

**CITY COUNCIL MEETING**

October 27, 2009  
7:00 P.M.



*"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)

**MINUTES**

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:

City Clerk Harwood Edvalson called the roll. In addition to Mayor 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 Jim Rackley.

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

C. Announcements, Appointments and Presentations:

1. Announcements:

Mayor Johnson announced that Councilmember Decker received the certificate of Municipal Leadership from the Association of Washington Cities this week. Councilmember Carter received this certificate earlier in the month.

2. Appointments: None.

3. Presentations:

a. **Proclamation:** National Geographic Information Systems Day - November 18, 2009.

Mayor Johnson read the proclamation aloud and thanked GIS Analyst Al Catanzaro for his hard work for the City. He said the department stays very busy and provides a lot of benefit to the City with great maps and geographic information for departments and citizens. He encouraged everyone to visit the website [www.GISday.com](http://www.GISday.com) for more information.

D. Agenda Modifications: None.

7:05:08

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

A. Public Hearings:

1. **AB09-132** – A Public Hearing for a Transportation Investment Generating

Economic Recovery (TIGER) Grant from the United States Department of Transportation (USDOT).

Public Works Director Grigsby explained that the Council previously approved the submission of the TIGER Grant application, and part of the grant requirements are to set up a public hearing within a certain time frame. If the City receives a grant, it would fund the SR 410 and Sumner Buckley Hwy intersection improvements project. The grant program has a minimum \$20 million threshold, but the intersection project will cost much less. The City asked for a waiver and hopes to receive funding.

**Mayor Johnson opened the public hearing at 7:06 p.m. As no one came forward to speak, Mayor Johnson closed the public hearing at 7:07 p.m.**

B. Citizen Comments:

Craig Sarver, 20231 Church Lake Dr E, Bonney Lake, lives on Lake Tapps and came to inform the Council of problems residents have with noise from drag boats on the lake. He said this has been an issue for six years and the Police Department and Mayor have not done anything to deal with the problem. He provided photographs of the types of boats he sees on the lake.

Mayor Johnson said the issue was before the Public Safety Committee one or two years ago. Police Chief Mitchell said the Police Department enforces what it can, but the boats Mr. Sarver refers to have factory parts, do not normally exceed the state's speed limits, and while they are loud, they do not meet the City's noise ordinance criteria for sustained noise levels. Councilmember King asked the Chief to add this item to the Public Safety Committee's next meeting agenda, and invited Mr. Sarver to attend. He said they would review the state's statutes and options from other jurisdictions. Deputy Mayor Swaman noted that Mr. Sarver is a former councilmember and thanked him for coming to speak to the Council. He agreed that the noise from boats on the lake is an issue for many people in the community and it should be addressed.

Quinn Dahlstrom, 6529 193<sup>rd</sup> Ave E, Bonney Lake, asked Mayor Johnson when he would honor the 'mayor for the day' certificate she has received. Mayor Johnson stated he does not intend to honor it unless the certificate is given to a student. He said he gives the certificates to local groups for fundraising efforts and they are intended to teach schoolchildren about local government. He said he would reimburse her if she paid for the certificate. Ms. Dahlstrom said she was given the certificate by someone else, and she would ask them if they would be willing to give it to a student. Mayor Johnson said he will make it clear in the future that the certificates are for students under the age of 18 years old before giving them out.

Larry Ingraham, Compass Pointe and Greenwood LLC, thanked the Council for their discussion of Eastown sewer and water service at the October 20, 2009 workshop. He provided the Council with more information to answer some of the questions that arose during that discussion. He said early engineering studies showed there was one spot suitable for the sewer lift station, which is on the Compass Pointe property on 96<sup>th</sup> St E. He said his development company has paid over \$30,000 in review fees as

well as another \$30,000 more in permit and other city fees. He said if the sewer lines must run along the north-south and east-west roadways, the property owners should be reimbursed for the right-of-way, whether through cash payments or reductions in their latecomer's agreement charges. He said some property owners would not have to give up any land for the street right-of-ways, while other properties will lose a substantial amount of land to right-of-ways. He also said it makes sense to base ULA fee assessments based on the size of the parcel acreage. He noted that his consultant and staff have been in continued contact with Public Works staff, and so far, Compass Point LLC has spent over \$260,000 on fees, designs and other costs related to designing the lift station in Eastown.

