

CITY COUNCIL MEETING

**May 13, 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.
Website: www.ci.bonney-lake.wa.us*

"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.

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, Assistant Police Chief Dana Powers, Community Services Director Gary Leaf, City Attorney Jim Dionne, Administrative Services Director/City Clerk Harwood Edvalson, Chief Financial Officer Al Juarez and Records & Information Specialist Susan Duis.]

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

1. Announcements: None.

2. Appointments: None.

3. Presentations:

a. 'Public Works Week' Proclamation

Mayor Johnson proclaimed the week of May 18, 2008 to May 24, 2008 as Public Works Week in Bonney Lake. Public Works Director Grigsby and Assistant Public Works Director Rick Shannon accepted the proclamation and presented a Public Works Week poster.

b. 'National Police Week' Proclamation

Mayor Johnson proclaimed the week of May 11, 2008 to May 17, 2008 as National Police Week. He noted that May 15, 2008 is National Peace Officers Memorial Day.

D. Agenda Modifications: None.

7:05:55

II. PUBLIC HEARINGS, CITIZEN COMMENTS & CORRESPONDENCE:

A. Public Hearings: None.

B. Citizen Comments:

Mayor Johnson told those in attendance that the City has received multiple complaints about offensive dress at espresso stands in Bonney Lake. He said the City Attorney is doing research, the Police Department is making contact with these businesses, and the Planning & Community Development Department is looking into the City code and

zoning regulations. Mayor Johnson explained that two coffee stands were being referenced: the Hot Chick-a-Latte stand on Old Sumner Buckley Highway, and a new Cowgirls Espresso stand on SR 410.

City Attorney Dionne said as they research the issue, direct statements from individuals, rather than hearsay, will be helpful to the legal team. He said questions of legality and constitutionality must be considered, as well as the definitions of 'indecent exposure' and 'nudity', adult entertainment regulations, and the City's Municipal Code.

Tanya McLavey, 9001 181st Ave E, Bonney Lake, lives close to the Hot Chick-a-Latte stand on Old Sumner Buckley Highway and said she would be willing to testify. She said when she visited the nearby gas station she and her young children saw a Hot Chick-a-Latte employee wearing only stickers over her nipples. She said she was advised by the Mayor and Police Department to come to the Council Meeting. She said while there is no age requirement to buy coffee, there are age restrictions for going to strip clubs or purchasing dirty magazines. She asked the Council to set a precedent, and said she is willing to speak out or protest. She asked for clarifications on what citizens can do within the law.

Chief Mitchell said picketing is acceptable if done within the law. Requirements include not impeding traffic, staying in the right of way, and not provoking assaults.

Brett Kimball, 12115 246th Ave E, Buckley, said he does not feel the issue is morally neutral. He said public decency is in the public interest, and that public rights should trump private business interests in this case. He said he appreciates that the Mayor, Council, and City Attorney seem to agree. He said the City must lead in strengthening the community and should pass regulations to save future headaches. He expressed surprise that the Health Department allows people to serve food and beverages while nearly nude.

Jessie Kimball, 12115 246th Ave E, Buckley, said she is a concerned mother of three and often drives past the location of the newly opened Cowgirls Espresso on SR 410. She said she went to the Hot Chick-a-Latte stand today and spoke to an employee there. She said the barista was wearing only a scarf hanging over her breasts and panties. She questioned why these businesses are allowed to have large windows and be visible from the road. She said she is glad the issue is being talked about.

George Brown, 18315 Old Sumner Buckley Hwy, Bonney Lake, said he is a resident, business owner and founding member of the Downtown Development Group. He said he does not want to criticize a fellow business owner, although his own coffee stand lost business due to Hot Chick-a-Latte. He said the City spent money on economic analysis for Downtown development, and this is not consistent with the City's vision for Downtown. He said like the Diamond Lounge, a business may be profitable and popular but still cause problems for the City and Police Department. He said customers who do not know about Hot Chick-a-Latte have gone there to buy coffee and have been very surprised by what they saw. He said it is not wholesome and the City needs to seriously think about what to do.

Annette Snider, 23411 118th St Ct E, Buckley, said she walked up to the Hot Chick-a-Latte with her stepdaughter to get a hot chocolate, but was shocked when she saw the employee was wearing lingerie and left. She said there is pole dancing at the Diamond Lounge. She said she does not agree with this type of activity, and said that kids do not need to see it.

