

CITY COUNCIL MEETING

**March 11, 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.
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"Where Dreams Can Soar"

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I. CALL TO ORDER – Mayor Neil Johnson called the meeting to order at 7:01 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, and Councilmember James Rackley. Councilmember Dave King was absent.

[Staff members in attendance were City Administrator Don Morrison, Public Works Director Dan Grigsby, Planning & Community Development Director John Vodopich, Planning Manager Heather Stinson, Police Chief Mike Mitchell, 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.]

Councilmember Rackley motioned to excuse Councilmember King's absence. Councilmember Decker seconded the motion.

Motion approved 6 – 0.

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

1. Announcements: None.

2. Appointments: None.

3. Presentation:

a. **Proclamation**: Red Cross Month

Mayor Johnson read aloud the proclamation making the month of March 'Red Cross Month' in Bonney Lake.

D. Agenda Modifications: None.

7:06:24

II. PUBLIC HEARINGS, CITIZEN COMMENTS & CORRESPONDENCE:

A. Public Hearings: [A3.6.12]

1. **AB08-34** – Ptarmigan Ridge Street Vacation

Terry Brink, 1201 Pacific Avenue, 1200 Wells Fargo Plaza, Tacoma, is an attorney representing Ptarmigan Ridge LLC, a developer and one of the petitioners for the proposed street vacation. He explained that when the original plat was submitted, the

developer was not aware of the right-of-way, as it did not appear on the title and county assessor's information. He said it was later discovered that a right-of-way runs 20 feet deep across the northern edge of the plat. Mr. Brink said that the developer originally intended to build an access road where the right-of-way line exists. However, the City Engineer told the developer that a road connecting on the line, joining Church Lake Road at the curve, was unsafe and would likely not be approved. The City Engineer instead recommended the road be moved south about 300 feet. Mr. Brink said the developer purchased additional property for \$610,000 to build the road to the south as recommended. He said that now the developer has learned that there is a 20 foot right-of-way, which changes the size of several of the planned lots from 100' deep to 80' deep. He said his client is petitioning for the street vacation, and also requests that the normal procedure of paying for the property be waived, since the applicant has already spent additional funds to accommodate the city's recommendations for access.

Councilmembers discussed the issue with input from staff and Mr. Brink. Councilmember Rackley noted that if the City originally paid for the right-of-way property, not charging the developer for the property might constitute as giving away public funds. Public Works Director Grigsby told Council there is no plan to develop a road on the existing right-of-way. Planning Manager Stinson confirmed that no additional right-of-way exists on the property to the North of the Ptarmigan Ridge plat. She also confirmed that the property owner to the north (Rikansrud) had also signed the petition in favor of the street vacation.

Council asked for more information on a potential road using the right-of-way and intersecting at Church Lake Road. The City Engineer was not present, but Public Works Director Grigsby agreed that connecting a road to a curve on the primary road (Church Lake Rd) is considered dangerous and is normally not recommended. Councilmembers suggested that given the safety concerns of connecting a road in line with the right-of-way, the developer would likely be required to build its access road to the south, regardless of the existing right-of-way. Deputy Mayor Swatman questioned how properties to the north could gain access if they are developed in the future, and said the City Engineer should think forward for other roads in the same area. Mr. Brink said the 20' right-of-way has no value and is not functional since the City cannot use it to build a public road. He said it affects the developer in decreasing the width of some lots by 20 feet. Councilmember Hamilton said he believes the land does have value, and also expressed concern about access for potential future developments in the area.

Jim Job, 409 E Pioneer, Puyallup, is a consultant on the Ptarmigan Ridge project. He said he was there to offer support to Mr. Brink's comments, but had no additional information to share with the Council.

Deputy Mayor Swatman moved to keep the Public Hearing open to the March 18, 2008 Council Workshop to address Council concerns. Councilmember Decker seconded the motion.

