

CITY COUNCIL WORKSHOP

City of

*April 1, 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 5:34 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, 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, 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.]

Agenda Items:

5:34:31

1. Presentation: Impacts of Sumner Annexation to Fire District – Dan Packer, Chief, East Pierce Fire & Rescue.

Chief Packer commented on the success and regional perspective of the 'Sound Shake' emergency preparedness exercise on March 5, 2008. He thanked staff from Bonney Lake, Sumner, the Fire District, and others who participated. He then offered a summary of the Fire District's Annual Report and the April 22, 2008 election which will determine whether Sumner is annexed into the Fire District. He discussed the push in recent years to regionalize the fire district. He said both Sumner and Bonney Lake would vote on the proposed annexation; if either side votes against, the annexation will not go forward. He said Sumner citizens will also vote on whether to merge Fire District 1 with East Pierce Fire District in the April 22, 2008 election.

Councilmembers discussed staffing impacts, new commissioners, and potential challenges. Chief Packer said the annexation would add 13,000 to 14,000 people to the service area. He explained that many initial challenges have already been resolved as East Pierce has contracted with Sumner for over a year after their previous Chief resigned. Chief Packer said the District will benefit from gaining Sumner staff with experience fighting fires in brick structures and tall buildings. His biggest concerns are related to new hazards such as large warehouses and railroads, and said continued training would be important. He added that the Fire District does not have adequate space currently to house the district's leadership and administrative staff in one location. He said they are looking for a new location in Bonney Lake that would include headquarters, administrative offices, training facilities and a new Emergency Operations Center.

6:01:01

2. Discussion: AB08-62 – D08-62 – Proposed Changes to Noise Ordinance.

Planning & Community Development Director Vodopich presented the draft noise ordinance developed by the Planning Commission. He also provided Council with an email and draft ordinance from City Attorney Jason Schumann. Mr. Schumann's email expressed concern with

adopting a new ordinance rather than using the code and enforcement options already available. Councilmember Rackley said he felt City Attorney Schumann's concerns were reasonable. Councilmembers discussed decibel levels set by the Washington Administrative Code and compared the readings taken from various locations around the City.

Chief Mitchell said his department is in a difficult situation, as residents near the Diamond Lounge say the Police are not doing enough while the business owner and staff say they are being harassed by the Police. Chief Mitchell said he is looking for balance and wants regulations that are enforceable and workable. Councilmember Decker asked whether the proposed ordinance would enforce engine noise on Lake Tapps. Chief Mitchell explained it is difficult to enforce lake traffic using the State's criteria of sound readings from a single location.

Councilmember Carter invited Planning Commissioner Winona Jacobsen to speak to the Council. Commissioner Jacobsen said the draft ordinance passed the Planning Commission 3-1, noting that she voted against it. She said the Planning Commission reviewed other cities' noise ordinances and determined that setting decibel levels was the easiest option for enforcement. She said she disagreed with the last section of the draft ordinance allowing higher noise levels at any hour for specified lengths of time. She suggested the City consider changing the building code to include noise abatement requirements.

Councilmember Hamilton stressed that the issue is not simply noise in commercial areas, but noise crossing over into residential areas. He said other businesses do not receive many noise complaints, likely because they are not closely abutted by residential areas. He said the City's role is to protect both sides, and that nightclubs can exist in the City but must build in suppression controls. Councilmember Carter said as the city grows other areas will have issues of commercial area noise near residential areas. She also suggested the Council consider zoning options.

Councilmembers discussed legal issues, enforcement and abatement options. Councilmember Decker said he strongly felt the ordinance should allow only civil infractions for violations and not include the option for criminal infractions. He said criminal infractions are more costly and put the City at greater legal risk. City Attorney Dionne said the Police Department recently received decibel reading equipment and has been training staff to use it. He said the equipment is a valuable tool and may give officers more confidence in enforcement. He warned against depending on decibel levels alone for enforcement. He said from the perspective of his legal office, there is not enough enforcement of the current code. He suggested the City attempt to resolve the specific issue between the business and residents rather than passing new code at this time.

Councilmember Rackley said it seems reasonable to continue collecting data, try to work out the issue between the Diamond Lounge and residents, and not adopt a new ordinance at this time. Councilmember Hamilton agreed, but said the City must take action if the issue is not resolved soon. Councilmember King said the Council needs to look at revising the zoning codes. He said he agreed with Councilmembers Hamilton and Rackley that more time should be spent to work out a local solution to the temporary problem between residents and the business. Councilmember Carter said the residents are dealing with the noise every night and requested that a deadline be set. Councilmembers discussed time frames for resolving the concerns of residents and the Diamond Lounge, gathering additional sound level data, and continuing Council discussions.

Councilmember Decker moved to table proposed Ordinance AB08-62 to the May 20, 2008 Council Workshop. Councilmember King seconded the motion.

