

**CITY COUNCIL WORKSHOP**

City of

May 6, 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](http://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 5:32 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, Chief Financial Officer Al Juarez, Deputy City Attorney Jeff Ganson, Administrative Services Director/City Clerk Harwood Edvalson and Records & Information Specialist Susan Duis. Community Services Director Gary Leaf arrived at 7:06 p.m.]

**Agenda Items:**

5:32:52

- 1. Action: AB08-118 – Resolution 1847 – WSDOT Pedestrian & Bicycle Safety Grant Application – SR-410 Sidewalk Project. [F 5.2.5] [O 4.11.1]

City Administrator Morrison explained that Executive Assistant Joel Thompson had been working with Director Grigsby and City Engineer John Woodcock on the grant application. The grant would build the ‘missing link’ of sidewalk on SR 410 in the Midtown area. He said it was an ambitious request but that the City received funds from this grant program in the past. The Council would be asked to accept any grant funds offered.

**Councilmember Rackley moved to approve Resolution 1847. Councilmember Carter seconded the motion.**

Deputy Mayor Swatman noted the proposed resolution was reviewed by the Finance Committee. He thanked staff for looking forward and proposing grant funding for sidewalks in an area that is not planned for development. Councilmember Bowen expressed his support for the grant application, and asked if the City’s expected costs could be higher than expected. City Administrator Morrison said matching funds are not required but can make the application more competitive. Mayor Johnson congratulated staff on their efforts.

**Motion approved 7 – 0.**

5:40:49

- 2. Council Open Discussion.

Photo Enforcement Program Update

Councilmember King reported on his visit with Police Officer Vince Sainati and Court Clerk Darlene Gregg to two potential photo enforcement program companies in Arizona. He said both potential contractors had good quality assurance in place and were rapidly expanding. He said he felt contracting with either company would be more successful than the city’s previous contract with Nestor.

Councilmember King said the group provided information and traffic data for the City's school zones to both companies. The companies both said the average speeds in the school zones (19.8 miles per hour) is not high, and the flashing lights installed seem to be working. Both companies suggested installing red light cameras, but they both said now is not an appropriate time for red light studies or camera installations, due to the various upcoming construction projects on State Route 410. Councilmember King said both the companies are competitive, but are not a fit for the City now. He suggested the City revisit these options in a couple of years.

Chief Mitchell said the Police Department has a speed enforcement program in place and will continue that work. Mayor Johnson said Chief Mitchell will provide monthly updates to the Council. Councilmember Hamilton said he was opposed to the camera program, and that it is wrong to look at photo enforcement programs as a revenue stream. He said these contracts blur the line between profits and public safety.

#### Citizen in the News

Mayor Johnson said Bonney Lake citizen Melanie Roach was featured in the New York Times today in an article about her bid for the 2008 Olympics.

5:58:18

3. Review of Minutes: April 15, 2008 Council Workshop and April 22, 2008 Council Meeting.

Seeing no suggested changes or corrections, the minutes were moved forward to the May 13, 2008 Council Meeting for approval.

5:59:00

4. Discussion: AB08-119 – Compass Pointe Capital Improvement Plan and Eastown Project Updates.

Mayor Johnson asked Council how to move forward with discussion, noting that staff, developers and individuals were in attendance and wanted to speak. Councilmember Bowen and Decker said the issue is important and asked more than 5 minutes be given to speakers. Deputy Mayor Swatman said everyone's equal access to the Council must be respected, and the next time a group wishes to speak they should be treated the same. Councilmembers discussed the options and consensus was reached to begin with a report from Public Works Director Grigsby.

Director Grigsby provided a summary of projects in Eastown known to the Public Works and Planning & Community Development Departments. He described the status of various developments and plan submittals. He said the SR 410 widening project design is underway and construction should begin in 2009.

Councilmember Hamilton said he remembered a great deal of discussion in the past about setting up a Utility Local Improvement District (ULID) to fund the sewer lift station. Director Grigsby said options include ULID, latecomer's agreements or an agreement between the Eastown property owners. Councilmembers discussed how the current lift station plan developed. Mayor Johnson said at the beginning the lift station was the only issue, but now everything else with development has come into play and the focus has changed. Councilmember Grigsby said based on the original scheduled agreed to between the City and developers, construction on the lift station could still begin in July 2008. He said if the City chose to start the LID process construction would likely not begin until March 2009. Director Grigsby also described access issues on SR 410, which is a Class 2 highway. He said the ordinance related to Eastown requires property owners to connect to the planned frontage road when they develop their properties.

Councilmember Bowen noted he is the Councilmember for Ward 4, and that it seems that Eastown has stopped and he was not sure of the cause.