Councilmember Rackley invited the developers to attend the Workshop on March 18, 2008 at 5:30 p.m. Mayor Johnson requested that City Engineer John Woodcock either attend or submit a report with more information for the Council's review.

Motion Approved 6 – 0.

B. Citizen Comments: [A1.5]

Raymond Frey, 12356 Northrup Way, Suite 119, Bellevue, offered an update on the progress of the Greenwood Project on behalf of Greenwood LLC. He said the road has been cut and roads and gutters are in place. He said they are waiting for good weather to put down asphalt and are negotiating with potential residential and commercial users currently. He noted that the preliminary plat hearing was held on March 3, 2008 and is awaiting the results. He offered design drawings of the proposed homes that were previously reviewed by the Design Commission. He said if things continue moving along as planned, they hope to open the roadway by May 1, 2008, and begin construction in about two months, with the first building expected to take about four months to complete.

David Colbeth, 18008 State Route 410 East, Suite A, Bonney Lake, representing the Lions Club, said the second annual 'Death by Chocolate' dessert auction is on March 15, 2008. He said the event includes the auction, entertainment and a dinner prepared and served by the Bonney Lake High School Culinary Arts Department, which took second place at State recently. He said tickets are \$20 in advance and can be purchased online at www.bonneylakelions.com.

Terry Brink, 1201 Pacific Avenue, 1200 Wells Fargo Plaza, Tacoma, discussed proposed Resolution 1800 [AB08-45] on the agenda. He explained that the developer is requesting additional time due to multiple issues, including difficulties obtaining permitting approvals from Pierce County, a requirement to obtain additional right-of-way, encumbrances for a property in the right-of-way, confusion of standards for intersection improvements, and a new traffic signal design from Pierce County. He said none of the requirements are being eliminated, but simply deferred by the proposed resolution. He said he had spoken with the City Attorney about his concern that the language for AB08-44 and AB08-45 is contradictory as worded suggested to add the following language at the end of AB08-44 to make the two provisions consistent: "... or a bond is submitted and approved by the City." Councilmember Rackley asked for clarification of the two agenda bills and whether or not they are contradictory. Planning Manager Stinson said that they are separate issues, and said staff agrees with the suggested wording change proposed by Mr. Brink. Councilmembers discussed the agenda items and past bonds and thanked Mr. Brink for his comments.

Jeff Oliphant, Bonney Lake Marketplace Developer, Bellingham, offered updates on the Lowe's construction project for the Council. He said they are currently widening SR 410 from Prairie Rd to Target, and that South Prairie Rd from SR 410 to about 200th Ave E will also be widened. Both road widening projects are on schedule for completion by the end of May. He said construction on the Lowe's building should be completed by April, with set-up starting at the end of April and the store opening around the end of June. He said the timeline from acquiring the property to completion will be only 11 months total.

Councilmember Hamilton asked about traffic mitigation issues. Public Works Director Grigsby explained that the developer is required to work between 10:00 p.m. and 6:00 a.m. if traffic flow will be obstructed, and that requirements are in place to avoid back-ups onto SR 410 and to not conflict with Albertson's center businesses at any time. He added that a new sidewalk will be installed from 192nd to 198th as part of the project. Mr. Grigsby said he believes that the issues that arose in the past with the Albertson's property management firm have been addressed. He said the project has been in the local newspaper and the Mayor's newsletter, and is also posted on the City web site.

Mr. Oliphant also updated the Council on the status of negotiations with homeowners adjacent to the site. He said an agreement was reached with homeowners to purchase the homes on the cul-de-sac, and that an agreement was signed Monday afternoon with the Brookwater Homeowner's Association. He said these agreements settle all litigation, allows the homes to be sold and for the developer to move ahead with the street vacation request, storm water tract, and zoning changes. He added that a large majority of the homeowners voted in favor of the agreement. Councilmember Rackley thanked Mr. Oliphant for resolving the issues with the property's neighbors. Councilmember Carter asked about the houses on the cul-de-sac; Mr. Oliphant said one home will be demolished due to safety concerns, but the others will be moved to other lots in the area.

