

CITY COUNCIL WORKSHOP

City of

**March 18, 2008
5:30 p.m.**



*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*

MINUTES

"Where Dreams Can Soar"

Time Stamp

Call to Order:

Mayor Neil Johnson called the meeting to order at 5:31 p.m.

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 Dave King. Councilmember James Rackley 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.]

Deputy Mayor Swatman moved to excuse Councilmember Rackley's absence. Councilmember Carter seconded the motion.

Deputy Mayor Swatman explained that Councilmember Rackley was attending the Buildable Lands Summit in Summer.

Motion approved 6 – 0.

Agenda Items:

5:32:02

1. Public Hearing (Cont'd.): AB08-34 – Ptarmigan Ridge Street Vacation. [A 3.6.12]

Director Vodopich explained that the petitions were received and notices posted in three conspicuous places, but it had come to his attention notices were not posted as required by the Revised Code of Washington. He suggested the public hearing be continued to allow proper notice to be made. He confirmed that notice must be given at least twenty days prior to the public hearing.

Councilmember Carter moved to continue the Public Hearing to April 15, 2008. Councilmember Decker seconded the motion.

Motion Approved 6 – 0.

Director Edvalson noted that April 15, 2008 is a Council Workshop date, and suggested the Public Hearing be opened to the April 22, 2008 Council Meeting.

Deputy Mayor Swatman moved to continue the Public Hearing to the April 22, 2008 Council Meeting. Councilmember Hamilton seconded the motion.

Motion Approved 6 – 0.

5:38:18

2. Action: (Cont'd.) 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 Hamilton moved to approve Resolution 1800. Councilmember Decker seconded the motion.

Director Vodopich explained that the preliminary plat was approved by Pierce County, with a SEPA condition to install a traffic light. He said the applicant requested a delay, and the Public Works City Engineer agreed. Staff also suggested adding language at the end of the Resolution, "... or at the final plat of Highland Ridge Phase 2, whichever occurs first".

Councilmember Decker said that many citizens in Ward 5 would prefer a roundabout rather than a traffic light. He said a roundabout offers easier maintenance, better traffic flow, and lower expenses. Director Grigsby estimated that a traffic signal costs roughly \$200,000 to \$250,000, with additional costs for acquiring right-of-way. He noted that a roundabout requires acquisition of substantially more property for the right-of-way. Councilmember King said proposing a roundabout would be lengthy and costly, requiring study, public hearings and review by the Pierce County Hearing Examiner. Councilmember Carter asked how speed limits and traffic flow in the area would be affected. Councilmember Decker clarified that he was simply suggesting roundabouts be considered. He said that as the area continues to be developed, the City must look at other intersections that may need a traffic light or roundabout in the future. Councilmember Bowen said he felt it was the wrong time to interject a roundabout idea, and would be a 'bait and switch' situation for the developers. Director Vodopich said that the traffic light is also a condition of approval on the Highland Ridge and the Hemminger plats.

Deputy Mayor Swatman expressed concern about collecting on a bond if the work is not completed on time. Councilmember Hamilton said he was not sure he could support the proposed resolution due to the current financial situation in the country. Seeing no further comments from the Council, Mayor Johnson invited those who had signed up to speak come forward.

Paul Green, 409 E Pioneer, Puyallup, Azure Green Consultants, explained that it is procedurally difficult to change plans, in reference to the suggested change to a roundabout. He also said it was extremely unlikely that the County would approve a roundabout, adding that it would require purchasing additional lots for right-of-way and a storm pond. He then spoke about his clients, saying they have developed plats in the area for over twenty years and provided much larger bonds in the past. He noted that the developer has a large economic interest to construct the signal, as it owns both the Ptarmigan and Highland Ridge plats. He said they are only requesting three years because Pierce County's process is slow. He said if the plat is not approved, they would need to wait for permits and the project would be delayed six to nine months.

Councilmembers discussed the bonding measure and costs with input from Mr. Green and Director Grigsby. Mayor Johnson confirmed that the bonding measure (proposed resolution 1800) is entirely separate from the next agenda item, AB08-44. City Engineer Woodcock said it is difficult to say how long approval for the light might take, as many factors are involved in the County permitting process.

The initial Council vote was a tie (3 – 3). A hand vote was requested with Mayor Johnson voting to break the tie.

Motion denied 3 – 4. Mayor Johnson, Deputy Mayor Swatman, and Councilmembers Carter and Hamilton voted no.

6:20:05

3. Action: (Cont'd.) 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]

City Attorney Dionne told the Council that since the bond measure was not approved, the motion should be voted upon as written, without the added wording suggested by the Planning & Community Development staff.

Councilmember Decker moved to accept the proposed motion. Councilmember Hamilton seconded the motion.