Mr. Ingraham was given additional time by the Council to finish his comments. He said the City was waiting for Pierce County to decide the speed limit on 96<sup>th</sup> St before it designs the force main that will run down that street. The speed limit will determine how much the road needs to be leveled and how deep to bury the force main line. He said if the County continues to delay its decision the City could chose to re-route the force main along SR 410. During the October 20, 2009 workshop, councilmembers expressed concern that one property owner could hold others 'hostage' by not allowing the line to come through their property. Mr. Ingraham said if the lines are placed along public streets, the City should have agreements for the right-of-way in place and could effectively discourage property owners from delaying sewer line extension through public domain laws. He said property owners in Eastown are close to full agreement and the WSDOT road widening project is about to go to bid, and thanked the City for helping sewer service in Eastown become a reality.

Deputy Mayor Swatman said it seems that the elevation of 96<sup>th</sup> St E would not affect the lift station design in any way, since the specifications would not change. He said Pierce County's decision on the speed limit and road elevation designs should not delay completion of the lift station design. He asked who needs to make the next move at this point? Director Grigsby said the City just received the re-submitted lift station designs on Monday, October 26<sup>th</sup> and has started reviewing them.

Councilmember Hamilton asked whether the cost of purchasing right-of-way from property owners would be rolled into the total cost of the Utility Latecomers Agreement, and therefore would cost all Eastown property owners more in the end. Director Grigsby said this cost could be rolled into the ULA if the Council wished. However, it would mean those who have property in the right-of-way would benefit more than those without any property in the right-of-way. He said this could also prolong the process as the City would have to design the roads, negotiate with property owners, and do SEPA review. He said he prefers to include as much as possible in one contract, rather than one contract for the lift station and another contract later on for sewer lines, as the City gets a better price on larger projects.

Councilmembers asked Mr. Ingraham to send his prepared comments to them via email. Mayor Johnson thanked Mr. Ingraham for coming to speak with the Council and said discussions about Eastown sewer service would continue in future meetings.

C. Correspondence: None.

7:35:19

**III. COUNCIL COMMITTEE REPORTS:**

- A. Finance Committee: Deputy Mayor Swatman said the committee met at 5:30 p.m. earlier in the evening and discussed personnel updates, Resolution 1979 (East Pierce Fire & Rescue lease for the Public Safety Building), Ordinance D09-165 (amending school impact fees), and Ordinance D09-159, which is on the current Consent Agenda. He said the City's Wellness Committee is hosting the annual Harvest Party for employees and their families on October 28<sup>th</sup> at 5:30 p.m. in the Senior Center.
- B. Community Development Committee: Councilmember Rackley said the committee met on October 19, 2009 and discussed sewer membrane plants, Valley Water looping on SR 410, and Eastown ULA options. The committee forwarded Resolution 1978 to the current Consent Agenda.
- C. Public Safety Committee: Councilmember King said the committee has not met since the last Council Meeting. Their next meeting is on Monday, November 2, 2009.
- D. Other Reports:
- Sumner Council: Councilmember Rackley said he traveled to Sumner since there was a very small turnout at the last Sewer Wastewater Treatment meeting between Sumner and Bonney Lake. He said he asked them to review the City's minutes so they can learn about the Bonney Lake Council's questions and concerns.

7:38:58

**IV. CONSENT AGENDA:**

- A. **Approval of Minutes**: September 15, 2009 Workshop Minutes, September 22, 2009 Meeting Minutes and September 26, 2009 Special Meeting Minutes, October 6, 2009 Workshop Minutes, and October 13, 2009 Meeting Minutes.
- B. **Approval of Payroll**: Approval of Payroll: Payroll for October 1-15, 2009 for checks 28553-28582 including Direct Deposits and Electronic Transfers in the amount of \$ 378,897.89.
- C. **Accounts Payable Checks/Vouchers**: #56948 thru 57009 in the amount of \$192,468.70; Accounts Payable checks/vouchers #57010 thru 57011 for A/R Refunds in the amount of \$12,795.39; Accounts Payable checks/vouchers #57012 thru 57043 (including wire transfer #'s 10209, 20209, 30209, 40109, 50409, 60109, 70309, 80409, 90209, 100209 & 10162009) in the amount of \$461,233.23; and Accounts Payable checks/vouchers #57044 thru 57125 for Utility Refunds in the amount of \$13,433.85.
- D. ~~AB09-159 — Ordinance D09-159 — An Ordinance of the City Council of the City of Bonney Lake, Pierce County, Washington, Declaring a Substantial Need to Use a One Hundred One Percent (101%) Limit Factor for Property Taxes, Pursuant to RCW 84.55.0101. Moved to Full Council Issues, Item A.~~
- E. **AB099-161 – Resolution 1979** – A Resolution of the City Council of the City of Bonney Lake, Pierce County, Washington, Approving the Utility Construction Agreement Between the Washington State Department of Transportation and the

City of Bonney Lake to Construct Waterline Improvements from Mile Post 15.64 to Mile Post 17.17.

