

CITY COUNCIL WORKSHOP

City of

August 19, 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"

Audio Time
Stamp ↓

Call to Order:

Deputy Mayor Dan Swatman called the meeting to order at 5:33 p.m.

Roll Call: [A1.3]

City Clerk Edvalson called the roll. In addition to Deputy Mayor Swatman, 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. Mayor Neil Johnson, Jr. arrived at 7:06 p.m.

[Staff Members in attendance were City Administrator Don Morrison, Public Works Director Dan Grigsby, Director of Planning and Community Development John Vodopich, Police Chief Mike Mitchell, Chief Financial Officer Al Juarez, Community Services Director Gary Leaf, City Attorney Jim Dionne, Administrative Services Director/City Clerk Harwood Edvalson and Records & Information Specialist Susan Duis.]

Agenda Items:

5:33:34

Councilmember Decker moved to amend the agenda to exchange Agenda Item 2. (Resolution 1870) with Agenda Item 5. (TIF Rebate Incentive Program). Councilmember Hamilton seconded the motion.

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

5:34:50

1. **Action:** (Tabled from 8/12/08 Council Meeting) - **AB08-147** – A Motion Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Granting Final Plat Approval For Ashton Village.

Councilmember Rackley moved to approve AB08-147. Councilmember Carter seconded the motion.

City Attorney Dionne explained the nature of the motion, and that it is not a quasi-judicial issue and does not normally require a public hearing.

Councilmember Decker moved to close debate. Councilmember King seconded the motion.

**Motion to close debate
approved 7 – 0.**

**Original main motion
approved 7 – 0.**

5:37:02

2. **Discussion:** AB08-158 – Resolution 1870 – Calling for Special Election Concerning A Charter Petition.

Prior to the meeting, City Clerk Edvalson had provided the Council with a memo that responded to various questions asked by Councilmember Carter. Councilmembers discussed potential election dates and determined that the earliest available special election date is February 3, 2009. Council consensus was to put the item on the first available election date. The City Clerk explained that the County determines all election deadlines, including those for submitting resolutions, choosing ‘for’ and ‘against’ committees, submitting statements and rebuttals, etc.

Councilmembers discussed costs for putting an item on a special election rather than the November ballot. The City Clerk said many variables affect the cost of an election, but it generally costs less to run an item in a regular election date rather than at a special election. He said all jurisdictions taking part in an election share the costs. He said the City does not yet know whether other districts will have items for the February 3, 2009 special election, which could affect costs. Deputy Mayor Swatman said he was told by County elections staff that costs vary from \$0.76 to \$7.00 per registered voter, and said an estimate of \$1.90 to \$2.80 per registered voter is probably reasonable. City Administrator Morrison noted that a vote by mail is considered the least expensive option.

Councilmember King suggested revised language to the draft resolution developed by the City Attorney’s office. He requested the addition of the word “then” in the second line from the end of the resolution paragraph, so the sentence reads, “... to be drafted by the charter commission and then submitted to the voters for their consideration...” He said this language does not imply that the voters will or will not approve the proposed charter.

Councilmember Decker said the document is already late. He said his understanding of the Revised Code of Washington is that an election must take place between the 90th and 180th day after the petition is certified as sufficient, while February 3, 2009 is closer to 300 days. He provided the Council with a copy of the original petition, and said it was formally submitted to the Council by the wording on the petition itself. He also said he is the sponsor since he submitted the petition. He said those who signed the petition were being disenfranchised and urged the Council to act as soon as possible. Councilmember Hamilton said from his understanding, the 180-day rule was interpreted differently by City Attorney Dionne. Councilmember Decker said the most feasible election date is February 3, 2009, as the only other option would be to do a write-in ballot.

Council consensus was to move the draft resolution forward to the upcoming Council meetings with the changes suggested by Councilmember King.

At 6:06 p.m. Councilmember Bowen moved for a five minute recess. Councilmember Rackley seconded the motion.

Motion approved 7 – 0.

Deputy Mayor Swatman brought the meeting back to order at 6:13 p.m.

6:13:17

3. **Council Open Discussion:**

Salary Commission

Councilmember Bowen asked whether there are updates on the Salary Commission, noting the high price of gas and previous discussions on whether to appoint commissioners. Councilmember Rackley said there is not a majority to move forward on this issue. Deputy Mayor Swatman said Councilmembers can always submit for transportation reimbursements.

