

City of

COUNCIL WORKSHOP

January 16, 2007

MINUTES



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.

"Where Dreams Can Soar"

Audio
Time
Stamp ↓

Call to Order:

Mayor Johnson called the January 16th Council Workshop to order at 5:30 p.m.

Roll Call:

Also in attendance were Deputy Mayor Dan Swatman, Councilmember David Bowen, Councilmember Mark Hamilton, Councilmember Dave King, and Councilmember Jim Rackley. Councilmember Phil DeLeo arrived at 5:36 p.m. Councilmember Noble was absent.

[Staff members attending were City Administrator Don Morrison, Planning and Community Development Director Bob Leedy, Public Works Director Dan Grigsby, Police Chief Mike Mitchell, Community Services Director Gary Leaf, Administrative Services Director / City Clerk Harwood Edvalson, Chief Finance Officer Wroe, City Attorney Kathleen Haggard, City Attorney Lance Andree, Assistant Public Works Director Rick Shannon, Associate Planner Heather Stinson, and Records & Information Specialist Virginia Phelan.]

Mayor Johnson announced items 9 and 10 on the agenda would be pulled as they were neither fully complete, nor time sensitive.

Agenda Items:

5:31:00

1. **Action:** [Tabled from 12/12/06] AB06-364 – A Motion Of The Bonney Lake City Council Approving The Preliminary Plat For Berkshire Estates Subject To The Recommended Conditions Of The Hearings Examiner. [A3.6.10] [O 3.7.1]

Planning and Community Development Director Leedy said the agenda packet had included a memo with staff's responses to Council's concerns about this plat and its access requirements. Deputy Mayor Swatman agreed the solutions to the problems with the plat were logical, but felt it was still in violation of BLMC 17.20.100. He offered for consideration Resolution 1649, which had been drafted by the legal department to deal with this conflict. Councilmember Bowen said the code allows for exceptions and this case was certainly eligible. After much discussion Council concluded the resolution would not be necessary and there was no reason to further delay plat approval.

Councilmember Bowen moved to approve AB06-364, the preliminary plat for Berkshire Estates. Councilmember Rackley seconded the motion.

Councilmember DeLeo asked if Director Leedy had spoken to the developer about the City's concerns with this plat. Director Leedy answered he had not specifically, but the concerns had been addressed during the hearing examiner process.

**Motion approved 5 – 1, with
Councilmember King voting no.**

5:45:55

2. **Action:** [Tabled from 12/12/06] AB06-383 – A Motion Of The Bonney Lake City Council Approving The Preliminary Plat For Church Lake Subject To The Recommended Conditions Of The Hearings Examiner. [A3.6.10] [O 3.7.1]

Deputy Mayor Swatman moved to approve AB06-383, the preliminary plat for Church Lake. Councilmember Rackley seconded the motion.

Councilmember Rackley confirmed the only problem Council had with this plat at the time it was tabled was in regards to a map inconsistency, which had been fixed.

Motion approved 6 – 0.

5:33:25

3. **Action:** [Tabled from 12/12/06] AB06-384 – A Motion Of The Bonney Lake City Council Approving The Preliminary Plat For Orchard Grove II Subject To The Recommended Conditions Of The Hearings Examiner. [A3.6.10] [O 3.7.1].

Deputy Mayor Swatman moved to approve AB06-384, the preliminary plat for Orchard Grove II. Councilmember Rackley seconded the motion.

Deputy Mayor Swatman said the legal department had created Resolution 1650 to confront problems with this plat. Councilmember Rackley inquired about the lot sizes, to which Director Leedy replied there is an indication of something creative being done with them. The reported density includes extra lots which appear to be outside of the development. He further explained that staff was getting mixed responses from the developer when they inquired about the same thing. City Attorney Haggard explained the Hearing Examiner had approved this plat so if Council does not feel his findings are correct they will need proof. The resolution, she explained, would allow Orchard Grove to resubmit the plat within 30 days showing their actual densities. Alternatively, Council could reject the plat, at which point the developers would have to appeal to Superior Court.

City Attorney Haggard said the Hearing Examiner bases decisions on the Bonney Lake Municipal Code as well as the City's Comprehensive Plan. She said her understanding is that the people who plat the property must have ownership or possessory interest of all properties. By including property you do not own in the plat, she explained, the residential density measurement is not valid. Councilmember King said there is not enough information as to whether or not the Hearing Examiner had proof of possessory interest for lots 21-25. Director Leedy said he was not aware of that requirement, only the need for the application to be signed by the owner or to include notarized authorization from owners. He went on to say the owners of the lots outside the plat boundaries had given notarized authorization to the developers to be included. Associate Planner Heather Stinson elaborated on the topic, saying she recalculated the density without those additional lots and it was 5.8, which exceeds regulations in the City's code.