Jennifer Cedar, 21902 116th St E, Bonney Lake, agreed with the other speakers. She said she is not a mother but feels these businesses cheapen the City. She said it does not seem an ambiguous issue, and that smut is being used to make money. She asked what she can legally do, such as taking photos. She said it is strange that the City would approve a business license if they know what kind of business it is.

Mayor Johnson said it is acceptable to take photos and that any evidence should be provided to Chief Mitchell. City Attorney Dionne said pictures can be taken in a public place as long as it does not interfere or obstruct the business and the person does not go onto the property. He said citizens are not expected to take action for the City or enforce the City code. He repeated that persons willing to give statements under penalty of perjury or who could present photographic proof would be the most helpful. Chief Mitchell asked citizens to come to the Police Department to give a statement that can be signed and witnessed. He said they can call 9-1-1, but it is important to give a statement. Director Vodopich noted that the Cowgirls Espresso is listed as 'Seattle Sensations' on its business license.

Emily Moss, 25305 144th St E, Buckley, said she works as a barista. She said about ten years ago, a man from Fircrest exposed himself twice to employees at a coffee stand where she worked in Buckley. She said she is concerned about crime, and that the Cowgirls Espresso stand can be seen from the Fred Meyer parking lot. She said she did not understand how the law can require someone to be 18 to buy a magazine or go to a strip club, but people can take children through these coffee stands. She said she was with Jessie Kimball at Hot Chick-a-Latte and confirmed that she saw the same outfit.

Director Vodopich explained business licenses come through the State's Master Business License system, after which Bonney Lake staff check the licenses for compliance. The Hot Chick-a-Latte and Cowgirls Espresso businesses met the licensing requirements. City Attorney Dionne said this type of business has been tested in other cities before. He said illegal activity can be enforced, but if the activity is legal, the City can regulate where in the City it will be allowed.

Linda Smith, 4704 N Island Drive, Bonney Lake, is a City business owner and resident. She said the City wants to portray itself as a good place to raise a family and agreed with others that what is happening is unfortunate. She asked what level of clothing is legally allowed, and what can be done to change the code. She said she owns two coffee shops in Bonney Lake and Buckley, and worries about her employees' safety all the time. She said she cannot understand how the business owner could put the employees at risk.

City Attorney Dionne repeated his explanation of legal versus illegal activities. He noted that adult entertainment businesses are constitutionally protected and that quasi-nudity is not the same as full nudity, legally. He said he is researching these issues and will bring more information to the May 20, 2008 Council Workshop. He said from his understanding, clothing similar to what is seen at the beach is not illegal. He said one option would be to regulate larger behaviors, such as not allowing any drive-through businesses in a certain area. He said the City wants the Downtown area to be pedestrian friendly and has discussed not allowing drive-through businesses in that area.

Shawn Moss, 25305 144th St E, Bonney Lake, said he has faith in the Council, Police Chief, Mayor and lawyer that something can be done. He said he grew up here and this is not what we want as a community. He said he and his wife plan to talk to Governor Gregoire about shutting down these businesses everywhere in the state.

Martha Loomis, 26508 Lower Burnett Rd E, Buckley, agreed with the other speakers. She said she hoped Bonney Lake can achieve a standard of excellence. She said Bonney Lake should be a place where people want to raise their families, and they shouldn't be afraid to go to the grocery store because of what their children might see.

Rhonda Orndorf, 8307 212th Ave E, Bonney Lake, is an employee at the White River School District. She said the baristas are a big topic of conversation in the girl's locker room currently. She said she is confused that there is a question of what nudity is, and that her understanding of the law is that nudity is exposure from the top of the areola down. She asked that the law be read so people can fully understand.

City Attorney Dionne said he personally agrees with her interpretation, but must study the State and City standards. He described indecent exposure standards, and said the City cannot impose a dress code for all City businesses. He suggested certain areas could be regulated differently. He noted that if a business plan is not economically feasible, the behavior will stop.

Kit Hackett, 8411 268th Ave E, Buckley, said she has been privileged to watch Bonney Lake grow for 10 years. She said the City has done a wonderful job developing the community, and it is a travesty to see it develop a different reputation than it designed. She said a large community is praying for the Council to have the ability to protect the hearts and minds of the community, and thanked them for making an effort.

