

**CITY COUNCIL MEETING**

**May 27, 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](http://www.ci.bonney-lake.wa.us)

*"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.

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 Laurie Carter, Councilmember Dan Decker, Councilmember Mark Hamilton, Councilmember Dave King and Councilmember James Rackley. Mayor Neil Johnson was absent.

[Staff members in attendance were City Administrator Don Morrison, Public Works Director Dan Grigsby, Planning & Community Development Director John Vodopich, Police Chief Mike Mitchell, 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: None.

D. Agenda Modifications:

Public Works Director Grigsby requested Community Development Issues item A, AB08-117, be taken off the agenda so changes can be made. City Attorney Dionne said his office wants to review and clarify some sections of the proposed ordinance.

**Councilmember Rackley moved to remove AB08-117 from the agenda.  
Councilmember Decker seconded the motion.**

**Motion approved 7 – 0.**

7:02:41

**II. PUBLIC HEARINGS, CITIZEN COMMENTS & CORRESPONDENCE:**

A. Public Hearings: None.

B. Citizen Comments:

Annilee Rose and Joshua Hosford, 1534 Alki Ave SW, Seattle, are considering buying a home in Bonney Lake and asked if the City plans to do anything about local coffee stands like Cowgirls Espresso. They said they are concerned the issue will get worse and do not want to bring up children in this element. Ms. Rose said she would not be as upset if the employees wore at least bikinis and stayed inside the coffee stands. Ms. Rose and Mr. Hosford said they are considering backing out on buying the home if the City has given

up on the issue. The Council assured them that the City is still looking at the issue and legal options for enforcement. Councilmember King warned that any proposed changes to laws or the Municipal Code would not happen immediately. City Attorney Dionne said he intends to bring materials to the June 3 or June 17, 2008 Council Workshop. He said similar problems can happen in any city, not just Bonney Lake. He said attorneys for many other cities are looking into these issues currently.

Jeffrey Oliphant, Bonney Lake Marketplace, P.O. Box 94, Auburn, gave an update on the Lowe's construction project. Road widening on SR 410 and Prairie Road should be complete by next week. The Department of Transportation will open the new lane after the work is completed and inspected. He asked the City to let him know about any problems or complaints as the project comes to completion. The 'soft' opening for the new store is June 8, 2008 and the grand opening is June 12, 2008. Mr. Oliphant thanked the City staff for their help through the process, and noted that the store is opening several months earlier than anticipated. Councilmember Rackley said he plans to attend the opening and is amazed at how fast the work was done.

- C. Correspondence: None.

7:20:43

### 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 the AHBL contract (Resolution 1851), minutes, administrative procedures for shut-off notices, and Public Works office and workspace options.
- B. Community Development Committee: Councilmember Rackley said the CDC met Monday, May 19<sup>th</sup> and brought forward Resolution 1819 and AB08-117 to the agenda.
- C. Public Safety Committee: Councilmember King said the next meeting is scheduled on June 2, 2008 at 5:00pm. The Committee will examine the current animal control contract and review policies and pet licensing procedures.

- D. Other Reports:

#### Information Request

Councilmember Decker said he had requested information from the City Administrator. He received some information and was told to speak to the Mayor if he needed additional materials. He requested information on all the loans held by the city, Finance Department staff qualifications and accounting procedures. He said as a new councilmember he needed this information to understand what he is voting on. He said his request is reasonable and if the information is not available as a report, it should be created.

#### Rainier Communication Commission

Councilmember Rackley attended the RCC meeting on May 21, 2008. No business took place as there was no quorum. Technology journalist Glenn Fleishman gave a presentation on high tech data transfers.

7:25:59

### IV. CONSENT AGENDA: [A 3.6]

- A. **Checks/Vouchers**: Accounts Payable checks/vouchers #51258 thru #51337 in the amount of \$77,282.59; Accounts Payable checks/vouchers #51338 thru 51404 VOID due to system glitch; wire transfer #191955 in the amount of \$267,858.46; Accounts Payable check/voucher #51405 thru 51470 (replacing check/voucher #51338 thru 51404) in the amount of \$152,571.21. [F 4.9]

- B. **Payroll:** Payroll for May 1-15th, 2008 for checks 27138-27143, including Deposits and Electronic Transfers for \$ **108,459.90 (Police Department)**  
Payroll for May 1-15th, 2008 for checks 27144-27176, including Deposits and Electronic Transfers for \$ **254,480.34 (AFSCME and Non-represented)** [F 4.9]
- C. **AB08-70 – Resolution 1819** – A Resolution Of The City of Bonney Lake, Pierce County, Washington, Awarding The Bonney Lake Boulevard / 183rd Ave E / Locust Ave 2008 Roadway, Sidewalk And Watermain Improvements To Les Russell Construction. [O 4.11.1]
- D. **AB08-121 – Resolution 1849** – A Resolution Of The City of Bonney Lake, Pierce County, Washington, Ratifying A Purchase And Sale Agreement To Acquire The Stoltz Property At 18420 89th Street East, And Approving A Lease Back Of The Property To The Sellers For A Period Of Time. [A 3.13.3.3]

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

**Motion approved 7 – 0.**

Councilmember Decker raised a point of order, saying he had indicated he had an additional report for the ‘Other Reports’ and it was not appropriate to move forward without letting him speak. Councilmember King questioned giving further time to Councilmember Decker for his comments, which were not appropriate for the ‘Other Reports’ period. Councilmember Decker read a portion of the Municipal Code and said he has the right to speak on anything he wishes. Councilmember King raised a point of parliamentary procedure, saying Councilmember Decker’s request is not something to be deliberated by the Council and is not appropriate. Councilmember Decker disagreed. Deputy Mayor Swatman said he saw no motions or items of business related to Councilmember Decker’s request and would continue on to Finance Committee Issues. Upon a request by Councilmember Decker, City Attorney Dionne clarified that the Chair rules, not the City Attorney. He said Councilmember Decker’s comments about requesting records are not council business and no action item is available for the Council to act on. Councilmember Decker said he had a separate issue he still wanted to speak about. Deputy Mayor Swatman said Councilmember Decker’s time had expired and continued with the agenda.