Deputy Mayor Swatman questioned the benefit to the property owners who filled out authorization forms for the developer’s application as well as the possibility of those same properties being used in different neighboring plats in the future. Director Leedy said once again, staff had the same questions. City Attorney Haggard said no one seems to be clear as to whether or not these additional lots are a part of the subdivision. She recommended Council keep this decision in their power by passing the resolution.

Councilmember Rackley moved to table this motion for 30 days. Councilmember Bowen seconded the motion.

**Motion to table approved 5 – 1.
Councilmember Bowen voted no.**

Deputy Mayor Swatman moved to add Resolution 1650 to the agenda. Councilmember Rackley seconded the motion.

**Motion to add Resolution 1650
approved 4 – 2. Councilmembers
Bowen and DeLeo voted no.**

Deputy Mayor Swatman moved to approve Resolution 1650. Councilmember Rackley seconded the motion.

Councilmember King moved to amend Resolution 1650 by changing paragraph 7 to read “The portion of Orchard Grove plat II excluding lots 21-25 is proposed to be subdivided to provide 5.8 dwelling units per acre for the purposes of development or transfer.” Councilmember Rackley seconded the motion.

Councilmember King noted although they talked of lots being transferred, the dwelling units are the actual basis for calculating the density.

Motion to amend approved 6 – 0.

**Motion to approve Resolution
1650 approved 5 – 1.
Councilmember Bowen voted no.**

5:34:00

4. Presentation & Discussion: AB07-17 – Ball Park Wells Water Quality – RH2

Public Works Director Dan Grigsby introduced Geoff Dillard from RH2 Engineering to present a report on the Ball Park Well. Mr. Dillard explained his company designed the current Ball Park treatment facility. He introduced Dan Mahlum, RH2 Project Engineer, a chemical engineer and water quality specialist, Paul Gilligan, RH2 Senior Process Engineer and John Ryding, Washington State Department of Health Regional Engineer, who would be available to help answer questions.

Mr. Dillard summarized the history of the Ball Park Well and the aesthetic problem of high levels of iron and manganese in the water. He explained these are considered secondary contaminants, not a health concern, which the Department of Health consequently does not regulate. He said the City had sufficient complaints that they decided to build this treatment facility and now the

taste and odor of the water is being criticized. RH2 has tested and evaluated this water and determined that it is safe, but has a property known as “white water” which may be the source of the complaints. “White water”, he explained, is when gases in the water cause a cloudy appearance for 30 seconds to two minutes until they dissipate. The gas appears to be nitrogen, which is typical of some aquifers and is safe and odorless. However, the rising nitrogen may volatilize any residual chlorine or other odorous compounds in the water.

Mr. Dillard explained the various tests implemented to determine what may be wrong with the water and said RH2 has ruled out primary and secondary contaminants as the cause of water dissatisfaction. He said the water has been judged to be better than some of the other local sources by some tests and the issue is now customer acceptance. There are some steps which can be taken to reduce “white water”, but they will be expensive and the customers will have to be willing to fund them. He recommended doing a customer survey to see how widespread the feelings of discontent are and what customers are willing to do to increase their water quality.

John Ryden from the Department of Health reiterated Mr. Dillard’s points about the safety of the water and the customer satisfaction issue. He said the Department has had very few complaints about Bonney Lake’s water and described some of the more severe problems of cities like Ocean Shores. Mr. Ryden concluded that it comes down to customer choice. Council discussed the possible causes of the taste and odor problem and decided the next step would be a survey. There was some debate as to how to design the survey and Mayor Johnson said he would sit down with some experts to work out the best way to survey for their purposes.

Deputy Mayor Swatman moved for a 10-minute break at 7:03 p.m. Councilmember King seconded.

Motion approved 6 – 0.

The meeting reconvened at 7:18 p.m.

7:18:25

5. Discussion: Council Workplan – Issues for 2007 – Deputy Mayor Swatman

Deputy Mayor Swatman said the Council needs to make some decisions about holding an upcoming retreat. Councilmember Rackley said past retreats had been to iron out differences between Council and the Administration and he was not sure one would be needed at this time. Councilmember DeLeo disagreed, listing Old Sumner-Buckley redevelopment, Cascadia Traffic Mitigation, WSU Forest and the Eastown Plan as topic needing to be addressed at retreat. Deputy Mayor Swatman agreed, citing also the need to discuss City Hall space issues. He requested a retreat be held as soon as possible so as get started on these topics. Councilmember King elaborated on the space problem and asked they start making some decisions on what to do with the recently acquired properties.

