

CITY COUNCIL MEETING

City of

December 11, 2007
7:00 p.m.



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.

MINUTES

"Where Dreams Can Soar"

Audio Time
Stamp ↓

I. CALL TO ORDER – Mayor Neil Johnson called the meeting to order at 7:03 p.m.

A. Flag Salute: Mayor Johnson led the audience in the Pledge of Allegiance.

B. Roll Call: [A1.3]

Councilmembers: Deputy Mayor Dan Swatman, Councilmember David Bowen, Councilmember Phil DeLeo, Councilmember Mark Hamilton, Councilmember Dave King, and Councilmember Jim Rackley. Councilmember Cheryle Noble arrived in Council chambers at 7:08 p.m.

[Staff in attendance: City Administrator Don Morrison, Public Works Director Dan Grigsby, Police Chief Mike Mitchell, Planning & Community Development Director John Vodopich, Administrative Services Director/City Clerk Harwood Edvalson, Community Services Director Gary Leaf, Chief Financial Officer Al Juarez, City Attorney Jim Dionne, Judge James Helbling, and Records & Information Specialist Susan Duis.]

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

1. **Announcements**: None.

2. **Appointments**:

AB07-254 – A Motion of the City Council of the City of Bonney Lake confirming the Mayor's appointments of Richards Rawlings and Fred Jacobsen as Park Board Commissioners.

Councilmember Bowen moved to approve the Mayor's appointments.

Councilmember King seconded the motion.

Mayor Johnson explained that starting in 2006 the Council has tried not to leave any board positions unfilled, and welcomed citizens to submit applications when seats opened. Councilmembers thanked the citizens for stepping forward and giving their time.

Motion approved 6 - 0.

3. **Presentations**:

a. Presentation – Planning Commission

Planning Commission members Randall McKibbin and Donn Lewis discussed the commission's review of the proposed downtown rezone plan and nightclub noise ordinance. They said the commission found the nightclub noise ordinance would have a detrimental affect on the downtown and would not be very effective; they feel a noise level determined by actual sound levels would work

better. They described enforcing noise levels at areas beyond night clubs, including parks, and noted cost estimates for measuring/recording devices used for enforcement. They said the Planning Commission would like to continue to research the noise level ordinance and offer the City Council a revised noise ordinance in early 2008.

- b. Proclamation – Phil DeLeo Appreciation Day
Mayor Johnson announced that this was Councilmember Phil DeLeo’s last meeting on the council, after joining in 1993. He read a proclamation declaring December 11th ‘Phil DeLeo Appreciation Day’ in Bonney Lake.

D. Agenda Modifications:

Councilmember DeLeo moved to amend agenda item 07-243 (Ordinance D07-243), to add item 5.c., adding Chief of Police Mitchell to the Blue Cross/Blue Shield Insurance plan. Deputy Mayor Swatman seconded the motion.

Motion approved 7 - 0.

07:15:10

II. PUBLIC HEARINGS, CITIZEN COMMENTS & CORRESPONDENCE:

- A. Public Hearings: [A3.6.12] None.

- B. Citizen Comments: [A1.5]

Ron Nicholes, 9508 203rd Ave E, Bonney Lake, asked why the city charges \$35 for a transfer fee when changing an account to a new property owner. He said he watches everything he spends, and the fee seems unnecessary since the transfer requires only a couple of minutes. He also asked about the 5/8” fee on his bill, as the best explanation he got was that it was like ‘renting’ the meter. He also asked who is responsible for clearing ditches, as the culvert in front of his home is full of grass, weeds, and rocks. He said others living in the Cedarview area are mostly middle and lower-income.

Councilmember Rackley said that the city wants to purchase a ditch-digging machine, but has not been able to afford it yet. Deputy Mayor Swatman told Mr. Nicholes that the Finance Committee would look at the account transfer fee to determine if it can be adjusted or eliminated. He said that he understands the 5/8” pipe fee is an availability fee charged to access the larger water system. Public Works Director Grigsby confirmed how the fees are divided, and said the department is currently reviewing the entire rate structure as part of the comprehensive program.

