

CITY COUNCIL WORKSHOP

City of

May 20, 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 5:30 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 James Rackley. Councilmember Dave King was absent.

Councilmember Rackley moved to excuse Councilmember King. Councilmember Carter seconded the motion.

Motion approved 6 – 0.

[Staff members in attendance were City Administrator Don Morrison, Public Works Director Dan Grigsby, Community Services Director Gary Leaf, Planning & Community Development Director John Vodopich, Detective Sergeant Jeff Miller, Deputy City Attorney Jeff Ganson, Chief Financial Officer Al Juarez, Administrative Services Director/City Clerk Harwood Edvalson and Records & Information Specialist Susan Duis]

Agenda Items:

5:30:28

1. Continued Discussion: AB08-62 – D08-62 – Proposed Changes to Noise Ordinance, Amending BLMC Chapter 9.44.

Director Vodopich reviewed the proposed ordinance and materials from the City Attorney's office. Deputy City Attorney Ganson discussed the options considered for regulation, including buffer zones, zoning and decibel levels. Councilmember Decker asked whether a noise ordinance would be subject to referendum, which Deputy City Attorney Ganson confirmed. Mayor Johnson distributed a 'Diamond Lounge Activity' report from Police Chief Mitchell with data from April 1 to May 13, 2008. Councilmembers discussed making the first violation a civil infraction, with subsequent violations being misdemeanors. Councilmember Decker was opposed to having criminal charges for noise violations. Councilmembers Rackley disagreed with Councilmember Decker, and that the charges need to be as serious as possible at some point. Councilmember Carter said consensus from the Public Safety Committee was to keep the option for criminal charges. Mayor Johnson said he would get additional comments from Chief Mitchell. The item was moved forward to the May 27, 2008 Council Meeting.

5:47:14

2. Continued Discussion: AB08-119 – Eastown Development Projects.

Public Works Director Grigsby summarized the information provided to the Council, including responses to the questions raised at recent Council Meetings and Workshops. He said no Eastown projects are identified as Transportation Improvement Fund (TIF) projects in the current plan. He said the Compass Pointe developers requested two access variances, both of which are in violation of the Washington Administrative Code (WAC) and Bonney Lake

Municipal Code. He expressed concern that the mapped road at 221st Ave E would not be built if the variance is granted.

Councilmembers discussed mapped roads and funding options. Director Grigsby said adding Easttown roads to the TIF list will greatly increase the fee amounts. He said the roads benefits the area but not the entire City like other TIF projects. Deputy City Attorney Ganson said the Local Improvement District (LID) is an appealing option to distribute costs evenly, but requires a long legal process and must have broad-based support to be successful. Deputy Mayor Swatman said TIF process is also large and complex and does not solve the immediate issues.

The Council discussed Compass Pointe's requested variance for a right-in/right-out access west of 225th Ave E. Director Grigsby said the State will likely approve the variance if the City expresses support. Councilmember Bowen said the City has a real interest in Easttown's development, and stressed there is a time limit due to the State's SR 410 road widening project.

Rick Gienger, 11919 Canyon Rd E, Compass Pointe Developer, was invited to speak. He said the original 'deadline' was November 2008 but was supposed to be pushed back to February 2009 or later. He said his most urgent concern is gaining approval for a right-in/right-out variance for midpoint access to the development. Once the variance is approved, the Traffic Impact Analysis (TIA) can be submitted and the SEPA process started. He said their traffic engineering consultant feels the right-in/right-out access will not create a safety issue and will actually improve traffic around 225th Ave E. He said the State did not express any concern with a right-in/right-out midpoint access west of 225th Ave E at previous meetings.

City Administrator Morrison said the Bonney Lake Municipal Code appears to allow latecomer agreements for mapped streets. Director Grigsby said the WAC, however, does not allow latecomers agreements for roads. City Administrator Morrison said the City could consider grating a temporary right-in/right-out access until the mapped street at 221st Ave E is built. Deputy Mayor Swatman noted all the other Easttown properties are allowed right-in/right-out access to SR 410 currently.

Director Grigsby requested Compass Pointe submit a revised TIA that addresses the 221st Ave E mapped street and access points on the frontage road and 225th Ave E. Mr. Gienger said they would submit an amended TIA as soon as possible. Mayor Johnson asked Director Grigsby to get input from the State on the proposed variance, and provide that for future discussions.

At 7:05 p.m. Councilmember Rackley moved for a 10 minute recess. Deputy Mayor Swatman seconded the motion.

Motion approved 6 – 0.

Mayor Johnson brought the Workshop back to order at 7:18 p.m.

7:18:23

3. Council Open Discussion.

Absence from Council Meeting

Mayor Johnson said he would not be able to attend the May 27, 2008 Council Meeting.

Espresso Stand Complaints

Mayor Johnson said Administrative Specialist I Melissa Johnson, at the City Hall front desk, was recording complaints about local coffee stands. She recorded nine complaints on May 12; five complaints on May 13; eight complaints on May 14; four complaints on May 15; one complaint on May 16; one complaint on May 19; and two complaints on May 20. He said most of the calls and emails have been local, though some have come from residents in the surrounding community. Councilmember Bowen said he also received emails and calls.

