Call to Order:
Deputy Mayor Swatman called the November 20th Council Workshop to order at 5:37 p.m.

Roll Call:
Elected Officials in attendance were Mayor Neil Johnson, Deputy Mayor Dan Swatman, Councilmember David Bowen, Councilmember Dave King, and Councilmember Mark Hamilton. Not present were Councilmember Phil DeLeo and Councilmember Cheryle Noble. Councilmember Jim Rackley recused himself from Chambers during discussion of the first agenda item, and entered the workshop at 6:08 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, Chief Financial Officer Al Juarez, Administrative Services Director/City Clerk Harwood Edvalson, Police Chief Mike Mitchell, City Attorney Jim Dionne, and Records & Information Specialist Susan Duis.]

Deputy Mayor Swatman moved to excuse Councilmember Noble from the workshop, as she had announced she would not attend due to surgery. Councilmember Bowen seconded the motion.

Deputy Mayor Swatman noted that Councilmember Noble is recovering well, and the Mayor said he anticipated her return on December 11th.

Motion approved 4 – 0

City Clerk Edvalson noted that Councilmember Rackley was not present because he had recused himself from the discussion of Resolution 1758.

Agenda Items:

1. **Discussion/Action**: (Tabled from 11/13/07 Council Meeting) **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]

City Attorney Dionne first noted to the Council that this is a closed record hearing, and that Council should only consider the facts that are in the record, and should ignore any comments made in the previous meeting (he added that the record appears to disclose that the Sumner School District opposed the plat). He said that no one had asked for the record to be reopened at the hearing examiner level, so no new information should be considered during this review.
He explained that the municipal code has specific criteria for cul-de-sac variances, which does not include considering whether the variance is a detriment to the public health and safety of the community. He said that for other normal variances, public health and safety considerations are part of the standard hearing examiner review. He explained that, because public health and safety were not considered at the hearing examiner level, the Council can and should consider these factors when making its decision. He also noted that there was no binding testimony related to public safety and health made in the hearing. He said that accepting the preliminary plat would indicate that the findings and conclusions of the hearing examiner were acceptable to the Council. He offered a draft list of stipulations that could be added as conditions of the plat going forward. He explained that if the Council wished to deny the preliminary plat, more discussion related to the criteria would be needed in order to offer specific findings and conclusions to substantiate the decision.

Deputy Mayor Swatman, Councilmember Hamilton, Mayor Johnson, and Councilmember Bowen continued discussions and asked questions about the process and considerations of public health and safety. Mr. Dionne noted that if the Council felt they needed specific additional facts before making a decision, they could remand it back to the hearing examiner. Councilmember Hamilton noted that if it the plat was passed, it would still have to meet the standards when going forward. City Attorney Dionne confirmed this, and said the code also allows the Council to deny or remand the plat back to hearing if standards are not met. Councilmembers Bowen and King expressed their desire to get input from the fire and police departments regarding public health and safety. Councilmember King specifically noted the potential hazards on the long cul-de-sac in inclement and icy weather.

City Attorney Dionne proposed a motion based on the discussions for the Council’s consideration: to recommend denial because the record does not disclose that appropriate provision has been made for the public health, safety, and general welfare of the public, and that the public use and interests will not be served by the subdivision; furthermore, that the Council remands the applicant’s proposal back to the hearing examiner to offer the opportunity for the examiner to prepare additional facts and findings for the record on each of these issues.

Councilmember King moved to the motion as outlined by the City Attorney. Deputy Mayor Swatman seconded the motion.

Councilmember Hamilton asked whether the Council needed to include specific details they wanted the Hearing Examiner to consider, such as the fire department, school districts, etc. City Attorney Dionne said he would compile findings and specific information related to the motion.

Councilmember King amended his motion to include directing the City Attorney to prepare findings commensurate with the discussions of the council. Deputy Mayor Swatman seconded the amendment.

Amendment to the motion
Approved 4-0.

Amended Motion Approved 3-1.
Councilmember Bowen voted no.

Councilmember Rackley entered Council Chambers at 6:08 p.m.
2. **Discussion & Possible Action:** (Tabled from 11/13/07 Council Meeting) **AB07-232.** A MotionExpressing Support To Establish A Tree Grate Design Based on Design Catalog #8592  
[A 3.6.10]  
[A 1.1.1]

Before discussions began, Mayor Johnson noted that the Council should focus on the tree grate design element only. He noted that Public Works Director Dan Grigsby would be working with members of the Park Board and Design Commission further about tree grates, including requirements, Midtown and Eastown planning, etc.