Fred Jacobsen, 9100 189th Ave Ct E, Bonney Lake, reported that the Ken Simmons Park planting went very well on February 23rd and March 1st. He thanked all the volunteers who participated, including Councilmember Carter, Director Edvalson, Crew Leader Dana Fugere and Maintenance Worker II H. D. Messinger.

He also reminded councilmembers that Bonney Lake is a 'Tree City.' He suggested that trees on the 20' right-of-way in the Ptarmigan Ridge plat be left in place, and not be removed unless the City decides to put in a road construction there in the future.

K. Pethe, 4621 NE 175th St, Lake Forest Park, described an article in the February 20, 2008 Bonney Lake & Lake Tapps Courier-Herald, in which Councilmember King was quoted regarding council rules and decorum. She wanted to ask Mr. King about his statements. City Clerk Edvalson provided Ms. Pethe with Councilmember King's contact information as he was not in attendance at the meeting.

**At 8:13 p.m., Councilmember Rackley moved to take a seven minute break.
Councilmember Bowen seconded the motion.**

Motion approved 6 – 0.

The Council Meeting reconvened at 8:25 p.m.

C. Correspondence:

Don Sangesand E-Mail: Councilmember Decker submitted an e-mail from Don Sangesand as correspondence to the Council. In the e-mail Mr. Sangesande requests additional information from the Mayor and Council regarding the City Center plan.

Councilmember Decker also submitted an e-mail dated February 29, 2008, announcing the cancellation of the March 4, 2008 Council Workshop. He said the decision to cancel the workshop was not made by a quorum of the Council, noting that the Mayor, Deputy Mayor Swatman and City Administrator Morrison made the decision. He cited the Council Policies & Procedures and RCW related to meetings.

Councilmember Rackley raised a point of order, saying he did not think either e-mail qualified as correspondence for a Council Meeting. He suggested Councilmember Decker bring his concerns to the next Workshop or to the City Administrator, rather than using Council Meeting time. Councilmember Decker stated he had a right to speak on correspondence at this point on the agenda.

Councilmember Rackley made a motion to table Councilmember Decker's reading of correspondence. Deputy Mayor Swatman seconded the motion.

**Motion approved 5 – 1;
Councilmember Decker voted no.**

Councilmember Decker said that he attended the March 4, 2008 Workshop but no one else did, and noted that no one had been excused from attending the Workshop.

8:34:25

III. COUNCIL COMMITTEE REPORTS: [A3.6.4]

- A. Finance Committee: Deputy Mayor Swatman said the Committee met earlier in the evening, with Councilmember Bowen attending in Councilmember King's place. The committee received personnel updates from the Human Resources Officer. Proposed Resolution 1803 and proposed Resolution 1808 were brought forward to the evening's agenda. Proposed Resolution 1809 (professional services agreement for the Interim Justice Center) and proposed Resolution 1795 (Pierce County Arts Commission agreement) will be brought forward at March 18 Workshop. Also discussed was the 'Wash Wise' program for high-efficiency washers, CUGA Annexation issues, the budget calendar status, and scheduling an initial budget conference some time in July.
- B. Community Development Committee: Councilmember Rackley said the CDC met March 3, 2008 and moved forward proposed Resolution 1803; proposed Resolution 1802; and AB08-49 to the current agenda.
- C. Public Safety Committee: Councilmember Carter reported in place of Councilmember King. Items discussed by the Committee included NIMS Training, the earthquake drill, surveillance cameras, red light photo enforcement, and the National League of Cities.

Councilmember Rackley asked whether the City has an idea of how many people can be sheltered in Bonney Lake after a lahar emergency. City Administrator Morrison said that no number is available yet, but explained that the City is working on agreements with area schools, churches, and other facilities to coordinate shelter services as part of the planning process.

