

City of

**COUNCIL WORKSHOP**

September 4, 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 September 4<sup>th</sup> Council Workshop to order at 5:35 p.m.

**Roll Call:**

Elected Officials in attendance were Deputy Mayor Dan Swatman, Councilmember David Bowen, Councilmember Dave King, Councilmember Mark Hamilton, Councilmember Cheryle Noble and Councilmember Jim Rackley. Councilmember Phil DeLeo arrived at 5:37 p.m. Councilmember Noble left the meeting at 8:14 p.m.

[Staff members attending were City Administrator Don Morrison, Planning and Community Development Director John Vodopich, Public Works Director Dan Grigsby, Community Services Director Gary Leaf, Administrative Services Director / City Clerk Harwood Edvalson, Police Chief Mike Mitchell, City Attorney Jim Dionne, City Engineer John Woodcock and Records & Information Specialist Virginia Phelan.]

**Agenda Items:**

5:36:22

1. Presentation: 800 MHz Communications System

Police Chief Mitchell said there is a mandate for change in police radio frequencies targeted for 2012. Ron Tiedeman from the City of Puyallup and representatives from Motorola were in attendance to explain a proposal to assist the City in implementing these changes. Mr. Tiedeman showed a PowerPoint presentation on the proposed 800mhz system. The City of Puyallup wants to offer dispatch services to the City of Bonney Lake and have Bonney Lake join them in their contract with Motorola for the communications system. Police Chief Mitchell has been working with the City of Puyallup and the proposal presented is a reflection of that work.

Mr. Tiedeman described the dispatch center and its current capabilities. The City of Puyallup currently operates out of one dispatch center on South Hill, which was built with expansion in mind. There is interest in opening a back up facility in Bonney Lake in case of disaster or other emergency needs in the valley. The City of Sumner may also be involved. The cost to contract for dispatch would be \$315,000 a year with a \$10,000 start up cost.

The 800mhz system was discussed in detail as a superior method to share resources and technology and to enhance services. There is 97% coverage reliability, encrypted communications, increased officer safety and vast interagency communication improvements. This system and others like it are being implemented over huge portions of the state. Puyallup

has already completed 75% of the implementation of this project and has entered into an agreement with Motorola dependent upon Bonney Lake's willingness to participate. Infrastructure costs for Bonney Lake would be around two million dollars.

Council discussed alternatives to the 800mhz system and debated the idea of working with the County instead of the City of Puyallup. Mr. Tiedeman said the 97% coverage is guaranteed and the coverage area would be easily expanded if the City is willing to install additional infrastructure. He noted that Sumner could become involved and Bonney Lake may be able to share costs depending on how the final plan was implemented. There are also a variety of funding options including leasing from Motorola or going out for bonds. Chief Mitchell said the City has until the end of October to decide if they want to contract with Puyallup. Most of the area eligible for annexation would be covered and two City owned towers have already been identified for potential use. Mayor Johnson said the City would be meeting with Puyallup and Sumner at the end of the week to discuss this further.

6:16:49

2. Discussion: AB07-169 – D07-169 – Comprehensive Plan Amendments/Rezoning in Bonney Lake Marketplace (LOWE'S) Vicinity.

Planning & Community Development Director Vodopich said this ordinance is to change the Comprehensive Plan only, the five property owners will need to apply for a zoning change themselves. Council discussed the reasons for the Planning Commission's recommendation against this Comprehensive Plan Amendment and the pending private lawsuit between Lowe's and the Brookwater Homeowner's Association.

Councilmember Hamilton expressed concern that changing the Comprehensive Plan may be mistaken as the City taking sides in the lawsuit. Deputy Mayor Swatman felt the private covenants would continue to prohibit those properties from being used for commercial purposes, so there would be no point in changing the Comprehensive Plan. Councilmember Rackley suggested tabling this draft ordinance until the lawsuit is settled. Planning & Community Director Vodopich said it could be tabled indefinitely, but once tabled may not be available for action until the next Comprehensive Plan cycle. It was decided to move the topic to the next Council Meeting.

6:30:43

3. Discussion: AB07-171 – Ordinance D07-171 – Comprehensive Plan Amendments/Rezoning in Greenwood Vicinity

Planning & Community Development Director Vodopich explained this ordinance addresses a mapping error and rezones for the northern parcel of the Greenwood Property, as well as the Kerr parcel. The Community Development Committee was opposed to the rezoning of the Kerr parcel and supported rezoning the Greenwood Parcel. Additionally they recommended a thirty foot buffer for the protection of the single family homes.

