

CITY COUNCIL MEETING

City of

January 22, 2008
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 6:59 p.m.

A. Flag Salute: Mayor Johnson 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 Dan Swatman, Councilmember David Bowen, Councilmember Laurie Carter, Councilmember Dan Decker, Councilmember Mark Hamilton, Councilmember Dave King, and Councilmember James Rackley.

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

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

1. Announcements: None.

2. Appointments: None.

3. Presentations:

a. Pierce County Libraries Proclamation – “Pierce County Reads”

Mayor Johnson read the proclamation declaring February through April 2008 as ‘Pierce County Reads’. Rachel Pekar, the Bonney Lake branch Managing Librarian, described the new program and said the selected author and book would be announced on February 3, 2008.

D. Agenda Modifications: None.

07:04:09

II. PUBLIC HEARINGS, CITIZEN COMMENTS & CORRESPONDENCE:

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

B. Citizen Comments: [A1.5]

John Maddox, 18426 89th St E, Bonney Lake, spoke about the eminent domain issue for the McDonald Fruit Tracts [proposed Ordinance D08-006]. He said that the United States and Washington State constitutions exclude the states from eminent domain, and that elected officials who try to go forward with eminent domain are committing perjury. He said the Council should table the proposed ordinance.

Jeff and Connie Swarhout, 18401 Old Buckley Hwy, Bonney Lake, asked what would happen to the parking lot for their business when 184th is worked on. She said she was concerned about the parking, which is already narrow, being reduced further. City Administrator Morrison explained that the contract being considered by Council

[proposed Resolution 1779] is for preliminary engineering and study to determine how 184th would be reconstructed and aligned. He said that after the study is done, they will know how the reconstruction might affect the lot. Mayor Johnson said that once the study is done, the City would sit down with everyone to make a plan. Public Works Director Grigsby told her that the next step would not come for at least 3-4 months, after the study is complete. Mayor Johnson and staff confirmed that all impacted citizens would be notified of the results of the study before the project moves forward.

- C. Correspondence: None.

7:14:40

III. COUNCIL COMMITTEE REPORTS: [A3.6.4]

- A. Finance Committee: Deputy Mayor Swatman said the committee met at 5:30 p.m. that evening and reviewed: Resolution 1784, which is on the agenda; an upcoming resolution for out of state travel for David Wells, and for Jen Francis to Wilsonville, Oregon for training on the Eden system; lengthy discussion of the new Government Accounting Standards Board reporting requirements (GASB 34); and compensation program ideas.

Councilmember Decker said he had received information that citizens cannot view the vouchers until the Council votes on them. Deputy Mayor Swatman said they are available by request, as any other committee product, and are available to review at Finance Committee meetings as well.

- B. Community Development Committee: Councilmember Rackley said the committee had not met since the last report.
- C. Public Safety Committee: Councilmember King said the committee met on January 14th and set goals for 2008, including: school safety & student transportation to and from school; park security and safety; and traffic and lighting. They were briefed on the security cameras for the park and the proposed dispatch services for the Police Department, and had an update the 800 MHz radio system. They were hoping to meet with Chief Packard to discuss the Fire Department and public safety issues.

- D. Other Reports:

School Zone Lights

Councilmember Decker said that he saw the school zone light on Locust blinks very slowly, and that it may be broken. Mayor Johnson said that staff would check it, and noted that the lights are solar powered which may be why they do not blink as quickly as similar school zone lights.

Rainier Communications Commission (RCC)

Councilmember Rackley attended the RCC meeting on January 16, 2008. The Department of Justice awarded a \$235,000 grant to the Department of Emergency Management to back up communications systems. Comcast is reportedly filing an effective competition petition with the Federal Communications Commission (FCC) as they have reached a 15% competition level. Councilmember Rackley said that though the RCC does not plan to challenge this, he suggests the Council request information to verify that Comcast has reached this level.

Pierce County Regional Council (PCRC)

Councilmember Rackley attended the January 17, 2008 meeting, which included a report from the Growth Management Coordination Committee. He and Councilmember King encouraged councilmembers, staff, and the Mayor to attend the upcoming general assembly on February 21, 2008 at 6:00 p.m. at Bates Technical College.