- F. ~~AB09-166~~ — A Motion of the Bonney Lake City Council Setting a Public Hearing for the Regular Council Meeting of November 10, 2009 to Consider Revenue Sources and Possible Property Tax Increases Before Setting the Ad Valorem Property Tax Rate for 2010. *Moved to Full Council Issues, Item B.*

Deputy Mayor Swatman asked that Item D., Ordinance D09-159, be moved to Full Council Issues, Item A. Councilmember Decker asked that Item F., AB09-166, be moved to Full Council Issues, Item B.

**Councilmember King made a motion to approve the Consent Agenda as amended. Councilmember Rackley seconded the motion.**

**Motion approved 7 – 0.**

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

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

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

VIII. **FULL COUNCIL ISSUES:**

- A. **AB09-159 – Ordinance D09-159** – An Ordinance of the City Council of the City of Bonney Lake, Pierce County, Washington, Declaring a Substantial Need to Use a One Hundred One Percent (101%) Limit Factor for Property Taxes, Pursuant to RCW 84.55.0101. *Moved from Consent Agenda, Item D.*

**Councilmember King moved to approve Ordinance D09-159. Councilmember Hamilton seconded the motion.**

City Clerk Edvalson noted that Mr. Ingraham had signed up to speak on this issue, but probably meant to sign up to speak during citizen comments only. Deputy Mayor Swatman said the Finance Committee has reviewed this item at two meetings and was not sure all the same information they shared was included in the agenda bill for this meeting. He said since the Implicit Price Deflator (IPD), which is used to calculate tax rates, is negative in 2009, it would reduce the City's property taxes by about \$46,000. Councilmember King said the City has the opportunity to increase the tax rate beyond the IPD if there is 'substantial need', and can raise it up to 101% of the previous years' rate. He said if the rate decreases the City will need to find some way to make up for the lost revenues. He said with other issues such as Initiative 1033, the possibility of no cost of living (COLA) increases for employees, etc., this is a complicated issue. He suggested the item be tabled to the November 10, 2009 meeting for discussion and action. He asked Chief Financial Officer Juarez to provide information on the impacts of letting the rate decrease, leaving it at 100% of

2009 rates, or increasing to 101% so the Council can compare the options. He said he is concerned how city revenues could be impacted by passage of I-1033 and it makes sense to wait until after elections when more information is available.

**Councilmember Bowen moved to table Ordinance D09-159 to the November 10, 2009 Meeting for action. Councilmember Decker seconded the motion.**

**Motion to table approved 6 – 1.  
Deputy Mayor Swatman voted no.**

- B. AB09-166 – A Motion of the Bonney Lake City Council Setting a Public Hearing for the Regular Council Meeting of November 10, 2009 to Consider Revenue Sources and Possible Property Tax Increases Before Setting the Ad Valorem Property Tax Rate for 2010. Moved from Consent Agenda, Item F.**

**Councilmember King moved to approve Motion AB09-166. Councilmember Hamilton seconded the motion.**

City Administrator Morrison said the State requires the City to hold a public hearing to “consider revenue sources and possible property tax increases” prior to adopting any tax levy. He said November 10, 2009 is the only regular meeting date where a Public Hearing can be held in order to meet State deadlines for setting next year’s tax rate. He said if the Council delays the hearing date, a special meeting would need to be scheduled for another date or the Council will miss the State’s deadline. Deputy Mayor Swatman confirmed that the subject of the public hearing is separate from proposed Ordinance D09-159, which has been tabled to November 10, 2009.

**Motion approved 7 – 0.**

**IX. EXECUTIVE SESSION: None.**

7:53:03

**X. ADJOURNMENT:**

**At 7:53 p.m. Councilmember Carter moved to adjourn the meeting. Councilmember King seconded the motion.**

**Motion approved 7 – 0.**

  
 Harwood Edvalson, CMC  
 City Clerk

  
 Neil Johnson  
 Mayor

*Items submitted to the Council Meeting of October 27, 2009: None.*