

CITY COUNCIL MEETING

**October 28, 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 – Boy Scout Troop #304 was in attendance to receive merit badges. Scout Brandon Rose led the audience in the Pledge of Allegiance.

B. Roll Call: [A 1.3]

City Clerk Edvalson called the roll. In addition to Mayor 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 Jim Rackley.

[Staff members in attendance were City Administrator Don Morrison, Chief Financial Officer Al Juarez, 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 and Records & Information Specialist Susan Duis.]

C. Announcements, Appointments and Presentations: [A 3.6.9]

1. Announcements: None.

2. Appointments:

- a. **AB08-208** – A Motion of the Bonney Lake City Council Confirming the Mayor's Appointments of Raymond Bunk III to the Design Commission and Valerie Zifka to the Park Board.

**Deputy Mayor Swatman moved to approve the motion.
Councilmember Rackley seconded the motion.**

Motion approved 7 – 0.

3. Presentations: None.

D. Agenda Modifications:

Councilmember Rackley moved to add Resolution 1841 to the agenda under Finance Committee Issues, Item B. Councilmember King seconded the motion.

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

7:03:07

II. PUBLIC HEARINGS, CITIZEN COMMENTS & CORRESPONDENCE:

- A. Public Hearings: None. [A 3.6.12]
- B. Citizen Comments: [A 1.5]

John Worthington, 4500 SE Second Place, Renton, said he had sent councilmembers information on the City's interlocal TNET agreements. He said TNET came to his house, confiscated his medical marijuana plants, and sent his case to federal court. He said he did not know it was TNET for six months, as they only left DEA contact information at the time. He said the federal government uses TNET to undermine the State's medical marijuana laws. Mr. Worthington explained the TNET grant contract says participants have to work for the DEA or lose funding. He asked the City to get out of the interlocal agreement so the local task force cannot be used to do work for the federal government. He said his public disclosure request did not come up with the documents he requested. He said he plans to file suit with TNET and others for enforcing federal laws over state medical marijuana laws.

Councilmember Decker asked about the situation, and whether he met the state's requirement for the amount of medical marijuana allowed. Mr. Worthington said he was within the state regulations. He said he had been representing people who had the limits enforced on them, and he thinks the DEA did not like it and sent two task forces to his house in King County.

Councilmember King asked Mr. Worthington to clarify if he felt federal government and DEA were circumventing states that have marijuana laws. Mr. Worthington said that was the case, and had documents showing that was the strategy they decided on to put forth federal policy. He said that only two task forces out of 39 are written the way TNET is. Councilmember Decker said the issue needs to be looked at more deeply, and he does not think City staff should be used for federal enforcement work.

Shari Leistiko, 18209 74th St E, Bonney Lake, of the Lake Bonney Conservation Association, said her group wanted to have a 'City Council Appreciation Night.' She said the Council has always taken time for the Association when it comes with complaints or suggestions. She especially thanked the Council for water quality monitoring, treating noxious weeds, improving catch basins, Stream Team involvement, Ken Simmons Park improvements and observing wetlands in the park. She thanked the Mayor and Director Gary Leaf for their time and Councilmember Rackley for his support. She gave her greatest thanks to Councilmember Carter, who is always out representing the ward. She announced that the Association brought treats for the Councilmembers to enjoy.

Chris Lunn, 18503 74th St E, Bonney Lake, is also a member of the Bonney Lake Conservation Association. He said many small organizations are trying to get things done in the community, and when the Council finds ways to respond, it strengthens the community and gets more people involved. He thanked the Council for making the City a better place to live and for giving support to small organizations.

Winona Jacobsen, 9100 189th Ave Ct E, Bonney Lake, spoke about proposed Resolution 1895, dedicating the holly tree on the Moriarty property as the City's first Heritage Tree. She said she put in a request with the Park Board this year, and that Danita Moriarty had made a request about the tree when the City purchased the property, but nothing was done at the time. She said it is not the biggest or the oldest tree in the City, but it does have a history. She said 84-year-old Leona Wall, whose parents were the original property owners, remembers the tree from her earliest memories. Ms. Jacobsen said James Moriarty decorated the tree every Christmas, which became a tradition for the area. She said it would be wonderful if the City could dedicate the tree and decorate it this December. She thanked the Council.