Lois Randall, 12623 237th Ave, Buckley, said she has lived in the area for eighteen years and has worked in Bonney Lake for six years. She said she was mortified to see a Washington State Patrolman go through the Cowgirls Espresso today. She expressed concern that someone who is supposed to protect and serve the community is objectifying women. She asked about employee standards. She said she also saw a single tow truck driver go through the coffee stand four times today alone.

Police Chief Mitchell told Ms. Randall she should report what she saw to the Chief of the State Patrol. He said the State Patrol would probably be interested and might want to put out orders of conduct to its officers.

Councilmember Hamilton asked whether Labor & Industries has been involved with employees at this type of business related to public health and employee safety. City Administrator Morrison said the City contacted the Health Department, which said they have had multiple complaints but nothing they can use for enforcement. The City also spoke with Labor & Industries, who said they have had only one reported incident of an employee being burned by hot coffee and have no basis to regulate for employee safety. Councilmember King said he hopes citizens will encourage other espresso stands to post signs stating they do not have baristas in bikinis, as some have already done. He also said people can use the 'power of the pocketbook' and tell their friends not to shop there.

Dawn Schliesman, 2817 146th Ave E, Sumner, said she is the mother of eleven children, and when driving through Bonney Lake on May 6, 2008 she saw a Hot Chick-a-Latte employee who was wearing only pasties. She said one of her sons is a police officer in Pacific, where they have had trouble with traffic and vandalism at a similar espresso stand. She said school buses pass the Hot Chick-a-Latte stand and elementary school students should not be exposed to these sights. She said she does not have internet access at home because she is worried about pornography, but now kids can drive right by it. She said she is very concerned and will do whatever has to be done.

Jennifer Roush, 6015 189th Ave Ct E, Lake Tapps, agreed with the previous speakers. She and her three-year-old son saw a Hot Chick-a-Latte employee hanging out the window wearing pasties. She called the Police and was told her they'd received several calls. She asked if pasties are illegal, and quoted a section of the RCW related to indecent exposure. She thanked the Council for taking the time to hear her and everyone else, and has faith that something will happen.

Police Chief Mitchell said plainclothes police officers have gone to the coffee stands, and at those times the employees appeared to be obeying the law. He said he personally went to Hot Chick-a-Latte to let them know about the complaints and to ask them to try keep back from the road and parking lot. He said he has had many discussions and emails with the Mayor and staff about enforcement options. He said they are trying to do something but need to make sure it sticks.

George Brown spoke again, saying he has seen numerous incidents from next door. He said after receiving a complaint he went to the Hot Chick-a-Latte stand and saw an employee wearing only an apron, see-through panties and tape over her nipples. He said it is not acceptable to him. He said the girls likely work there because they make good tips, though they may not always be knowledgeable. Councilmember Decker said Mr. Brown and Mayor Johnson were out of order, as Mr. Brown had already spoken during Citizen Comments.

Steve Montgomery, 19616 96th St, Bonney Lake, said he grew up in Bonney Lake and purchased the Forza Coffee Company across from the Cowgirls Espresso stand. He said he worries about his own children and the 10 to 12 year-old children who come through the area on their bikes. He said he is concerned for the safety of his baristas, and commended the Council and Mayor for being on board. He said this type of business doesn't belong in the heart of the City.

Roger Watt, 22719 Hwy 410, Bonney Lake, is the owner of a driving range and represented a group of Eastown property owners. He thanked the Council for the time given to Eastown development issues at the May 5, 2008 Community Development Committee and the May 6, 2008 Council Workshop. He said he is beginning to feel like a part of Bonney Lake from these actions, and appreciates it. He said his group will develop their suggestions and ask to present them in future CDC and Council meetings.

At 8:22 p.m. Councilmember Rackley made a motion for a 10 minute break. Deputy Mayor Swatman seconded the Motion.

Motion approved 7 – 0.

The Meeting reconvened at 8:33 p.m.

C. Correspondence: None.

8:33:23

III. COUNCIL COMMITTEE REPORTS: [A3.6.4]

- A. Finance Committee: Deputy Mayor Swatman said the Committee met at 5:30 p.m. this evening and discussed bi-monthly utility readings, personnel updates and audit exit items.
- B. Community Development Committee: Councilmember Rackley said the CDC met on May 5, 2008 and held a one-hour discussion with Eastown developers and property owners. The committee also reviewed the following: re-zone applications; a chipseal contract; proposed Resolution 1826, proposed Resolution 1846; and proposed Ordinance

D08-117. He said one proposed re-zone (Priest property) was not recommended for approval and proposed Ordinance D08-117 was sent back for modifications.

