

**CITY COUNCIL MEETING**

**February 26, 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"*

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Audio Time  
Stamp ↓

**I. CALL TO ORDER** – Mayor Neil Johnson called the meeting to order at 6:58 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 Chief Mike Mitchell, Assistant Chief Dana Hubbard, 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: Pursuant to the Proclamation to the City of Kirkwood, Mo., approved by the Bonney Lake Mayor and Council at the February 12, 2008 meeting, the Mayor and Council invited the audience to join in a minute of silence in memory and support of the elected and appointed officials of the City of Kirkwood.

2. Appointments: None.

3. Presentations:

a. **Certificates of Commendation** – Sarah Ralston and Mike Molyneux – Recently Honored as American Red Cross Real Heroes.

Mayor Johnson presented a Certificate of Commendation to Mr. Molyneux for his volunteer work with the Red Cross in Lewis County and to Ms. Ralston for administering First Aid to a fellow Bonney Lake High School student. City Administrator Morrison noted that of the eleven 'American Red Cross Real Heroes' awards for Pierce County, three were given to residents of Bonney Lake.

D. Agenda Modifications: None.

7:07:46

**II. PUBLIC HEARINGS, CITIZEN COMMENTS & CORRESPONDENCE:**A. Public Hearings: [A3.6.12] None.B. Citizen Comments: [A1.5]

Melanie Castrilli, 18610 88<sup>th</sup> St E, Bonney Lake, shares a property line with the Diamond Lounge and spoke on behalf of everyone on her street. She read a letter she had recently sent to Councilmember Carter regarding loud music at the lounge. She said she has made repeated 9-1-1 calls, but is still kept awake from the noise. She noted that the City code requires nightclubs to be 1000 feet from a residence, and said the lounge is much closer to her home. Mayor Johnson responded that this is an ongoing concern and thanked her for her comments. He noted the Planning Commission is discussing a proposed noise ordinance currently, but it had not been brought to the Council yet. The Mayor told Ms. Castrilli that she can contact him if she does not feel her concerns have been addressed.

Steve Crossley, 3003 211<sup>th</sup> Ave E, Lake Tapps, spoke as the owner of the Diamond Lounge. He said when they converted from an Italian restaurant to the lounge, they were given permission from the City. He said he has asked for the noise ordinance to be clarified. He said the Planning Commission is doing great work and believes basing the ordinance on decibel levels will be fair as long as it is measured appropriately. He said he understands the concerns of residents and tries to be respectful, but needs to get respect back. He described recent problems with parking, including cars being towed from other properties where they have parked in the past. He said the patrons at the lounge are not violent, and are mostly people who live in Bonney Lake. He said tax dollars and the Police Department's time could be spent better than by having twenty police cars at the lounge.

**Councilmember Decker moved to extend Mr. Crossley's time for five additional minutes. Councilmember Bowen seconded the motion.**

**Motion approved 5 – 2.  
Councilmember King and Deputy  
Mayor Swatman voted no.**

Mr. Crossley challenged those who had not visited the lounge to come and see what the crowd is like, explaining that their patrons are friendly and range from their 20s to 60s. He commented that most of the police officers are great, but a few officers seem to run wild. He said the Council is hearing gossip rather than facts. He said he has tried to react properly to challenges, and noted that the lounge has fewer DUI's than other area bars and staff offer free cab rides for patrons. Councilmember Rackley told Mr. Crossley that the lounge is the first business of this type in the city, and he respects that and wants the business to do well; he said that he also doesn't want the business to terrorize his neighbors, and that if the music can be heard outside, he will probably continue to get complaints. Mr. Crossley said he is willing to spend money to fix the issue, but does not want to do so until a noise ordinance is passed. He added that when the police come to the lounge it hurts his business.

Deputy Mayor Swatman pointed out that as a legislative body, the Council is glad to hear his comments but can only act on something like the noise ordinance. He told Mr. Crossley that if he feels he is being harassed, he needs to work with the City. Councilmembers discussed the noise ordinance status, and asked Mr. Crossley about the Lounge's parking difficulties and past infractions. Mayor Johnson said he received

an e-mail from Mr. Crossley and a meeting was planned where they would discuss his concerns.