Bonney Lake Days

Councilmember King thanked the City staff and volunteers who made Bonney Lake Days a success. He praised the weather, turnout, entertainment (including Shakespeare) and the mix of businesses and people. He said the sound equipment was improved over last year, as well. Deputy Mayor Swatman also thanked everyone who was involved, and said most of the comments he heard were positive.

City E-Mail

Councilmember Decker said he is using his new City e-mail address, deckerd@citybonneylake.org, for all City business instead of using a personal e-mail address. He said he was initially skeptical but likes the set up and ease of use.

Noise Ordinance

Councilmember Rackley said a citizen asked him about their plan to have a wedding party with live music, and how it might be affected by the noise ordinance. Chief Mitchell said they would need to meet the requirements of the noise ordinance and keep volumes at acceptable levels. He said others in the neighborhood might be opposed to live outdoor music and could call the Police. He said he was not aware of any permits that could be used. The City Clerk said Special Events permits are required for events that involve the use of public right-of-way or street. Chief Mitchell explained that music at City events in the park are allowed through an exception on the noise ordinance.

Lake Access

Councilmember Hamilton said he heard one complaint about the Bonney Lake Days event from a citizen who launched his boat from a private launch and was told by Police Officers that the lake was closed. He asked what authority the City has and whether more signs should have been posted. Chief Mitchell said for the event, the Police considered the lake as a 'traffic way' that can be controlled by Police. He said door hangers were posted on all houses around the lake, and Homeowner's Associations received notices.

Finance Committee Questions

Councilmember King asked for an update on two questions he had asked of Chief Financial Officer Al Juarez. CFO Juarez said he already replied to one question by email and would reply to the second question within the next couple of days.

Information Technology

Councilmember King asked for if Information Services Coordinator Chuck McEwen could come to a future Council Workshop to update the Council on the live camera

placed at the Allan Yorke skate park. He said he is curious about the number of hits and if there have been any comments. He said he has noticed recent improvements to the web site and that more current information is being made available. He asked for information on future plans for the web site. Councilmember Rackley said he knows professionals and citizens are accessing information and forms from the website.

Inlet Island Rezone Public Hearing

Councilmember Decker asked about the notice of public hearing he received regarding a rezone application for Inlet Island. He said he had not received any information about it. Director Vodopich reminded Council that before former Councilmember DeLeo left the Council, he had Council support to initiate a Comprehensive Plan amendment to change the zoning designation on the island from R-2 to R-1. Director Vodopich said there is a similar proposal going forward for Church Lake. He said the Inlet Island rezone issue will come before the Planning Commission for a public hearing on September 3, 2008 and then come to the Council for consideration. Councilmember Decker said the zoning should not be changed. He said it was important to continue allowing accessory dwelling units, which are not allowed in R-1 zoning. He said the rezone would diminish property values on the island.

Lions 4 Kids Demolition Event

Deputy Mayor Swatman reminded Council that Lions 4 Kids needs volunteers to help with demolition and clean-up at their new site. Councilmember Carter also urged people to attend. The event takes place Saturday, August 23, 2008 from 8:00am to 5:00pm at 18429 89th St E.

Accessory Dwelling Units

In response to a question from Deputy Mayor Swatman, Director Vodopich gave an update on the Accessory Dwelling Unit (ADU) issue discussed by Bonney Lake citizen Russ Rudolph at the August 12, 2008 meeting. Director Vocopich said he is continuing to work on these issues with legal counsel and Code Enforcement. He explained that a heated 'great room' was built over the garage adjacent to a duplex. The building permit was granted on the condition that the room not be converted into an ADU or living space, as the code prohibits ADUs with duplexes. Director Vodopich said in the past, permit staff worked on the assumption that if a full stove or 220V outlet was installed in a unit, it is considered to have a kitchen. He said the Municipal Code describes 'independent cooking and living facilities' in more general terms. Director Vodopich's opinion is that the unit is an independent living space, but the property owner objects that permits were issued with a refrigerator, microwave, etc. in place.

City Administrator Morrison said this property has been an issue for a number of years. He said initially, Code Enforcement worked to make a renter move out of the unit. Later the City understood the room was being used by a tenant of the duplex as a day room only and the case was closed for some time. Councilmember Decker said for insurance purposes, if a unit is occupied one day it is considered occupied for the entire month. Councilmember Carter said other properties in the area have similar rooms over the garage and asked if ADU issues have occurred elsewhere. Director Vodopich said he was not aware of any, but there may be illegal ADUs that have not been reported. Deputy Mayor Swatman said many lakeside homes have lower units that could easily be rented out, and there are likely other non-permitted ADUs in R-1 areas. He asked Director Vodopich to update the Council in the future.