Dan Decker, 20401 70th St E, Bonney Lake, said he thought Mr. Nicholes was saying he was ‘being billed to be billed,’ or double-billed. He wished the Council a Happy Christmas.

Steve Boerstler, 9301 185th Ave Pl E, Bonney Lake, made a suggestion about accessing information from the City’s web site. He said he follows Council action on the web, but often plats and projects are listed only by the developer name in articles and minutes. He said it would be helpful to track and search for projects if the tax parcel or address was referenced. He suggested all councils, boards and commissions reference a tax parcel or address in all minutes and articles. Councilmember Rackley said the Council faced a similar problem before and that the information could be made available online.

Mr. Mercer said he had tried to access information from the Current Projects page on the City web site but could not view the information due to a computer issue. Deputy Mayor Swatman told Mr. Mercer to e-mail him any time for assistance.

- C. Correspondence: None.

07:24:40

III. COUNCIL COMMITTEE REPORTS: [A3.6.4]

- A. Finance Committee: Deputy Mayor Swatman said the Finance Committee met earlier in the evening and discussed:
1. Resolution 1775, for continuing the agreement with Sumner School District for the Joint Recreation Program.
 2. A proposed acquisition of envelope folding/sealing equipment.
 3. Revisions to Ordinance 1267 to add the Police Chief to the City's medical insurance plan.
 4. AB07-256, for acquisition of armored vehicle.
 5. A proposal to consider contracting with a property management firm for rental properties, rather than having City staff managing properties.
- B. Community Development Committee: Councilmember Rackley said the Community Development Committee had not met since the last Council Meeting.
- C. Public Safety Committee: Councilmember Phil DeLeo said the Committee met Monday, December 3, 2007, and were shown a demonstration of the camera that had been installed at Allan Yorke Park. He said they also discussed repairs to the Public Safety Building, but there was no action on that item yet.
- D. Other Reports:

Regional Access Mobility Partnership

Councilmember Hamilton attended the Regional Access Mobility Partnership meeting on December 5, 2007. Discussions included the failure of Proposition 1. They reviewed a survey showing that most citizens who voted against the Proposition wanted to have separate road and transit packages. He said the group would like cities to review and propose alternate funding plans, such as a Pierce County transportation district, gas taxes, and city funding resources. They want a report back by January 8, 2008. Mayor Johnson suggested the issue be discussed at the Council Retreat.

Pierce County Council

Planning & Community Development Director Vodopich stated that he, Councilmember Rackley, and City Administrator Morrison attended the Pierce County Council meeting. He noted that the 'Alderton-McMillin Community Plan' (Proposal No. 2007-41s2) was passed, and that all wording about joint planning was removed from the proposal. He explained that it still allows for joint planning, without specifically identifying areas on the map. He said this may allow the City to consider planning the entire area for an Urban Growth Area in the future. He noted that representatives from Investco, Weyerhaeuser, and the City of Sumner all spoke in favor of the amendment.

Rainier Communications Commission

Councilmember Rackley attended the recent Rainier Communications Commission meeting; there was no quorum and no official business took place.