Jenna Knittel, 11006 184<sup>th</sup> Ave E, Bonney Lake, said she is a regular patron at the Diamond Lounge and also lives very close by. She said she has heard stories and read things in the paper that did not happen, and that there is a lot of gossip. She said the bouncers have things covered and that there is no violence. She asked who supervises the police. Mayor Johnson said all department heads report to him, and he will talk to the Chief if there are issues. He told Ms. Knittel that she can come to the council or contact him directly if she is feeling harassed. Ms. Knittel said she has not directly experienced any harassment but has seen it occur. She said there is no need for the level of police presence at the lounge.

Hakeem Davis, 9918 48<sup>th</sup> Ave E, Tacoma, said he has worked at the Diamond Lounge for a year. He said the lounge is a good family group, and staff work hard to keep it a safe and good business. He said people in the City sometimes pigeonhole him when he tells them he works there.

Shannon Turner, 20203 71<sup>st</sup> St E, Unit B, Lake Tapps, said he is head of security for the Diamond Lounge. He said he talks with the police if there are any issues. He said he walks around outside the bar to listen, and has done everything he can to make sure there are no infractions. He said people care about the lounge, and pointed to the large number of people in attendance who do not want to see it shut down. He said he has a good relationship with the police, but that lately it seems the police are harassing patrons. Councilmembers asked about the noise complaints and interactions with police. Councilmember Bowen noted that there are ongoing issues and that a lot of people seem to be annoyed by the noise levels.

Mike Crossley, 9918 48<sup>th</sup> Ave E, Tacoma, is a bartender and manager at the lounge, and owner Steve Crossley is his father. He said harassment like what happened last Tuesday causes the lounge to lose business. He said information printed in the newspaper is farfetched, and that the lounge is being disrespected and harassed. He said he is working hard on events to draw in patrons. He said police officers have told him they have better things to do, and that he does not know what else they can do at this point.

Mayor Johnson thanked Mr. Crossley and others for their comments, and said he will talk with the Chief. He added that the goal is never to shut businesses down, but to have good laws and enforce them. He again asked anyone with issues to contact him, and that these issues need to be resolved.

Adam Schramm, 924 25<sup>th</sup> Ave SW, Puyallup, said he is a 26-year-old honorably discharged marine, and that the people at the lounge are his friends and family. He described being pulled over after leaving the lounge twice in the past two weeks for no reason, when he had not been drinking. He said he may not be able to keep coming to the bar and wanted to offer himself and his experience as an example.

Jennifer Norton, 16508 39<sup>th</sup> St E, Sumner, is a bartender at the Diamond Lounge. She questioned why everyone had to do a fire drill and leave the lounge while police cars were blocking the driveway. She said if there had been a fire no one could have gotten out due to the police cars. She said she could not think of any fights resulting in damage at the lounge. She said she knows there are issues, but questioned whether they are big enough to push young people out of their hometown to dance and have fun.

Councilmember King asked for clarification on there being a ‘fire drill’ at the lounge. Mike Crossley, speaking from the audience, explained that the fire marshal said fire trucks could not get through the parking lot due to the way cars were parked. He confirmed that a fire drill was not ordered. Ms. Norton again asked why everyone was made to exit the lounge and go outside.

Winona Jacobsen, 9100 189<sup>th</sup> Ave Ct E, Bonney Lake, reminded the Council that February 28, 2008 is the 59<sup>th</sup> anniversary of the incorporation of Bonney Lake. She read an article from July 1950 describing the first year after incorporation. She also read and submitted suggested corrections to the city’s published history. She asked that the ‘Bonney Lake History’ currently posted on the city’s web site and brochure include these corrections.

John Maddox, 18426 89<sup>th</sup> St E, Bonney Lake, said he lives four houses away from the Diamond Lounge and that the Post Office, Police Department and Fire Department all make more noise than the bar around the clock.