Bark in the Park

Councilmember Carter said the first annual Bark in the Park event is scheduled for Saturday, August 23, 2008 at 10:00am to 2:00pm at Allan Yorke Park. She said there will be contests, exhibits, vendors, and adoptable dogs, and Metro Animal Services will provide discounted micro-chipping services.

6:41:35

4. **Review of Council Minutes:** July 15th Council Workshop, July 22nd Council Meeting, August 11th Special Council Meeting, August 12th Council Meeting.

By consensus of the Council, the minutes were forwarded to the August 26, 2008 Council meeting with the following corrections:

July 22, 2008 Minutes, p. 3, in John Oliphant's comments, change to read, "not many businesses will meet a \$300,000 tax threshold," rather than \$30,000.

August 12, 2008 Minutes, p. 5, below Roger Watt's comments, change the first sentence in the second paragraph to "City Engineer John Woodcock," not Director John Vodopich. And on p. 7, under National Night Out, revise the last sentence to read "Councilmember Rackley thanked Councilmember Hamilton for helping to umpire the baseball game."

6:45:30

5. **Discussion:** AB08-20 – D08-20 – Transportation Impact Fee Rebate Incentive Program – Consensus On Next Steps.

Councilmember Rackley said the Community Development Committee reviewed a report from Transpro recommending that the City should switch to the WSDOT inflation factor, which is tied to road construction and maintenance costs. Transpro also suggested the Transportation Impact Fee (TIF) be raised to \$6,000. He said the revised inflation factor will come to Council for review soon, but raising the TIF needs further review.

Councilmember Rackley said all businesses should qualify for the rebate, and all areas of town should be included. Councilmember Bowen said the expiration or 'sunset' date should be extended or eliminated. Councilmember Carter agreed that the sunset date should be later than 2012. Deputy Mayor Swatman said the program should be more targeted to specific areas and types of businesses. He said Eastown needs anchor stores while Downtown needs smaller businesses and restaurants. He said businesses that are already located in the Downtown area should also be offered incentives. Councilmember King agreed that other incentives should be offered to encourage redevelopment in the Downtown area. Councilmembers King and Hamilton spoke in favor of the 'final' draft ordinance, noting it would be simpler to administer and targets specific areas.

Director Grigsby said the DOT plans to advertise for bids for the SR 410 road widening project in late summer of 2009 (once the required surveys are completed), and intends to complete the project during the 2010 construction season. Director Grigsby said the City plans to advertise for the Sumner-Buckley Highway intersection improvements by the end of the year and to complete the project in the 2009 construction season. Other factors impacting the project include funding from Cascadia for intersection improvements and acquiring adjacent portions of right of way. Councilmembers discussed how delays could affect Downtown and Eastown development, and whether the sunset date for the proposed incentive program should also be pushed back.

Larry Ingraham, Eastown developer, was invited by the Council to speak. He said he had not heard about the SR 410 project delays until that evening. He said water and sewer service is needed in order to develop Eastown. He said the City planned to wait until WSDOT is prepared for construction before it will expand the water main for Eastown. Mayor Johnson said the City will need to evaluate plans in consideration of the DOT project delays. Councilmember Decker suggested that the City should organize a blue ribbon committee consisting of Eastown developers and City administrative staff to work out the ongoing issues. Mayor Johnson said the City will continue to work with Eastown developers to discuss how to move forward.

After additional discussions, the Council reached consensus on the following items for further consideration:

- The version described as the ‘final’ draft ordinance in the agenda packet will be brought forward for a Council vote;
- The sunset date will be removed from the draft ordinance; and
- The minimum sales tax level will be set at \$25,000 per year.

Council consensus was to bring the draft ordinance forward for a vote at the August 26, 2008 Council Meeting.

6. Executive Session: None.

7:46:24

7. Adjournment.

**At 7:46 p.m., Councilmember Rackley moved to adjourn the meeting.
Councilmember Bowen seconded the motion.**

Motion approved 7 – 0.

Harwood T. Edvalson, CMC
City Clerk

Mayor Neil Johnson, Jr.