**Councilmember Decker moved to end Council discussion and allow representatives from Eastown to speak for up to 10 minutes each. Councilmember Rackley seconded the motion.**

**Deputy Mayor Swatman moved to amend the motion to allow five minutes per speaker. Councilmember Decker seconded the motion.**

**Amendment approved 4 – 3.  
Councilmembers Bowen, Hamilton  
and King voted no.**

Mayor Johnson clarified that the motion on the floor is to allow any individual up to 5 minutes to speak regardless of whether they represent a group.

**Councilmember Rackley moved to amend the motion to allow the representative of a group up to 10 minutes to speak. Councilmember Decker seconded the motion.**

**Amendment approved 4 – 3.  
Councilmembers Carter, Hamilton,  
and King voted no.**

**Amended motion approved 7 – 0.**

David Passmore, P.O. Box 1962, Auburn, represents a large group of property owners in Eastown, many of whom were in attendance. He described Eastown's zoning and annexation history. He said in 1999 Bonney Lake city officials courted property owners for annexation, and promised sewer and water infrastructure in return. Since then there have been many delays. He said he and 85% of the Eastown property owners came to the City two years ago with a petition favoring a ULID for the sewer lift station, but the Gienger development group came forward and said they would build the lift station instead. He said the planned placement of the sewer line has also changed, from paralleling SR 410 to coming down 96<sup>th</sup> St E. He asked that alternatives plans be made, because it is not cost effective now for any property owner to develop or sell. He asked the City not to focus on Gienger alone, but to look at the entire corridor.

Public Works Director Grigsby said the original plan was to run the sewer line alongside SR 410, but sewer lines cannot be put under a paved DOT road, sidewalks or other buildings. It was determined the only available right of way north of SR 410 was along 96<sup>th</sup> St E. He also explained that during the Comprehensive Plan development process, Eastown property owners wanted flexibility in the placement of the future frontage road.

Mr. Passmore said property owners need to be fairly compensated for having to dedicate part of their lands to public roads. Mayor Johnson noted there is no plan outlining when the mandatory north-south running public roads would be built. He said he hopes a plan can be worked out that allows everyone to win.

Les McCluggage, 19624 96<sup>th</sup> St E, Bonney Lake, is one of nine property owners on 96<sup>th</sup> St E. He asked who owned the open property between 96<sup>th</sup> St E and SR 410, where he saw trees had been tagged. Director Grigsby clarified that the property is located in Midtown where 198<sup>th</sup> Ave E joins SR 410, and that the open space is likely the right of way for SR 410. Mr. McCluggage said he is still on a septic system and asked about future sewer connections. Deputy Mayor Swatman confirmed that there is no current sewer work on the area, just the work to widen SR 410, installing sidewalks, and the Lowe's development.

Raymond Frey, of Halsen Frey LLC and Eastown LLC, spoke as a developer of Compass Pointe (also known as the French property). He said he has a \$10 million development just in the intersection, improvements, sewer lift station, public streets and mitigation fees. He said \$225,000 had already been spent. He recommended that the financial burdens are regional and should be made a regional expense, rather than putting it all on one developer. He suggested the 96<sup>th</sup> St E connections be added to the six-year Transportation Improvement Program (TIP).

Mr. Frey said the sewer lift station design cannot proceed until 96<sup>th</sup> St E improvements and grading is planned. He said Pierce County is waiting for Eastown LLC's Transportation Impact Analysis (TIA), and the City will not review the TIA as it was submitted. He said the TIA can't be submitted until an agreement is worked out with the City.

Director Grigsby said the City has not formally reviewed the TIA, but looked at the development's proposed right-in, right-out access to SR 410 and rejected it as it does not comply with the WAC and City code. He said if a plan that met the codes was submitted, it would be reviewed and the process would continue.

Mr. Frey said the users they have in mind for the development will not accept the site unless additional access is available. He said a variance procedure is available through WSDOT and if the City supports it, the variance would likely be approved. He said a traffic engineer was also in attendance who could offer more information.

Andrew Dempsey, Traffic Solutions, Inc., is a consultant for the Compass Pointe project. He said it is possible to have infrastructure built along with development, but in this case the cost of the infrastructure is too great for one developer. He said the deviation for access from SR 410 to the site could be evaluated and supported by the City. He gave examples of other projects that had been approved by WSDOT for right-in, right-out access outside the WAC standards. He said his client asks the City to add the public roads to the Traffic Improvement Program and Traffic Impact Fee list. He said the developer wants to help but that the City needs to take leadership.

At 7:54 p.m. Councilmember Decker requested a seven minute break. Mayor Johnson brought the meeting back to order at 8:05 p.m.

Rick Gienger, an Eastown owner and developer, said WSDOT has stepped forward to assist the development of the traffic intersection. He said has spent \$100,000 on the Traffic Impact Analysis and had it sent back due to one midpoint access issue. He said he finds a wall in front of him every time he turns around, and then finds people saying he is delaying the process. He noted the intersection is bigger than any other in Bonney Lake or Puyallup currently. He said he has a full design completed, though the City considers it at 30% for submittal.

