

CITY COUNCIL MEETING

December 13, 2011  
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)*

**Location:** Bonney Lake Justice Center, 9002 Main Street East, Bonney Lake, Washington.

**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: 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, Community Development Director John Vodopich, Chief Financial Officer Al Juarez, Interim Police Chief Dana Powers, Assistant Public Works Director Charlie Simpson, 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. **AB11-159** – A Motion Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Confirming The Mayor's Appointment Of James Bouchard As A Member Of The Park Board With A Term Expiring April ~~2012~~ 2014.

**Councilmember Rackley moved to approve Motion AB11-159.  
Councilmember Decker seconded the motion.**

Administrative Services Director/City Clerk Harwood Edvalson explained that Mr. Bouchard's term will actually end in 2012 as he is filling a previously unexpired term. Mr. Bouchard thanked the Council for considering him for the appointment and said he looks forward to serving on the board. Mayor Johnson said this appointment brings the Park Board back to full membership.

**Motion approved 7 – 0.**

3. Presentations:

a. Oath of Office: Police Officer Jeffrey Bourbon.

Municipal Court Judge Ron Heslop administered the Oath of Office to Officer Bourbon. Mayor Johnson and the Council welcomed him to the City staff.

- b. Recognition of Service: Councilmember Laurie Carter and Councilmember Dan Decker.

Mayor Johnson presented plaques to recognize Councilmembers Decker and Carter for their service as councilmembers from 2008 to 2011. He thanked Councilmember Decker for working as a team member during his time in office. He thanked Councilmember Carter for her passion and energy working on issues and said he hopes she has inspired others in the community to serve.

**At 7:12 p.m. Mayor Johnson called for a 15 minute break for a reception and refreshments congratulating the outgoing councilmembers. The Meeting returned to order at 7:29 p.m.**

- D. Agenda Modifications: None.

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

- A. Public Hearings: None.

- B. Citizen Comments:

Connie Swarthout, owner of CJ's Deli in Bonney Lake, said someone started a petition and asked to post it at her business. She said she has a list of people who are opposed to changing the name of Sumner-Buckley Hwy (per Ordinance 1405). She said she wanted to speak for long-time residents Juanita and Hugh McGraw, who do not want the road name to be changed. She said she has not spoken to anyone who wants the road name to be changed. She said petition signers suggested other names or locations for a Veteran Memorial Drive, such as the actual location of a future memorial. She said business owners were not contacted before the name change was approved to ask their opinion. She said though she appreciates the Council's desire to honor veterans, people do not want this particular road name to be changed. She said she works very hard and does not want the Council to tell her how to spend money. She said business owners should not be expected to pay for the costs of changing their street address.

Steve Marks, owner of B Natural Music in Bonney Lake, said he does not understand why the City changed the road name in the current economy, as it will impact his business. He said people who live in the area recognize the Sumner-Buckley Hwy and know where it is. He said businesses and governments are watching every penny, and this will be an added cost.

Mayor Johnson confirmed that the road renaming was approved by Council (Ordinance 1405) and will be effective 30 days after approval and publication. He asked Mr. Marks and others to speak with the City Clerk or City Administrator to get information on the appeal process.

Linda Youngberg, 18112 85<sup>th</sup> St, Bonney Lake, said she appreciates Councilmember Carter's 'no' vote on the ordinance, though she and other business owners did not speak with her directly. She said no one she has spoken to on the road wants to see the change, and she is surprised the Council passed an ordinance that no one wants. She said people in the area recognize the name 'Old Buckley Highway' or Sumner-Buckley Hwy. She said the Council should reverse the decision. She thanked Ms. Swarthout and Mr. Marks for their comments.

Pastor Glen McMurray, 19917 113<sup>th</sup> St E, Bonney Lake, spoke representing the Bethel Family Fellowship located off South Prairie Road. He said the property was annexed into the City under C-2 zoning but the zoning was later changed to C-1 zoning in 2005. He said representatives from the church have attended Planning Commission meetings. He said the Bethel Family Fellowship requests that the Council approve the proposed Midtown Core land use designation ordinance (Ordinance D11-135). He said the church plans to move to a new location in the future.

- C. Correspondence: None.

