

CITY COUNCIL MEETING

January 13, 2009  
7:00 P.M.

MINUTES

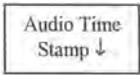
City of



"Where Dreams Can Soar"

*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)



I. **CALL TO ORDER** – Mayor Neil Johnson, Jr. called the meeting to order at 7:01 p.m.

A. **Flag Salute** – Boy Scout Troop #548 led the audience in the Pledge of Allegiance.

B. **Roll Call:** [A 1.3]

City Clerk Edvalson called the roll. In addition to Mayor Neil Johnson, Jr., 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 Jim Rackley.

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

C. **Announcements, Appointments and Presentations:** [A 3.6.9]

1. **Announcements:**

Mayor Johnson asked Councilmembers to be sure to use their microphones when speaking for good quality recordings.

Mayor Johnson announced that Assistant Public Works Director Rick Shannon submitted a letter saying he will be retiring on January 31, 2009. A retirement party is scheduled for January 31, 2009, and those who want to attend should coordinate with Public Works for tickets. Mayor Johnson said Mr. Shannon will be greatly missed.

2. **Appointments:**

a. **AB09-19** – Motion of the Bonney Lake City Council to Confirm the Mayor's Appointment of Karen A. Witters as a Park Board Commissioner.

**Councilmember Decker moved to approve the motion. Deputy Mayor Swatman seconded the motion.**

Mayor Johnson said Karen Witters was unable to attend the meeting, but she is very excited about joining the Park Board. She will replace Leota Musgrave on the board.

**Motion approved 7 – 0.**

3. Presentations: None.

D. Agenda Modifications: None.

7:05:28

## II. PUBLIC HEARINGS, CITIZEN COMMENTS & CORRESPONDENCE:

A. Public Hearings: None. [A 3.6.12]

B. Citizen Comments: [A 1.5]

Louisa Smith, 20112 Church Lake Rd., said the Food Bank received sufficient donations to purchase a newer refrigerated truck and had extra funds left over for insurance and fuel costs. She said funds came from a Muckleshoot Tribe grant, community organizations and individuals. Mrs. Smith also thanked the City staff responsible for setting up the Christmas decorations at Ascent Park. She said they looked very nice and classy. She also thanked the Public Works crew for their work during the winter weather. She said Bonney Lake took better care of its streets, and therefore its citizens, than other cities in the area. She said in years past the roads were not cleared. She appreciated that when potholes appeared after the snow they were filled within a couple of days.

Mayor Johnson agreed with Mrs. Smith's comments and said Public Works and the Council should be proud of the staff's work. He said he is reviewing the City's response internally with the Police Chief and Public Works Director to see what can be done better in the future.

C. Correspondence: None. [A 1.2]

7:10:31

## III. COUNCIL COMMITTEE REPORTS: [A 3.6.4]

A. Finance Committee: Deputy Mayor Swatman said the committee met at 5:30 p.m. earlier in the evening and discussed proposed Resolutions 1907 (a grant for historical markers), 1911 (Chamber of Commerce service agreement) and 1914 (courier services contract).

B. Community Development Committee: Councilmember Rackley said the committee met on January 6, 2009 and forwarded the following items to the Meeting agenda: D09-15 (flood plain regulations), Resolution 1908 (sewer developer extension agreement), Resolution 1913 (water developer extension agreement), and AB09-02 (project completion).

C. Public Safety Committee: Councilmember King said the committee met on January 5, 2009 and forwarded two items to the agenda: Resolution 1901 (Buckley jail services contract addendum) and Resolution 1906 (detective vehicle lease). The Committee also worked on setting goals for 2009 and on revisions to a Memorandum of Understanding for the Auto Theft Task Force agreement. The Committee's next meeting is February 2, 2009.