Regional Access & Mobilization Project (RAMP)

Councilmember Hamilton attended the January 9, 2008 meeting, which included a conversation with John Stanton and ex-DOT Director Doug McDonald, who sought support to set up single control of the Washington State Department of Transportation. Councilmember Hamilton said that most members of RAMP were opposed, and felt that the majority of funding would go to King County if control was centralized. He also said the SR 167 build-out and SR 704 cross-base highway projects were discussed, but that SR 162 was not on the agenda and was not discussed. RAMP meetings are held the first Wednesday of each month at 8:00 p.m. in the Port of Tacoma building. He said all are welcome to attend, and that at least one councilmember and Public Works Director Grigsby usually attend meetings. He also said he would need more direction from the Council in the future, as the City's appointed representative for this group.

Lake Bonney Conservation Association

Councilmember Rackley said he, Councilmember Carter and Community Services Director Leaf met with Lake Bonney residents and the Conservation Association on January 19, 2008 to discuss plans for the area. He said the meeting was well-attended, and that Community Services Director Leaf did an excellent job.

Pierce County Cities & Mayors

Mayor Johnson attended the Pierce County Cities & Towns meeting on January 10, 2008. He reported that the Mayor Katrina Asay of Milton is stepping down as chair, and that she plans to submit legislation for small cities to be reimbursed for training and other expenses when police officers leave a city within five years of being hired.

Citizens Advisory Council

Mayor Johnson said the Council met on January 17, 2008. He said they were focusing on getting more homeowner's associations on the council, as well as students. He noted that one student from Sumner High School and one from Bonney Lake High School attended the meeting. He said he got good feedback from the meeting, and asked councilmembers to suggest topics for upcoming meetings.

7:30:03

IV. CONSENT AGENDA: [A3.6]

- A. ~~Approval of Corrected Minutes: December 4, 2007 Council Workshop, December 11, 2007 Council Meeting, January 8, 2008 Council Meeting. Moved to Full Council Issues.~~
- B. Checks/Vouchers: 2007 Budget Expenses - Accounts Payable check/voucher #49823 in the amount of \$3,518.93; Accounts Payable checks/vouchers #49824 thru #49916 (including wire transfer #3321300) in the amount of \$955,644.08. 2008 Budget Expenses - Accounts Payable checks/vouchers #49917 thru 49951 in the amount of \$451,744.30; Accounts Payable check/voucher #49952 in the amount of \$367.83 for accounts receivable deposit refunds. Accounts Payable checks/vouchers #49953 in the amount of \$1,446.50 for utility account refunds. [F4.9]
- C. ~~AB08-07 Ordinance 1270 An Ordinance Of The City Of Bonney Lake, Pierce County, Washington, Amending Section 12.30.050 Of The Bonney Lake Municipal Code And The Corresponding Portion Of Ordinance No. 1204 Regarding Access To State Route 410. [A 3.5.5] Moved to Community Development Committee Issues.~~
- D. ~~AB08-17 Ordinance D08-17 An Ordinance Of The City Of Bonney Lake, Pierce County, Washington, Amending Chapter 2.60 Of The Bonney Lake Municipal Code And Ordinance No. 893, Relating To Required Membership Of The Bonney Lake Design Commission. [A 3.5.5] [A 3.8.8] Removed from the Agenda.~~

- E. ~~AB08-08 – Resolution 1779 – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Approving The Contracts For KPG Engineering And Shea, Carr, & Jewell, Inc. For The Downtown (184th Avenue East) Corridor And Intersection Preliminary Design Efforts. [O 3.1] Moved to Full Council Issues.~~
- F. AB08-09 – Resolution 1780 – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing The Mayor To Sign A Memorandum Of Agreement Between Pierce County And The City Regarding Surveying Services For 2008. [O 4.10.2]
- G. AB08-18 – Resolution 1783 - A Resolution Of The City Of Bonney Lake, Pierce County, Washington, Establishing A Policy For The Provision Of Food, Refreshments, And Beverages At Various Functions And Meetings Of The City, And Repealing Resolution Nos. 1246 And 1319. [F 4.8]

Councilmember Rackley moved to approve the Consent Agenda. Deputy Mayor Swatman seconded the motion.