Associate Planner Heather Stinson gave a PowerPoint presentation regarding the tree grate design options, costs, downtown plan requirements, and the process. She noted that in order to give the downtown a strong identity, it is important to have continuity in the design.

Mayor Johnson suggested that Planning & Community Development Director John Vodopich go to a park board meeting to discuss tree grates, and also to expand discussions to the Midtown and Eastown plans. Councilmember Hamilton noted that the city needs something in the books related to when grates are required to help facilitate the process, and to be proactive as the city is urbanized. John Vodopich and Heather Stinson noted that a design selection needs to be made fairly soon, as development is going forward quickly. They also noted that street improvements will be made during construction of the new civic building, and a design must be chosen by then.

Public Works Director Dan Grigsby also asked the Council to address whether they wanted to have openings in the tree grates for an up-light or electrical outlet for seasonal displays, etc. He also noted the option for putting in a drip line for tree irrigation. These decisions need to be made now, as electrical and water lines would need to be installed during sidewalk construction.

Discussion continued about design options and added installation costs if lights or irrigation are required. Councilmember Rackley said he felt the downtown area should have a personality of its own and lighting would be very unique and desirable, and is in favor of the lights/outlets. Mayor Johnson noted that it would be helpful for John Vodopich to work on this with input from developers, based on the Council’s input. Councilmember King said the costs for developers should be considered as well. Councilmember Hamilton added that maintenance should also be a consideration, as the city will be responsible for tree grates for many years. Councilmember King said the Park Board and forester would be a valuable source of input regarding the type of tree, water requirements, etc. Mayor Johnson confirmed that these discussions were sufficient for Planning and Community Development Director John Vodopich to move forward, and thanked the councilmembers for their input.

3. **Discussion:** (Tabled from 10/16/07 Council Meeting) **AB07-210 – D07-210.** Special EventsPermits for Express Events.

City Clerk Edvalson explained that the City Attorney’s office recently reviewed the city’s special events permits ordinance, and had proposed changes to create a better balance between constitutionality (protecting the right of people to demonstrate/congregate) and public safety. The proposed new ordinance defines what an ‘expressive event’ is and how it is dealt with differently from other special events. The proposed ordinance also provides for a faster review and approval or denial of permits as compared to normal special events. Councilmember Bowen asked about unplanned events such as celebrations after games, etc. in relation to the ordinance. Deputy Mayor Swatman said that the revised ordinance will give people a better opportunity to express themselves. Councilmember King noted that it is prudent for the city to mature its code to be commensurate with the types of events a growing city can expect in the future. The item will be moved forward to the upcoming Council Meeting.
4. Council Open Discussion:

**Salary Commission**
Councilmember Rackley reported that the Finance Committee processed a request for a transportation allowance for the Mayor last week. He said that though he is in support of the allowance, he noted that most councils and mayors in Western Washington have received salary raises this year, and asked the Council to consider staffing the salary commission.

Councilmember Bowen agreed. Councilmember King noted that the Council already passed a motion on creating a salary commission, and it would just need to be staffed. He noted that salaries have been a ‘third rail’ issue in Bonney Lake for years. He said that additional obligations required of the mayor for transportation, events, etc. should be reviewed, and added that as the Council looks to the future, someone must ensure the mayor and councilmembers are being adequately compensated for doing city business. The Mayor asked for input on setting a policy for how often salaries are reviewed (such as every two years). He said he feels the salary commission is looking to the future and growth, but said that parameters need to be set as far as how often reviews take place.

Deputy Mayor Swatman, Councilmember Bowen, and Councilmember Hamilton continued discussion on salaries. Several councilmembers, as well as Mayor Johnson, said that more citizens might run for council positions if salaries were higher. Councilmember Hamilton said he felt the salary commission is not a good idea and should be removed. He said the Council should vote for salary increases, and not pass it off to a commission to decide. He also noted the city has difficulty in staffing the other commissions that are already in place. Deputy Mayor Swatman and Councilmember King both agreed that the Council should set salaries and that councilmembers should be responsible for salary decisions. Councilmember King said he also felt that other cities raising salaries was not a good reason to increase the Bonney Lake City Council’s salaries.