D. Other Reports:

Vets Meet Vets

Mayor Johnson said he attended the 'Vets Meet Vets' event in Buckley on January 10<sup>th</sup>. Mayors from all the cities on the plateau attended. He said he met veterans from Bonney Lake who asked about services for veterans in the City. Mayor Johnson said he got them in touch with the Veteran's Memorial Committee and is looking at options including making space available for a volunteer to help veterans with claim forms or other services.

Eagle Scouts Ceremony

Mayor Johnson attended a ceremony for Eagle Scouts in a Court of Honor on January 10, 2009. He said three Eagle Scouts from Bonney Lake and three from Sumner all did service projects in Bonney Lake. Brian Judkins worked on landscaping at Madrona Park; Nathan Judkins built a kiosk at Mardona Park; Jon Conklin constructed geese nesting houses on the lake; Jon Ingroup installed a flag pole and flag at the Bonney Lake High School football field; Willy Bulzomi built a kiosk at Allan Yorke Park; and Michael McConkey worked on landscaping, signs and benches at the Lake Jane pool and courts. Mayor Johnson said Jon Ingroup raised \$2,500 through fundraising after a donor withdrew. Mayor Johnson thanked the Eagle Scouts for their projects and said the Cub Scouts, Boy Scouts and Eagle Scouts are doing great things in the community. He encouraged anyone who wants to participate in projects like these to contact Community Services Director Gary Leaf.

Ascent Park Decorations

Mayor Johnson thanked Community Services staff for their work decorating Ascent Park. Councilmember King said he had given the staff a hard time about the cost of LED lights for the gateway, but he has heard many compliments this year. He said the lights are energy efficient, look great and will last many years.

7:19:51

IV. **CONSENT AGENDA:** [A 3.6]

- A. **Approval of Corrected Minutes:** November 25, 2008 Council Meeting, December 2, 2008 Council Workshop, December 9, 2008 Council Meeting ~~and December 16, 2008 Council Workshop.~~ *Moved to Full Council Issues, Item B.*
- B. **Accounts Payable Checks/Vouchers:** Accounts Payable checks/vouchers #53776 thru #53883 (including wire transfer #'s 11122008 & 91000022) in the amount of \$784,058.14; Accounts Payable checks/vouchers #53884 thru #53901 in the amount of \$2,019.99; Accounts Payable checks/vouchers #53902 thru 53972 in the amount of \$393,132.79; Accounts Payable checks/vouchers #53973 thru 54069 (including wire transfer #4215791) in the amount of \$192,098.90; Accounts Payable checks/vouchers #54070 thru 54073 in the amount of \$1,070.68; Accounts Payable checks/vouchers #54074 thru 54074 in the amount of \$2,228.92.
- C. **Payroll Certification:** Payroll for December 1-15th, 2008 for checks 27807-27812, including Deposits and Electronic Transfers for \$ 106,574.69 (Police Department); and Payroll for December 1-15th, 2008 for checks 27813-27842, including Deposits and Electronic Transfers for \$ 252,156.13 (AFSCME and Non-represented). Payroll for December 16-31st, 2008 for checks 27843-27852, including Deposits and

Electronic Transfers for \$ 174,689.04 (Police Department).

Payroll for December 16-31st, 2008 for checks 27853-27889, including Deposits and Electronic Transfers for \$ 387,593.32 (AFSCME and Non-represented).