Councilmember Bowen noted that the developer must put in a traffic light before they can do anything else, regardless of whether the motion to table the final plat is approved. He asked whether the proposed motion is necessary. City Attorney said that a councilmember could move to strike the item from agenda, though it had already been motioned and seconded.

Councilmember Decker rescinded his motion; Councilmember Hamilton rescinded his second.

Councilmember King moved to strike AB08-44 from the agenda. Councilmember Carter seconded the motion.

Motion to strike AB08-44 from the agenda approved 6 – 0.

City Administrator Morrison asked whether the Council might reconsider the issue if the developer brought forward a proposal with funds in a trust account rather than a bond. Councilmember Decker motioned for the Council to reconsider AB08-44; there was no second. Councilmember Decker said he understood that if a motion is brought forward, it must be voted upon, and that a second is not required. City Attorney Dionne said he believed motions to reconsider an agenda item needed to be seconded. He said the Council has its own rules and procedures that he would need to review.

Councilmember King said he would be in favor of a cash bond as long as it was reviewed by the City Attorney and Finance Director to ensure its worthiness. Councilmember Bowen said he felt that accepting a cash bond would be insulting to the developer, but that he would vote in favor of it as he had done with the proposed bond. City Administrator Morrison explained that the suggested cash bond would likely be brought before the Council as a new agenda bill at a future workshop or meeting. Councilmember Hamilton said his major concern is financial stability, and said he would likely be in favor of the option suggested. Councilmember Bowen asked that the Council be polled about whether they would be in favor of a cash bond. Deputy Mayor Swatman noted that he and Councilmembers Hamilton, King, and Bowen expressed support for the idea, which would be a majority. Mayor Johnson noted he voted against the bond proposal due to experiences in the past when bonds were not collected.

6:31:25

4. Action: AB08-57 – Resolution 1809 – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing A Professional Services Agreement With Group Mackenzie For The Design Of The Interim Justice Center. [O 4.4.15]

Councilmember King moved to accept Resolution 1809. Deputy Mayor Swatman seconded the motion.

Deputy Mayor Swatman said the Finance Committee reviewed the item and suggested the Council be given more time to review before bringing it to a vote. Councilmember King asked for input on possible LEED certifications. Director Vodopich said that LEED certification was discussed with each of the four firms interviewed. He said that basic LEED certification could be met, with higher

certification levels possible with additional costs and paperwork. Councilmember Hamilton asked whether the costs could be recouped when the building is sold. Director Vodopich cited better lease rates and cost savings for 'green' buildings, and Director Grigsby said potential buyers would look favorably on LEED certification.

Councilmember King urged the Councilmembers to read the information available through MRSC on green buildings, noting he wanted any improvements to truly make the building more efficient and sustainable, and not be inappropriate or too costly. Councilmember Bowen said he had some concerns, but planned to vote yes on the proposed resolution. He remarked that the funds were appropriated, the building is needed, and he feels the City is going about it in a pragmatic way.

Deputy Mayor Swatman said he supports the proposed resolution, and that the LEED issue can be discussed later in the process. He agreed that it was an investment, and that the building will benefit the public. Councilmember Hamilton said the building is critical for the Downtown plan, and wanted to ensure that the designer understood this building is important as a cornerstone of the downtown. Director Vodopich said he was confident the recommended designers are enthusiastic and understand the larger plan. Director Grigsby said such a large firm would not normally be interested in a smaller project like this, and that the designers understand that doing well on this project will be considered as future projects are developed. Councilmember Carter said she works in a LEED building and feels it is a positive place for employees. She also said that from a public safety standpoint, she looks forward to having a more secure Court room.

Councilmember Decker questioned why the Council is moving forward on the issue, citing national economic issues and home foreclosures. He said the City is spending 40% over the actual values to purchase the properties. He said he has spoken with over 11,000 people, the majority of whom are against the City Center. Councilmember Decker suggested the issue go to the people for a vote. Mayor Johnson responded that the Council has worked very hard on the Downtown Plan, and that progress is healthy. He said that the Downtown Plan was part of his platform when he ran for office, and the people voted for him to become Mayor.

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

6:56:13

5. Action: AB08-52 – Resolution 1810 – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Ratifying An Agreement With Dieringer School District For Partial Refund Of Water SDC Payments. [O 4.4.15]

Councilmember King moved to approve Resolution 1810. Councilmember Bowen seconded the motion.

Director Grigsby explained the background leading to the proposed resolution. He noted that the Court ordered the City to pay the cost difference for one day back to the School District, which is part of the payment. In addition, the School District asked for interest, which was negotiated and brings the total to \$42,680. He recommended the City settle and bring the issue to a conclusion.

Motion approved 6 – 0.

At 6:58 p.m., Councilmember King moved to take a 10 minute recess. Deputy Mayor Swatman seconded the motion. Councilmember Bowen moved to amend the motion to include making the City Clerk the time keeper for the recess. Councilmember Decker seconded the motion.