7:30:35

**V. FINANCE COMMITTEE ISSUES:**

- A. **AB08-123 – Resolution 1851** – A Resolution Of The City of Bonney Lake, Pierce County, Washington, Authorizing A Professional Services Agreement With AHBL For An Annexation Study Of The Comprehensive Urban Growth Area (CUGA). [A 3.5.3]

**Councilmember Rackley moved to approve Resolution 1851. Councilmember Carter seconded the motion.**

Councilmember Hamilton expressed disappointment that the area covered by the Alderton/McMillin Community Plan is not included in the analysis. City Administrator Morrison said it is unclear when the County would consider placing this area in an Urban Growth Area. He said the proposed study is geared to meet the Boundary Review Board requirements. Councilmember Bowen said sales tax could make an impact on annexation in the long term. City Administrator Morrison and Chief Financial Officer Juarez described the new streamlined sales tax system, which goes into affect July 1, 2008.

**Motion approved 6 – 1.  
Councilmember Decker voted no.**

7:38:48

**VI. COMMUNITY DEVELOPMENT COMMITTEE ISSUES:**

- A. ~~AB08-117 – Ordinance D08-117 – An Ordinance Of The City Of Bonney Lake, Pierce County, Washington, Amending Chapter 12.04 Of The Bonney Lake Municipal Code And Ordinance No. 766 In Section 17.48.040, Relating To Placing Utilities Underground.~~ [A 3.5.5] *Removed from the agenda (see Agenda Modifications, p. 1).*

**VII. PUBLIC SAFETY COMMITTEE ISSUES: None.**

8:55:37

**VIII. FULL COUNCIL ISSUES:**

- A. **AB08-62 – D08-62** – An Ordinance Of The City Of Bonney Lake, Pierce County, Washington, Relating To The Regulation Of Public Disturbance Noises And Adding New Sections To Chapter 9.44 Of The Bonney Lake Municipal Code And Amending Chapter 9.44 And Ord. Nos. 1240 And 1258. [A 3.5.5]

**Councilmember Rackley moved to approve proposed ordinance D08-62. Councilmember King seconded the motion.**

Chief Mitchell said he was comfortable with the amended ordinance as discussed with Councilmember Carter. City Attorney Dionne said his office is on record as opposing this revised ordinance. He said though he finds nothing wrong with the proposed ordinance, there is also nothing wrong with the current ordinance and changes are not necessary. He said there can be enforcement issues with decibel meters as well.

Councilmember Hamilton said he wanted to be sure what the Council passes will work, rather than simply voting for the status quo. Councilmember Rackley said the City should try a change. He said the current ordinance does not seem to be working, and the Police Department asked for easier definitions and less interpretation. Councilmember Decker said he thinks the proposed ordinance will fail because it will lead to expensive jury trials. Councilmember Bowen said he was in favor of tabling the ordinance for more discussion, but would vote 'no' if it was brought to a vote now.

**Councilmember Decker moved to table proposed Ordinance D08-62 to the June 3, 2008 Workshop. Councilmember Bowen seconded the motion.**

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

- B. **AB08-59 – Resolution 1850** – A Resolution Of The City of Bonney Lake, Pierce County, Washington, Adopting Goals And Priorities To Support Youth And Family Programs In Bonney Lake. [A 1.1.1]

**Councilmember King moved to approve Resolution 1850. Councilmember Carter seconded the motion.**

Councilmember Carter said strengthening youth and families is one of her main goals. She listed efforts the City has made to this end, including the YMCA study, grant applications, support for the Food Bank and Lions-4-Kids, and youth involvement in the Citizen's Academy, Citizen Advisory Group, and proposed Youth Citizens Academy. In addition, more information geared toward youth and parents will be added on the City

web site. Councilmember King commended Councilmember Carter for ensuring the resolution moved through the process. He also thanked City Administrator Morrison for his help crafting the resolution's language. City Administrator Morrison noted item 7 needed to be corrected; the program title should be changed to 'Communities for Families' instead of 'Family First'.

**Councilmember King moved to amend proposed Resolution 1850 with the language suggested by the City Administrator. Councilmember Bowen seconded the motion.**

**Motion to amend approved 7 – 0.**

**Amended original motion approved 7 – 0.**

- C. **AB08-124 – A Motion** Of The Bonney Lake City Council Designating Voting Delegates to the 2008 Association of Washington Cities Annual Conference Business Meeting on June 20, 2008. [A 3.6.10] [A 1.1.4]

Deputy Mayor Swatman asked for nominations. Councilmember King nominated Councilmembers Carter, Councilmember Rackley and Deputy Mayor Swatman. Councilmember Bowen nominated Councilmember Decker. The Council decided to vote on each nominee, where the three nominees with the most votes will be the delegates.

Based on the vote tallies, Deputy Mayor Swatman, Councilmember Carter and Councilmember Rackley were selected as the designated voting delegates.

**IX. EXECUTIVE SESSION:** None.

7:56:55

**X. ADJOURNMENT**

**At 7:56 p.m. Councilmember Bowen moved to adjourn the meeting. Councilmember Rackley seconded the motion.**

**Motion approved 7 – 0.**

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Harwood Edvalson, CMC  
City Clerk

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Neil Johnson  
Mayor