

CITY COUNCIL MEETING

*April 26, 2011
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 6:59 p.m.

A. Flag Salute: Mayor Johnson 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 Johnson, 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, Public Works Director Dan Grigsby, Police Chief Mike Mitchell, Chief Financial Officer Al Juarez, 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: None.
3. Presentations: None.

D. Agenda Modifications: None.

7:00:31

II. PUBLIC HEARINGS, CITIZEN COMMENTS & CORRESPONDENCE:

A. Public Hearings: None.

B. Citizen Comments:

Roger Watt, Bonney Lake, spoke on behalf of a group of property owners in the northeast part of Easttown. He said the group objects to the proposed changes to the municipal code related to Utility Latecomer Agreements (ULAs) that is proposed in Ordinance D11-49. He said that the ordinance limits the current and future councils by setting a criteria that there be at least a 5% contribution from a partner for a ULA. He said the City's existing code is consistent with State laws and does not need to be changed. He said he consulted with the Municipal Research and Services Center of Washington, and they confirmed that cities can fully-fund ULAs, and are not

required to partner with another person or group to form a ULA. Mr. Watt said the proposed change is based on the Council's discretion, and is not needed to be compliant with State law. He cited past Council discussions, news articles, and the easement forms provided to property owners, which say that the City would front the funds for a sewer system in Eastown.

A group of Eastown property owners on the South side of SR 410 asked that Mr. Watt be allowed to use their 10 minute time to speak, as his time had expired. The Council gave Mr. Watt an additional 10 minutes to speak.

Mr. Watt provided a brief history of the past attempts to extend sewer service to Eastown. He said property owners signed a petition for a ULID, but then the Compass Pointe developers offered to take on the project. The City worked with them until those plans fell through, and now is working to create a ULA. He said property owners are giving land for easements and that the value should be considered as a contribution. He said Councilmembers expect property owners to provide a portion of the cost based on their property values, but property owners do not have that kind of cash on hand, and it is unrealistic.

Mr. Watt said the City has not allowed property owners to develop their land with temporary septic systems. He noted that the Council did recently approve a variance for Kelly Kahne to install a temporary lift station as part of a commercial development in the area. He said the City's denial of temporary septic permits has caused a hardship for property owners, particularly the Taheri family, who cannot develop their land without sewer service. Mr. Watt said that he personally feels that the City has an obligation to provide sewer service to the property owners. Finally, he said he fully supports the City's proposed UGA expansion, though he questioned why property owners in the proposed expansion would be interested in annexing since there is still no sewer service in Eastown. He said he hopes the City and owners can find a workable solution to get sewer lines installed in Eastown.

Bill Stinson, 10005 201st Avenue Pl E, Bonney Lake, lives in the Brookside development and said the Council should exclude the Bethany Baptist Church at 2112 S Prairie Rd from proposed Resolution 2120, initiating a Comprehensive Plan Amendment and area-wide rezone for the Midtown neighborhood. He presented the City Clerk with a petition signed by himself and other property owners. He said if the church property is not excluded, it might constitute a site-specific land use change. He said the resolution language suggests that the Council has predetermined its decision to apply site-specific zoning without going through a public process. He said the action would give economic benefit to a particular property owner and not others. He said he opposes the change in zoning from C-1 to C-2, as the area is near single-family homes. He said there have been many changes in the area, including the development of the WSU forest, and commercial zoning should be limited.

Helen Mullins, 10003 201st Ave E, Bonney Lake, also spoke about Resolution 2120. She said when she bought her home 10 years ago there were homes between her house and the Lowe's store, but the houses were purchased by the Lowe's developer to build a road. She said the houses have not been moved and are abandoned, and she can hear noise from the Lowe's parking lot every day. She said she is concerned that the proposed zoning change will create more noise and problems for residents.

Mayor Johnson noted that proposed Resolution 2120 is the start of the process for changing zoning and land use. The item will be reviewed by the Planning Commission, public hearings, and then back to the Council for consideration, and the public will have a chance to voice their concerns. He thanked Mr. Stinson and Ms. Mullins for speaking and submitting the petition, and encouraged them to continue taking part in the public process.

Dave Henline, 1903 Channel Rd, Bonney Lake, spoke to the Council about the planned restroom facility at Swiss Park. He showed a drawing of the property, planned structure, and existing hydrants in the area. He said the Planning Department classifies the structure as commercial, and is requiring that they install a fire hydrant. He said the previous Developer's Agreement between the City and Swiss Park states that it is in a Public Facilities zone, not commercial. He said City and Fire Department staff have latitude to consider real safety risks when reviewing a proposed structure. He noted other structures that do not meet current hydrant requirements, including restrooms and the Snack Shack at Allan Yorke Park. He said these structures do not need to be upgraded because there is no real risk to the public. He said in other cities, the proposed restroom structure would be considered as a 'group U' occupancy for utilities use and would not have the same requirements as a commercial structure. He asked the Council to request that staff reconsider their decision.