07:34:05

IV. CONSENT AGENDA: [A3.6]

- A. **Approval of Corrected Meeting Minutes:** November 20th Special Meeting, November 20th Council Workshop, and November 27th Regular Council Meeting.
- B. **Checks/Vouchers:** Accounts Payable wire transfer #12200701 in the amount of \$324,598.75; Accounts Payable checks/vouchers #49419 thru #49545 in the amount of \$502,328.36; Accounts Payable checks/voucher #49546 thru #49550 in the amount of \$2,267.42 for accounts receivable deposit refunds. [F4.9]
- C. **Payroll:** Payroll for November 15-30, 2007 for checks, including Deposits and Electronic Transfers for \$ 326,570.96 (AFSCME and Non-represented); Payroll for November 15-30, 2007 for checks, including Deposits and Electronic Transfers for \$ 135,083.23 (Police Department). [F4.9]
- D. **AB07-234 – Ordinance 1266 [D07-234]** – An Ordinance Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Amending Chapters 13.12.010 And 13.12.320 Of The Bonney Lake Municipal Code And Ordinance Nos. 561, 571, 692, 892 And 1221 Relating To Sewer Systems Regulation. [A 3.5.5]
- E. **AB07-235 – Resolution 1766** – A Resolution Of The City Of Bonney Lake, Pierce County, Washington, Authorizing An Agreement With The Washington State Department Of Ecology For Acceptance Of The \$75,000 Stormwater Grant. [F 5.2.10]
- F. **AB07-245 – Resolution 1772** – A Resolution Of The City Of Bonney Lake, Pierce County, Washington, Authorizing Judge Jim Helbling To (A) Cash Out 105 Hours Of Excess Annual Vacation Hours And Convert The Proceeds Into His ICMA-RC Deferred Compensation Retirement Account; And (B) Authorization For Judge Jim Helbling To Carryover Into Calendar Year 2008 His Remaining Annual Vacation Hours In Excess Of The 240 Maximum Hours Allowed. [A 4.1.7]
- G. **AB07-246 – Resolution 1773** – A Resolution Of The City Of Bonney Lake, Pierce County, Washington, Authorizing A Contract With Fields Roof Service For The Removal And Replacement Of The Roof On The Public Safety Building. [A 3.13.2.2]
- H. **AB07-248** – A Motion Of The Bonney Lake City Council Authorizing The Chief Financial Officer To Approve Payment Of Accounts Payable Vouchers Between The Dates Of December 12 And December 31, 2007 And Payroll Disbursements Between The Dates Of December 1 And December 31, 2007. [A 3.6.10]
- I. **AB07-251** – A Motion Of The Bonney Lake City Council Canceling the December 18, 2007 Council Workshop and December 25, 2007 Council meeting, as well as the January 1, 2008 Council workshop due to the holidays. [A 3.6.10] [A 1.1.2]
- J. **AB07-252** – A Motion Of The Bonney Lake City Council Authorizing Out-of-State Travel For Assistant Police Chief Hubbard to Alexandria, VA for Training. [A 3.6.10] [A 4.7]
- K. **AB07-253** – A Motion Of The Bonney Lake City Council Authorizing Out-of-State Travel For Police Chaplain Art Spahr to Cannon Beach, OR for the International Conference of Police Chaplains. [A 3.6.10] [A 4.7]

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

Councilmember King noted that Resolution 1766 highlights an extraordinarily successful year for grants and low interest trust fund loans for the city. He said the Mayor, City Administrator, and staff members in Public Works, Planning, and Administration should be applauded. City Administrator Don Morrison said Executive Assistant Joel Thompson is putting together a list of all grants and loans secured in 2007, and believes it is around \$2 million. The Mayor said the Community Development Department and Executive Assistant have done excellent work and these additions are paying off.

Consent Agenda approved 7 - 0.

07:38:45

V. FINANCE COMMITTEE ISSUES:

- A. **AB07-250 – Resolution 1775** – A Resolution Of The City Of Bonney Lake, Pierce County, Washington, Authorizing An Interlocal Agreement With The Sumner School District, City Of Bonney Lake And City Of Sumner Relating To The Continued Operation Of A Joint Recreation Program. [O 5.7]

Councilmember King moved to accept the resolution. Deputy Mayor Swatman seconded the motion.

Motion approved 7 – 0.

- B. **AB07-247 – Resolution 1774** – A Resolution Of The City Of Bonney Lake, Pierce County, Washington, Authorizing Kathy Seymour And Dana Powers-Hubbard To Carryover, Into Calendar Year 2008, Their Remaining Annual Accrued Vacation Hours In Excess Of The 240 Maximum Hours Allowed By B.L.M.C. [A 4.1.7]

Councilmember DeLeo moved to accept the resolution. Councilmember Noble seconded the motion.