D. Other Reports:

Regional Access Mobility Project (RAMP): Councilmember Hamilton attended the March 5 RAMP meeting. The meeting included wrapping up transportation issues, and noted that RTID has been effectively eliminated though it will not be voted on until 2009.

WSU Demonstration Forest Fire: Councilmember Carter asked for updates about the structure fire at the forest on March 3, 2008. Planning & Community Development Director Vodopich said the fire district has contacted the city and the property has been listed as unsafe. Police Chief Mitchell added that he plans to meet with a representative from WSU on Wednesday to discuss the incident.

Lions-4-Kids: Councilmember Carter noted that the group is still looking for a new home and asked to get the word out about the organizations needs. Carol Wells-Reed will be on Fox 13 news on Wednesday, on Channel 4 'People Helpers,' has been nominated for a Jefferson Award and will be in an article in the March 18, 2008 Seattle Post Intelligencer.

Mayor Johnson added that the City continues to work on finding a new home for Lions-4-Kids as well.

8:40:50

IV. CONSENT AGENDA: [A3.6]

- A. **Checks/Vouchers:** 2007 Budget Expenses: Accounts Payable checks/vouchers #50318 thru #50322 (including wire transfer #7085357) in the amount of \$553,375.72. 2008 Budget Expenses: Accounts Payable checks/vouchers #50323 thru #50463 (including wire transfer #3200800, 32800801) in the amount of \$540,077.54; Accounts Payable check/voucher #50464 thru #50465 in the amount of \$698.00 for utility account refunds; Accounts Payable check/voucher #50466 thru #50507 in the amount of \$6,435.55; and Accounts Payable check/voucher #50508 in the amount of \$536.90. [F4.9]
- B. **Payroll:** Payroll for February 16-29, 2008 for checks 26950-26957, including Deposits and Electronic Transfers for \$ 133,428.27 (Police Department) Payroll for February 16-29, 2008 for checks 26958-26991, including Deposits and Electronic Transfers for \$ 350,852.50 (AFSCME and Non-represented). [F4.9]
- C. ~~**AB08-47 – Resolution 1802** – A Resolution Of The City Of Bonney Lake, Pierce County, Washington, Awarding The SR 410 Sanitary Sewer Interceptor Repair, BNSE Undercrossing Construction Contract To W.M. Dickson Company.~~ *Moved to Community Development Committee Issues, item B.*
- D. **AB08-49** - A Motion Of The Bonney Lake City Council Accepting the SR 410 Sewer Trunk Line Replacement Contract with DDJ Construction, Inc. as Complete. [A 3.6.10] [O 4.5.1]

Deputy Mayor Swatman requested that AB08-47 - Resolution 1802 be moved to Community Development Committee Issues, item B.

Councilmember Rackley moved to accept the Consent Agenda as modified. Councilmember Bowen seconded the motion.

Motion approved 6 – 0.

8:41:33

V. FINANCE COMMITTEE ISSUES:

- A. **AB08-48 – Resolution 1803** – A Resolution Of The City Of Bonney Lake, Pierce County, Washington, Authorizing The Public Works Director To Reject All Bids Received For The Locust Avenue Sidewalk Construction Project. [O 4.11.2]

Councilmember Decker moved to approve Resolution 1803. Councilmember Rackley seconded the motion.

Public Works Director Grigsby explained that the bids all came in over the government estimates. However, a large project is planned for the same area and combining the projects should result in better bids. Councilmember Rackley added that only one bid was submitted for the project at this time.

Motion approved 6 – 0.

8:42:45

VI. COMMUNITY DEVELOPMENT COMMITTEE ISSUES:

- A. **AB08-39 – Resolution 1796** – A Resolution Of The City Of Bonney Lake, Pierce County, Washington, Supporting The Use Of Green Building Practices And Recognizing The Pierce Co. Master Builders Program As A Model Voluntary Green Building Program. [A 1.1.1]

Councilmember Rackley moved to approve Resolution 1796. Councilmember Decker seconded the motion.