Mayor Johnson said he would ask staff to review the development agreement and continue working to find a solution, and get in touch in a few days.

Winona Jacobsen, 9100 189th Ave Ct E, Bonney Lake, said the Bonney Lake Plateau historical book is completed and available for sale for \$21.99 from the Historical Society. She said the book includes 200 images, many from private collections, and a history of the area from the 1850s to the 1970s.

Doug Osgaard, P. O. Box 7545, Bonney Lake, spoke about the Swiss Park restrooms. He works as an engineer in the aerospace industry and understands safety considerations. He said there is no real risk of fire in the proposed structure. He said a fire hydrant is unnecessary, too expensive, and will not benefit the community.

Mayor Johnson said the City must evaluate all the risks and ensure the project is done right. He thanked Mr. Osgaard for his comments.

C. Correspondence: None.

7:52:29

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, summer hires, and the City's 2011 Well City Award, which gives the City a discount on health insurance. The committee also discussed an ordinance changing meeting times and dates for consideration at the meeting and Finance staff's work on a 6-year budget model.

- B. Community Development Committee: Councilmember Rackley said the committee met on Tuesday, April 19, 2011. A number of people came to talk about the Swiss Park hydrant requirement. The committee also discussed geotechnical reports and reviewed an ordinance on truck routes, which was forwarded to the Public Safety Committee for review. The committee forwarded Resolutions 2118 and 2119 to the current agenda for consideration.
- C. Public Safety Committee: Councilmember Hamilton said the committee has not met since the last regular Council meeting.

D. Other Reports:

Pierce County Regional Council: Councilmember Hamilton attended the PCRC meeting on April 21st. They discussed the Growth Management Committee report and a final review of Countywide Planning Policies. Councilmember Hamilton gave a summary of a presentation he wants to present to the PCRC. He noted that Tacoma was tenth of the 10 largest cities for growth, and Lakewood's population actually decreased, while Bonney Lake grew fastest. He noted that the top four fastest-growing areas are not in cities, but in unincorporated areas in Pierce County. He said he feels the County opposes the City's proposed annexation because they will lose the fee revenue for development. He asked Councilmembers to review the presentation and provide him with comments.

Community Events: Councilmember Carter said she and Councilmember Lewis attended the White River School District Families First Coalition meeting on Monday, April 25th at Glacier Middle School. They discussed shelters and transitional housing, teaching kids how to save money, and mobile dental services. She said the coalition plans to hold a town hall and a drug and alcohol awareness summit in the fall. Councilmember Lewis said City of Buckley Mayor Pat Johnson presented information about Rainier School and attempts to keep it open during State budget cuts.

Relay for Life: Councilmember Carter said she is starting to collect pennies for the Relay for Life penny drive and encouraged everyone to participate.

8:02:45

IV. CONSENT AGENDA:

- A. **Approval of Corrected Minutes**: April 5, 2011 Council Workshop and April 12, 2011 Council Meeting.
- B. **Approval of Accounts Payable Checks/Vouchers**: #60899 thru 60927 (including wire transfer #'s 4042011 & 40420111) in the amount of \$502,259.97; Accounts Payable checks/vouchers #60928 thru 60980 (including wire transfer #'s 4142011 & 41420111) in the amount of \$332,187.00 for a grand total of \$834,446.97. Voided Checks: #60697 – wrong amount. Replaced with check # 60943.
- C. **Approval of Payroll**: Payroll for April 1st-15th 2011 for checks 29714-29737 including Direct Deposits and Electronic Transfers in the amount of \$ 403,015.45.
- D. **AB11-44 – Resolution 2115** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing The Mayor To Sign An

Agreement With Bonney Lake Community Resources For Operation Of The Concession Stand At Allan Yorke Park.

- E. **AB11-46 – Resolution 2117** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing The Mayor To Sign An Extension To The Agreement With Coldwell Banker Commercial/Offenbecher For Leasing Agent Services For Interim Justice Center.
- F. ~~**AB11-50 – Resolution 2118** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing The City To Award A Contract To Cannon Construction Inc. To Construct The Utility Trench And Conduit Installation Project. Moved to Full Council Issues, Item C.~~
- G. ~~**AB11-51 – Resolution 2119** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing A Contract With Paramatrix Engineering For The Surveying Effort For The Utility Trench & Conduit Contract For Charlotte Kentos. Moved to Full Council Issues, Item D.~~
- H. **AB11-52 – Resolution 2120** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Initiating A Comprehensive Plan Amendment And Area-Wide Rezone For The Midtown Neighborhood.

