

CITY COUNCIL MEETING

**February 10, 2009
7:00 P.M.**

MINUTES

City of



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.

"Where Dreams Can Soar"

Website: www.ci.bonney-lake.wa.us

Audio Time Stamp ↓

I. CALL TO ORDER – Mayor Neil Johnson, Jr. called the meeting to order at 7:02 p.m.

A. Flag Salute – Mayor Johnson 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, Councilmember David Bowen, Councilmember Laurie Carter, Councilmember Dan Decker, Councilmember Mark Hamilton and Councilmember Jim Rackley. Deputy Mayor Dan Swatman and Councilmember King were absent.

Councilmember Hamilton moved to excuse Councilmember King and Deputy Mayor Swatman from the meeting. Councilmember Carter seconded the motion.

Motion approved 5 – 0.

[Staff members in attendance were City Administrator Don Morrison, City Attorney Jim Dionne, Chief Financial Officer Al Juarez, 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, Building Official Jerry Hight and Records & Information Specialist Susan Duis.]

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

1. Announcements: None.

2. Appointments: None.

3. Presentations: None.

D. Agenda Modifications: None.

7:04:12

II. PUBLIC HEARINGS, CITIZEN COMMENTS & CORRESPONDENCE:

A. Public Hearings: None. [A 3.6.12]

B. Citizen Comments: [A 1.5]

Keith Stanley, 10900 193rd Ave E, Bonney Lake, asked how much the Charter Election cost the City. Mayor Johnson said the total is not yet known as Pierce County has not yet sent an invoice. City Administrator Morrison said he estimates the total cost for staff time and County charges at about \$60,000. Mr. Stanley asked

who paid for the 'No Charter' signs around the City, and whether the petition could be filed again in the future. Mayor Johnson said a campaign group paid for the signs, and no City funds were used. Councilmember Decker said his understanding is that if an election to change the form of government does not receive at least 40% of the vote, the election petition cannot be resubmitted for two years.

Roger Watt, 22719 SR 410 E. Bonney Lake, owns a driving range on SR 410 and spoke about the right-in/right-out access issues related to the Eastown LLC development. He said he is not sure what transpired and is disappointed in the outcome. He requested and received information from Public Works Director Grigsby, including a letter from Perry Shea to Mr. Grigsby dated January 17, 2008. The letter from Perry Shea opposes the proposed right-in/right-out access for the development, citing conflicts with the Eastown Plan, mapped streets and frontage roads, and WAC 4.68.52.

He said the proposed Eastown LLC development is exactly what the City is looking for in Eastown and he worries it may not happen. He said there seemed to be agreement during the May 2008 Council discussions about variance options and getting input from WSDOT. Since then, WSDOT has denied the proposal, citing concerns with access on SR 410, which is a Class 2 Highway in that area and requires 660' between access points.

Mr. Watt said he wishes to initiate a review to change State Route 410 between 214th and 234th from a Class 2 to a Class 3 highway. He read his written request into the record and submitted a copy to the City Clerk. Councilmember Decker asked Mr. Watt if he wanted the speed limit to be reduced in that area. Mr. Watt said that is not the major issue but he would not be opposed to a slower speed limit.

Public Works Director Grigsby said only the State can change the highway classification. He said the Public Works department went through the process when Eastown was annexed and the State denied the request. He said he has recently asked for information on the process. Mr. Watt said the issue is confusing as he has heard different things from different people on who is in control of the highway classification and access. He said his main goal is for the Council to do analysis and make a good decision that helps development. Mayor Johnson said the issues are complex and should be discussed in depth at a workshop. He asked Director Grigsby to gather information on highway classifications to provide to Council.