Planning & Community Development Director Vodopich said the Master Builder's Association had its board meeting this afternoon and sent apologies for not being able to attend the Council meeting. He explained that the 'Built Green' program is a voluntary program to encourage green building techniques. Councilmembers Rackley and Decker noted that the MBA did attend the Community Development Committee meeting to offer information.

Motion approved 6 – 0.

- B. **AB08-47 – Resolution 1802** – A Resolution Of The City Of Bonney Lake, Pierce County, Washington, Awarding The SR 410 Sanitary Sewer Interceptor Repair, BNSF Undercrossing Construction Contract To W.M. Dickson Company. [O 4.5.1]

Councilmember Rackley moved to approve Resolution 1802. Councilmember Decker seconded the motion.

Deputy Mayor Swatman asked for background on why the low bid (\$196,000) was not supported and the second-lowest bid (\$326,000) was recommended for approval. Public Works Director Grigsby explained that the low bid came in at 36% of the government estimate, while the next 4-5 bids were around 60-70% of the government estimate. He said they worked with the low bidder to confirm they fully understood the bid requirements, and discovered they planned to do a dry line, which is not in line with the project specifications and would not be allowed so close to the river. Mr. Grigsby said it was clear that if the low bid was accepted it would hurt the bidder and possibly put them in bankruptcy, so the low bidder was allowed to withdraw the bid. Mr. Grigsby pointed out that the second lowest bid is still significantly below the engineer's estimate and still offers considerable savings to the City. Councilmember Decker agreed that it was in the best interest of both parties to allow the low bidder to withdraw.

Councilmember Bowen noted that the City's entire system is dependent on a single line to the Sumner treatment plant. He said if there is any trouble on the line, the city would be held hostage. He and Councilmember Decker urged the City to look at alternatives; Councilmember Decker noted membrane plants as one option.

**Motion approved 5 – 1.
Deputy Mayor Swatman voted no.**

VII. PUBLIC SAFETY COMMITTEE ISSUES: None.

8:54:50

VIII. FULL COUNCIL ISSUES:

- A. **AB08-45 – Resolution 1800** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Approving The Bonding Of The Required

Traffic Light On 214th Ave. E. And Kelly Lake Road For A Period Of No More Than Three Years. [A 3.11.1.2]

Councilmember Decker moved to table proposed Resolution 1800 to the March 18, 2008 Workshop.

Councilmember Bowen requested a parliamentary privilege.

**Original motion approved 4 – 2.
Councilmember Carter voted no.
Councilmember Bowen voted no.**

B. **AB08-44** - A Motion Of The Bonney Lake City Council To Table Consideration Of The Ptarmigan Ridge Final Plat Until All Required Improvements Are Installed. [A 3.6.10]

**Councilmember Rackley moved to table AB08-44 to the March 18, 2008 Workshop.
Councilmember Decker seconded the motion.**

**Motion approved 4 – 2.
Councilmember Bowen and
Councilmember Carter voted no.**

8:56:43

IX. EXECUTIVE SESSION: Pursuant to RCW 42.30.110(1)(b) the City Council announced an Executive Session at 8:56 p.m. for 10 minutes to discuss property acquisition negotiation. The meeting reconvened at 9:05 p.m.

9:05:06

X. ADJOURNMENT:
At 9:05 p.m. Councilmember Rackley moved to adjourn the meeting. Councilmember Carter seconded the motion.

Motion passed 6 – 0.

Harwood Edvalson, CMC
City Clerk

Neil Johnson
Mayor

Items submitted to the Council meeting of March 11, 2008:

- Bonney Lake Citizen – *E-Mail to the Council – New City Center (dated February 11, 2008)* – Don Sangesand.