He also spoke about eminent domain. He said he had spoken to city employees and asked them not to bother his mother, but the next day received notice of a certified letter from the City. He said his mother is in the hospital due to stress. He read an excerpt written by Thomas Jefferson from 1808 relating to eminent domain. He told the Council to study the federal and state constitutions, and said the constitutions eliminate the states from eminent domain. He also cited *Marbury v. Madison* (1803).

Fred Jacobson, 9100 189<sup>th</sup> Ave Ct E, Bonney Lake, invited everyone to come to Ken Simmons Park from 9:00 a.m. to Noon on Saturday, March 1, 2008 for tree planting. He said H. D. Messinger did a lot of great work last weekend already.

Steve Bricker, 16615 41<sup>st</sup> St E, Lake Tapps, said the City set up Council policies and procedures, and read two sections of the policy for the new councilmembers. He read section 2.04.540, ‘Councilmembers,’ and 2.04.840, ‘Commenting while representing the council.’

Councilmember Decker said he might ask for an executive session for clarification on eminent domain. Mayor Johnson noted that an executive session was planned for another item, and asked that the Council continue through the agenda until that point.

C. Correspondence: None.

8:23:08

**At 8:23 p.m., Councilmember Rackley moved for a ten minute break; Councilmember Bowen seconded.**

**Motion approved 7 – 0.**

The Council reconvened at 8:37 p.m.

8:37:13

**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 discussed personnel updates, noting a couple of employees were going to Auburn. Also discussed was a professional services agreement for the new interim Justice Center. He recommended that any councilmember who wants to use a City e-

mail address contact Information Services Coordinator Chuck McEwen. Discussions also included Finance Committee minutes, the Council's training budget (each Councilmember is allotted about \$675 each), and dispatch services. He noted that Sumner had sent a letter regarding dispatch services. He said a future item would be a rebate program through Puget Sound Energy for high-efficiency washing machines.

- 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 had not met since the last report.
- D. Other Reports:

*Dispatch Services*

Mayor Johnson said that a letter was hand-delivered from Sumner giving notice that Sumner is not able to provide an appropriate level of dispatch services to Bonney Lake. He said the letter described a 30-day notice, though the contract appeared to require 90 days notice and that would be worked out. Mayor Johnson said he, Police Chief Mitchell and City Administrator Morrison continue to work with the City of Puyallup. He said his perspective is that Sumner Dispatch Services is a vendor, the City of Bonney Lake is a customer, and the City is simply going to a new vendor.

*Pierce County Regional Council*

Councilmember Rackley attended the PCRC Meeting on February 21, 2008, where the 2008 agenda was discussed. He said he would bring agendas to the councilmembers for their information.

*Joint Sewer Services Meeting*

Deputy Mayor Swatman said he and Councilmember Hamilton attended a Joint Sewer meeting with Sumner. Discussions included how to deal with possible expansion, and noted that Sumner does not need as much of an increased capacity in the short term as Bonney Lake. He said they would work with Sumner to get services online for citizens and businesses that move into the city.

Councilmember Hamilton noted that there was a possible miscommunication on requirements for two additional tanks, and asked for clarification from Public Works Director Grigsby. Mr. Grigsby said he thinks the Sumner Public Works Director understands the need for two additional tanks. He said the tentative plan was to do design in 2009 and construction in 2010, but that the timeline could change depending on what the Sumner staff advises.

8:43:42

**IV. CONSENT AGENDA:** [A3.6]

- A. **Approval of Corrected Minutes:** February 1 & 2, 2008 Special Council Meeting (Retreat), February 5, 2008 Council Workshop, and February 12, 2008 Council Meeting.
- B. **Checks/Vouchers:** 2007 Budget Expenses: Accounts Payable checks/vouchers #50178 thru #50189 in the amount of \$178,412.94. 2008 Budget Expenses: Accounts Payable check/voucher #50177 in the amount of \$3,532.07 to refund payment made in error to Utility Account; Accounts Payable checks/vouchers #50190 thru #50315 (including wire transfer #3448002) in the amount of \$261,498.27; Accounts Payable

check/voucher #50316 in the amount of \$83.50 for utility account refunds; Accounts Payable wire transfer #7083286 in the amount of \$29,861.44; and Accounts Payable check/voucher #50317 in the amount of \$14,210.98. [F 4.9]

