

CITY COUNCIL MEETING

**February 12, 2008
7:00 p.m.**

MINUTES

City of



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 ↓

I. CALL TO ORDER – Deputy Mayor Dan Swatman called the meeting to order at 7:00 p.m.

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

B. Roll Call: [A1.3]

City Clerk Edvalson called the roll. In addition to Deputy Mayor Swatman, elected officials attending were Councilmember David Bowen, Councilmember Dan Decker, Councilmember Mark Hamilton, Councilmember Dave King, and Councilmember James Rackley. Mayor Neil Johnson and Councilmember Laurie Carter were absent.

[Staff members in attendance were City Administrator Don Morrison, Public Works Director Dan Grigsby, Planning Manager Heather Stinson, Police Chief Mike Mitchell, Administrative Services Director/City Clerk Harwood Edvalson, Community Services Director Gary Leaf, Events Coordinator David Wells, Chief Financial Officer Al Juarez, City Attorney Jeff Ganson, and Records & Information Specialist Susan Duis.]

Councilmember Rackley moved to excuse Councilmember Carter from the meeting. Deputy Mayor Swatman seconded the motion.

Motion Approved 6 – 0.

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

1. Announcements: None.

2. Appointments: None.

3. Presentations:

a. Proclamation of Mayor and Council in Honor of Elected and Appointed Officials of the City of Kirkwood, Missouri.

Deputy Mayor Swatman read aloud the proclamation, and announced that the Council would observe a minute of silence at the February 26, 2008 meeting.

b. 2007 Municipal Clerk Honor Roll Honoree – Sponsored by General Code, LLC.

Deputy Mayor Swatman presented Administrative Services Director / City Clerk Edvalson with a plaque and pin from General Code, LLC, in honor of his service as City Clerk.

D. Agenda Modifications: None.

07:04:03

II. PUBLIC HEARINGS, CITIZEN COMMENTS & CORRESPONDENCE:A. Public Hearings: None.B. Citizen Comments: [A1.5]

John Maddox, 18426 89th St E, Bonney Lake, said that he had spoken at the last Council meeting about eminent domain, and had suggested the Council study the constitution. He said he understood that after he left, people were told not to pay attention to his statements. He read sections of the United States Constitution aloud. He said that some people do not think the Constitution applies in this case, but that both the State and Federal constitutions apply. He suggested the Council study the Constitution, Magna Carta, Articles of Confederation and Declaration of Independence, all of which have to do with eminent domain.

Councilmember Decker asked whether Mr. Maddox was familiar with specific sections of the State Constitution related to eminent domain. After continued discussion between Councilmember Decker and Mr. Maddox, Deputy Mayor Swatman noted that citizen comments are not normally a question and answer session, and that Mr. Maddox had already used his allotted time. He said more time could be allocated to Mr. Maddox if the Council wished to do so. There was no further discussion.

Patty Inslee, 25411 SE 424th St, Enumclaw, asked for the Council's support as she hopes to open a vehicle licensing agency in Bonney Lake. She said she applied but had not heard back yet, and hoped for the City's support to convince the County Auditor. City Administrator Morrison said the City previously petitioned the County Auditor to get a licensing agency in the area, and said he would follow up with the Auditor. Deputy Mayor Swatman asked City Administrator Morrison to provide a report to the Council, and told Ms. Inslee that the County Auditor's office would certainly notify her of its decision.

Rachel Johnson, 13327 Cedar Circle E, Bonney Lake, spoke for Atlas Towing & Recovery Company. She said the company has had some issues with the Police Department. As Chair of the Public Safety Committee, Councilmember King asked if she had contacted the Police Chief and City Administrator; she confirmed that she had. She said that another towing company has been arriving at incidents before calls are made, and calls for Atlas Towing have been cancelled. She said she believes some police officers are playing favorites with another towing company. Councilmember King said that the City Administrator would work with the Police Chief and gather information. He invited her to attend the next Public Safety Committee meeting on March 3, 2008, if her issue had not been resolved by then. City Administrator Morrison noted that the Public Safety Committee had worked on the towing company contract about a year ago, and that the issue may need to be revisited.