Amendment approved 6 – 0.

Amended motion approved 6 – 0.

The Workshop reconvened at 7:11 p.m.

7:11:28

6. Council Open DiscussionDiamond Lounge Update

Deputy Mayor Swatman requested an update on the Diamond Lounge status, including getting noise level readings. Chief Mitchell reported that the graveyard shift sergeant is visiting several locations and specific times to take readings to establish the average noise levels at various businesses, including Babalouie's, the Diamond Lounge, and others. Mayor Johnson explained that they are getting information to compare with the WAC for discussion at a future Council meeting. Councilmember Bowen noted that 'acceptable' noise levels can vary for different people. Councilmember Decker agreed that noise readings should be taken near train tracks for comparison.

WSU Forest Fire

Councilmember Hamilton asked for an update on the March 9, 2008 fire in the demonstration forest. He expressed concern about trespassing, criminal activity, and the possibility of youth using the open area. He said if the fire had happened in August, the fire could have been much worse and endangered homes and businesses nearby. He said the City needs to stress to WSU that they need to secure the property. Mayor Johnson said the Police Chief and Planning & Community Development Director met with WSU representatives. He said the Police Department is getting keys to the property for access, and the City is working to get the burned building torn down. He said he is working on a letter to WSU requesting a fence by the movie theater and that the forest be reopened to the public. Councilmember Decker asked Chief Mitchell to let the Council know what resources the Police Department needs to stay a step ahead of bad elements in the City. Councilmember Bowen questioned how dangerous the forest might be and whether the public should be allowed in.

Goodwill

Councilmember Bowen said the Council was sent a letter from Goodwill. He said he does not want the City to make exceptions for a single person and wondered if others on the Council were inclined to give the exemption requested. Mayor Johnson said he emailed the letter's author, Peter Norman, with information on sewer hook-up options near the site. He said Goodwill is working with staff, and that the property owner has also been talking with the City about a steak restaurant on the site. Mayor Johnson said he did not believe the Council needs to take action at this time. Director Grigsby said he understands the owner of the Mazatlan still has a five-year lease on the building, which Goodwill may not have been aware of. He said he is not sure of the owner's plans for the site at this point.

Lions-4-Kids Clothing Bank

Councilmember Decker asked for an update on the Clothing Bank's options for moving to a new building. City Administrator Morrison said one of the Dole properties at 184th and 89th would be available at the end of the month, which would be offered to the Clothing Bank to use.

City Banking

Councilmember Decker recommended the City consider using Columbia Bank for depositing money, rather than Bank of America or others. Deputy Mayor Swatman explained that the Finance Committee reviewed the options and a subcommittee used a matrix to determine which bank to use. Mayor Johnson added that the process started some time ago with a request for proposals. He said six banks responded, including Columbia Bank, Heritage Bank, Kitsap Bank, US Bank, Bank of America and Frontier Bank. He told Councilmember Decker that the Finance Officer could provide the

original RFP and criteria to him if he wished to review it. Mayor Johnson noted for the record that his preference was Heritage Bank.

Council Meeting Correspondence

Deputy Mayor Swatman asked if there was input related to discussion at the previous Council meeting about the use of the Correspondence period at Council Meetings. Councilmember King said he was not in attendance at the meeting, but believed that correspondence addressed to the Council for further discussion or action is ordinarily received by the City Clerk on behalf of the Council, and brought before the Council as 'Correspondence' at meetings. Councilmember King said the procedures were put in place before the computer age, and suggested the Council either set parameters for the Correspondence section of the agenda or eliminate it. He added that he felt the Workshop Open Discussion was the appropriate time to for lengthy discussions or to bring up an e-mail from a constituent.

Deputy Mayor Swatman said the issues brought up by Councilmember Decker seemed to be new issues. He said if an item is not on the agenda, the public is not aware and cannot speak on it. Councilmember King said that if information is brought forward, it should happen in a venue when it can be addressed and discussed most efficiently. Councilmember Bowen said he felt the Correspondence period is intended for correspondence but not necessarily for discussion, and that councilmembers can make a motion to add an item for discussion to the agenda if they wish. Councilmember Hamilton said he did not feel anything needed to be changed, since Councilmembers can speak as citizens during Citizen Comments. Mayor Johnson said the procedures are there to help make meetings and workshops flow and to ensure Council business can be finished by 10:00 p.m. He agreed that it is worthwhile to review procedures and discuss the intent of procedures as a body.