Councilmember Rackley noted that the last pay raise for the Bonney Lake Council occurred in the 1990’s. He said that councilmembers should not have to worry about expenses generated (such as gas/travel), and that a salary increase is necessary based on the expenditures required of councilmembers. Deputy Mayor Swatman expressed concern that a salary commission might raise the mayor’s salary too high. Mayor Johnson suggested that this issue may be a good item for the upcoming Council retreat, particularly as two councilmembers are not present at the current workshop.

**Street Lights**
Deputy Mayor Swatman asked that whoever manages street lighting with Puget Sound Energy to investigate some dark intersections off Kelly Lake Road, specifically 214th and Kelly Lake Rd, as well as 83rd St Ct E and Church Lake Rd. Public Works Director Dan Grigsby said that the city asked PSE to do a survey when the land was annexed, and he would check to see where they are on the review process.

**Historical Signs/Markers**
Deputy Mayor Swatman said he had a couple of requests from the Planning Commission about installing historical sign markers (i.e., Sky Stone), and asked the Administration to check on the status of those signs.

**Noise Ordinance**
Deputy Mayor Swatman reported that the Planning Commission will likely recommend that the noise ordinance would be based on decibel level as opposed to geographical (distance from building, etc.). City Administrator Don Morrison said that Associate Planner Heather Stinson was in communication with the planning commission. She said the Planning staff would recommend
specific technical language based on the recommendations, and after the Planning Commission was able to comment it would come back before the Council. Councilmember King also suggested that it be run past the Public Safety Commission as well so the Police Chief and Judge would also review it (from the enforcement side).

**Kudos to Public Works Crew**
Deputy Swatman noted the fantastic work done by staff of Public Works after the broken line; he said it showed professionalism, and that he has confidence in the staff’s abilities. Mayor Johnson agreed and thanked the staff for their hard work.

**Traffic Summit**
Councilmember Hamilton said transportation will be a huge issue in the coming year. He suggested the city may want to have another traffic summit, similar to one held in 2005, and/or that the Pierce County Coalition might get together to strategize within the city and county to make sure state transportation funds are shared equally. He said that citizens want something done about congestion, and traffic issues may hurt development in Eastown. He expressed the need for the city to concentrate on this issue in the next year, and to work with other cities and the county instead of going it alone.

Councilmember Rackley, Councilmember King, and Mayor Johnson discussed options for transportation discussions at upcoming events in early 2008. Councilmember Hamilton also reminded the council of previous discussions of hiring a lobbyist on the federal or state level, and asked that be considered again as well.

**Storm Debris**
Councilmember Bowen asked if the storm debris located on the city property could be cut and taken by citizens. Public Works Director Grigsby said they were going to separate the larger pieces into a pile, and put the rest into a grinder at some point. He said it was a question of policy and liability for people to cut the wood on city property. Councilmember King noted that when a similar request came in the past, the city planned to contact the city Insurer to find out about liability. Mayor Johnson asked City Clerk Edvalson to look into the question and respond.

**Pierce County Regional Council**
Councilmembers King and Rackley attended a meeting of the PCRC last Thursday. They saw a report on the Urban Growth Area amendments proposed by cities, and about how few of the amendments had passed. Some PCRC members expressed disfavor of the County Council’s denials, and questioned whether the Regional Council was being heard properly. Councilmember King said that if the city passes UGAs in the future, it should ensure the areas of the property are contiguous with the city boundaries. He also said the Council should be aware that there will be resistance from many groups for expansions and changes of city UGAs and county UGAs.

**Petition for Charter Form of Government**
Deputy Mayor Swatman asked for an update on the petition for the Charter form of government submitted last week by Councilmember-Elect Dan Decker. City Attorney Dionne reported that the City Attorney’s office determined that the petition was fatally flawed, as it included a sentence that the form of government would have to remain a mayor/council form of government only; there is a statute that requires the option to allow council/manager form. He said he spoke with Mr. Decker today and that they agreed to forgo spending funds on an election that would likely be contested, and to withdraw the petition and not include it on the ballot in February. The City Attorney said an agreement will be put together to be signed tomorrow by Mr. Decker. He gave Mr. Decker the opportunity to speak; Mr. Decker confirmed that he decided to withdraw the
petition after discussions with City Attorney Dionne. He said he planned either to rewrite it or to bring it to the council as a motion to be voted upon in 2008.

Deputy Mayor Swatman noted that people who wish to bring an initiative forward are encouraged to line it up with regular elections; he said this saves money since the city is already paying for elections, and ensures that people have the right to vote on the issue. Councilmember King added that the Pierce County Auditor is considering reducing the number of special election dates from the calendar as well, which could complicate the scheduling of special elections in the future.

