at Cedarview Park. Councilmembers and city staff are welcome to attend.

2. Appointments: None.

3. Presentations: None.

D. Agenda Modifications:

   Deputy Mayor Swatman moved to add Resolution 1758 to Full Council Issues, Item A; and moved that Ordinance 1260: Refunding of 1998-1999 Water/Sewer Bond, be added to Finance Committee Issues. Councilmember DeLeo seconded the motion.

   Motion Approved 7-0

PUBLIC HEARINGS, CITIZEN COMMENTS & CORRESPONDENCE:

A. Public Hearings: [A3.6.12]


   Mayor Johnson opened the hearing at 7:05pm. There being no speakers, he closed the meeting at 7:05pm.
Citizen Comments: [A1.5]

Raymond Frey, of Halsan Frey, LLC, 12356 Northup Way, Bellevue, WA 98005. Mr. Frey said he wanted to speak about agenda item AB07-228, and that the downtown drainage project and expenditures are appreciated. He said his group is in favor of addressing this as quickly as possible from the standpoint of Greenwood projects. He said a temporary pond has been constructed on the frontage, which is one of the most important and attractive areas. He added that the space is important for development, and the council’s consideration is appreciated.

Mr. Frey also addressed AB07-232, regarding tree grate designs. He said that while tree grates are the preferred way to treat the base of trees, they are expensive. He asked the council to keep in mind that they will be used throughout the city, and asked that the City consider having them manufactured locally. He explained that not only is it right to use local organizations, it could also reduce the costs, noting that it costs $200-300 additional to ship grates across the country.

Councilmembers Rackley, Hamilton, and DeLeo asked Public Works Director Dan Grigsby about manufacturing costs, design, and local foundry options. Associate Planner Heather Stinson offered more information on how design specifications can influence manufacturing costs, as another manufacturer might have to create a new mold to meet specific design requirements.

Larry Abraham, 18023 Highway 99, Suite I, Lynwood, WA 98037. Mr. Abraham also spoke to AB07-232, regarding tree grates. He distributed packets to council members, and related his experience with the Greenwood Project, which has 42 street trees and therefore 42 tree grates. He shared his observations from a recent trip to Washington, D.C. He said that tree grates require maintenance, and do not always break as they are supposed to as the tree grows. He suggested alternatives including using no grates or seasonal plantings, and said these options may have more appeal, and offer more pride in ownership than the traditional tree grate. He also noted that tree grates can lift up as roots grow, and create a potential accident hazard and liability. He said the capital for tree grates comes from the private sector, who must buy the grates.

Councilmember Rackley asked Mr. Abraham to speak directly with the Design Commission about his suggestions and concerns.

Councilmember Hamilton asked for clarification of how grates would be purchased, and said he hoped there would be a way for the City to set up a contract for purchasing grates, so developers could buy them from the City at a lower cost. Councilmember Hamilton asked if other options were considered in Planning Commission. Associate Planner Stinson confirmed that grates, planters and other options were considered, and tree grates were the preferred option.

Mayor Johnson asked that further discussion on tree grates be held until later in the meeting as it is included on the agenda for Community Development Committee Issues.

Joanne Hunter, 11103 176th Ave E, Bonney Lake. She said she had requested a public records statement, and was disappointed that the City of Bonney Lake does not compile the amount of individual taxes it collects from Puget Sound.
Energy. She had received a 22-page bill from PSE about the omission of $333.37 in Bonney Lake City Tax. She said that while she is happy to pay what is owed, she wanted the City to ensure the charges from PSE are accurate.

Mayor Johnson asked City Clerk Edvalson if he had the information needed to research her request. City Clerk Edvalson explained that the City does not track individual customer taxes, and receives a gross amount receipt from PSE which is not broken down by individual customer. He said a request has been made, and that PSE is preparing written information for the City, which is not yet available. Councilmember Rackley asked if it had been confirmed that three years of taxes is all that PSE owes the City. City Clerk Edvalson said that PSE is preparing an answer but it has not yet been received.

Dan Decker, 204 70th St E, Bonney Lake, WA
He said he turned in a petition today to City Clerk Edvalson to cause a Charter Government to occur. The petition includes 527 signatures. He said he is hopeful that the Council can consider and enact the Charter Government without going to a vote of the people, to save the city money that would be needed for a special election.

Deputy Mayor Swatman asked about the timing of the petition. Mr. Decker explained that he had six months to prepare the petition and submitted it in less time.