City Attorney Dionne said he was not sure if a particular procedure had been enforced in the past. He said that Councilmember King's interpretation was logical and intended to help meetings run efficiently and not to be used as a platform for individual council members. He suggested that open discussion periods are more appropriate for other purposes. Mr. Dionne added that if a councilmember has something they want to discuss, they can step down from the Council during the Citizen Comment period and speak as a citizen. He said the Council is to review the Council rules once per year, and his office was reviewing a couple of items already. He said recommended changes would come before the council on a future agenda.

Community Summit

Councilmember Carter said the Community Summit is March 27, 2008, and encouraged everyone to attend. She said topics will include the Downtown Core Planning, and the keynote speaker will be Bob Ecklund, the President and CEO of Tacoma-Pierce County YMCA.

7:39:46

7. Review of Minutes: February 19, 2008 Council Workshop, February 26, 2008 Council Meeting, March 11, 2008 Council Meeting.

Councilmember Carter requested the March 11, 2008 minutes be corrected to show her voting 'no' on the last two agenda items, tabling AB08-45 and AB08-44 to the March 18, 2008 Workshop, making both vote tallies 4 – 2.

7:40:53

8. Discussion: AB08-65 – Resolution 1814 – 800 MHz Contract with Motorola

City Administrator Morrison explained that the proposal has been on the table for some time but that the \$200,000 incentive from Motorola was due to expire. He said funding has not yet been identified.

Funding sources may include a reinstated photo enforcement program, participation in the 800 MHz system by other communities, and federal grants.

Chief Mitchell said towers would be placed at the high school water tank and Allan Yorke Park. Chief Finance Officer Juarez said three financing options were available, noting that the Motorola Credit Corporation is flexible and has dealt with numerous cities. He said monthly financing in the 10 year plan would be \$23,069 per month or about \$288,000 annually. He added that there is no prepayment penalty on the financing plan, so if additional funds were identified the debt could be liquidated without penalty.

Councilmember Hamilton asked whether bond funds could be used. City Administrator Morrison said those funds were set aside for the downtown plan, and using them could impact other projects. Councilmember Hamilton said he did not wish to delay the Downtown plan, but felt the radio system is vital. Councilmember King noted that the photo enforcement program was under review and at the earliest might return in the fall of 2008; he said this revenue stream is uncertain and should not be considered a money-maker for the City. Councilmember Decker agreed, noting issues of using Radar versus LIDAR, and said he would like to see stoplight photo enforcement in place as well. Councilmember King said he felt the 10-year financing would probably be workable. He said he did not think it would require an additional bond or requesting more money from taxpayers. Councilmember Carter agreed with Councilmember King's statements. Councilmember Bowen said he did not feel they should go forward without identifying funds, and said the Council and staff have worked hard to get the City's credit rating. Councilmember Decker also expressed concern. Deputy Mayor Swatman agreed with Councilmember Hamilton that public safety is the number one priority, and that he would be willing to cut other projects to ensure revenues. Mayor Johnson said staff will review the options and bring them to the upcoming Council Meeting.

8:09:01

9. Discussion: AB08-68 – Resolution 1817 – Wash Wise Collaborative Program

Deputy Mayor Swatman explained the program is for \$50 to \$100 rebates for high-efficiency washers. The company works with Puget Sound Energy, and the cost and time required by the City is minimal. The City pays \$2,720 at the start and only pays more when people get the rebate. He added that Tacoma, Seattle, and Cascade water are all part of this program. Councilmember King said Congress recently passed a bill requiring washing machines to be more efficient, and the rebate program will offer an incentive to citizens. Councilmember Carter suggested highlighting the program along with Earth Day, which is April 19, 2008. Councilmember King suggested advertising it at town hall meetings as well.

8:17:46

10. Discussion: AB08-59 – NLC Platform for Strengthening Families and Youth

Councilmember Carter said the Public Safety Committee had discussed issues for youth in the community. She said the platform offers criteria and a proclamation. She noted many steps the City has already taken, including youth on the Citizen's Advisory Committee, YMCA, food bank, summer interns, etc. She suggested the NLC Platform will help to expand on what was started. Mayor Johnson noted it is a big platform. He suggested the Council review the platform items and bring their top five items to the April 1st 2008 Workshop for discussion and creation of an action plan. Councilmember Carter suggested highlighting one platform item each month, such as in the Bonney Lake Reporter.

8:24:45

11. Discussion: AB08-61 – Planning Commission Workplan for 2008.

Director Vodopich said the Workplan came from discussions at the joint Planning Commission and Council meeting several months ago. He noted that the yearly workplan would be approved by

resolution, with modifications made by motion throughout the year. Councilmembers expressed support and thanked staff for putting the workplan together.

12. Executive Session: None.

8:26:35

13. Adjournment.

At 8:26 p.m., Councilmember Bowen moved to adjourn the meeting. Councilmember Decker seconded the motion.

Motion approved 6 – 0.

Harwood T. Edvalson, CMC
City Clerk

Mayor Neil Johnson, Jr.