### 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 a proposed renewal of the City Administrator's contract, and recommended it be reviewed in 2012 when new councilmembers have joined the Council. They also reviewed options for use of the Justice Center space for city staff. The committee discussed a recommendation to eliminate an accounting system module that is not being used, which would save about \$3,700. He noted that boat launch revenues came in as normal for 2011. The committee also discussed the National Home Builder's report, and are hoping to have Dr. Elliot Eisenberg attend a future Council Workshop to provide a report, since he will be doing so for Pierce County as well.
- B. Community Development Committee: Councilmember Rackley said the committee met on December 6<sup>th</sup> and discussed priorities for 2012. He said the committee's meeting notes are available online, and no items were forwarded to the current agenda.
- C. Public Safety Committee: Councilmember Hamilton said the committee met on December 5<sup>th</sup> and discussed options to install video cameras on police vehicles and on officers. The Police Chief noted that cost is an issue, and the City Prosecutor did not recommend cameras due to concerns about gaining permission to make a video recording, and for the cost to provide recordings to defendants. Councilmember Decker reported on a fire in his neighborhood and thanked East Pierce Fire & Rescue and the Police Department for their quick response. Councilmember Hamilton said the City Prosecutor continues working on proposed code revisions with input from the City Attorney's office and Court staff. The committee also discussed how a recent finding against the Pierce County dangerous dog ordinance might impact the City of Bonney Lake code. They also discussed standing committees in general, and the consensus of Public Safety Committee members was that the council standing committees could be dissolved.

Mayor Johnson noted that all Councilmembers are now 'at-large' so residents can contact any councilmember with issues or concerns.

- D. Other Reports: None.

Youth Forum: Mayor Johnson thanked staff members for their participation at the Bonney Lake High School Youth Forum on December 2<sup>nd</sup>. He said students brought up similar ideas as they have discussed in the past, including a need for more youth activities and recreation centers, and concerns about youth drug use. He encouraged Councilmembers to attend future forums, to learn from youth in the community and their teachers.

Police Updates: Mayor Johnson asked Interim Chief Powers to provide an update on police activities that happened earlier in the day. Interim Chief Powers said a bomb threat was reported at Bonney Lake High School in the morning. She said the school went on modified lockdown, and the students were sent home early. She said no bomb was found, and after investigation Police arrested one youth later in the day.

Interim Chief Powers said that earlier in the day, the regional auto-theft task force was in Bonney Lake and attempted to pull over a stolen vehicle. She said this resulted in a high-speed chase, damage to two police vehicles, and injuries to an officer whose vehicle was hit by the suspect. She said the chase ended in a pit maneuver at the Traffic Avenue exit in Sumner and the suspect was arrested.

#### IV. CONSENT AGENDA:

- A. **Approval of Corrected Minutes:** November 15, 2011 Council Workshop and November 22, 2011 Council Meeting.
- B. **Approval of Accounts Payable and Utility Refund Checks/Vouchers:** Accounts Payable checks/vouchers #62450 thru 62494 (Including Wire Transfer #'s 8368629, 11162011, 12012011, 20111115) in the amount of \$1,051,502.72; Accounts Payable checks/vouchers #62495 thru 62498 in the amount of \$1,314.64; Accounts Payable checks/vouchers #62499 thru 62525 in the amount of \$3,543.40 for Utility refunds for a grand total of \$1,056,360.76.  
VOIDED CHECKS: #62424 – Duplicate Payment, and #61977 – Duplicate Payment.
- C. **Approval of Payroll:** Payroll for November 16-30th 2011 for checks 30136-30165 including Direct Deposits and Electronic Transfers in the amount of \$591,032.51.
- D. **AB11-155 – Ordinance 1417 [D11-155]** – An Ordinance Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Amending Chapter 3.90 Of The Bonney Lake And Ordinance Nos. 1233, 995 And 825 Relating To Miscellaneous Fees.
- E. **AB11-156 – Resolution 2171** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing The City To Award A Contract To Laser Electric, Inc. For The Installation Of City-Purchased Variable Frequency Drives.
- F. **AB11-160 – Resolution 2173** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing The Mayor To Give Notice Of The City's Withdrawal From The Rainier Communication Commission.

**Councilmember Rackley moved to approve the Consent Agenda. Deputy Mayor Swatman seconded the motion.**

**Consent Agenda approved 7 – 0.**

#### V. FINANCE COMMITTEE ISSUES: None.

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

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

**VIII. FULL COUNCIL ISSUES:**

- A. **AB11-147 – Ordinance 1414 [D11-147]** – An Ordinance Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Adopting The Mid-Biennial Budget Amendment For Budget Years 2011 And 2012.

**Councilmember Rackley moved to approve Ordinance 1414. Councilmember Lewis seconded the motion.**

Mayor Johnson said the Council and administration have been working on the biennial budget amendment for some time. He said administration requests authorization for the use of about \$393,000 of fund reserves in the 2012 budget, which is far under the \$600,000 originally budgeted for the current biennium. He said starting with the 2013 budget any reserve funds would be used only for emergencies or to maintain public safety.