C. **Correspondence:** None.

III. **COUNCIL COMMITTEE REPORTS:** [A3.6.4]

A. **Finance Committee**
Deputy Mayor Swatman reported that the Finance Committee met this evening and discussed:

1. Travel request from John Vodopich to attend a conference for the American Institute of Certified Planners, in order to maintain certification;
2. Schedule of salaries and benefits;
3. Amendment to Bonney Lake Municipal Code regarding Public Works fees;
4. Upcoming bond issues;
5. Refinance of water/sewer bond which is on the agenda this evening.

B. **Community Development Committee**
Councilmember Rackley reported that the Community Development Committee met on November 5th and discussed:

1. Status of Eastown sewer lift station design & construction, nearing winter shutdown;
2. Lift Station proposal for development on South side of SR410 in Eastown;
3. Status of WSDOT 410 lighting project in Eastown;
4. AB07-266: Update of public works design standards, moved to this agenda;
5. AB07-1761: Professional services agreement with KPG, addendum to 75th Street E improvements, moved to this agenda;
6. AB07-1762: Professional services agreement with Parametrics to design Downtown Regional Storm Pond, moved to this agenda;
7. AB07-1764: Professional services agreement with RH2 for Leaky Main Replacement project, moved to this agenda;

8. AB07-1763: Professional Services Agreement with FCS Group and RH2 for Sewer System Development Charges (SDC) & Comp Sewer System Plan (CWSP), forwarded to City Council Workshop.

C. Public Safety Committee
Councilmember DeLeo reported that the Public Safety Committee met on November 5, 2007, and discussed:

1. Installing security cameras in parks.

D. Other Reports

*Regional Access Mobility Partnership Grant Meeting*
Councilmember Hamilton attended a meeting on November 7th, which included a review of the failure of the Regional Transportation Investment District Package, and plans for moving forward. He said there is concern that the three counties will have to go it alone after the failure, and that King County will try to secure any available road funding. The group plans to look at a funding package within the county to be put on the ballot, which would likely happen in the next two to three years.

*Private Public Partnership Meeting*
Deputy Mayor Swatman also reported that he and Councilmember Hamilton attended a meeting of the PPP on November 8th, where development of the Southern end of the plateau and expansion of SR162 was discussed. He said a major part of the discussion was how the City could bring in large areas of Southern plateau into the City’s Urban Growth Area to help fund transportation needs within the city. There did not appear to be a contingency plan in case RTID failed. The Mayor said he heard from County Councilmember Shawn Bunney that he plans to reintroduce a Rhodes Lake Road ‘package’ in January or February 2008 including modified expectations of developers.

Deputy Mayor Swatman noted that the main issue for this idea is that the properties are outside any county’s Urban Growth Area, and these properties would be funding a lot of road improvements in the area. Mayor Johnson has written letters to the County as they consider these proposals, but there is little hope that the County will increase the ability of cities to increase their UGAs in certain areas.

*Bonney Lake in the News*
Mayor Johnson noted that Bonney Lake is featured in the November 12th issue of the Pierce County Business Examiner, regarding Downtown, Midtown and Eastown areas. He said that Bonney Lake is also featured in the November issue of the Seattle Business Monthly. The article(s) will be incorporated into the economic development plan that is being put together. Copies of both articles will be provided to council members.

*Puyallup Herald – Chris Albert*
Mayor Johnson also noted that tonight is the last night for Puyallup Herald reporter Chris Albert to attend Council meetings; he will be replaced by a new reporter, Susan Shell.

*City Advisory Council – Sister Cities*
Mayor Johnson said the City Advisory Council is meeting on Thursday, November 15th, where the topic will be Sister Cities.
City Council Minutes

Last Meeting for Councilmember Noble
Councilmember Noble announced that tonight’s meeting may be her last this year. She said she is having surgery in a couple of days, and did not run for re-election in 2008. She said it was great to work with the council and staff; and added she has been here almost five years.