- C. Public Safety Committee: Councilmember King said the Public Safety Committee had a report on the visit to Redflex Group and American Traffic Solutions for photo enforcement program review. He said the Committee recommends to not go forward with further inquiries for 18 months to two years. The Committee also reviewed animal control contract services and rate structures.
- D. Other Reports:

Council Meeting Absence

Councilmember King said he will be out of the area next week and asked to be excused at the May 20, 2008 Workshop.

New Park Art

Mayor Johnson said there is an article in the Tacoma News Tribune on May 11, 2008 about the fisherman sculpture being created by Jacob Lucas to go with his fish sculpture on Sumner-Buckley Highway at Church Lake Road.

Panther Day

Mayor Johnson said June 7, 2008 is Bonney Lake High School 'Panther Day'. He said there will be a proclamation at an upcoming meeting, and a banner hung at City Hall.

Traffic Enforcement

Councilmember Decker said he received a complaint from citizens in Ward 5 whose property has been damaged by speeding vehicles on Church Lake Dr and W Tapps Hwy. He said the citizens asked for increased traffic enforcement in the morning. Chief Mitchell said he had received a copy of the letter and would forward it to his traffic enforcement officers for action.

Lake Tapps Community Council

Deputy Mayor Swatman said he and Councilmember Hamilton attended the Council where lake water issues were discussed. He said Bonney Lake has a vested interest to keep the lake at recreational levels, and hopes the City will play a large part in lake management and water rights discussions. Mayor Johnson said he will meet with other Mayors and the Department of Ecology on June 12, 2008, and will give a report to the Council. Councilmember Hamilton said he was disappointed with the presentation given by Cascade Water Authority at the meeting, which seemed to give the Lake Tapps group the cold shoulder. He said there should be a partnership and it is a grave mistake not to bring the property owners and cities into the discussions.

8:45:26

IV. CONSENT AGENDA: [A 3.6]

- A. **Approval of Meeting Minutes:** April 15, 2008 Council Workshop and April 22, 2008 Council Meeting.
- B. **Checks/Vouchers:** Accounts Payable checks/vouchers #51041 thru #51090 (and wire transfer #3589398) in the amount of \$99,422.29; Accounts Payable checks/vouchers #5091 thru 51169 in the amount of \$179,506.49; Accounts Payable check/voucher #51170 in the amount of \$376.86 for Accounts Receivable; Accounts Payable checks/vouchers #51171 thru 51257 in the amount of \$227,293.03. [F 4.9]
- C. **Payroll:** Payroll for April 16-30th, 2008 for checks 27106-27137, including Deposits and Electronic Transfers for \$ 349,528.68 (AFSCME and Non-represented); Payroll for April

16-30th, 2008 for checks 27098 -27105, including Deposits and Electronic Transfers for \$145,478.13 (Police Department) [F 4.9]

- D. ~~AB08-63 Ordinance D08-63~~ An Ordinance Of The City Of Bonney Lake, Pierce County, Washington, Vacating An Unopened Portion Of Church Lake Road. [A 3.2] [O 4.8.7]
- E. ~~AB08-54 Resolution 1807~~ A Resolution Of The City of Bonney Lake, Pierce County, Washington, Authorizing An Agreement With Universal Field Services For The Right Of Way Acquisition In The 192nd Avenue East Corridor. [A 3.13.3.3] [O 4.12.7]
- F. ~~AB08-58 Resolution 1805~~ A Resolution Of The City of Bonney Lake, Pierce County, Washington, Authorizing A Contract With J.W. Morrisette And Associates For The Design Of Septic System Reduction Program, 94th Street. [O 4.12.6]
- G. **AB08-96 – Resolution 1836** – A Resolution Of The City of Bonney Lake, Pierce County, Washington, Authorizing A Contractor Agreement With Doolittle Construction For The 2008 Chip Seal Project. [O 4.8.2]
- H. **AB08-97 – Resolution 1837** – A Resolution Of The City of Bonney Lake, Pierce County, Washington, Authorizing A Contractor Agreement With Cascade Asphalt Sealing For The 2008 Seal Coat Project. [A 4.8.2]
- I. **AB08-105 – Resolution 1826** – A Resolution Of The City of Bonney Lake, Pierce County, Washington, Authorizing An Agreement With Universal Field Services For The Right Of Way Acquisition In The SR 410 – Sumner Buckley Highway Intersection Project. [O 4.8.2]
- J. **AB08-106 – Resolution 1827** – A Resolution Of The City of Bonney Lake, Pierce County, Washington, Authorizing A Water Developer Extension Agreement With Mr. Larry Burrill For The Burrill Hollow Long Plat. [A 3.13.7]
- K. **AB08-112 – Resolution 1844** – A Resolution Of The City of Bonney Lake, Pierce County, Washington, Authorizing A Personal Services Agreement With Eilts & Co, PS To Prepare Financial Statements For The Year Ending December 31, 2007. [F 9]
- L. **AB08-116 – Resolution 1846** - A Resolution Of The City of Bonney Lake, Pierce County, Washington, Approving The 2008 Water Capital Facilities Plan. [O 3.5.1.12]