Councilmember King explained he was opposed to rezoning the Kerr parcel because it has been single family for a long time and the owners do not want it to be rezoned. Additionally, the Greenwood parcel is surrounded on three sides by single family and would be inconsistent with the neighborhood if rezoned. He added that the City is now on target with density per the Growth Management regulations, so the need for increased high density neighborhoods is unnecessary. Councilmember Bowen said all of the Greenwood property on both sides of 184<sup>th</sup> should be consistently zoned. Councilmember Rackley reminded Council that the nature of the neighborhood will change due to the Downtown redevelopment. He added that the Downtown

area is a good area for multi-family housing. Council debated the value of affordable housing and the need for infrastructure in the area. They also discussed the Downtown Plan and how the area is designated according to that. Mayor Johnson said he would have staff research this and have answers to their questions ready for the next Council Meeting. Director Vodopich clarified the ordinance being discussed corrects the mapping error and allows the Greenwood rezone, but not the Kerr rezone.

Councilmember Noble requested Item 8 be moved up in the agenda to be discussed after item 5.

**At 6:54 p.m. Councilmember Bowen moved for a 10-minute break. Councilmember King seconded the motion.**

**Motion approved 7 – 0.**

The meeting reconvened at 7:10 p.m.

7:10:48

4. Discussion: AB07-166 – School District Capital Facility Plans (impact fees)

Mayor Johnson explained the adoption of the capital facility plans does not increase the impact fees, rather it justifies the raising of the fees a few years ago when Sumner School District requested it. Councilmember Rackley said the CDC is against raising the fees any more until the County and City of Sumner do the same. The fees benefit the entire Sumner School District, but only Bonney Lake pays their fair share. Council discussed ways they may be able to encourage the other jurisdictions to equally support the schools.

7:17:23

5. Discussion: AB07-203 – Ordinance D07-203 – Business License Revision Regarding Cabarets

Jason Shumann from the Law Offices of Dionne and Rorick brought forth a revised copy of the draft ordinance. He explained this ordinance was created to give the City more control over problems which may be caused by nightclubs. Currently, he explained, the City classifies them as “Cabarets”. The new ordinance would specifically define nightclubs and require they have a supplemental license. The main distinguishing factors from other businesses previously classified under the broader term of “Cabaret” would be the requirement that the business serve liquor after 10 p.m., they have a maximum occupancy of 50 or more and that alcohol accounts for 50% of their profit.

Nightclubs would be subject to closing by the City if they violate certain restrictions, such as fraud, building violations, criminal offenses of the nightclub owner or managers, five or more arrests within a year occurring from activities as a result of the establishment (i.e. assaults, disorderly conduct) or ten or more arrests for DUIs and similar type violations occurring as a result of the nightclub.

Council discussed the occupancy requirements and the complications caused by outdoor seating. They requested a provision for additional restrictions on nightclubs adjacent to neighborhoods zoned residential. Building code regulations were also discussed, such as requiring sound proofing. Mayor Johnson said he would have staff create an ordinance to address Planning and Building considerations which could come up for action simultaneous to this licensing ordinance.

7:41:29

6. Discussion: AB07-200 – Resolution 1748 – Drainage Feasibility Study

City Engineer Woodcock explained the drainage at the site was inadequate because of the soil layers. The permeable soil only goes 20" deep and below is a hardpan which does not allow the water to seep through at the same rate. The water consequently builds up and ends up pooling on the surface before slowly draining out. When the 12" culvert originally at the location failed, it should have been replaced with a 24" one, but instead the City added a 15" pipe. However, the predicted failure of the current system was not found to be true during the last major storm.

Options for improving drainage were discussed. Option 1 would be to designate an acre of basin area above the site to collect the water from approximately 200 acres, composed mainly of the water contributing to the Lake Bonney channel. This would cost over \$300,000, but could be reduced to around \$200,000 if sidewalks and similar improvements were eliminated from the project. Option 2 would be to replace the current culvert with a 24" one, as should have been done in the first place. This option would cost \$190,000. Option 3 involves buying the property and using the site as a pond for local run off. City Engineer Woodcock explained this option would be inadequate and very costly.

Council debated the value of the different options and the ability to find funding, as well as possible causes for the flooding. Councilmember Noble asked for consensus and the rest of the Council agreed to move forward with Option 1, but to remove the added frills of the project so as to minimize cost.

8:12:22

7. Discussion: Downtown Redevelopment Update [*Council chose to move this up in the agenda*]

Jim Nelson, Senior Municipal Underwriter from Martin Nelson & Co. was in attendance to describe some funding options for the Justice Center planned for Downtown. He explained the benefits and restrictions of issuing tax exempt bonds for this project. The money from the bonds has to be spent within 36 months and only 10% of it may be spent for private purposes. Therefore, renting excess space in the building may be limited. The interest however, would be 1.3% lower than a taxable bond, which would save the City about \$18,000 a year.

Mr. Nelson went on to explain the City's debt capacity as being 1.5% of the assessed valuation for the year, which is currently about \$1,930,000,000. Consequently, the City is in a fine position to take on additional debt. He described the repayment process and the sources which could be used, such as utility tax, sales tax, and rental revenues. He also informed the Council about possibilities for refinancing bonds from 1999 and 1998. Refinancing the 1999 bonds at this time could save the City approximately \$22,000 a year. The 1998 bonds may not be as cost effective.

Council discussed the options presented to them and debated which debts may be a higher priority to pay off. They also conversed regarding funding for water purchases planned in the near future and the possible uses of the Justice Center. Councilmember King expressed appreciation for the informative presentation.