IV. CONSENT AGENDA: [A3.6]

A. Checks/Vouchers: Accounts Payable checks/vouchers #49085 in the amount of $468.29; Accounts Payable checks/voucher #49086 in the amount of $3,967.60; Accounts Payable checks/vouchers #49087 thru #49222 (including wire transfer #3190523) in the amount of $803,197.98; Accounts Payable checks/voucher #49223 thru #49285 in the amount of $27,901.15 for utility refunds; and Accounts Payable checks/voucher #49286 thru #49291 in the amount of $17,282.78 for accounts receivable deposit refunds. [F4.9]

B. Payroll: Payroll for October 16-31, 2007 for checks, including Deposits and Electronic Transfers for $332,676.53. (AFSCME and Non-represented) Payroll for October 16-31, 2007 for checks, including Deposits and Electronic Transfers for $126,989.53. (Police Department) [F4.9]

C. AB07-223 – Resolution 1760 – A Resolution Of The City Of Bonney Lake, Pierce County, Washington Ratifying A Purchase And Sale Agreement To Acquire The Dole Properties At 18417, 18421 And 18429 89th Street East. [A 3.13.3.3]

D. AB07-227 – Resolution 1761 – A Resolution Of The City Of Bonney Lake, Pierce County, Washington, Authorizing An Agreement With KPG Engineering For The 75th Street East Water Main Replacement Project From Locust Avenue To 191st Avenue East. [O 4.10.1]

E. AB07-228 – Resolution 1762 – A Resolution Of The City Of Bonney Lake, Pierce County, Washington, Authorizing An Agreement With Parametrix Inc. For The Design Of The Western Downtown Regional Storm Pond. [O 4.10.1]

F. AB07-230 – Resolution 1764 – A Resolution Of The City Of Bonney Lake, Pierce County, Washington, Authorizing An Agreement With RH2 Engineering For The 95th Loop East And 181st Avenue East Water Main Replacement Project. [O 4.10.1]

Councilmember Rackley moved to approve the Consent Agenda. Deputy Mayor Swatman seconded the motion. No citizen comments.

Motion Approved 7 – 0

V. FINANCE COMMITTEE ISSUES:

Councilmember DeLeo moved to approve the Consent Agenda. Councilmember Hamilton seconded the motion.

City Administrator Don Morrison explained that each year in November the City is required to set the levy for the subsequent tax year. The old limit allowed revenues to increase up to 106% of prior revenues (exclusive of new construction & annexations). Initiative 747 limited increases to 1% per year; this initiative was struck down by the state Supreme Court last week. The Council has been presented with an option for 1% increase as well as a substitute option for a 6% revenue increase ordinance. He told the Council that they could choose the amount of revenue increase between 1-6%; this decision is submitted to the County for tax statements.

Deputy Mayor Swatman noted that this comes somewhat out of phase, since the Council has already had a public hearing for this item this year. Though it is too late for this year, he noted that it is an opportunity to consider for the future. The tax rate for the median home will actually go down next year, with the current increase of 101%. He suggested the City considers the possibility of increasing revenue in the future, and put this money toward other funding needs, such as sidewalk repair (as an example he noted the City’s sidewalk plan, which is under-funded).

Councilmember Rackley said the Council needs to do more study before moving tax rates up, and that they have an entire year to work on this.

Councilmember King said that a clear message from the voters this election was that if additional taxes are requested, a very clear plan of what will be done with the funds must be presented. He said that the State has asked local governments to show constraint before raising taxes. He feels the Council needs to retain the 101% plan, and study what happens in legislature in the coming year.

Councilmember DeLeo agreed with Councilmember King and recommended using caution in proceeding, and respecting what the voters tried to say with Initiative 747.

Deputy Mayor Swatman said he felt that the voters were not asking to reduce taxes, and said he wanted to be sure the Council realizes that it cannot go back and increase taxes later next year, and that the opportunity will not come around again.

Motion approved 7 – 0.

Councilmember King asked for confirmation about which agenda bill has been approved, as there were two options (101% or 106%), and asked if separate votes were needed. It was confirmed the agenda bill voted on here was the original, at 101%.

B. AB07-236 – Ordinance 1260 – An Ordinance Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Relating to the Waterworks Utility of the City Including the Sewerage System as a Part Thereof; Providing for the Issuance of $4,570,000 Water and Sewer Revenue Refunding Bonds, 2007, to Provide Funds to Refund, on a Current Basis, the City’s Outstanding Water and Sewer Revenue Bonds, 1998, and Advance Refund and Defease the City’s Outstanding Water and Sewer Revenue Bonds, 1999 Maturing on and After September 1, 2010; Fixing the Date, Denominations, Terms, Redemption and Registration Privileges, Maturities, Interest Rates and Covenants of Such Bonds; Providing for the Disposition of the Sale Proceeds of Such Bonds; Providing for Bond Insurance; and Providing for the Sale and Delivery of Such Bonds to Martin Nelson & Co., Inc., Seattle, Washington. [A.3.2] [F.2.3.1]
Councilmember Rackley moved to approve Ordinance 1260. Deputy Mayor Swatman seconded the motion.