Councilmember King and Deputy Mayor Swatman noted that this is a well-deserved benefit, and noted that all staff should take the vacation time given to them.

Motion approved 7 – 0.

- C. **AB07-256** – A Motion Of The Bonney Lake City Council Authorizing The Purchase Of A 2005 Armored Vehicle In The Amount Of \$93,000 And Adding This Item To Appendix “A” Of Proposed Ordinance D07-225 – Mid-Biennial Budget Amendment. [A 3.6.10] [A 4.7]

Councilmember King moved to accept the agenda item. Councilmember DeLeo seconded the motion.

Police Chief Mitchell said the funds to purchase the vehicle do not come from taxes but from money seized from drug dealers. He said the vehicle will be used for SWAT entries, and is the number one need for the area SWAT team. He said the vehicle would replace a vehicle that is over 30 years old. Councilmember King, DeLeo, and Rackley spoke in favor of the purchase and discussed Bonney Lake’s participation in the regional SWAT group, inspecting the vehicle prior to purchase, and delivery. Councilmember Bowen said he had given the issue a lot of thought but could not decide and would abstain from voting. City Clerk Edvalson noted that out-of-state travel would

be required for Police Chief Mitchell to inspect the vehicle (located in Massachusetts) and asked that the motion be amended to include authorization for out-of-state travel.

Councilmember King amended the motion to include authorization for out-of-state travel for two Bonney Lake representatives to travel to inspect the vehicle. Councilmember DeLeo seconded the amended motion.

**Amendment passed 6 – 0 – 1.
(Councilmember Bowen abstained).**

**Amended motion passed 6 – 0 – 1.
(Councilmember Bowen abstained).**

VI. COMMUNITY DEVELOPMENT COMMITTEE ISSUES: None.

VII. PUBLIC SAFETY COMMITTEE ISSUES: None.

VIII. FULL COUNCIL ISSUES:

07:54:40

- A. **AB07-225 – Ordinance 1265 [D07-225]** – An Ordinance Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Adopting The Mid-Biennial Budget Amendment For Budget Years 2007 And 2008 Adopt 2008 Budget Amendment [F 3.10]

Deputy Mayor Swatman moved to approve the ordinance. Councilmember King seconded the motion.

Motion approved 7 – 0.

- B. **AB07-243 – Ordinance 1267 [D07-243]** – An Ordinance Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Amending Ordinance No.1212 Relating To Salaries And Benefits For Non-Represented Employees. [F 4.3.1]

Councilmember Bowen moved to approve the ordinance. Councilmember DeLeo seconded the motion.

Deputy Mayor Swatman reminded councilmembers that the ordinance under review includes a proposed amended to include Police Chief Mitchell on the employee health plan. He explained that the Police Chief was previously covered by his wife's medical plan, but now wishes to take the medical insurance with the City at a cost of \$498 per month based on current rates. He added that the Finance Committee reviewed and recommended passing the amendment.

Amendment passed 7 – 0.

Amended motion approved 7 – 0.

- C. **AB07-255 – Ordinance 1264** – An Ordinance Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Relating to the Incurrence of Indebtedness Providing for the Sale and Issuance of \$10,000,000 Limited Tax General Obligation Bonds, 2008, to Provide Part of the Costs of Constructing the Interim Justice Center, Including Certain Infrastructure and Street Improvements and Acquiring Certain Real Property and Rights of Way in the City; Providing for the Date, Denominations, Form,

Terms, Registration Privileges, Maturity, Interest Rates and Covenants of the Bonds; Providing for the Annual Levy of Taxes to Pay the Principal Thereof and the Interest Thereon; Establishing a Debt Service Fund for the Bonds; and Providing for the Sale and Delivery of Such Bonds to Martin Nelson & Co., Inc. Seattle, Washington. [F 2.3.1]

Councilmember Rackley moved to approve the ordinance. Councilmember Noble seconded the motion.