Councilmember Carter requested that item A. (Approval of Corrected Minutes) and item E. (Resolution 1779) be moved to Full Council Issues for discussion. Councilmember Hamilton asked that item C. (Ordinance 1270) be moved to Community Development Committee Issues. City Clerk Edvalson said that the City Attorney felt the revisions made to Ordinance D08-17 were not adequate and suggested removing it from the agenda. Mayor Johnson asked that item D. (Ordinance D08-17) be removed from the agenda.

Consent Agenda approved 7 – 0.

7:32:07

V. FINANCE COMMITTEE ISSUES:

- A. **AB08-19 – Resolution 1784** – A Resolution Of The City Council 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 Rackley moved to adopt Resolution 1784. Councilmember King seconded the motion.

Councilmember King noted that this item comes up every year, and that it may seem strange that Bonney Lake does not have its own recreation program. He said that in the future the City will be able have its own program, but that for now the joint program is excellent and beneficial for citizens. Mayor Johnson agreed, adding that Becky Giles does a great job working with the program.

Motion approved 7 – 0.

7:33:50

VI. COMMUNITY DEVELOPMENT COMMITTEE ISSUES:

- A. AB08-07 – Ordinance 1270 – An Ordinance Of The City Of Bonney Lake, Pierce County, Washington, Amending Section 12.30.050 Of The Bonney Lake Municipal Code

And The Corresponding Portion Of Ordinance No. 1204 Regarding Access To State Route 410. [A 3.5.5]

Councilmember Rackley moved to adopt Ordinance 1270. Deputy Mayor Swatman seconded the motion.

Councilmember Hamilton asked if the CDC and staff had discussed the ramifications of allowing right-in/right-out access in commercial areas on the SR 410 corridor. He asked that access be limited as much as possible to avoid a situation like SR 161 in South Hill. Councilmember Rackley said the CDC discussed the issue at great length. He and Public Works Director Grigsby explained that proposed Ordinance 1270 would adopt the Washington State code that addresses this exact issue. Public Works Director Grigsby discussed requirements such as restricting access to no more than every 660 feet along SR 410, and traffic signals no closer than every ½ mile from each other. He added that property owners will have to link to frontage roads when making improvements to the properties along SR 410. He assured the Council that the proposed ordinance will help the City avoid congestion, enhance the image of the City, and also meet State requirements. Councilmember Hamilton said he wanted to hold carefully to the standards and to consider stricter standards.

Motion approved 7 – 0.

VII. PUBLIC SAFETY COMMITTEE ISSUES: None.

7:43:56

VIII. FULL COUNCIL ISSUES:

- A. **AB08-06 – Ordinance D08-006** – An Ordinance Of The City Of Bonney Lake, Pierce County, Washington, Authorizing The Acquisition Of Property By Purchase Or Eminent Domain. [A 3.13.3.3]

Councilmember Rackley moved to adopt Ordinance D08-006. Deputy Mayor Swatman seconded the motion.

Councilmember Hamilton asked for clarification on the purpose of the proposed ordinance. City Administrator Morrison explained the new State requirements for notifying property owners, and Councilmember Hamilton questioned whether the City should send notification of eminent domain before negotiations with the property owners has been attempted. City Attorney Dionne offered more details about the meaning of the ordinance and notification requirements. He said that negotiations would begin, and in the worst case would not stop until a final court order was made in eminent domain proceedings. He said the proposed ordinance is on the table because the City needs the property to be under its control quickly.

Councilmember Bowen said it was unfortunate that the citizen who had spoken during Citizen Comments had left the meeting, and explained his experience with eminent domain with the State. He said he believes the government does have the right of eminent domain, and that voting for the proposed ordinance would not bring disrepute on his character. Councilmember Decker suggested the Council go to an Executive Session to discuss specific issues. Councilmember Hamilton said he felt that discussions of the general use of eminent domain could continue in public. City Attorney Dionne said that an Executive Session could be called for discussions of potential litigation and for potential offering prices for properties. He added that calling an Executive Session modifies the agenda.