Councilmember Rackley said there is also a need to discuss stormwater issues, but reiterated his point that a retreat was not necessary. Councilmember Hamilton disagreed, saying a retreat was important and should be held as soon as possible. Councilmember King said there is not a need to retreat outside of the City. The Council decided to tentatively set February 17th and 18th for the retreat, but to hold it in the Public Safety Building training room so it would be easier for the public to attend. Councilmember Bowen requested they also make time to discuss recovering wastewater which is currently being sent down to Sumner.

7:38:20

6. Council Open Discussion:

Boat Launch.

Councilmember Rackley asked if there had been a decision regarding non-city residents using the Allan Yorke Park Boat Launch this coming season. Community Services Director Leaf said the Park Board was recommending non-city residents be charged \$17 dollars per launch to match the cost of the North Lake Tapps Park, while City residents would continue to be charged \$12. Councilmember Rackley suggested charging a couple dollars more to encourage more people to use the northern launch.

New Water Tank.

Councilmember Rackley inquired as to the status of the new water tank. Director Grigsby said they were going to install a concrete roof to cut costs and help pay for a small change order which is needed. He further stated the project is on schedule and should be operational in July.

Locust/Bonney Lake Blvd Nuisance Building.

Councilmember King said the City's appearance before the Hearing Examiner regarding this property had to be rescheduled due to the weather. He expressed concern that the property had become more damaged during the storm and the Building Inspector would need to take pictures of the property for the rescheduled hearing.

Moriarty Property.

Councilmember King reminded Council the Historical Society had requested use of the Moriarty House over a year ago and the City had agreed with the stipulation they would have a year to fix it up. He said the Historical Society has lost interest in the property and it has become an attractive nuisance which needs to be demolished. Director Leaf explained the Historical Society is now planning to use the City's building on 184th instead. Councilmember Hamilton asked that a letter be drafted to them so they will be informed of the City's intentions.

City WiFi.

Councilmember Rackley asked if the City is still pursuing WiFi as a public utility. He referenced an article he read on the topic and how the cost can be half as much for cities as it is for private businesses. City Administrator Morrison said the Rainier Cable Commission has been working on this topic and Pierce County is considering creating a countywide WiFi network for public safety and commercial purposes. He offered information on a meeting at Clover Park for Councilmembers to learn more. Councilmember King said other cities who have tried this are finding as the technology evolves it is becoming too expensive for them to maintain.

Recent Storms.

Councilmember Hamilton asked how Pump Station 17 and other similar machinery functioned during the recent power outages. Director Grigsby explained that all but two of the pump stations have generators on site. The other two are currently serviced by portable generators, but will soon have permanent ones. Councilmember Hamilton inquired about the debris pick-up from the storm. Director Grigsby said the crew has canvassed the entire City doing pick ups and intends to run through one more time. Regarding the pick up site, Administrator Morrison said it had been closed, but people continued dropping things off at night so they reopened the site for an additional ten days. Director Grigsby said the debris would be run through a chipping machine and used for various things around the City. Eventually, he said, the chips will probably be freely given to the public. Councilmember Bowen asked that the larger trees be given out for firewood.

Rental Building For Space Needs.

Councilmember DeLeo asked about the status of renting a portable building. City Administrator

Morrison said he has been working on determining the costs to run utilities to a portable and comparing the costs of building or finding a site where utilities are most accessible.

Street Lighting Plan.

Deputy Mayor Swatman asked how the street lighting plan is going. Director Grigsby said it is a five phase project, and the first two phases are nearly complete. He said they are currently working on lights in the newly annexed areas. Lighting on Hwy 410 is expected to be the big project, he explained, and the City is waiting for Puget Sound Energy's subcontractor to determine costs.

Grinder Pumps.

Deputy Mayor Swatman pointed out the high costs associated with running generators to grinder pumps during the recent power outages. He asked that the City make sure charges for citizens with grinder pumps are high enough to cover expenses like this. Council discussed the history of sewer service in the City and the grant funds which allowed the initial construction. Councilmember Rackley said the City has been unable to find the original contract for the grant and are therefore obligated to continue maintaining the grinder pumps. Chief Finance Officer Wroe offered suggestions for how to find the contract and offered to help, noting the grinder pumps should have depreciated to nothing if they were fixed assets installed in the 1980's.

7. Review of Minutes: December 5, 2006 Special Council Meeting, December 6, 2006 Council Workshop, December 12, 2006 Council Meeting, January 9, 2007 Joint Special Council/Planning Commission Meeting, January 9, 2007 Regular Council Meeting.