Deputy Mayor Swatman said he feels the City should not spend more than it takes in, and believes the 2012 budget is actually only about \$200,000 short, based on his own revenue and expenditure projections. He provided Councilmembers with revised versions of the ordinance exhibits A and B for review.

**Deputy Mayor Swatman moved to amend Ordinance 1414 to replace Exhibit A and Exhibit B with the amended figures provided. Councilmember Decker seconded the motion.**

Deputy Mayor Swatman said the Council should challenge the administration to find a way to zero out the 2012 budget. He said he does not think the Council should decide specific line items to be cut, as this is better left up to the administration to decide.

Councilmember Rackley said he does not support the proposed amendment, for reasons discussed at the previous Workshop. Councilmember McKibbin said he supports the idea of a zero-based budget, and would be interested in a more detailed review of budget items but is not sure he is ready to decide at the current meeting. Councilmember Carter confirmed that the Deputy Mayor wants to revise the ordinance attachments, and let staff work to find additional ways to trim the budget in 2012.

Mayor Johnson said the Council needs to review the budget line by line to determine their priorities and to identify areas that could be cut. He asked the City Attorney for background on how the budget process normally occurs. City Attorney Dionne said the process varies by government agency. He said the Bonney Lake Council does review a 'line item' budget for expenditures, as it completes monthly reviews of line items in the Finance Committee, but the Council formerly adopts a 'fund level' budget by ordinance, not a line item budget. He said if the Council decides to adopt the proposed amendments they could do so, but would not have a chance to identify where cuts would be made. He said it depends on whether the Council is interested in or prepared to take this action.

Mayor Johnson noted that the funds held in reserve were saved during better economic times, and that \$600,000 in fund reserves were budgeted to be used during the current biennium. Councilmember Lewis said he feels the budget should be approved as proposed by the administration and move forward with a balanced budget in 2013.

**Deputy Mayor Swatman withdrew his motion to amend the ordinance attachments. Councilmember Decker withdrew his second.**

**Deputy Mayor Swatman moved to amend Ordinance 1414, Section 1. as follows:**

**“Section 1. The biennial budget for the City of Bonney Lake for the period January 1, 2011 through December 31, 2012 as contained in the adopted 2011-2012 Biennial Budget for total revenues/sources (including beginning fund balances) and expenditures/uses (excluding ending fund balances) and as revised by the City Council, is hereby amended by Total Revenues and Expenditures for each fund as shown on the attached Exhibit “A” (City of Bonney Lake Mid-Biennial Budget Amendment)-, provided however, that any 2012 General Fund expenditures in excess of \$12,886,038 shall require advance council approval.”**

**Councilmember Decker seconded the motion.**

Deputy Mayor Swatman said this proposed language will draw the Council’s attention if the City spends more than it brings in during 2012. Councilmember Rackley said he feels the proposed amendment is unnecessary, as the Council already has budget oversight and is kept updated on the budget throughout the year.

Deputy Mayor Swatman said the proposed amendment does not change the budget figures in any way, but ensures the Council will be informed at the point when the City will spend more than revenues and start using the fund balance during 2012. Councilmember Decker noted that the Council can amend the budget at any time in 2012 with a majority vote.

Mayor Johnson asked how the Deputy Mayor’s proposed amendment would be implemented. City Attorney Dionne said this amendment is less problematic, although in reality the administration will probably budget for 2012 as if the funds over the proposed amount are not available. He said it would require an additional vote of the Council before the City could spend funds over the proposed amount, if and when that time comes. In other words, he said the Council would need to consider an amendment to the budget before any reserve funds could be spent in 2012.

Councilmember Rackley noted that the 2013-2014 budgeting process will begin in 2012 and the Council will learn more during that process. He reiterated that he does not feel the proposed amendment is necessary. He said the City has \$2.5 million in fund balance, which is a large amount to retain for a fund balance.

Mayor Johnson said he disagrees with the proposed amendment and feels it will cause difficulty for staff. He said he feels the City should stick to the original budget approved for 2011-2012, but that he would support the Council’s decision.