Councilmember Hamilton asked when building the intersection became one developer's responsibility. Mayor Johnson said he did not know if that discussion really happened. He agreed that Eastown is a regional project, and the key is how to get everyone to participate. Councilmember Bowen stressed the key issue for most of those in attendance is the sewer lift station, and said the City needs to gain focus to avoid missing a great opportunity with Eastown.

Councilmembers discussed the possibility of applying for a variance for right-in right-out access with WSDOT and whether it could be approved. Director Grigsby said the access is not to code for several reasons. He also noted that another public road is planned for 200' beyond the site access proposed by the developer, which is too close.

Larry Abraham is a commercial developer who has worked on projects in Bonney Lake including the Greenwood project. He said part of the reason the sewer lift station has stalled is the undulation of 96<sup>th</sup> St, and waiting for determination from the TIA for what the speed limit will be. He said Mr. Gienger had received a lower estimate from a consultant for construction of a water main than what has been described by the City. He suggested excess funds from the \$850,000 appropriated for the project could be used to fund infrastructure in Eastown. Mayor Johnson explained the funds were taken from the water enterprise fund and cannot be used elsewhere.

Seeing no other speakers, Mayor Johnson asked Director Grigsby to respond to comments. He said TIF credits could not apply to the projects described by Mr. Dempsey due to regulations. He

said an LID is one mechanism for ensuring all property owners cover the cost rather than one person. Mr. Dempsey argued the TIF fund is appropriate for the proposed projects. Mayor Johnson asked Deputy City Attorney Ganson to research the question and to provide the Council with more information.

Mayor Johnson said these issues were brought to Council as the decision cannot be laid on staff alone. He said there are many issues to consider, including whether it makes sense to add a road connecting to land outside City limits that is not likely to be annexed. He asked the Council how they wanted to move forward; consensus was to continue discussion at the next Workshop on May 20, 2008. Mr. Abraham said he is facing a timeline with WSDOT.

Council consensus was to table AB08-119 to the May 20, 2008 Council Workshop.

8:51:13

5. Discussion: AB08-34 – Ptarmigan Ridge Street Vacation.

Director Vodopich said the legal staff had created a draft ordinance for the street vacation that would be available before the May 13, 2008 Council Meeting. As part of the proposal, Ptarmigan Ridge would pay \$319,000 and property owner John Bennett would vacate a portion of his property on Church Lake Road to the City. He said the City Engineer supported both requests. Deputy Mayor Swatman said the property swap seems to be a good idea, and Councilmember King noted the City does not profit in any way by keeping the right of way. Councilmember Hamilton asked whether other area parcels have other options for road access, which Director Vodopich confirmed. Deputy Mayor Swatman asked if the funds received for the right of way could be dedicated to city parks; Director Vodopich said at least 50% of the funds must be dedicated to open space or transportation projects. Council consensus was to move the item forward to the May 13, 2008 Council Meeting.

9:03:56

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

**Councilmember Rackley moved to table discussion of the NLC Platform to the May 20, 2008 Workshop. Councilmember Decker seconded the motion.**

Mayor Johnson said he believes the Council should provide input, and focus on creating a City Platform rather than giving all the credit to the NLC. Councilmember Rackley said he felt the issue deserved more time, and given the late hour should be revisited at the next Workshop.

**Motion to table approved 4 – 3.  
Deputy Mayor Swatman and  
Councilmembers Carter and King  
voted no.**

9:05:52

7. Discussion: AB08-21 – Resolution 1785 – Adjustment of City Administrator’s Employment Agreement.

Deputy Mayor Swatman said the proposed resolution had been reviewed several times by the Finance Committee, and that some issues had been taken out. Councilmember Bowen suggested the item is premature and should be included in upcoming budget discussions. Councilmember Decker asked whether the City Administrator should be present during discussions; Deputy City Attorney Ganson said that as Mr. Morrison is not a member of the Council and has no vote, there is no conflict. Mayor Johnson said the adjusted agreement adds ‘Chief Contract Officer for the City’ to the responsibilities. He said the City Administrator does a tremendous job and lends stability for the department heads and staff. Deputy Mayor Swatman noted the City Administrator of Lakewood’s salary is now \$150,000 per year, and the proposed adjustment is very affordable. The item was moved forward to the May 13, 2008 Council Meeting by consensus.

8. Executive Session: None.

9:09:55

9. Adjournment.

**At 9:10 p.m., Councilmember Rackley moved to adjourn the meeting. Councilmember Decker seconded the motion.**

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

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Harwood T. Edvalson, CMC  
City Clerk

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Mayor Neil Johnson, Jr.