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

Items D., E., and F. were moved to Full Council Issues for further discussion.

**Amended Consent Agenda
approved 7 – 0.**

8:46:03

V. FINANCE COMMITTEE ISSUES:

- A. **AB08-104 – Ordinance 1277** – An Ordinance Of The City Of Bonney Lake, Pierce County, Washington, Amending Chapter 13.04 Of The Bonney Lake Municipal Code And Ordinance Nos. 588, 692, 692A, 763, 828, 907, 1046, 1101 And 1129, Relating To Water Rates. [A 3.5.5] [F 4.3]

Councilmember Rackley moved to approve Ordinance 1277. Councilmember Decker seconded the motion.

Deputy Mayor Swatman said he does not support this direction for the water utility, and objects to buying water from other entities and reselling it.

**Motion approved 6 – 1.
Deputy Mayor Swatman voted
no.**

- B. **AB08-115 – Ordinance D08-115** – An Ordinance Of The City Of Bonney Lake, Pierce County, Washington, Amending Chapter 13.12 Of The Bonney Lake Municipal Code And Ordinance Nos. 1129, 1098, 1082, 1047, 909, 892, 828, 692A, 571C, And 692, Relating To Sanitary Sewer Rates. [A 3.5.5] [F 4.3]

Councilmember Rackley moved to approve Ordinance 1278. Councilmember Decker seconded the motion.

**Motion approved 6 – 1.
Deputy Mayor Swatman voted
no.**

8:48:42

VI. COMMUNITY DEVELOPMENT COMMITTEE ISSUES:

- A. **AB08-113 – A Motion** Of The Bonney Lake City Council Supporting The Inclusion Of the Lowe’s and Hurlburt Land Use Designation Changes In the City’s Annual Comprehensive Plan Amendment Process. [A 3.6.10]

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

Deputy Mayor Swatman expressed concern about the Firview area property. He said it is appropriate for the Planning Commission to look at the entire Midtown area when considering possible rezones. Councilmember Rackley said the City will need more commercial space as it grows, and the Midtown area should be considered for revamping and rezoning. Director Vodopich said the proposed motion addresses privately initiated amendments from last year only, and a City initiated application will come forward for consideration later. Deputy Mayor warned that access and traffic issues, like those seen with the Lowe’s development, could be seen if the area is rezoned to commercial.

Motion approved 7 – 0.

VII. PUBLIC SAFETY COMMITTEE ISSUES: None.

8:55:37

VIII. FULL COUNCIL ISSUES:

- A. **AB08-89 – Ordinance 1276** – An Ordinance Of The City Of Bonney Lake, Pierce County, Washington, Amending Chapter 13.04 Of The Bonney Lake Municipal Code and Ordinance Nos. 1221, 1220, 1192, 1100, 1094, 1083, 1073, 968, 919, 828, 763, 692A, 692, And 588 Relating To The Water System Development Charge Amount And Application. [A 3.5.5] [F 4.3]

Councilmember King moved to approve Ordinance 1276. Councilmember Decker seconded the motion.

Councilmember King said he appreciated the hard work by staff and legal representatives. Deputy Mayor Swatman agreed that the City and outside agencies did great work, but disagreed with the chosen methodology for multi-family charges.

**Motion approved 6 – 1.
Deputy Mayor Swatman voted
no.**

- B. AB08-21 – Resolution 1785** – A Resolution Of The City of Bonney Lake, Pierce County, Washington, Approving An Amended Employment Agreement Between City Administrator Don Morrison And The City. [A 4.3.6]

Deputy Mayor Swatman moved to approve Resolution 1785. Councilmember Carter seconded the motion.