7:59:50

IX. EXECUTIVE SESSION:

Pursuant to RCW 42.30.110(1)(b) the City Council announced an Executive Session at 7:59 p.m. for 15 minutes to discuss potential offering prices for properties, and to discuss potential litigation. The Executive Session was extended for 15 additional minutes at 8:15 p.m. The meeting reconvened at 8:20 p.m.

VIII. FULL COUNCIL ISSUES (continued):

(A. Continued) The Council returned to discussions of proposed Ordinance D08-006. City Clerk Edvalson announced that a citizen who had not signed up to speak about the ordinance had asked if he could address the council.

Don Karstet and Dana White, Lake Tapps LLC, spoke as business owners. Mr. Karstet said they had some of the same concerns as Councilmember Hamilton, and asked why the City would start with an eminent domain announcement when they had not yet been approached with any offer yet.

City Administrator Morrison explained that the ordinance is written in two parts, for negotiation or condemnation, and that offers are not usually made until such an ordinance is passed. He said one reason for the notification is to begin potential tax benefits for a 'friendly condemnation' for property owners. Councilmember Hamilton asked how many property owners had been given an offer already; City Administrator Morrison said two of the five owners had been given an offer, and the others had had varying amounts of communication with the City thus far. City Attorney Dionne offered additional information and interpretations to Councilmember Hamilton. Deputy Mayor Swatman said that his feeling is there must be a defined public use for the property, and that the City is happy to negotiate but that the end result will be the City coming into possession of the property. He said that proper notification to the owner should let them know the City is serious about purchasing the property, and that eminent domain is always the last resort and is bad for both parties.

Councilmember Bowen moved to table Ordinance D08-006 to the next Council Workshop. Councilmember Decker seconded the motion.

**Motion approved 5 – 2 with
Councilmember Rackley and
Deputy Mayor Swatman voting no.**

- B. **Approval of Corrected Minutes:** December 4, 2007 Council Workshop, December 11, 2007 Council Meeting, January 8, 2008 Council Meeting.

Councilmember Rackley moved to approve the corrected minutes. Councilmember King seconded the motion.

Councilmember Carter noted an additional correction was needed to the December 11, 2007 minutes, correcting Richards Rawlings' name.

Corrected Minutes approved 7 – 0.

- C. **AB08-08 – Resolution 1779** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Approving The Contracts For KPG Engineering And

Shea, Carr, & Jewell, Inc. For The Downtown (184th Avenue East) Corridor And Intersection Preliminary Design Efforts. [O 3.1]

Councilmember Rackley moved to adopt Resolution 1779. Councilmember King seconded the motion.

Councilmember Decker said that the Council packet seemed to contain additional materials beyond what was reviewed at the Community Development Committee. Councilmember Carter asked how information would be gathered in the study, and Public Works Director Grigsby explained that the contractor would do a traffic study, growth, appropriate size and type of lanes, and traffic lights. Councilmember Bowen noted that the price seems high but plans to vote for the Resolution as the City needs to proceed with the Downtown plan and that it is a wise investment. Councilmember Decker said he planned to vote against the resolution, and maintained that there were issues that he did not have an opportunity to discuss at CDC.

Councilmember Decker moved to return the Resolution to CDC or the Council Workshop. There was no second.

**Motion approved 6 – 1, with
Councilmember Decker voting no.**

8:35:40

X. ADJOURNMENT:

At 8:35 p.m. Councilmember Bowen moved to adjourn the meeting. Councilmember Rackley seconded the motion.

Motion passed 7 – 0.

Harwood Edvalson, CMC
City Clerk

Neil Johnson
Mayor

Items submitted to the Council meeting of January 22, 2008:

- Pierce County Library – Pierce County Reads Proclamation – Bonney Lake Library Managing Librarian Rachel Pekar.
- City of Bonney Lake – Revised Ordinance D08-17 [AB08-17] – An Ordinance Of The City Of Bonney Lake, Pierce County, Washington, Amending Chapter 2.60 Of The Bonney Lake Municipal Code And Ordinance No. 893, Relating To Required Membership Of The Bonney Lake Design Commission – City Clerk Edvalson.