- D. **AB09-15 – Ordinance D09-15** – An Ordinance of the City of Bonney Lake, Pierce County, Washington, Amending Bonney Lake Municipal Code Sections 16.20.030, 16.20.040, 16.20.060, and 16.20.070, and Their Underlying Ordinances; Repealing BLMC Chapter 16.26, and its Underlying Ordinances; and Adding a New BLMC Chapter 16.26 to Allow for Adequate Flood Control Regulations.
- E. **AB09-01 – Resolution 1907** – A Resolution of the City Council of the City of Bonney Lake, Pierce County, Washington, Authorizing the Mayor to Sign a Grant Agreement with Pierce County to Place Historical Markers in Bonney Lake.
- F. **AB09-04 – Resolution 1908** – A Resolution of the City Council of the City of Bonney Lake, Pierce County, Washington, Authorizing a Sewer Developer Extension Agreement with Michael R. Mastro for the Sunrise Manor Estate Project.
- G. **AB09-09 – Resolution 1913** – A Resolution of the City Council of the City of Bonney Lake, Pierce County, Washington, Authorizing a Water Developer Extension Agreement with Puget Sound Energy Company.
- H. **AB09-16 – Resolution 1901** – A Resolution of the City Council of the City of Bonney Lake, Pierce County, Washington, Authorizing the Mayor to Sign the 2009 Buckley Jail Service Contract Addendum.
- I. ~~**AB09-18 – Resolution 1906** – A Resolution of the City Council of the City of Bonney Lake, Pierce County, Washington, Authorizing a Contract with Northwest Fleet Lease, Corp. Moved to Full Council Issues, Item C.~~
- J. **AB09-02** – A Motion of the City Council of the City of Bonney Lake to Accept as Complete the Bonney Lake Blvd/183<sup>rd</sup>/Locust Roadway, Sidewalk and Watermain Improvements Contract with Les Russell Construction.

**Councilmember Decker requested to move the December 16, 2008 Workshop Minutes to Full Council Issues, Item B., and to move Resolution 1906 to Full Council Issues, Item C.**

**Consent Agenda approved 6 – 1.  
Councilmember King voted no.**

V. **FINANCE COMMITTEE ISSUES:** None.

VI. **COMMUNITY DEVELOPMENT COMMITTEE ISSUES:** None.

VII. **PUBLIC SAFETY COMMITTEE ISSUES:** None.

7:24:56

VIII. **FULL COUNCIL ISSUES:**

- A. **AB09-06 – Resolution 1910** – A Resolution of the City Council of the City of Bonney Lake, Pierce County, Washington, Opposing Proposition 1, Charter Code City.

**Councilmember Rackley moved to approve Resolution 1910. Councilmember Carter seconded the motion.**

Administrative Services Director/City Clerk Edvalson said two people had signed up to speak on the issue, Debbie McDonald and Melissa Johnson. City Attorney Dionne advised the Council that for this type of item, the Council should vote on the Resolution without any citizen comment. After the council vote, those in the audience who wish to express the opposite opinion will be given the same amount of time to speak. Councilmember Decker called a point of order, saying the public was not notified of a Public Hearing on the item. City Attorney Dionne said there is no requirement for a Public Hearing for the proposed resolution. Seeing no further Council discussion, the Mayor called for the vote.

**Resolution 1910 approved  
5 – 0 – 2. Councilmembers  
Bowen and Decker  
abstained.**

Councilmember Bowen said he abstained from voting as he always does for any issue when the Council suggests or infer which way the public should vote. Councilmember King noted that Councilmember Bowen had expressed his decision to abstain from voting at the previous Workshop.

Councilmember Decker said he wanted to explain his reason for abstaining. He said Resolution 1910 is incomplete, misleading, and does not present the true facts for the City. He said recommendations to change the resolution were not followed, and the document is not valid. Mayor Johnson asked Councilmember Decker to be brief in his explanation and asked for the City Attorney's input. City Attorney Dionne said councilmembers have the right to abstain from voting and to state their reason for abstaining. He said if a councilmember wants to discuss an item in depth, the discussion should occur before the vote. He said it is up to the Chair to decide how much time should be allowed to explain the abstention. Councilmember Decker said the document is not complete, is not accurate and needs to be reviewed before it goes further. City Attorney Dionne confirmed for Mayor Johnson that the Resolution was reviewed by the City Attorney's office and deemed legal.

Mayor Johnson asked if anyone in the audience wished to speak in opposition to Resolution 1910. There were no speakers.

- B. **Approval of Minutes: December 16, 2008 Council Workshop.** (Consent Agenda Item A.)