City Attorney Dionne clarified that with this motion the Council would formally table the item and return to discussion of the Ordinance on May 20, 2008. Mayor Johnson said he will report any new information to the Council weekly or as it becomes available.

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

7:17:36

At 7:17 p.m. Councilmember Rackley moved for a seven minute break. Councilmember Decker seconded the motion.

Motion approved 7 – 0.

7:30:29

3. Presentation and Discussion: AB08-88 – Comprehensive Water System Plan Update – RH2 Engineering.

Public Works Director Grigsby introduced Geoff Dillard from RH2 Engineering, noting that the updated plan is the culmination of two years of work and past litigation. Chief Financial Officer Juarez said the RH2 report includes a study of water system capital assets, which is in line with recent Council legislation. Mr. Dillard's presentation covered supply capacity, demand, storage volume, conservation, policies, wholesale supply options, system inventory and valuation and recommendations. He highlighted several issues for the Council to consider, including water service boundaries, Department of Health approvals, conservation planning, and single-family versus multi-family consumption ratios. His recommendations included adding supply capacity from the City of Tacoma, adding storage capacity, protecting water sources, promoting conservation, increasing operations and maintenance staffing, and exploring the potential for reclaimed water use.

Director Grigsby commented that lack of documentation was a major weakness in the City's past lawsuit over SDC rates. He said the reports prepared by RH2 Engineering and FCS Group would provide the City with one source of information that would be kept up to date in the future.

8:26:44

4. AB08-89 - Presentation and Discussion: Water Supply Purchase Cost Analysis and SDC Calculation – FCS Group.

Angie Sanchez, FCS Group, offered a presentation titled 'City of Bonney Lake Water System Development Charge Update and Water Supply Alternatives Evaluation.' She highlighted SDC options, methodologies, policy decisions and directions, and water supply alternatives. City Attorney Lance Andree offered additional input on policy direction and deduction options. Councilmembers debated whether grants, developer contributions and outstanding debt should be deducted in the SDC methodology. Mr. Dillard said the selected methods balance the costs of growth (for new customers) and repair/replacement (for existing and new customers) in the system. Director Grigsby stressed that the policy directions proposed by FCS Group are conservative and help ensure the SDC rates are legally defensible. Mayor Johnson suggested the Council consider the information presented and return to discussions at the April 15, 2008 Workshop.

At 9:24 p.m. Councilmember Decker moved to take a five minute break. Councilmember Rackley seconded the motion.

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

9:25:27

5. Executive Session: Pursuant to RCW 42.30.110, the City Council adjourned to an Executive Session at 9:25 p.m. for 10 minutes to discuss current and potential litigation. At 9:37 p.m. the Executive Session was extended for 5 minutes. At 9:44 p.m. the meeting was extended an additional 5 minutes. The meeting reconvened at 9:45 p.m.

Due to the late hour, Council decided to pull the remaining items from the night's agenda and forward them to the next workshop on April 15, 2008.

Mayor Johnson reminded the Council of an upcoming tour of the Gig Harbor YMCA facility on Saturday, April 5, 2008. In addition to the Mayor and city staff members Sue Hilberg and Woody Edvalson, Councilmembers Hamilton, Carter, Rackley and King said they plan to attend. The Mayor said a special meeting notice would be posted since four or more councilmembers plan to attend.

6. ~~Council Open Discussion~~

7. ~~Review of Minutes: March 18, 2008 Council Workshop, March 25, 2008 Council Meeting.~~

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

9. ~~Discussion: AB08-46 – Resolution 1801 – Naming Park Adjacent to Bonney Lake Elementary as Viking Park.~~

9:48:04

10. Adjournment.

At 9:48 p.m., Deputy Mayor Swatman moved to adjourn the meeting. Councilmember Rackley seconded the motion.

Motion approved 7 – 0.

Harwood T. Edvalson, CMC
City Clerk

Mayor Neil Johnson, Jr.

Items submitted to the Council meeting of April 1, 2008:

- East Pierce Fire & Rescue – *East Pierce Fire & Rescue Annexation Vote Questions & Answers* – Fire Chief Dan Packer.
- East Pierce Fire & Rescue – *East Pierce Fire & Rescue 2007 Annual Report* – Fire Chief Dan Packer.
- City of Bonney Lake – *E-mail to Neil Johnson and John Vodopich Re: Noise Ordinance* – City Attorney Jason Schumann.
- City of Bonney Lake – *D08-62 (Draft Noise Ordinance)* – City Attorney Jason Schumann.
- City of Bonney Lake – *Comprehensive Water System Plan Revised Chapter 5* – Public Works Director Dan Grigsby.
- RH2 Engineering – *City of Bonney Lake Comprehensive Water System Plan April 2008 Presentation* – Geoff Dillard.
- FCS Group – *City of Bonney Lake Water System Development Charge Update & Water Supply Alternatives Evaluation* – Angie Sanchez.