Jim Nelson, of Martin Nelson, Co., bond underwriter for the city, offered information about the ordinance. At the last council meeting, the company had estimated about $27,000 savings from refinancing 1998 water/sewer revenue bonds. The actual savings averages about $29,545 per year (net savings with costs deducted). He thanked Don Morrison, Al Juarez, Heather Stinson, Jen Francis and John Vodopich for their excellent work during the conference call with Standard and Poor’s regarding the utility bond rating. The City’s ‘A’ bond rating was maintained, and Mr. Nelson said the city is doing very well and is in a good position given the current economy.

Judy Andrews, Bond Counsel to the City, explained the ordinance in greater depth from a legal standpoint. She said it is similar to other parity bonds adopted in 1998 and 1999, and offered to answer questions of the Council.

Motion approved 7 – 0.

VI. COMMUNITY DEVELOPMENT COMMITTEE ISSUES:


Councilmember Rackley moved to approve Ordinance D07-226. Councilmember Hamilton seconded the motion.

Public Works Director Dan Grigsby explained what is included in the ordinance: a list of updated/modified design standards, which is presented once per year; updated references in the Bonney Lake Municipal Code as they apply to the standard specifications from WashDOT and AWA from the 2004 to the 2006 standards; and updated references to the Bonney Lake development policies & design standards. Currently, the Bonney Lake Municipal Code section is listed as updated in April 2005; the ordinance will update it to November 2007. An update dated November 13 was added to the original packet that includes Eastown road standards; these were added due to fire marshal requirements for a 20’ minimum paved width for fire lanes at all times.

Councilmember Rackley commended the new summary brief, saying it is very clear and easy to read.

Councilmember King said he has received communication from a citizen regarding LED street lights. From the information provided to him, the cost is about $400 per bulb, but the energy savings were immense. Public Works Director Grigsby explained he would check on what PSE offers (as they maintain the street lights).

Motion approved 7 – 0

B. Moved to Full Council Issues AB07-218 – Resolution 1758 – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Approving The Tracy Preliminary Plat Also Known As Hemlock Ridge, Located At 2836xxx Hwy 410 E. [O 3.7.1]

C. AB07-232 – A Motion Of The Bonney Lake City Council Expressing Support To Establish A Tree Grate Design Based on Design Catalog #8592. [A 3.6.10] [A 1.1.1]
Councilmember King moved to adopt. Councilmember Hamilton seconded the motion.

The discussion continued with Associate Planner Heather Stinson addressing questions that were brought up earlier. She explained how the tree grates move as the tree grows, and the option to insert root barriers to prevent the grates rising up. She said the design was brought before the downtown development group and the Design Commission, and that alternate options, including planters, were discussed with those groups.

Deputy Mayor Swatman asked for clarification about the agenda item, and that it is not a resolution or an ordinance, and that the Design Commission determines which grate developers will have to use. Associate Planner Stinson confirmed that the end result would be to put design standards in place for Public Works, and that the design standard would need to be codified somehow, either in the downtown plan or Public Works standards.

Councilmembers asked about the nature of the tree grate design, the design options presented, how grates would be purchased, and whether the current Downtown plan includes requirements for tree grates.

Mayor Johnson suggested that Public Works check the downtown plan design requirements, and take the discussion back to the Design Commission. Councilmember King asked whether an up or down vote was still needed, and asked City Attorney Jim Dionne if it were possible to withdraw this item. The City Attorney said it could not be withdrawn. City Administrator Morrison confirmed that the vote here was to express opinion on the design the Council preferred only. The preferred design would go back, be refined, and would return to Council as a proposed Public Works standard, which could be adopted and applied. He said he understands that some flexibility may be desired when working with developers. Mayor Johnson suggested the item be tabled to the next Council Workshop so specific design options could be discussed.

Deputy Mayor Swatman moved to table the item. Councilmember Bowen seconded the motion.

Motion Approved 5-0

Councilmembers Noble and Rackley were not present in Council Chambers at the time of the vote.

Councilmember Bowen moved to take a five minute break. Deputy Mayor Swatman seconded the motion.