**Junk Vehicle & Public Nuisance Ordinance Enforcement**
Councilmember King complimented the Planning & Community Development staff on the increased and effective enforcement of the junk vehicle ordinance and public nuisance ordinance. He said the part-time code enforcement officer has been doing good work, and asked the council to consider whether this needs to be a full-time position in the city in the future.

**CWA Update**
Councilmember Hamilton asked for an update on the Cascade Water Alliance status. Mayor Johnson said he is waiting for the closure on the sale for CWA with Puget Sound Energy, and is coordinating meetings. He said it may go through, but that many people feel it will not. He said that regardless, the city will continue to participate in discussions. Councilmember Hamilton said that homeowners have requested that management of the lake be ‘forcefully stated’ in future discussions. Mayor Johnson confirmed that lake management has been and will continue to be stressed, and that he has received similar input from property owners.

**PCRC Vacancy**
City Clerk Edvalson shared a notice from the Pierce County Regional Council regarding a vacancy in position #1 on the Zoo Trek Authority. The position is for someone in one of the 11 smaller cities on the council (including cities like Roy, Buckley, Ruston, etc.). The Council is being given the opportunity to nominate someone for the position. Councilmember King explained current activities of the Zoo Trek Authority and changes to how the #1 and #2 positions are split up based on city sizes.

Before closing open discussions, Mayor Johnson thanked Mr. Decker for his work on the Charter Form of Government petition and discussions with the City Attorney.

**Councilmember King moved to take a 5-10 minute break. Deputy Mayor Swatman seconded the motion.**

Motion approved 5 – 0.

The Council reconvened at 7:43 p.m.


Councilmember Rackley proposed a change to the November 13, 2007 meeting minutes, p.8, regarding the reason he was not in the chambers when the meeting reconvened after the break. No other changes were proposed.

6. Discussion: (Pursuant to Public Hearing) **AB07-231 – Resolution 1765. Declaring Surplus Status for Certain Grinder Pumps.**
Deputy Mayor Swatman clarified the nature of the resolution with City Administrator Don Morrison. Deputy Mayor Swatman, Councilmember Hamilton and Councilmember Rackley discussed notifying property owners, and suggested sending a letter to homeowners after the resolution passes council at the next meeting and rates are determined.


City Administrator Don Morrison explained that the council essentially passed this before, but the Greenwood Project has changed to Frontier Bank. The previous agreement specifically referenced Interwest, so it was brought back to Council showing the changes requested by Frontier Bank. He said the changes were non-substantive; the City Attorney agreed.

8. Discussion: AB07-233 – Land Acquisition for Trails and Parks

Community Services Director Gary Leaf presented information on the package of land acquisitions, which he has been working on for over a year. He explained that a grant from Pierce County has been secured to cover one half of the cost, and the city is responsible for the other half. He outlined the plan including parcel cost, size, etc. If all parcels are acquired, he reported that 90% of the right of way for the trail between Victor Falls and Sumner Buckley Highway would be secured. He added that he has been working with the Home Owner Associations at Crystal Meadows and Willowbrook to have them consider turning over wetlands to the city. The entire package would create a network of about 120 acres of park and open spaces, mostly on the South side of SR410.

Councilmembers Rackley, King, and Hamilton asked Mr. Leaf various questions regarding the budget, discussions, and remaining properties needed to complete the system. Mr. Leaf added that trail access is planned to be off Angeline Rd., through the Cimmer Parcel, which will give trail access to those not living adjacent to the trail. Mayor Johnson noted that Mr. Leaf has worked very hard and been very dedicated to this project, and said he would be happy to help in any way as it moves forward. Councilmember Hamilton agreed that this is a great project.

Councilmember Bowen asked about the area listed on the report that will be acquired ‘in lieu of mitigation fees’, and whether this was truly at no cost to the city, as it was listed. Councilmember King said he believed the only difference is where the funds exist, and could argue that there is no affect on the overall budget. Mayor Johnson congratulated Mr. Leaf on a job well done.