Melissa Johnson, 4912 N Vista Dr E. Bonney Lake, has lived in Bonney Lake since 1997 and is a member of the No Charter committee. She confirmed that the 'no charter' signs were paid for through public donations from concerned citizens. She said those who voted in the recent election have spoken clearly that a City Charter is not the will of the people. She said in the difficult economic times it is unfortunate that funds were spent on the issue of whether to change the form of government. She said in recent years she has seen incredible changes in the right direction, and thanked the Council, Mayor and staff for their effort. Mrs. Johnson said she was President of the Emerald Hills PTO when Councilmember Decker was running for office. At that time the board supported candidate Decker based on the promises he made. She said she has spoken with five people who were on the PTO board at that time, and they all wish to revoke their support. She said they were promised there

would be ward meetings every 90 days, but none have been held yet. She said others in Ward 5 don't feel they are being represented as they want to be. She added that she and other Ward 5 residents came together on rezone issues and were very satisfied their voices were heard by the City. She said they plan to continue to work with the Council in the future.

George Brown, 8410 Locust Ave E, Bonney Lake, congratulated the Council, Mayor and staff for keeping their jobs. He said he is still confused about the intent of the Charter election. He said 90% of citizens voted against the measure. He said positive results of the election are having a larger part of the community aware of what is happening in the City and people getting involved earlier in the process. He asked whether a future petition could re-use the signatures gathered in 2008. City Attorney Dionne confirmed that a new petition would need new original signatures.

Phil DeLeo, 4610 N Island Dr, Bonney Lake, said he was a homeowner's association president in 1992 when the Fire Department asked him to speak to the Council about proposed budget cuts. After that, he started attending meetings. He was later asked to join the Council and was elected, served on several boards and campaigned for things like sidewalks, the skateboard park and other issues. He said he and other Councilmembers always considered the overall benefit of the citizens and the best use of funds. He said he considered sewer and water rates, and opposed rate increases he felt were extravagant. He said the recent election did not put the interests of the City first, and was a frivolous expenditure of time and money.

- C. Correspondence: None. [A 1.2]

7:35:11

III. COUNCIL COMMITTEE REPORTS: [A 3.6.4]

- A. Finance Committee: Councilmember Hamilton said the committee met at 5:30 p.m. earlier in the evening and discussed personnel updates, one item for the consent agenda, and general budget issues.
- B. Community Development Committee: Councilmember Rackley said the committee has not met since the last Council Meeting. The next CDC meeting is March 2, 2009.
- C. Public Safety Committee: Councilmember Hamilton said the committee met February 9, 2009 and discussed out of state sniper training for Police officers. He said the costs will be covered by the Drug Fund and will not affect the general fund.
- D. Other Reports: None.

7:37:37

IV. CONSENT AGENDA: [A 3.6]

- A. **Approval of Minutes**: January 6, 2009 Council Workshop, January 13, 2009 Council Meeting, January 20, 2009 Special Joint Council/Planning Commission Meeting and January 27, 2009 Council Meeting.
- B. **Accounts Payable Checks/Vouchers**: Accounts Payable checks/vouchers #54281 thru #54354 (including wire transfer #'s 1212009, 12082008 & 12302008) in the

amount of \$577,639.67; Accounts Payable checks/vouchers #54355 thru #54356 in the amount of \$307.24; Accounts Payable checks/vouchers #54357 thru 54439 in the amount of \$253,375.94.

- C. **Payroll Certification:** Payroll for January 16-31st, 2009 for checks 27975-28012 including Direct Deposits and Electronic Transfers in the amount of: \$ 579,839.49
- D. **AB09-11 – Ordinance D09-11** – An Ordinance of the City of Bonney Lake, Pierce County, Washington Relating to the Definition of Building Height in the Zoning Code and Amending Sections 18.04.020 and 18.04.70 of the Bonney Lake Municipal Code and Ord. Nos. 740 and 746.
- E. ~~**AB09-12 – Ordinance D09-12** – An Ordinance of the City of Bonney Lake, Pierce County, Washington Relating to the Permit and Permit Application Extensions and Amending Section 15.04.081 of the Bonney Lake Municipal Code and the Corresponding Sections of Ordinances 1230 and 1035. Moved to Full Council Issues.~~
- F. **AB09-25 – Ordinance D09-25** - An Ordinance of the City of Bonney Lake, Pierce County, Washington, Amending Title 18.31 BLMC with Regard to Parking Stall Dimensions.
- G. **AB09-26 – Resolution 1915** – A Resolution of the City Council of the City of Bonney Lake, Pierce County, Washington, Authorizing a Personal Services Agreement with Eilts & Co, PS to Prepare Financial Statements for the Year Ending December 31, 2008.
- H. **AB09-24** – A Motion of the Bonney Lake City Council Authorizing Out of State Travel for Sgt. Sasaki and Officer Kiblinger to Tampa, FL.