- C. Correspondence: None. [A 1.2]

7:20:59

III. COUNCIL COMMITTEE REPORTS: [A 3.6.4]

- A. Finance Committee: Deputy Mayor Swatman said the committee met at 5:00 p.m. earlier in the evening and discussed personnel updates, proposed Ordinance 1288, proposed Resolution 1841, and a proposal to name the area at the intersection at Locust Ave., Church Lake Road, and Sumner-Buckley Highway, which needs to be reviewed by the Park Board.
- B. Community Development Committee: Councilmember Rackley said the committee met on October 20, 2008 and discussed water and sewer connection requirements for coffee espresso stands, recommending no change at this time. Agenda items AB08-161, AB08-162, AB08-197, AB08-200 and AB08-201 were brought forward to the present agenda. Public Works Director Grigsby said parties from Eastown were in attendance, including David Konsmo, Compass Pointe engineer Robert Caris, and several property owners, and said they would like the sewer line to be placed in a different area than what is in the Eastown subarea plan.
- C. Public Safety Committee: Councilmember King said the committee has not met since the last Council Meeting. The next Public Safety Committee meeting is November 17, 2008. He invited Councilmembers and Police staff to submit agenda items.
- D. Other Reports:
- Mayor's Updates
Mayor Johnson said his weekly newsletter would be sent out tomorrow. He noted the improvement projects on 75th St and Bonney Lake Blvd. and the Church Lake drainage project are all complete. He said the projects look good and offer the City ideas for future culvert and planting projects around Lake Bonney. He said property in the area has faced flooding for over 25 years, and fixing the issue was a priority for him since he became Mayor. He thanked the Public Works director and staff for their creative work on these projects.

7:25:53

IV. CONSENT AGENDA: [A 3.6]

- A. **Approval of Corrected Minutes**: October 7th Council Workshop and October 14th Council Meeting.

- B. **Accounts Payable Checks/Vouchers:** Accounts Payable checks/vouchers #53101 thru #53192 in the amount of \$359,485.73; Accounts Payable checks/vouchers #53193 thru #53265 (including wire transfer #'s 9262008 & 10062008) in the amount of \$118,622.71; and Accounts Payable checks/vouchers #53266 thru 53279 in the amount of \$1,119.69.
- C. **Payroll Certification:** Payroll for October 1-15th, 2008 for checks 27641-27646, including Deposits and Electronic Transfers for \$ 103,573.78 (Police Department) Payroll for October 1-15th, 2008 for checks 27647-27677, including Deposits and Electronic Transfers for \$ 254,635.53 (AFSCME and Non-represented).
- D. **AB08-198 – Ordinance 1286** – An Ordinance Of The City Of Bonney Lake, Pierce County, Washington, Adding A New Chapter To Title 12 Of The Bonney Lake Municipal Code Relating To The Vacation Of Public Streets And Alleys.
- E. **AB08-207 – Ordinance 1287** – An Ordinance of the City Of Bonney Lake, Pierce County, Washington, Amending Chapter 2.04 of the Bonney Lake Municipal Code and Ordinance No. 1061, Relating To Council Rules.
- F. **AB08-195 – Resolution 1895** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Designating A Holly Tree In Allan Yorke Park As A Heritage Tree.
- G. ~~**AB08-199 – Resolution 1896** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Designating The Bonney Lake Summer Herald As The City's Official Newspaper For 2008-2009.~~
- H. **AB08-200 – Resolution 1897** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Approving The Change Order To The Contract With RP And Company On The 95th Loop And 181st Avenue Water Main Project For Additional Work Outside The Scope Of The Contract.
- I. **AB08-201 – Resolution 1898** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing An Agreement With Universal Field Services For The Purchase Of Land Required To Construct A Stormwater Facility In The 192nd Avenue East Corridor.
- J. **AB08-161** – A Motion of the City Council of the City Of Bonney Lake, Accepting As Complete the Contract with W.M. Dickson Company for Construction of the SR 410 Sanitary Sewer Interceptor Repair-BNSF Undercrossing Project.
- K. **AB08-162** – A Motion of the City Council of the City Of Bonney Lake, Accepting As Complete the Contract with RW Scott Construction Co. For The 75th Street East Watermain Replacements and Overlay Improvements Project.
- L. **AB08-197** – A Motion of the City Council of the City Of Bonney Lake, Accepting As Complete the Contract with Doolittle Construction Co. For the 2008 Chip Seal Project.
- M. ~~**AB08-206** – A Motion of the City Council of the City of Bonney Lake, Setting a Public Hearing on November 18, 2008 for Revenue Sources for the Biennial Budget and Possible Increases in Property Tax Revenues; and to Set a Public Hearing on November 18 and November 25, 2008, as May Be Continued, as Final Hearings on the Proposed Biennial Budget for 2009-2010.~~