C. Correspondence: None.

07:22:08

III. COUNCIL COMMITTEE REPORTS: [A3.6.4]A. Finance Committee: Deputy Mayor Swatman said the committee met earlier in the evening and received an update on City personnel. He said action items discussed included: a proposed ordinance to adjust transportation and park impact fees; a motion to set the next joint Planning Commission / City Council meeting date; a motion to cast

a vote for the Zoo Trek board; and a motion for out-of-state travel. He said the committee also discussed a resolution for modifications to the City Administrator's contract; a resolution to sign a Transportation Improvement Board (TIB) Grant Agreement for sidewalks on SR410, and continued discussions about the County Urban Growth Area (CUGA).

- B. Community Development Committee: Councilmember Rackley reported that the CDC met on February 4, 2008 and discussed the water shut-off policy and the Lowe's stormwater pipe, and the following items for action: the updated Stream Team contract; proposed Resolution 1789 (192nd Ave E Phase 1 Design Contract); proposed Resolution 1790 (leaky water main design contract); proposed Resolution 1791 (short plat and water/sewer extension agreement); proposed Resolution 1793 (agreement with FCS Group).

Pierce County Regional Council

Councilmember Rackley asked for a count of how many councilmembers planned to attend the PCRC annual meeting on February 21, 2008. He said all councilmembers and mayors in the County are invited.

- C. Public Safety Committee: Councilmember King said the committee met on February 4, 2008 and reviewed a proposed ordinance related to compression brakes, to make the Bonney Lake Municipal Code consistent with State regulations, which will be on an upcoming agenda. He said the Committee also discussed design options for the new Court building with the Judge; scheduling new Councilmembers for mandatory Emergency Preparedness training; and an update on the 'Sound Shake' exercise scheduled on March 5, 2008. He explained that the 'Sound Shake' is an earthquake disaster preparedness exercise, and that a number of City staff would be involved. He said the Committee had scheduled a review of the Animal Control contract for May, and planned to research a pet identification microchip program. Councilmember King asked Police Chief Mitchell to give an update on the state of the SWAT vehicle; Chief Mitchell said it was shipped on February 8, 2008, and expected it to arrive any day. Councilmember King said Councilmember Carter had suggested starting a Citizen's Academy for kids, and added that the Committee planned to research underage drinking and driving control programs. He said a motion for out-of-state travel for Detective Byerly was on the agenda as well.

- D. Other Reports:

Council Photos

City Clerk Edvalson told Councilmembers that a group picture of the Council was scheduled before the next Council meeting on February 26, 2008 at 6:30 p.m.

Regional Access Mobility Partnership

Councilmember Hamilton said that he and Public Works Director Grigsby attended the RAMP meeting on February 6, 2008. He said most of the meeting discussions were about Transportation Benefit Districts. He noted that a King County Executive recognized a need to work more closely with cities to funding for Pierce County roads.

07:34:18

IV. CONSENT AGENDA: [A3.6]

- A. **Approval of Corrected Minutes:** January 15, 2008 Council Workshop, January 22, 2008 Council Meeting, January 29, 2008 Special Joint Council/Planning Commission Meeting.
- B. **Checks/Vouchers:** 2007 Budget Expenses - Accounts Payable check/voucher #49955 in the amount of \$2,177.99; Accounts Payable checks/vouchers #49957 thru #50044 (including wire transfer #'s 3114253 and 3114256) in the amount of \$754,459.87. 2008 Budget Expenses - Accounts Payable checks/vouchers #49954 in the amount of \$5,000.00; Accounts Payable check/voucher #49956 in the amount of \$1,858.48; Accounts Payable checks/vouchers #50045 thru #50168 in the amount of \$952,864.49; Accounts Payable checks/vouchers #50169 thru #50175 in the amount of \$506.35 for accounts receivable deposit refunds; and Accounts Payable checks/vouchers #50176 in the amount of \$525.92 for utility account refunds. [F4.9]
- C. **Payroll:** Payroll for January 01-15, 2008 for checks 26844-26849, including Deposits and Electronic Transfers for \$ 105,204.97 (Police Department)
Payroll for January 01-15, 2008 for checks 26850-26872, including Deposits and Electronic Transfers for \$ 339,621.17 (AFSCME and Non-represented)