Melanie Roach at 2008 Olympics

Mayor Johnson noted Bonney Lake Citizen Melanie Roach recently appeared in the Tacoma News Tribune for her Olympic bid.

Initiative Referendum Proposed Changes

Councilmember Decker distributed his suggested changes to Municipal Code Chapter 2.64 regarding the initiative Referendum process. He asked the Council and City Administrator to review the document for feedback at the next Workshop.

Police Patrols at Lake Tapps

Councilmember Hamilton asked if the Police Department would have additional patrols on the Lake. Detective Sergeant Jeff Miller said the Police boat is in the water and the summer schedule detail was being set up.

Appliance Removal

Councilmember Bowen said he received a handout about appliance removal from DM Disposal. He said most dealers could get a better price for scrap metal removal. He noted this was not a cost to the City, but wanted to say the numbers seemed pessimistic.

Water Rights

Councilmember Bowen asked Deputy Mayor Swatman for clarification about Buckley's water rights. Deputy Mayor Swatman said Buckley has an agreement from the early 1900's which is being reviewed. Mayor Johnson said this would be part of the ongoing conversations with the Cascade Water Alliance, the Department of Ecology and area cities.

7:27:09

4. Discussion: Citizen Complaints That Employees of Some Espresso Stands Offend The Public Decency.

Deputy City Attorney Ganson said his office is evaluating regulation options such as zoning, adult entertainment, indecent exposure and public nudity ordinances. He said they are reviewing thousands of pages of information to determine the City's authority on this issue. He said the City must identify a clear definition of the problem and secondary affects, and needs to gather statements and documentation of the problems.

Councilmember Hamilton said most of the problems seem to stem from the drive-through aspect of the business, and that the employees can be seen from the road. Councilmember Decker said distracted drivers could be a safety hazard. Deputy Mayor Swatman said the more offensive issues he has heard of are at the Hot Chick-a-Latte stand, while Cowgirls Espresso's policy does not allow employees to wear pasties.

Mayor Johnson said he has met with the Cowgirls Espresso owners, who said their employees would never wear pasties. The owners said they plan to donate clothes from last weekend's clothing drive to Lions-4-Kids. They also said they want to offer a fun experience and will follow all laws. Mayor Johnson said Chief Mitchell met the owner of the Hot Chick-a-Latte stand, who expressed concern and said he might attend a Council Meeting to offer more information. Mayor Johnson said he would contact the Hot Chick-a-Latte owner directly.

Councilmembers questioned whether the Hot Chick-a-Latte stand received permits for its windows; Director Vodopich said there would have been no reason to deny such permits. Councilmembers expressed concern about public safety and criminal activity related to these businesses. Mayor Johnson said he was also concerned, and that Cowgirls Espresso plans to install security cameras at their location. Detective Sergeant Miller said there are about twenty registered sex offenders in Bonney Lake currently.

Deputy City Attorney Ganson said his office has not found case law related to this issue yet, and that it brings up complex constitutional issues. Mayor Johnson said Auburn Mayor Pete Lewis is dealing with a similar issue in his City. He said it is positive that the Council is talking about this issue and considering what citizens want in their community.

7:47:43

5. Discussion: 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.

Mayor Johnson said the proposed resolution was drafted to address concerns of tying City goals to the National League of Cities. Councilmember Carter said everything included is good for youth and families and she would support the proposed resolution. City Administrator Morrison said Councilmember King expressed his support via e-mail, as he could not attend the Workshop. Councilmember Bowen suggested students get high school credit for attending Council meetings. Mayor Johnson said he is working with the School District on ways to get students involved. He said a student from Lakeridge Middle School won the chance to be the honorary Mayor for a day through a school auction. The student will take a tour of City offices and open the June 10, 2008 Council Meeting.

7:50:51

6. Discussion: AB08-121 – Resolution 1849 – Ratifying A Purchase and Sale Agreement To Acquire The Stoltz Property at 18420 89th St E and Approving A Lease Back Of The Property To The Sellers For A Period Of Time.

City Administrator Morrison said the parcel is the center of the Civic Center and completes the core area. He said the negotiations were protracted but voluntary, and the price is reasonable. He said the current owner will lease the house until it is needed for City purposes. Councilmember Decker asked how much of the Justice Center bond has been spent to date. City Administrator Morrison said he would send that information to the Council. He added that the lease funds will go back into the General Government Capital Improvement Project fund.

7. Executive Session: None.

7:55:26

8. Adjournment.

At 7:55 p.m., Councilmember Rackley moved to adjourn the meeting. Councilmember Carter seconded the motion.

Motion approved 6 – 0.

Harwood T. Edvalson, CMC
City Clerk

Mayor Neil Johnson, Jr.

Items submitted to the Council meeting of May 20, 2008:

- City of Bonney Lake – *Diamond Lounge Activity 4/1/08 to 5/13/08* – Mayor Neil Johnson.
- City of Bonney Lake – *Ch. 2.64 Initiative Referendum (suggested revisions)* – Councilmember Dan Decker.