Councilmember Bowen said he thinks City Administrator Morrison is doing a good job and deserves a raise, but thinks the item should be brought to Council during budget discussions to be held later in the year.

**Councilmember Bowen moved to table Resolution 1785 to August 2008.
Councilmember Decker seconded the motion.**

**Motion failed 2 – 5. Deputy
Mayor Swatman and
Councilmembers Carter,
Hamilton, King, and Rackley
voted no.**

Mayor Johnson said the current City Administrator is one of the most underpaid in the State, but has never asked for a salary increase. He urged the Council to support the proposed resolution. Deputy Mayor Swatman noted that the item was reviewed several times by the Finance Committee and discussed in Workshop. He said he supports it and believe it is well worth the money. Councilmember Decker said he thinks the City Administrator has done a fantastic job, and was not treated as fairly in the last administration. He said he plans to approve the resolution, though he is concerned that the contract is being amended before the current contract is set to expire.

Motion approved 7 – 0.

- C. None.**

City Clerk Edvalson noted that item ‘C’ was not used for an agenda item; the items moved from the Consent Agenda begin with item ‘D’.

- D. AB08-63 – Ordinance 1275** – An Ordinance Of The City Of Bonney Lake, Pierce County, Washington, Vacating An Unopened Portion Of Church Lake Road. [A 3.2] [O 4.8.7]

**Councilmember Rackley moved to approve proposed Ordinance 1275.
Councilmember Decker seconded the motion.**

Deputy Mayor Swatman said if everyone is satisfied that the road is not needed in the future, the street vacation would be appropriate.

Motion approved 7 – 0.

- E. AB08-54 – Resolution 1807** – A Resolution Of The City of Bonney Lake, Pierce County, Washington, Authorizing An Agreement With Universal Field Services For The Right Of Way Acquisition In The 192nd Avenue East Corridor. [A 3.13.3.3] [O 4.12.7]

Councilmember Rackley moved to approve Resolution 1807. Councilmember Decker seconded the motion.

Deputy Mayor Swatman said the contract amount of about \$238,000 will be used to arrange agreements with 18 property owners for 26 properties, and does not include the cost to actually purchase any of the properties. He said the cost is too high for the service being provided.

Public Works Director Grigsby said the City has not yet approached individual property. He said the acquisition process requires extensive documentation, and that the City's previous contracts with Universal Field Services have been successful. He said the City would receive monthly statements and watch invoices closely. He said after the contract is approved he will send a letter to all property owners about the benefits of the 192nd project, such as frontage, sewer and water improvements, increased property values and redevelopment potential. Councilmember Rackley said the cost of acquisition services is worthwhile if the City has to go to court on any acquisition.

Councilmembers discussed professional services agreements versus contract bidding. Councilmember Hamilton agreed with Deputy Mayor Swatman that the amount being requested is troublesome. Councilmember Decker called for the question.

**Motion failed 3 – 4.
Councilmembers Carter,
Decker and Hamilton and
Deputy Mayor Swatman voted
no.**

- F. AB08-58 – Resolution 1805** – A Resolution Of The City of Bonney Lake, Pierce County, Washington, Authorizing A Contract With J.W. Morrisette And Associates For The Design Of Septic System Reduction Program, 94th Street. [O 4.12.6]

Councilmember Decker moved to approve Resolution 1805. Councilmember Hamilton seconded the motion.

Councilmember Rackley said the 94th Street area is under consideration for redevelopment and possible rezoning. He said improvements to the sewer infrastructure add to property costs, and did not think it made sense to work on this area of the City at this time. Deputy Mayor Swatman agreed, and said the Planning Commission should review development plans for the Midtown area before building out the sewer. Director Grigsby said Public Works planned to run the Septic System Reduction Program in conjunction with a leaky water main replacement project, as coordinating the projects is more cost effective for digging and road repair. He suggested Public Works could identify a different area for these projects if the 94th Street area was not supported.

Motion failed 0 – 7.

IX. EXECUTIVE SESSION: None.

9:36:03

X. ADJOURNMENT

At 9:36 p.m. Councilmember Rackley moved to adjourn the meeting. Councilmember Decker seconded the motion.

Motion approved 7 – 0.

Harwood Edvalson, CMC
City Clerk

Neil Johnson
Mayor