Councilmember McKibbin requested that Item F., Resolution 2118, and Item G., Resolution 2119, be moved for consideration as Full Council Issues, Item C. and Item D., respectively.

Consent Agenda approved as amended 7 – 0.

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

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

8:03:54

VII. **PUBLIC SAFETY COMMITTEE ISSUES:**

- A. **AB11-48 – Ordinance 1385 [D11-48]** – An Ordinance Of The City Council Of The City Of Bonney Lake, Pierce County, Washington Revising Chapter 10.16 Of The Bonney Lake Municipal Code With Regards To The Regulation Of Recreational Vehicles.

Councilmember Decker moved to approve Ordinance 1385. Councilmember Lewis seconded the motion.

Ordinance 1385 approved 7 – 0.

8:04:11

VIII. **FULL COUNCIL ISSUES:**

- A. **AB11-49 – Ordinance 1386 [D11-49]** – An Ordinance Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Amending Chapter 13.16 of The Bonney Lake Municipal Code and Ordinance Nos. 898 and 1327 Relating to Developer Extensions and Latecomer Agreements.

Councilmember Rackley moved to approve Ordinance 1386. Deputy Mayor Swatman seconded the motion.

Public Works Director Grigsby noted that the City Attorney had suggested an amendment to 13.16.030 (G).

Councilmember Rackley moved to amend Ordinance 1386, Section 13.16.030 (G), to “No latecomer agreement may be approved in which the City participation amounts to more than ninety-five percent (95%) of the total direct construction cost.” Councilmember Lewis seconded the motion.

Amendment approved 7 – 0.

Deputy Mayor Swatman said the Council heard testimony from residents about this ordinance, and said he believes the City is on its way to a solution for sewer services in Eastown. He said as he understands it, the City must have a partner for a ULA and this ordinance helps to clean up and clarify the Council’s desires and application of the State law. He said he hopes the process will go well and offered to speak to Eastown property owners after the meeting to answer questions.

David Bowen, 22523 SR 410, Bonney Lake, said property owners in Eastown are serious about the process, but are frustrated and worry the Council does not feel any urgency to move the project forward. He said he could provide up to \$50,000, but the amount is not enough to meet the Council’s expectations for a partnership. He said he understands the Council’s intentions to clarify the code with this ordinance, but it is frustrating for property owners. He said Eastown has a plan to deal with development and traffic to build a better community, and the Council and residents need to find a way to get to the future they envision.

**Ordinance 1386 approved as amended 5 – 2.
Councilmembers Decker and McKibbin voted no.**

- B. **AB11-53 – Ordinance 1387 [D11-53]** – An Ordinance Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Editing Bonney Lake Municipal Code Chapter 2.04 To Change The Regular Meeting Location Of The Council Finance Committee Meetings And Regular Council Meetings And Workshops.

Councilmember Decker moved to approve Ordinance 1387. Councilmember Lewis seconded the motion.

Deputy Mayor Swatman moved to amend Section 2.04.022 to, “The finance committee voucher and payroll reviews shall be held at the Justice Center on the second and fourth Tuesdays of each month at the hour of 5:30 ~~4:30~~ p.m.” Councilmember Lewis seconded the motion.

Amendment approved 7 – 0.

Councilmembers discussed whether regular meetings should be held earlier in the evening for convenience. Councilmembers felt the meetings should continue to be held at 7:00 p.m. to allow people time to get home from work.

Ordinance 1387 approved as amended 7 – 0.

- C. **AB11-50 – Resolution 2118** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing The City To Award A Contract To Cannon Construction Inc. To Construct The Utility Trench And Conduit Installation Project.

Councilmember Rackley moved to approve Resolution 2118. Councilmember Decker seconded the motion.

**Resolution 2118 approved 6 – 1.
Councilmember McKibbin voted no.**

- D. **AB11-51 – Resolution 2119** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing A Contract With Paramatrix Engineering For The Surveying Effort For The Utility Trench & Conduit Contract For Charlotte Kontos.

Councilmember Lewis moved to approve Resolution 2119. Councilmember Decker seconded the motion.

**Resolution 2119 approved 6 – 1.
Councilmember McKibbin voted no.**

IX. EXECUTIVE SESSION: *None*

8:17:20

X. ADJOURNMENT:

At 8:17 p.m., Councilmember Rackley moved to adjourn the meeting. Councilmember Lewis seconded the motion.

Motion to adjourn approved 7 – 0.



 Harwood Edvalson, CMC
 City Clerk



 Neil Johnson
 Mayor

Items presented to Council at the April 26, 2011 Meeting:

- Bonney Lake Citizen – *Email re: "Ordinance D11-49 – Update BLMC 13.16"* – Roger Watt.
- Bonney Lake Citizen – *Petition Against Resolution 2120* – Bill Stinson.