City Administrator Don Morrison explained that the budget amendment includes three sections: specific line-item changes to the 2008 biennial budget; adjusted revenues and expenditures (based on actual 2007 revenues compared to adopted revenues and expenditures); and an updated Capital Improvement Plan. He offered to answer questions or to allow the council more time to review and discuss at the next meeting. After brief discussion, the Mayor suggested the Council take time to study and bring their questions to the next workshop on December 4th. In the meantime, he suggested councilmembers contact City Administrator Don Morrison or Chief Financial Officer Al Juarez with questions.

Councilmember Rackley said that the resolution came through the Community Development Committee, which decided to forward it to the Council since it is $161,000, and wanted the council to know what the expenditure was for. Public Works Director Grigsby first explained how the professional service agreement contracts are structured. He said that RH2 provided a rate structure, and that the amount proposed is a ‘not to exceed’ amount. He said he feels the RH2 proposals are reasonable.

Deputy Mayor Swatman questioned the necessity for the project, especially given the high cost. Councilmember Rackley and Public Works Director Grigsby explained that the study will help the city set SDC rates, similar to what was done for the water system, and will provide legally and technically defensible reasoning for the rates that are set by the city. They described how the city did not have this information during the water trial (Palermo case); they said many infrastructure records did not exist, and many of those available were not complete or not useful. The city paid RH2 to locate and review all the records to determine the value of the water system infrastructure; this is similar to what is currently being proposed for the sewer system.

Discussions continued between Councilmember Hamilton, Deputy Mayor Swatman, and Public Works Director Grigsby regarding the cost of the proposal, the reasoning, and some specific costs outlined on RH2’s bid. Deputy Mayor Swatman expressed concern about spending $161,000 on the study, even though the city has not been challenged over sewer rates. Councilmember King agreed that he does not like the idea of spending $161,000, but that there are cases where the system has been challenged due to things we did not know or did not understand. He noted that the modeling used for the recent comprehensive sewer plan was based on information from 1994. He added that RH2 has been very responsive, and is confident that they will provide the information needed. Mayor Johnson agreed that he felt RH2 will go the extra mile, and added that the major concern for the future is to get the knowledge base transferred to the city so the water department can handle maintaining the information going forward.

Councilmember Bowen asked whether some of the work could be done in-house, and noted that the RH2 costs seemed high for simply gathering raw data. Public Works Director Grigsby explained that the city staff would actually gather most of the raw data for RH2, and that the costs come from consulting, and interpolating and extrapolating based on the information available to determine the present value of the system. He added that some time in the next year the city will need to show a basis for the entire infrastructure for the General County Standards Board (related to GASB #34), and that this consultation ‘kills two birds with one stone’ in that respect for water and sewer. Councilmember Rackley noted that once the report is done, the city’s engineers can update reports in the future; he said the initial justifiable start is what is needed through the experts. Councilmembers Hamilton and King agreed that the city needs to have the base line data, and to move forward with updates.

Mayor Johnson said that assuming the resolution passes, the costs will be monitored and updates given to the Council to track progress. He suggested it be moved forward to the council meeting.


City Administrator Don Morrison explained that the land use fee schedule was amended in August, but discovered issues with the fees not having a cap for developers. Some fees were separated out to be clear of the costs up front; the Public Works engineers made cost estimate based on past experience and examples from other cities. Councilmember King asked about the change in rates for subdivision short plats, as it seemed to be a large increase. Don Morrison and Dan Grigsby explained the origins of the fees, and explained that the costs will likely not be any
higher (and possibly less). They said that the fee structure was based on actual charges to developers for past projects, and that the proposed changes make the fee structure clear so developers know what the cost of the project will be up front. Councilmember King asked if and when we could bring surveying in house; Don Morrison said there is a proposal in the budget amendment to start doing that next year.

Councilmember King asked if the fee schedule had come before the Community Development Commission; Councilmember Rackley said the Commission had seen it but had not discussed it. Deputy Mayor Swatman asked if Councilmember King’s specific concerns could be addressed by someone in Public Works regarding the fees. City Administrator Don Morrison said the issue is somewhat time sensitive, as some pending projects are waiting for the new schedule before moving forward. Councilmember King requested that specific examples of 2-lot short plat fees with the current and proposed fee schedule be offered to show that the changes will not constitute a large increase for small developments be provided. City Administrator Morrison said they would work on it and would hope to get examples to him by Tuesday.

12. Adjournment:

Councilmember Bowen moved to adjourn the workshop at 9:04 p.m. Councilmember Hamilton seconded the motion.

Motion approved 5 – 0.

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Harwood T. Edvalson, CMC  Neil Johnson, Jr.
City Clerk  Mayor