**Councilmember Hamilton moved to approve the Consent Agenda.
Councilmember Bowen seconded the motion.**

Councilmember Bowen requested that Item E. be moved to Full Council Issues.

Consent Agenda approved 5 – 0.

V. FINANCE COMMITTEE ISSUES: None.

VI. COMMUNITY DEVELOPMENT COMMITTEE ISSUES: None.

VII. PUBLIC SAFETY COMMITTEE ISSUES: (See Consent Agenda)

VIII. FULL COUNCIL ISSUES:

7:38:18

- A. **AB09-12 – Ordinance D09-12** - An Ordinance of the City of Bonney Lake, Pierce County, Washington Relating to the Permit and Permit Application Extensions and

Amending Section 15.04.081 of the Bonney Lake Municipal Code and the Corresponding Sections of Ordinances 1230 and 1035.

Councilmember Rackley moved to approve Ordinance D09-12. Councilmember Hamilton seconded the motion.

Councilmember Bowen said he has several concerns with the proposed ordinance, which addresses extensions, sunset dates for permits, and keeping permits 'active.' He said the language under 15.04.081, A.3., "No permit shall be active beyond more than one code cycle," is confusing. He said he is not sure if the intent is to make a permit invalid immediately when a new code cycle begins, or something else. City Attorney Dionne suggested it read "No permit shall be active beyond two code cycles" to reduce confusion.

Building Official Jerry Hight explained the intent is not to allow any permit to extend beyond one code cycle. He said if a permit were approved today, with a new code cycle beginning July 2009, the permit would remain active for a maximum of 3 more years and would expire when the next code cycle begins in 2012.

Councilmember Bowen moved to amend language in 15.04.081, A. 3., to "No permit shall be active beyond two code cycles." Councilmember Rackley seconded the motion.

**Motion to amend Ordinance
D09-12 approved 5 – 0.**

Councilmember Bowen asked whether the Planning Commission discussed the sunset date of permits or only the extensions. Planning Commission Chair Randy McKibben and Commissioner Winona Jacobsen were present at the Meeting. Commissioner Jacobsen said the Planning Commission discussed these issues, and she recalled that she voted against recommending the proposed ordinance. Councilmember Bowen said the ordinance was first brought forward to solve the issue of extending permits, and perhaps other issues have been inserted that have not gotten due consideration.

Councilmember Rackley said the Council can always revisit, amend or repeal the ordinance if it is not working. Councilmember Hamilton said the Planning Commission felt there were more positives than negatives and he agrees. He said the ordinance is not perfect but does offer some help to builders in the short-term during the economic downturn.

Councilmember Bowen moved to table Ordinance D09-12 to the Community Development Committee for review. Councilmember Decker seconded the motion.

Councilmember Bowen said a lot of work has been put into the proposed ordinance, but he said he still has concerns and plans to vote 'no.' He said if one other Councilmember votes 'no' tonight the ordinance will fail and must start from the beginning. City Attorney Dionne confirmed that four votes are needed to pass an

ordinance. Councilmember Rackley reminded Council that the next scheduled Community Development Committee meeting is March 2, 2009.

**Motion to table approved
5 – 0.**

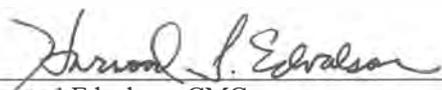
IX. EXECUTIVE SESSION: None.

7:53:07

X. ADJOURNMENT:

At 7:53 p.m. Councilmember Rackley moved to adjourn the meeting. Councilmember Decker seconded the motion.

Motion approved 5 – 0.



Harwood Edvalson, CMC
City Clerk



Neil Johnson
Mayor

Items submitted to the Council Meeting of February 10, 2009:

- Bonney Lake Citizen – *“Request to Initiate a Review of Access Control Classification of SR 410 in Eastown from 214th to 234th” (Letter to Mayor and Council)* – Roger Watt.