8:43:43

8. Open Discussion

[*Council began this discussion originally at 8:09:54, then chose to continue after the Downtown Redevelopment Update*]

School Year

In response to inquiry from Councilmember Hamilton, Chief Mitchell said he had patrol officers out at Bonney Lake High School for back-to-school traffic enforcement. He said he would

provide ticket counts to Council. Public Works Director Grigsby said the Lowe's traffic did not appear to impact the school buses as they took a different route than usual.

#### Used Car Lot

Councilmember Rackley said the cars lining up for sale in the vacant area near the Chevron station are becoming an eyesore. He suggested having Code Enforcement put notices on the windshields. Deputy Mayor Swatman noted the cars are on private property. Mayor Johnson said he would have the Code Enforcer contact the property owner, to which Councilmember King responded that he should suggest the owner install ecology blocks.

#### South Prairie Road Improvements

Public Works Director Grigsby said the construction should be done very soon. There is some patching left to do, which is planned for September 5<sup>th</sup> and the traffic signals need to be updated to operate off traffic sensors instead of timers.

#### Finance Department Employees

Councilmember Rackley inquired as to the vacant Senior Accountant and Chief Financial Officer positions. City Administrator Morrison said the Senior Accountant position was filled and the employee has already started. The CFO candidates are going through background checks and a meeting is being scheduled with the Mayor.

#### Construction Hours

Councilmember Hamilton said he has received some complaints from property owners near Lowe's who are opposed to the construction noises continuing until 9:00 p.m. Council discussed limiting construction hours near residential areas or limiting project construction only. Deputy Mayor Swatman said he believed the hours were set with residents in mind, so they may work on projects on their private property after they return home from work. He also noted residents may prefer construction be finished more swiftly rather than being spread out due to shorter working hours. Public Works Director Grigsby said the Lowe's grading work is on a deadline due to the approaching wet season.

#### Roadside Memorials

Councilmember DeLeo expressed concern about the prevalence of and safety problems concerned with roadside memorials. The Mayor said the memorials are technically in the right of way, so they may be removed at the City's discretion. Council debated the best way to deal with memorials compassionately while acknowledging that they can be a safety problem because of their location. Councilmember DeLeo requested a policy be put in place and a method for contacting the mourners determined, so the removal may be facilitated in a sensitive way.

#### Inlet Island Rezone

Councilmember DeLeo asked that Council consider rezoning Inlet Island to R-1 from its current R-2 zoning. He said the residents are opposed to the duplexes being built and want the island to be consistent with surrounding properties which have R-1 zoning. He explained this rezone would not change the density of the City as the Island is essentially fully developed already. Councilmember Hamilton suggested the rezone may encourage more people to invest in the properties on the Island. Currently they are reluctant to because the zoning allows trailers and accessory dwelling units. Councilmember King suggested this proposal hit a dead end before because residents did not want to get rid of their own ADUs and other R-2 only additions.

#### Beautify Bonney Lake

Councilmember King inquired as to what his responsibilities would be for Beautify Bonney Lake. Mayor Johnson said he and any one else who wanted to volunteer should meet September 5<sup>th</sup> at Columbia Bank, or at least contact Laurie Carter. More project leaders are needed for the event.

9:14:07

9. Review of Minutes: July 17<sup>th</sup> Council Workshop, July 24<sup>th</sup> Regular Council Meeting, July 31<sup>st</sup> Special Council Meeting, August 14<sup>th</sup> Regular Council Meeting, August 28<sup>th</sup> Special Council Meeting, August 28<sup>th</sup> Regular Council Meeting.

Council offered no corrections to the minutes.

10. Discussion: AB07-194 – Motion Designating the Tacoma News Tribune as the Official Newspaper for 2007-2008

Due to the late hour, Council decided to pull this item and forward it to the next workshop.

11. Executive Session: Pursuant to RCW 42.30.110 (1)(b), at 9:14 p.m. the City Council called an Executive Session to meet for 20 – 30 minutes regarding property acquisition. The meeting reconvened at 9:37 p.m.

12. Adjournment

**Councilmember Rackley moved to adjourn the workshop at 9:37 p.m. Deputy Mayor Swatman seconded the motion.**

**Motion approved 6 – 0.**

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Harwood T. Edvalson, CMC  
City Clerk

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Mayor Neil Johnson, Jr.

Items Submitted to September 4, 2007 Council Workshop include:

- City of Puyallup – *City Communications Emergency Dispatch Services Proposal* – Ron Tiedeman, Director IT & Communications
- Dionne & Rorick – *Draft Ordinance for Business License Revision regarding Cabarets* – Jason Shumann, Attorney
- City of Bonney Lake – *Culvert Realignment Options* – City Engineer John Woodcock
- Martin Nelson & Co. – *Discussion on Financing Options for the Justice Center, Property Acquisition and Right of Way and Street Improvement Projects* – Jim Nelson, Senior Municipal Underwriter