**Councilmember Rackley moved to approve the December 16, 2008 Minutes. Deputy Mayor Swatman seconded the motion.**

**Councilmember Decker moved to table the minutes to the January 20, 2009 Workshop for further discussion. Councilmember Bowen seconded the motion.**

**Motion to table failed 1 – 6.  
Deputy Mayor Swatman and  
Councilmembers Bowen, Carter,  
Hamilton, King and Rackley  
voted no.**

Councilmember Decker said p. 2 of the minutes should be revised from “Councilmember Decker objected and restated his point of order” to “Councilmember Decker objected and stated a point of order, and the Council voted on the issue without hearing the point of order.” He said the rules state that when a point of order is raised, the Chair must listen to the reason for the point of order and decide whether or not it is valid, and then take the vote. He said the vote is not valid until the point of order is heard.

Councilmember Rackley said he had the floor at the time and had called for the question. He asked if that supersedes the point of order. City Attorney Dionne said it should not. He said a point of order should be recognized by the Chair, which was Deputy Mayor Swatman at the December 16, 2008 Workshop. He said the Chair has the right not to recognize a member who he feels is out of order, so the business of the meeting can continue. He said it is the Chair’s authority to decide if a member of the Council has been disruptive of Council business or is in some way abusing his authority to get things done. The City Attorney said though he cannot speak for the Chair, he assumes this is what happened at the December 16, 2008 Workshop.

Deputy Mayor Swatman said the City Attorney is correct, and he felt Councilmember Decker was disrupting the business of the Council. Deputy Mayor Swatman said there was no sergeant-at-arms present, or other action could have been taken. Councilmember Decker said the Sturgis [Standard Code of Parliamentary Procedures] requires the chair to hear and make a decision on a point of order, and does not say if someone is unruly they are not heard. Councilmember Carter said Bonney Lake Municipal Code 2.04.250 refers to the preservation of order, and believes the Chair was preserving order at the workshop. Councilmember Hamilton called for the vote. Councilmember King said he would abstain from voting on the minutes as he was not present at the workshop in question. City Attorney Dionne clarified that the Council should first vote on whether to close debate, and then vote on whether to approve the December 16, 2008 Council Workshop minutes.

**Motion to close debate approved 6  
– 1. Councilmember Decker voted  
no.**

**Original main motion approved 4  
– 0 – 3. Councilmembers Bowen,  
Decker and King abstained.**

- C. **AB09-18 – Resolution 1906 – A Resolution of the City Council of the City of Bonney Lake, Pierce County, Washington, Authorizing a Contract with Northwest Fleet Lease, Corp. (Consent Agenda Item I.)**

**Councilmember Decker moved to approve Resolution 1906. Councilmember Rackley seconded the motion.**

Councilmember Decker asked whether it would be more cost effective to purchase three vehicles rather than leasing them. Police Chief Mitchell said the lease is proposed to limit costs during lean financial times. He said purchasing three vehicles would cost about \$75,000. This two-year lease would cost less and the cars should need minimal repairs and maintenance, after which they can be returned. Councilmember Carter said she understood it is also beneficial to change the detectives' cars regularly so they are not recognized.

Deputy Mayor Swatman reminded the Council that agenda packets are available prior to Meetings, and it is appropriate to ask staff about agenda items prior to the meeting. Councilmember Decker thanked Chief Mitchell and said he is satisfied with the information he heard.

**Motion approved 7 – 0.**

**IX. EXECUTIVE SESSION:** None.

7:48:55

**X. ADJOURNMENT:**

**At 7:48 p.m. Councilmember King moved to adjourn the meeting. Councilmember Carter seconded the motion.**

**Motion approved 7 – 0.**

  
 Harwood Edvalson, CMC  
 City Clerk

  
 Neil Johnson  
 Mayor

No items were submitted to the Council Meeting of January 13, 2009.