Jim Nelson, Senior Municipal Underwriter of Martin Nelson & Company, distributed 'Bond Financing Information for the Justice Center, Street Improvements, and Property Acquisition' to councilmembers. He explained the average payments, interest rates, and financing. He added that the city's new A+ bond rating will result in \$428,000 savings over the 25-year life of the bond. Mr. Nelson thanked City Administrator Morrison, Chief Financial Officer Juarez, Planning & Community Development Director Vodopich, Public Works Director Vodopich, Senior Accountant Kassandra Raymond, Associate Planner Heather Stinson, and Permit Coordinator Jen Francis for their assistance on the conference call with Standard & Poor's regarding the bond rating. He said that the rating agency was impressed, and especially noted the city's strong management, strong income indicators, assessed valuation growth, and proximity to metropolitan areas. Councilmembers discussed the importance of the bond and thanked staff and Mr. Nelson for their work in the process and for answering councilmembers' questions. Bond Council Judy Andrews explained other aspects of the bond and noted that it was very similar to bond ordinances adopted in the past.

Motion passed 7 – 0.

Councilmember Rackley recused himself from discussion and voting on Resolution 1770 and left Council Chambers at 8:09 p.m.

- D. **AB07-242 – Resolution 1770** – A Resolution Of The City Council Of The City Of Bonney Lake, Washington, Denying A Variance For The Shipman Ridge Preliminary Plat Pursuant To BLMC § 17.24.100 And Reserving Ruling On The Conditional Use Permit Request (Lot Narrowing) And General Public Interest And Public Safety Concerns With The Plat. [O 3.6]

Councilmember DeLeo moved to approve the resolution. Councilmember King seconded the motion.

Before discussions started City Attorney Dionne explained that this is a closed record appeal, and that individuals have the right to speak about the resolution, but cannot raise additional facts. He explained the basis of the variances and the appeal, and discussed the basis for rejecting the plat.

**Motion approved 6 – 0.
Councilmember Rackley recused himself from voting.**

Councilmember Rackley returned to Council Chambers at 8:16 p.m.

8:16:40

IX. YEAR END BUSINESS:

The Council recognized outgoing Councilmembers DeLeo and Noble. Councilmembers related their memories of working with the councilmembers, and their contributions to the community. Councilmember Noble was thanked for her dedication to children, domestic violence issues, and her work on the Public Safety Committee and Community Development Committee. Mayor

Johnson presented Councilmember Noble with a plaque in appreciation of her service and membership on the City Council from 2003 to 2007.

Councilmembers and staff also expressed their thanks to Councilmember DeLeo. Councilmembers noted his long tenure and service to children and seniors in Bonney Lake, including his work on building the skate park and volunteer service with the Senior Center. Mayor Johnson presented Councilmember DeLeo with a plaque in appreciation of his service and membership on the City Council from 1994 to 2007. The Mayor also presented Councilmember DeLeo with a special road sign for 'DeLeo Pointe Rd.'

X. EXECUTIVE SESSION: None.

8:49:05

XI. ADJOURNMENT:

At 8:49 p.m., Councilmember Bowen moved to adjourn the meeting. Councilmember Noble seconded the motion.

**Motion passed 6 – 1.
Councilmember Noble was opposed.**

Harwood Edvalson, CMC
City Clerk

Neil Johnson
Mayor

Items submitted to the Council meeting of December 11, 2007:

- City of Bonney Lake – *Revised Resolution 1770* – City Attorney Dionne.
- City of Bonney Lake – *Revised Ordinance 1267 [D07-243], Inserting Section 5.C.* – City Administrator Morrison.
- City of Bonney Lake – *Ordinance 1264* – City Bond Council Judy Andrews.
- City of Bonney Lake – *'Bond Financing Information for the Justice Center, Street Improvements, and Property Acquisition'* – Senior Municipal Underwriter Jim Nelson.