Payroll for January 16-31, 2008 for checks 26873-, including Deposits and Electronic Transfers for \$ 155,049.61 (Police Department)
Payroll for January 16-31, 2008 for checks 26875, including Deposits and Electronic Transfers for \$ 334,788.52 (AFSCME and Non-represented) [F4.9]
- D. **AB08-16 – Resolution 1782** – A Resolution Of The City Of Bonney Lake, Pierce County, Washington, Authorizing The Mayor To Sign A Contract With The Municipal Research Services Center Of Washington (MRSC) To Participate In The Statewide Shared Small Works And Consultant Roster Process Administered By MRSC. [A 5.3.8]
- E. **AB08-28 – Resolution 1788** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing Funding For 2008 Pierce Conservation District Stream Team Program. [O 4.14.11]
- F. **AB08-29 – Resolution 1789** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing A Professional Services Agreement With Parametrix For The 192nd Avenue East Phase 1a Sewer And Water Design. [O 4.5.1]
- G. **AB08-31 – Resolution 1791** - A Resolution Of The City Of Bonney Lake, Pierce County, Washington, Authorizing A Water And Sewer Developer Extension Agreement With Mr. Kim Marzolf For The Marzolf Short Plat. [A 3.13.7]
- H. **AB08-33 – Resolution 1793** - A Resolution Of The City Of Bonney Lake, Pierce County, Washington, Authorizing An Addendum To The Agreement With FCS Group For The Water SDC Study. [O 4.7.1]
- I. **AB08-34 – Resolution 1794** - A Resolution Of The City Of Bonney Lake, Pierce County, Washington, Declaring The Time For A Public Hearing Before The Bonney Lake City Council In Regards To A Petition For Street Vacation North Of And Adjacent To The Ptarmigan Ridge Preliminary Plat. [A 3.6.12]

- J. **AB08-15** – A Motion Of The Bonney Lake City Council Authorizing Out-Of-State Travel For David Wells To Attend A Conference In Salem, OR. [A 3.6.10] [A 4.7]
- K. **AB08-35** - A Motion Of The Bonney Lake City Council Authorizing Out-Of-State Travel For Detective Brian Byerley To Attend Training In Indianapolis, IN. [A 3.6.10] [A 4.7]

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

Motion approved 6 – 0.

07:34:45

V. FINANCE COMMITTEE ISSUES:

- A. **AB08-24 – Resolution 1786** - A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing A Personal Services Agreement With American Appraisal Associates, Inc. For Professional Valuation Consulting Services. [F 4.10.5]

Councilmember Rackley moved to adopt Resolution 1786. Councilmember King seconded the motion.

Motion approved 6 – 0.

- B. **AB08-38** – A Motion of the Bonney Lake City Council Casting The City’s Vote For Zoo Trek Authority Board Position #1 In Favor Of Bobbi Allison Of The Town Of Eatonville. [A 3.6.10] [A 3.22.7]

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

Councilmember Hamilton asked for more information on the candidate; Councilmember Rackley said that Ms. Allison was the only candidate. Councilmember King added that Ms. Allison is a longtime member of the Pierce County Regional Council and a strong advocate for parks. He added that the candidate had to come from one of the smaller cities, and that a Bonney Lake citizen would not have been eligible for this position. Councilmember Decker had questions about the procedure for casting a vote; Councilmembers agreed that it would be a normal motion that would pass by majority vote, and be forwarded to the Zoo Trek Authority Board.

Motion approved 6 – 0.

07:40:53

VI. COMMUNITY DEVELOPMENT COMMITTEE ISSUES: None.

- A. **AB08-30 – Resolution 1790** - A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing A Contract With RH2 Engineering For The Design Of The Leaky Water Main Replacement Project, Phase 2A. [O 4.10.1]

Councilmember Rackley moved to adopt Resolution 1790. Councilmember Bowen seconded the motion.

Councilmember Rackley explained that this is part of the Leaky Main Program, which has saved the City millions of gallons of water to date. Councilmember Bowen directed councilmembers to Exhibit B, task #6, and asked whether these services (bid advertisement, addenda, bid tabulation) could be done in house. Public Works Director Grigsby said that this is included in the bid proposal request, which is why the company included it. He explained that the design company would prepare the plans and specifications for advertisements, but that the other services are done in-house. He added that bidders pay a \$20 fee for bid packets, and the cost for obtaining additional copies of the bid packet from RH2 is covered by these fees.

Motion Approved 6 – 0.

VII. PUBLIC SAFETY COMMITTEE ISSUES: None.

07:47:32

VIII. FULL COUNCIL ISSUES:

- A. **AB08-17 – Ordinance 1271** – 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]

Councilmember Rackley moved to adopt Ordinance 1271. Councilmember Hamilton seconded the motion.

Motion Approved 6 – 0.

- B. **AB08-22 – Ordinance 1272** – An Ordinance Of The City Of Bonney Lake, Pierce County, Washington, Applying Public Facilities (PF) Zoning to Parcel Nos. 5640001541, 5640001470, 5640001480, 5640001514, 5640001513, 5640001500, 5640001490, 5640001576, 5640001575, 5640001592, 5640001620, 5640001550, and 5640001561 Through An Area Wide Rezone (BLMC 14.140) (Selected Parcels in Downtown Area) [A 3.5.5] [O 3.8.2]

Councilmember Rackley moved to adopt Ordinance 1272. Councilmember Hamilton seconded the motion.

Councilmember Decker said he didn't believe the area should be rezoned at this time. He cited sections of the Washington State Constitution, including the 1st, 9th, 12th and 16th amendments, as well as RCW 81, RCW 7, and other laws. He said he believes there are problems that need to be fixed before moving forward.

Councilmember Decker moved to table the proposed ordinance to an upcoming Council Workshop. Councilmember Bowen seconded the motion.

Motion Failed 2 – 4. Deputy Mayor Swatman and Councilmembers Rackley, Hamilton and King voted no.

Deputy Mayor Swatman said the ordinance implements zoning that matches with the previously passed Comprehensive Plan. Councilmember Rackley said the Council has worked on the Downtown plan for at least nine years, and has held public meetings and

done its best to inform the entire city of the project. He said he understood that some may not like it, but the city is growing. He said he supports the proposed rezone.

Councilmember Decker said the Council needs to quit being blind to problems in the city, and that the Council does not have the right to do eminent domain for commercial purposes. He said the project map appears to include several commercial properties, and he is not sure the Council has the right to do this.

Deputy Mayor Swatman explained that the proposed ordinance is an area-wide rezone, and has nothing to do with eminent domain. Councilmember King added that properties in the area-wide rezone that have different uses today (such as residential uses) can remain as 'non-conforming but allowed' after the Public Facilities rezone. He said that when the City zones something for Public Facilities, is designating that it will not be used for normal commercial purposes; he concluded that he does not see any intent by the City to turn any part of the properties over to a commercial interest. He asked the objecting Councilmember to list any businesses that would benefit from this rezone.

Councilmember Hamilton asked the City Attorney whether the proposed ordinance has anything to do with eminent domain. City Attorney Ganson said he did not see anything related to eminent domain in this ordinance. He added that if the City attempted eminent domain in the future, any citizen could challenge it.

Councilmember Decker offered the Interim Justice Center as an example, saying it is a temporary building and the Council plans to rent the building when the City Center is complete, which would be a commercial use issue. He said he had other notes related to this issue he wanted to discuss, but they were missing from the dais.

Councilmember Rackley noted that the rezone under discussion is the footprint for the new Civic Center, and does not include the area for the planned Interim Justice Center. He asked Councilmember Decker to review the plan more carefully. Councilmember Decker said that the phrase 'commercial use' appears several times in the proposed ordinance. Councilmember Decker motioned to have the proposed ordinance taken back to workshop two additional times during discussions; there was no second for either motion.

Councilmember King said the commercial uses noted by Councilmember Decker involve the city's overall plan, which includes commercial development plans for other portions of the downtown core, not the properties included in this ordinance. He argued that Councilmember Decker had built the prospect of eminent domain into a taking of a property for commercial use that is not contemplated by the city. Discussions concluded and Deputy Mayor Swatman called the Council to take a vote.

**Motion Approved 5 – 0 – 1, with
Councilmember Decker abstaining.**

08:03:12

IX. EXECUTIVE SESSION:

Pursuant to RCW 42.30.110(1)(b) Deputy Mayor Swatman announced an Executive Session at 8:03 p.m. for 20 minutes to discuss litigation. The meeting reconvened at 8:20 p.m.

08:20:25

X. ADJOURNMENT:

At 8:20 p.m. Councilmember Bowen moved to adjourn the meeting. Councilmember King seconded the motion.

Motion passed 6 – 0.

Harwood Edvalson, CMC
City Clerk

Neil Johnson
Mayor