- C. **Payroll:** Payroll for February 01-15, 2008 for checks 26916-26921, including Deposits and Electronic Transfers for \$ 98,508.01 (Police Department). Payroll for February 01-15, 2008 for checks 26922-26949, including Deposits and Electronic Transfers for \$ 239,720.52 (AFSCME and Non-represented). [F 4.9]
- D. **AB08-02 – Resolution 1778** – A Resolution Of The City Of Bonney Lake, Pierce County, Washington, Authorizing A Fuel Tax Agreement With The Washington State Transportation Improvement Board. [F 6.11]
- E. **AB08-26 – Resolution 1787** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Establishing A Policy For Approval Of Out-Of-State Travel For City Employees And Elected Officials. [A 4.7]
- F. **AB08-40 – Resolution 1797** – Adopting A Capital Asset Policy For The Custody, Insurance, Maintenance And Planning Of Assets To Which The City Holds Title. [F 10]
- G. **AB08-37** - A Motion Of The Bonney Lake City Council Setting July 29, 2008 At 5:30 P.M. As The Date And Time For A Special Joint Council/Planning Commission Meeting, And Canceling The Council Workshops Of June 17<sup>th</sup> And August 5<sup>th</sup>, And The Regular Council Meeting Of November 11, 2008. [A 3.6.10] [A 1.1.2]

**Councilmember Rackley moved to approve the Consent Agenda. Councilmember Bowen seconded the motion.**

**Motion approved 7 – 0.**

8:44:10

**V. FINANCE COMMITTEE ISSUES:**

- A. **AB08-23 – Ordinance 1273 [D08-23]** – An Ordinance Of The City Of Bonney Lake, Pierce County, Washington,, Adopting An Updated Schedule Of Transportation And Park Impact Fees And Amending § 19.06.050 Of The Bonney Lake Municipal Code. [F 4.3]

**Councilmember Rackley moved to adopt Ordinance 1273. Deputy Mayor Swatman seconded the motion.**

Deputy Mayor Swatman explained that the proposed ordinance will actually lower fees, and the change is based on study of fees versus actual costs. Councilmember King noted that the construction cost index used for the study were from 2006-2007, and that the next time the fees are examined the cost index may be much higher.

**Motion approved 7 – 0.**

**VI. COMMUNITY DEVELOPMENT COMMITTEE ISSUES: None.**

8:45:49

**VII. PUBLIC SAFETY COMMITTEE ISSUES:**

- A. **AB08-41 – Ordinance 1274 [D08-41]** – An Ordinance Of The City Of Bonney Lake, Pierce County, Washington, Relating To The Regulation Of Compression Brakes And Amending Chapter 10.28 Of The Bonney Lake Municipal Code And Ord. No. 510.  
[A 3.5.5]

**Councilmember Decker moved to approve Ordinance 1274. Councilmember King seconded the motion.**

**Motion approved 7 – 0.**

**VIII. FULL COUNCIL ISSUES: None.**

8:46:20

**IX. EXECUTIVE SESSION:**

Pursuant to RCW 42.30.110(1)(b) the City Council announced an Executive Session at 8:46 p.m. for 10 minutes to discuss property acquisition. The meeting reconvened at 8:54 p.m.

8:54:10

**X. ADJOURNMENT:**

**At 8:54 p.m. Councilmember Rackley moved to adjourn the meeting. Councilmember Bowen seconded the motion.**

**Motion passed 7 – 0.**

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Harwood Edvalson, CMC  
City Clerk

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Neil Johnson  
Mayor

Items submitted to the Council meeting of February 26, 2008:

- Bonney Lake Citizen – ‘*A Brief History of Bonney Lake*’ – Winona Jacobsen.