Councilmember Decker requested that Item M. AB08-206 be moved to Full Council Issues, Item B. Councilmember Hamilton requested Item G. Resolution 1896 be moved to Full Council Issues, Item C.

Councilmember Bowen noted he found a typographical error on item E. for the Mayor's name, which would be corrected before the Ordinance is signed by Mayor Johnson.

Consent Agenda approved 7 – 0.

7:27:56

V. FINANCE COMMITTEE ISSUES:

- A. **AB08-209 – Ordinance 1288** – An Ordinance Of The City Of Bonney Lake, Pierce County, Washington, Amending Chapter 13.12 Of The Bonney Lake Municipal Code And Ordinance Nos. 892 And 561, Relating To Connection To Public Sewer Section.

Councilmember Rackley moved to approve Ordinance 1288. Deputy Mayor Swatman seconded the motion.

Mayor Johnson said this is a time-sensitive ordinance, and will help keep costs down for the Sumner School District's improvements to Victor Falls Elementary School.

Gil Mendoza, 1911 86th St E, Tacoma, Sumner School District Superintendent, encouraged the Council to approve the proposed ordinance. He said it will allow the School District to move forward with modernization of the Victor Falls school, to advertise for bids at the optimum time, and to make the best use of bond funds and state matching dollars. He thanked the Council, Mayor, City Engineer and City Attorney for working on the proposed ordinance. Councilmember Decker said he is in favor of any opportunity to help the Sumner School District.

Motion approved 7 – 0.

- B. **AB08-109 – Resolution 1841** – A Resolution of the City of Bonney Lake, Pierce County, Washington, Authorizing a Wholesale Water Purchase Agreement Between the City of Bonney Lake and the City of Tacoma, Department of Public Utilities.

Councilmember Rackley moved to approve Resolution 1841. Councilmember Decker seconded the motion.

Councilmember Bowen said he has thought about the proposed water purchase, and decided he will not support the resolution. He said he would rather spend funds on building a membrane plant for the City, which is an investment, rather than simply spending money. Councilmember Rackley said use of sewer and water SDC funds must be kept separate. He said the water purchase is for future use, and said it is important to approve this resolution now because Tacoma is planning to change its rules soon. Public Works Director Grigsby said he looks at the proposal as an investment in the future, as it is a 40 year water supply. He said the Council discussed this water purchase in May 2008 and it has taken some time to work out the agreement with Tacoma Public Utilities. He said TPU plans to start charging for water availability, and it would cost the City more to purchase water from TPU in the

future. He also said the City of Bonney Lake will control the supply from TPU and can look at other communities who might need water in the future.

Deputy Mayor Swatman said he does not think the proposal is wrong, but it is not the strategy he would follow and will not vote in favor of the proposed resolution. He said the City would need to build many houses to cover the cost of water supply payments. He said residents outside city limits already pay 40% over what those inside city limits pay, and if that structure is lowered it will hurt future revenues.

Councilmember Bowen thanked Deputy Mayor Swatman and Councilmember Rackley for their input. He said he has researched the issue and feels the City may be in a paradigm shift, and the rules being used today won't apply in ten or forty years. He said the water from a membrane plant would belong to the City. He said he cannot say that he is voting correctly, but he is voting what he believes is correct.

Councilmember Decker moved to table the item to the November 18, 2008 Workshop. Councilmember Bowen seconded the motion.