Motion Approved 5-0

VII. PUBLIC SAFETY COMMITTEE ISSUES: None.

The Council reconvened at 8:40 p.m. Councilmember Noble returned to chambers. Councilmember Rackley recused himself from participation in the next agenda item and was not present when the Council reconvened.

VIII. FULL COUNCIL ISSUES:
A. **AB07-218 - Resolution 1758** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Approving The Tracy Preliminary Plat Also Known As Hemlock Ridge, Located At 2836xxx Hwy 410 E. [O 3.7.1]

Councilmember Bowen moved to approve Resolution 1758. Councilmember Hamilton seconded the motion.

Associate Planner Stinson described the resolution. The applicant withdrew a previous variance request for the grade and a variance request for road width; a request for variance on the cul-de-sac length remains. Access to the East (Shipman preliminary plat) has also been eliminated from the design. The Hearing Examiner approved the variance and recommended approval to the City Council.

City Attorney Jim Dionne added that any member who doesn’t feel they can make a fair determination between opponents & proponents should recuse themselves. He noted that Councilmember Rackley recused himself because he participated in the hearing at the Hearing Examiner level. He added that any comments councilmembers have had with opponents or proponents should be put on the record before voting. Councilmembers are acting in this situation as a judge and should be neutral to the facts of the situation before the vote. He also said that the variance is not before the Council because it was not appealed. Only the plat itself is before the Council.

Councilmember Hamilton noted testimony he saw from Traffic Engineer Greg Heath regarding the option for a u-turn at the top of the hill (at the Sumner-Buckley Highway intersection). He asked where people could turn. Public Works Director Grigsby confirmed that a u-turn would not be allowed at that point due to the grade of the hill and speed of traffic; he also suggested alternate options to turn around on other streets.

Deputy Mayor Swatman asked whether the proposed road was public or private; Associate Planner Stinson was not certain. Deputy Mayor Swatman also asked about school bus service, as originally it would not be available. Associate Planner Stinson said the applicant informed her that they had spoken with the school district and that the school district could now support bus service; the City has nothing in writing from the school district about bus service, however. Public Works Director Grigsby interjected that the proposed road must be public, as the request for variance relates specifically to public road standards.

Deputy Mayor Swatman also asked about how the extended length of the cul-de-sac might affect the council’s decision process. City Attorney Dionne replied that the variance had previously been granted, so it is not an issue before the council. The decision to accept or turn down the plat should be based on public health, safety and general welfare. Swatman responded that the length of the cul-de-sac and access may affect public health in relation to emergency response.

Councilmember DeLeao noted that the standard for cul-de-sacs is set at 600’, due to emergency vehicle access needs (laying lines for fire trucks). Having a cul-de-sac double that length is problematic. He also noted that access to the cul-de-sac is a right-turn in, and a right-turn out, due to access to Hwy 410.

Associate Planner Stinson said the property would be difficult to develop without a longer cul-de-sac, and the Hearing Examiner took this into consideration. She also noted that the Council had the option to appeal the variance previously, but chose not to do so.

City Attorney Dionne explained that city staff (or council) could have appealed the decision, and that opponents could also have appealed. He explained that if the Council is opposed to it, he must gather factual findings and conclusions to support the opposition. He added that it must show why the Council believes it adversely affects public health safety and welfare,
and that the council would need further discussion. He said it was also an option to discuss this at another meeting.

Councilmember Hamilton noted concern that there was nothing to accommodate the long cul-de-sac, such as mandating sprinkler systems, etc. for fire response. He said the City has always used the 600’ maximum length for cul-de-sacs, based on guidelines from the fire department. He asked for confirmation that the fire department did not appeal. John Vodopich confirmed that there were no appeals.

**Councilmember Noble moved to table the item to the next Council Workshop. Deputy Mayor Swatman seconded the motion.**

Councilmember Noble noted that more details were needed, including whether it is a private or public road, as well as getting something in writing from the school district regarding bus access to the plat.

**Motion Approved 4 – 2; Councilmembers Bowen and King were opposed.**

**IX. EXECUTIVE SESSION:** None

**X. ADJOURNMENT**

At 8:57 p.m., Councilmember Noble moved to adjourn the meeting. Councilmember Hamilton seconded the motion.

**Motion Approved 6 - 0**

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**Harwood Edvalson, CMC**  
**City Clerk**

**Mayor Neil Johnson**

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Items submitted to the Council meeting of November 13, 2007: