

CITY COUNCIL MEETING

**April 13, 2010
7:00 P.M.**

MINUTES



"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

Audio Time
Stamp ↓

Location: City Hall Council Chambers, 19306 Bonney Lake Blvd., Bonney Lake.

I. CALL TO ORDER – Mayor Neil Johnson, Jr. called the meeting to order at 7:00 p.m.

A. Flag Salute: Aiden and Axton Bullock from Boy Scout Troop #595 led the audience in the Pledge of Allegiance.

B. Roll Call:

Administrative Services Director/City Clerk Harwood Edvalson called the roll. In addition to Mayor Neil Johnson, Jr., elected officials attending were Deputy Mayor Dan Swatman, Councilmember Laurie Carter, Councilmember Dan Decker, Councilmember Mark Hamilton, Councilmember Donn Lewis, Councilmember Randy McKibbin and Councilmember Jim Rackley.

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

C. Announcements, Appointments and Presentations:

1. Announcements: None.

2. Appointments:

a. **AB10-70** – A Motion of the Bonney Lake City Council Confirming the Mayor's Appointment of Ronald Heslop as Municipal Court Judge.

Councilmember Decker moved to confirm the Mayor's appointment of Ronald Heslop as Municipal Court Judge. Councilmember Lewis seconded the motion.

Motion approved 7 – 0.

Councilmember Hamilton said he participated in the interview process, and there were many great candidates to choose from. He said he was pleased to welcome Judge Heslop. Mayor Johnson thanked outgoing Judge Jim Helbling for his work and giving input about the interview and selection process.

Judge Helbling administered the oath of office to Judge Helsop. The Council congratulated and welcomed him to the City.

3. Presentations:

- a. **Proclamation:** Domestic Violence Awareness – Nancy Wozny-Karnik, Victim Services Advocate, Crystal Judson Family Justice Center.

Mayor Johnson presented the proclamation to Ms. Wozny-Karnik from the Crystal Judson Family Justice Center. She thanked the Mayor and Council for being proactive in the fight against domestic violence. She said Bonney Lake provides one of the few domestic violence kiosks in the area. She said this resource and referrals from the Police Department are helping victims of domestic violence become survivors and move on with their lives.

- D. Agenda Modifications: None.

The City Clerk said item E. on the Consent Agenda should be moved to Community Development Committee Issues, Item A. Mayor Johnson noted that Resolution 2024, regarding a five-party agreement on municipal annexation, was omitted in error from the current agenda and will be considered at the April 27, 2010 Meeting.

7:10:06

II. PUBLIC HEARINGS, CITIZEN COMMENTS & CORRESPONDENCE:

- A. Public Hearings:

- 1. **AB10-53 – Resolution 2021** – Public Hearing for Declaring City Vehicles and Utility Items as Surplus.

Mayor Johnson opened the public hearing at 7:10 p.m. No one came forward to address the Council. Mayor Johnson closed the public hearing at 7:11 p.m.

- B. Citizen Comments:

Raymond Frey, Halsen-Frey LLC, 12356 Northup Way, Suite 119, Bellevue, commented on the proposed cottage development ordinance. He said he emailed the Council requesting they consider amendments to the submittal period section. He said the ordinance is very good and has tight design restrictions, but he feels the Council should approve as a full ordinance, not a demonstration ordinance. He said the submittal process outlined in the draft ordinance seems awkward and difficult to figure out. He noted that he has attended all meetings when Council discussed this item, and did not see any other developers at those meetings.

Deputy Mayor Swatman asked Community Development Director about the selection process. Director Vodopich said he (the Community Development Director) would be able to pick the best application, not simply the first one completed. He confirmed that the ordinance gives him authority to reject proposals for any reason and select the final application. The ordinance allows applicants to appeal the Director's decision to the City Council. Deputy Mayor Swatman said he hopes the City receives multiple applications for the project.

- C. Correspondence: None.

7:20:17

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; he noted that the Parks Department hired the first temporary employee for the summer. The committee discussed Resolution 2020 (concession stand agreement), Resolution 2025 (community garden agreement), Resolution 2027 (high-efficiency toilet rebate program), Resolution 2028 (courier services), and a proposed ordinance regarding permits for peddlers. The Committee continued discussions about the sewer system budget and rates and a proposed water agreement with Joe Fessler.
- B. Community Development Committee: Councilmember Rackley reported that the committee met on April 5th and forwarded Resolution 2018 (sidewalk design contract), Resolution 2019 (construction management contract) and Resolution 2022 (street striping contract). The committee also discussed unaccounted for water, the Falling Water septic system and sidewalk construction from 192nd to 209th St E.
- C. Public Safety Committee: Councilmember Hamilton reported that the committee met on April 5th and discussed the animal control code. Legal staff has reviewed and revised the proposed amendments. The committee will review the revisions and then forward it to the Council for action. The committee also discussed drag boat regulations on Church Lake. The committee is collecting applications for a citizen's advisory committee and heard comments from citizens at the April 5 meeting.
- D. Other Reports: None.

7:23:19

IV. CONSENT AGENDA:

- A. **Approval of Minutes**: February 27, 2010 Council Retreat, March 16, 2010 Council Workshop and March 23, 2010 Council Meeting.
- B. **Accounts Payable Checks/Vouchers**: Accounts Payable checks/vouchers #58235 thru 58277 (including wire #'s 3122010, 3152010 & 5691166) in the amount of \$674,379.02. Accounts Payable checks/vouchers #58278 thru 58291 for a Utility Refunds in the amount of \$1,186.11. Accounts Payable checks/vouchers #58292 thru 58339 (including wire transfer # 3242010) in the amount of \$888,081.37. Accounts Payable checks/vouchers #58340 thru 58381 in the amount of \$152,547.39. Accounts Payable checks/vouchers #58382 thru 58383 for A/R Refunds in the amount of \$421.19.
- C. **Approval of Payroll**: Payroll for March 16-31 2010 for checks 28897-28927 including Direct Deposits and Electronic Transfers in the amount of \$585,339.03.
- D. **AB10-49 – Resolution 2019** – A Resolution of the City Council of the City of Bonney Lake, Pierce County, Washington, Authorizing the Mayor to Sign an Agreement with Parametrix for Construction Management Services During Construction of Phase 1 of the Fennel Creek Trail and 192nd Sidewalks Project.

- E. ~~AB10-55 – Resolution 2022~~ – A Resolution of the City Council of the City of Bonney Lake, Pierce County, Washington, Authorizing a Professional Services Agreement with Stripe Rite, Inc. for the 2010 Street Striping and Pavement Markings Project. *Moved to Community Development Issues, Item A.*
- F. **AB10-53 – Resolution 2021** – A Resolution of the City Council of the City of Bonney Lake, Pierce County, Washington Authorizing the Mayor to Surplus Vehicles and City Utility Items to the State of Washington, General Administration (GA) Surplus Program.

**Councilmember Rackley moved to approve the Consent Agenda.
Councilmember Lewis seconded the motion.**

Consent Agenda approved 7 – 0.

7:23:42

V. FINANCE COMMITTEE ISSUES:

- A. **AB10-50 – Resolution 2020** – A Resolution of the City Council of the City of Bonney Lake, Pierce County, Washington, Authorizing an Agreement with Bonney Lake Community Resources (Bonney Lake Food Bank) to Operate the Concession Stand at Allan Yorke Park for May 2010 Until April 2011.

Councilmember Decker moved to approve Resolution 2020. Deputy Mayor Swatman seconded the motion.

Mayor Johnson said the Food Bank has done a great job managing the concession stand in past years and has increased business.

Resolution approved 7 – 0.

VI. COMMUNITY DEVELOPMENT COMMITTEE ISSUES:

- A. **AB10-55 – Resolution 2022** – A Resolution of the City Council of the City of Bonney Lake, Pierce County, Washington, Authorizing a Professional Services Agreement with Stripe Rite, Inc. for the 2010 Street Striping and Pavement Markings Project. *Moved from Consent Agenda, Item E.*

Councilmember Rackley moved to approve Resolution 2022. Councilmember Decker seconded the motion.

Councilmember Rackley said he moved the item to make sure the Council can consider why the City stripes streets every year. Director Grigsby said the City reviewed the street striping process several years ago, and now only stripes roads required by the Manual on Uniform Traffic Control Devices (MUTCD), including those that are chip sealed and roads that have heavy volumes or pose safety concerns. Director Grigsby said the bid amounts often vary, but the quality of the striping paint does not vary between the vendors.

Resolution approved 7 – 0.

VII. PUBLIC SAFETY COMMITTEE ISSUES: None.

7:26:15

VIII. FULL COUNCIL ISSUES:

- A. **AB10-56** – A Motion of the City Council of the City of Bonney Lake, Pierce County, Washington, Casting the Council's Vote for Mayor Neil Johnson, Jr. to Serve as a Member of the Board of Commissioners for Pierce Transit for a Three-Year Term, May 1, 2010 to April 30, 2013, Representing the Fourteen Small Cities and Towns within Pierce Transit's Boundary.

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

Mayor Johnson thanked Councilmember Carter for her work letting people know he is on the ballot, and now he will have to wait for the election results.

Motion approved 7 – 0.

- B. **AB10-18 – Ordinance 1347** – An Ordinance of the City of Bonney Lake, Pierce County, Washington, to Allow Approval of a Single Cottage Housing Project as a Demonstration of a Housing Choice Not Currently Available in Bonney Lake.

Councilmember Decker moved to approve Ordinance 1347. Deputy Mayor Swatman seconded the motion.

Councilmember Lewis moved to amend Section 4 (8), Location, to read: "In R-1 zones. Entire development must be contained within one-half mile from the SR 410 corridor." Councilmember Rackley seconded the motion.

Councilmember Lewis said this item was considered by the Planning Commission when he was a member, and the Commission recommended limiting cottage developments to R-1 zoning areas, but not the restriction that developments be within ½ mile of SR 410. He said the proximity restriction allows very few properties to qualify and makes it difficult for staff and Planning Commissioners to determine whether an application meets criteria. Deputy Mayor Swatman spoke in favor of the amendment. He said if a developer presents a proposal for a cottage development outside the SR 410 corridor, the City should consider it.

Amendment approved 7 – 0.

Director Vodopich noted, in response to questions posed during citizen comments, that the ordinance allows only one project, and states that "The first applicant to receive a determination of completeness shall acquire the right to have his or her proposal considered ahead of other proposals, provided, however, that the City

retains the right to reject any and all proposals.” Mayor Johnson noted that the Director will determine completion and can reject proposals.

Councilmember Carter noted that the timeline for submittal and review is quite long, and a development might not get started until spring or summer 2011. She said the 180-day submittal period can be extended another 180 days, and then the application would start the approval process. City Administrator Morrison noted that if an application is submitted in the first month, the City must still wait the full 180 days before it can close the submittal process and consider that application, even if no others are submitted. Councilmembers discussed the process and options to reduce the time for submittal, approval and completion. Deputy Mayor Swatman suggested reducing the submittal period and extension period from 180 days to 90 days each.

Councilmember Rackley moved to amend all references of “180 days” in Section 3 (A), Step 1: Submittal Period, and Step 2: Pre-application meeting, to “90 days.” Councilmember Carter seconded the motion.

Amendment approved 7 – 0.

Amended ordinance approved 7 – 0.

- C. **AB10-64 – Resolution 2026** – A Resolution of the City of Bonney Lake, Pierce County, Washington, Ratifying a Purchase and Sale Agreement to Acquire the Reed Property, Pierce County Parcel Numbers 0520261700 and 0520261009.

Councilmember Rackley moved to approve Resolution 2026. Councilmember Lewis seconded the motion.

Deputy Mayor Swatman said the public may not be aware of all the work that went into this agreement, which is connected to the larger agreement with Cascade Water Alliance (Resolution 2009). The CWA agreement gave the City the option for a future water right, and if the City finds a usable water source on this site it could reduce water costs over time, since the City would not have to purchase water from an outside source. He said if the City does not find a usable water source, the site could be sold or used for other purposes. He said he feels this is an outstanding investment and thanked staff for bringing the agreement forward.

Councilmember Hamilton moved to amend the background history to include “trails” in the list of uses. Councilmember Decker seconded the motion. Councilmember Hamilton said the property is near the flume and could be used for a trailhead for a planned trail from the flume that would connect with the Fennel Creek Trail. Councilmember Carter noted that the site also has historical significance and moved that “historical” be added to the background summary list as well. Mayor Johnson said he supported adding both items to the background history, and could make the amendments administratively without a full Council motion.

City Attorney Dionne noted that any changes to the background summary text do not affect the resolution or set restrictions for use of the property in any way. He advised Councilmember Hamilton to withdraw his amendment. He said if the Council wishes

to restrict uses on the site, they would need to amend the resolution and deed, but he does not believe that is the Council's intent. He said that as written, the agreement does not restrict use of the property in any way. He noted that regardless, the Councilmembers' comments will be noted in the official minutes.

Councilmember Hamilton said he wants the Council to have more influence on the use of the property. He said his caution stems from the City's purchase of the Moriarty property, which the previous Mayor fought, then closed off to public use. He said the City still uses the Moriarty site for Public Works vehicles and it is not accessible to the public. He said he does not want the same thing to happen with the Reed property and asked for assurances that it will not simply be handed over for use by Public Works and closed to the public. He said the Council should have a site visit and open discussions about use of the property.

Mayor Johnson noted that the property will be purchased by the Water fund. Councilmember Hamilton noted that existing outbuildings on the site could be used to store the new Police boat or other vehicles. Mayor Johnson said he has always been open with the Council and assured Councilmember Hamilton that he will ask for Council direction about how the City should use the property. Councilmember Hamilton withdrew his motion, and Councilmember Decker withdrew his second.

City Attorney Dionne said any councilmember can propose a resolution regarding the use of this or other properties at any time. Councilmember Decker noted that the Moriarty property is the site of a Native American campground and he participated in digs through Green River Community College in the past. He said the Council should be cautious about the use of the Reed property and Moriarty property.

Mayor Johnson said the City considered purchasing this property in the past, and the price for the property under the present agreement is actually lower.

Resolution approved 7 – 0.

- D. **AB10-67 – Ordinance 1348** – An Ordinance of the City of Bonney Lake, Pierce County, Washington, Amending Bonney Lake Municipal Code Chapter 16.14 to Address Provisions for the Maintenance of Required Landscaping.

Councilmember Decker moved to approve Ordinance 1348. Councilmember Lewis seconded the motion.

Deputy Mayor Swatman noted that the agenda packet includes several versions of the proposed ordinance, and he believes the Council plans to act on the version noted as the 'legal changes to PC recommendation – clean version' in the agenda packet. Council consensus was to act on this version of the proposed ordinance.

Ordinance approved 7 – 0.

- E. **AB10-48 – Resolution 2018** – A Resolution of the City Council of the City of Bonney Lake, Pierce County, Washington, Authorizing a Contract with KPG

Engineering for the Design of the SR 410 Sidewalks from 198th Avenue East to 208th Avenue East.

Councilmember Rackley moved to approve Resolution 2018. Councilmember Carter seconded the motion.

Deputy Mayor Swatman thanked staff for securing grant funds and finalizing the agreement, and the CDC for bringing it forward. Deputy Mayor Swatman asked about the sidewalk width and street lighting. Director Grigsby confirmed that the sidewalks are designed to be 10 feet wide, which is the minimum width to classify it as a 'trail,' which can be used by both pedestrians and bicycles. Deputy Mayor Swatman noted that the plan does not include streetlights along the sidewalk. Director Grigsby said the City's streetlight plan is to install streetlights only on the south side of SR 410 in midtown, as it would be too costly to run electrical lines and install streetlights on both sides of the highway.

Resolution approved 7 – 0.

7:57:34

IX. EXECUTIVE SESSION:

Pursuant to RCW 42.30.110(1)(g), the City Council and Mayor adjourned to an Executive Session with the City Attorney at 7:59 p.m. for 15 minutes to review the performance of a public employee. The Executive Session was extended by 5 minutes at 8:15 p.m. The Meeting reconvened at 8:23 p.m. No action was taken.

8:23:54

X. ADJOURNMENT:

At 8:23 p.m., Councilmember Rackley moved to adjourn the meeting. Councilmember Lewis seconded the motion.

Motion approved 7 – 0.



Harwood Edvalson, CMC
City Clerk



Neil Johnson
Mayor

Items submitted to the Council Meeting of April 13, 2010: None.