**Motion failed 3 – 4.
Councilmembers Carter, King,
Hamilton and Rackley voted no.**

Councilmember Rackley said researching water sources was on the Community Development Committee agenda, and water resources are already scarce. Councilmember Hamilton said he planned to vote in favor of the proposed resolution. He said one of the City's jobs is long term planning, including roads, water, sewer, public health and public safety. He said future City Councils will appreciate that this Council made a difficult decision. Councilmember Decker spoke in favor of the proposal, and said the City will recover the funds used once the water starts being used.

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

VI. COMMUNITY DEVELOPMENT COMMITTEE ISSUES: None.

VII. PUBLIC SAFETY COMMITTEE ISSUES: None.

7:45:39

VIII. FULL COUNCIL ISSUES:

- A. **AB08-172 – Resolution 1880** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Adopting A Six-Year Street Transportation Improvement Plan (2009-2014).

Councilmember Rackley moved to approve Resolution 1880. Councilmember King seconded the motion.

Councilmember Hamilton asked where funding for TIP projects might come from. Public Works Director Grigsby said he could provide a spreadsheet outlining various funding sources. He said if funds are not available for a project, however, that it will not move forward. He confirmed that a substantial number of these projects are not currently funded. He said the TIP lists high priority projects, but does not imply that the City must complete all those projects. City Administrator Morrison said the TIP is a State requirement, and projects must be on the TIP list in order to qualify for specific grant funds. He said the TIP is a 'wish list' of projects the City wants to complete. Public Works Director Grigsby said the list also assists developers in determining which projects qualify for Transportation Impact Fee credits.

Motion approved 7 – 0.

- B. **AB08-206** – A Motion of the City Council of the City of Bonney Lake, Setting a Public Hearing on November 18, 2008 for Revenue Sources for the Biennial Budget and Possible Increases in Property Tax Revenues; and to Set a Public Hearing on November 18 and November 25, 2008, as May Be Continued, as Final Hearings on the Proposed Biennial Budget for 2009-2010.

Councilmember Rackley moved to approve the motion. Deputy Mayor Swatman seconded the motion.

Councilmember Decker asked if there would still be a public hearing on the proposed Comprehensive Plan and zoning changes on November 18, 2008. City Clerk Edvalson confirmed that there would be a public comment period on the Comprehensive Plan proposed changes. He said it would be referred to as a 'public comment' period to avoid confusion with the required Public Hearings that were already held via the Planning Commission. City Administrator Morrison said once the budget is ready, it will be made available to the public via the City website and at City Hall. He said it should be available by November 4th or 5th.

Motion approved 7 – 0.

- C. **AB08-199 – Resolution 1896** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Designating The Bonney Lake-Summer Herald As The City's Official Newspaper For 2008-2009

Deputy Mayor Swatman moved to approve Resolution 1896. Councilmember Decker seconded the motion.

Councilmember Hamilton said the City considered using the Herald in the past, but there were concerns because the paper is distributed weekly rather than daily. City Clerk Edvalson said the City publishes fewer notices in the newspaper than in the past, and usually publishes only those notices that are required by law to be published in the newspaper. He said the internet and public posting sites now regularly supplement newspaper postings. He noted the Council has shown interest in supporting the local newspaper. He said the City will try using the Herald for a while and see if any conflicts arise. Mayor Johnson noted that the cities of Issaquah,

Enumclaw and Buckley also use weekly newspapers. He said if something needs to be posted urgently the City can publish it in the Tacoma News Tribune as well.

Motion approved 7 – 0.

IX. EXECUTIVE SESSION: None.

7:57:50

X. ADJOURNMENT:

At 7:57 p.m. Deputy Mayor Swatman moved to adjourn the meeting. Councilmember Carter seconded the motion.

Motion approved 7 – 0.

Harwood Edvalson, CMC
City Clerk

Neil Johnson
Mayor

Items submitted to the Council meeting of October 28, 2008:

- *City of Bonney Lake – AB08-109 – Resolution 1841 – A Resolution of the City of Bonney Lake, Pierce County, Washington, Authorizing a Wholesale Water Purchase Agreement Between the City of Bonney Lake and the City of Tacoma, Department of Public Utilities – Public Works Director Dan Grigsby.*