Council had no corrections for the minutes.

8:09:05

8. Discussion: AB07-12 – D06-340 – Revising Council Ward 5 Boundaries To Include Annexation Areas 1-A, 1-B And 3.

Councilmember King recommended moving forward with this for now, but redistricting soon. Deputy Mayor Swatman also encouraged redistricting soon, saying it should be done before the upcoming election. He said the next election is in 2009 and that is too close to the 2010 census, which will force redistricting. He said the City just needs a dependable data set with which to work from in order to redistrict. Councilmember King agreed it is important to resolve the problem with ward sizes before the election to ease campaigning. There was consensus to move forward the addition of the newly annexed areas to Ward 5 in order to ensure they would be represented until redistricting could take place.

8:16:45

9. Discussion: AB07-24 – D07-24 – Encroachments In The City Right-Of-Way.

City Administrator Morrison said this issue came as a result of recent citizens who had to remove obstructions which they had placed in the City right of way. He explained it is common for cities to offer permits to citizens who want to build in the Right of Way when it is not a safety concern or a nuisance to utility work. Councilmember King expressed concern this new permitting process would cause problems when the City begins improving the stormwater system. His feeling was that many people are currently encroaching and would waste the City's time trying to use the new ordinance to find ways around removing their encroachment. Administrator Morrison said his experience is if they have to sign an agreement it becomes easier to force compliance when the time comes. City Attorney Haggard agreed the ordinance would help

reduce the City's liability if something in the right of way causes an accident for example. There was consensus to move the item forward.

8:35:35

10. Discussion: AB07-19 – D07-19 – Clarifying Single-Family ADU System Development Charge Procedures.

Councilmember King thanked staff for creating this ordinance. He said it should have been done a long time ago. Director Grigsby explained the goal was to allow a person to add a building without being charged an SDC, unless the water meter size was increased or an additional tap was added. Administrator Morrison added that the ordinance was designed to close loopholes in the existing one. Consensus was to move the item forward.

11. Discussion: AB07-26 – Possible joint-action to appeal of Phase II NPDES Stormwater Requirements to Pollution Control Hearings Board.

City Administrator Morrison said he had been contacting AWC and trying to find out more about the volume of cities involved in this appeal, but had not heard back in time for this Council meeting. He said his understanding is one of the primary concerns of AWC is the requirements on redevelopment areas. Director Grigsby said he has been involved in this topic of government mandated stormwater regulations for many years. He said these new state rules are far stricter than the federal ones.

Councilmember Rackley said these regulations descended from a state department, which is not appropriate. Had the Legislature originated the rules they would have been better formulated. Deputy Mayor Swatman asked the purpose of appealing. He said the regulations seemed reasonable and it was not likely the State would back down. Councilmember King promoted solidarity with the other appealing cities. Deputy Mayor Swatman said he felt some of the rules are flexible and the appeal would be a waste of time if there are only a few other cities involved. Councilmember Hamilton agreed. Councilmember Rackley recommended waiting to join the appeal until there is more information available and Councilmembers DeLeo and Bowen said they would support appealing.

Mayor Johnson said he had been approached with a request that the City pass a resolution supporting the School Board in their upcoming attempt to pass a bond for repairing the local school buildings. Councilmember King said some of the buildings had been needing repairs for many years and that he would support the bond. Councilmembers Rackley and Bowen agreed, Bowen noting the people are intelligent enough to make their own decision on how they want to vote. Mayor Johnson said supporting the bond may help sway the minds of people who are on the fence regarding the issue.

12. Executive Session: Pursuant to RCW 42.30.110(1)(i) Mayor Johnson announced an executive session at 8:54 p.m. to discuss active litigation for 20 minutes. The meeting was extended for 10 minutes at 9:18 p.m., extended again at 9:29 p.m. for 5 minutes and again at 9:36 p.m. for 5 minutes. The meeting reconvened at 9:37 p.m.

13. Adjournment

Councilmember Rackley moved to adjourn the workshop at 9:37 p.m. Councilmember Bowen seconded the motion.

Motion approved 6 – 0.

Harwood T. Edvalson, CMC
City Clerk

Mayor Neil Johnson, Jr.

Items submitted for the January 16, 2007 City Council Workshop:

- City of Bonney Lake – *Memo Re: December Storm Summary Report* – Don Morrison, City Administrator.
- City of Bonney Lake – *Resolution 1649: Berkshire Estates Denial* – Deputy Mayor Swatman
- City of Bonney Lake – *Resolution 1650: Orchard Grove II Denial* – Deputy Mayor Swatman