**Motion to amend Ordinance 1414 approved 5 – 2.  
Councilmembers Rackley and Lewis voted no.**

**Ordinance 1414 approved as amended 6 – 1.  
Councilmember Decker voted no.**

**At 8:28 p.m. Councilmember Rackley moved for a 10-minute recess. Councilmember Decker seconded the motion.**

**Motion approved 7 – 0.**

**The Meeting returned to order 8:38 p.m.**

**B. 2011 Comprehensive Plan Amendments:**

- i. **AB11-130 – Ordinance 1406 [D11-130]** – An Ordinance Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Amending The Eastown Element Of The Comprehensive Plan.
- ii. **AB11-132 – Ordinance 1408 [D11-132]** – An Ordinance Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Establishing Pre-Annexation Planning And Zoning For The Comprehensive Urban Growth Area To The South Of The City Limits.
- iii. **AB11-133 – Ordinance 1409 [D11-133]** – An Ordinance Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Adopting The Midtown Element As Chapter 11 Of The Comprehensive Plan.
- iv. **AB11-135 – Ordinance 1411 [D11-135]** – An Ordinance Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Adopting The Midtown Core Land Use Designation And Applying It To Properties Currently Designated Neighborhood Commercial, Commercial, And Commercial & Light Industry In Midtown.
- v. **AB11-136 – Ordinance 1412 [D11-136]** – An Ordinance Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Amending The Parks Element Of The Comprehensive Plan.
- vi. **AB11-137 – Ordinance 1413 [D11-137]** – An Ordinance Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Adopting The Cultural Resources Element As Chapter 12 Of The Comprehensive Plan.

Mayor Johnson asked the City Attorney if the Council could act on all the proposed Comprehensive Plan amendments at once. The City Attorney confirmed that they should make a motion to pass all six related ordinances at once, then the City Clerk would read all the ordinance titles aloud, and the Council could vote upon them all at that time.

**Councilmember Rackley moved to consider the proposed Comprehensive Plan amendment ordinances at the same time. Councilmember Lewis seconded the motion.**

Councilmember Decker moved to amend the motion to remove Ordinance 1406 [D11-130] from the motion and consider it as separately. The City Attorney explained that if any ordinance was removed from the main motion, it would mean the Council would not

take action on that item this year as part of the Comprehensive Plan amendments. Councilmember Decker removed his motion. The City Clerk read each of the ordinance titles aloud.

**Motion to consider the Comprehensive Amendments as a group approved 7 – 0.**

**Councilmember McKibbin moved to amend the motion to remove Ordinance 1413 [D11-137] from the main motion. Councilmember Decker seconded the motion.**

Councilmember McKibbin said he is in favor of the Cultural Resources plan, but he does not feel it needs to be an element of the Comprehensive Plan. Deputy Mayor Swatman said some members of the Council have concerns about being able to amend the plan regularly, since Comprehensive Plans can only be amended once per year. He said he is not certain if adopting the plan outside of the Comprehensive Plan will give it less teeth, however. City Attorney Dionne explained that a motion, resolution, and ordinance all have the same legal affect under the law. He confirmed that adopting the plan as a resolution would provide more flexibility to make changes in the future.

Councilmember Rackley said the Council will have plenty of time to make amendments again, and the plan truly only needs to be amended about once a year. He said he feels the plan could be lost if not adopted as part of the Comprehensive Plan.

Councilmember Lewis noted a typographical error in Goal 13 of the plan, which states “The City has ~~has~~ taken ...”. City Administrator Morrison said the text would be corrected in the final version.

Councilmember Hamilton said he also felt the plan will be lost if not included in the Comprehensive Plan. He said the Park Board and Planning Commission worked diligently on the plan based on the Council’s interest. He said this plan has been lacking for many years, and identifies many great resources in the community. He said the Park Board will continue working on the plan throughout the year, and it makes sense to wait and make changes only once a year or so, as needed. He said the proposed plan should be a high priority, and it shows where the City is today and where it plans to go in the future. Councilmember Carter agreed that the item should be included in the Comprehensive Plan element.

The City Clerk said no one had signed up to speak on the item. Deputy Mayor Swatman asked if the Council would recognize someone in the audience who wished to speak. Mayor Johnson invited the speaker to the podium.

Winona Jacobsen, 9100 189<sup>th</sup> Ave Ct E, Bonney Lake, said it has taken three years to get the Cultural Resources Element to this point, and the Council had always agreed it should be part of the Comprehensive Plan. She said though the plan can only be amended once per year, if the Council follows the recommendations in the plan to form a Commission, that new body can make recommendations for the Council during the year. She said there are no ordinances supporting the plan at this time, but if it is approved as a plan outside the Comprehensive Plan, there will be no ordinances supporting it, and it could just be filed away and forgotten.

**Motion to remove Ordinance 1413 [D11-137] from the main motion failed 1 – 6.**

**Councilmembers Decker, Carter, Hamilton, Rackley,  
Lewis, and Deputy Mayor Swatman voted no.**

**Ordinances 1406, 1408, 1409, 1411,  
1412, and 1413 approved 7 – 0.**

**C. Amendments to the Bonney Lake Municipal Code:**

- i. **AB11-131 – Ordinance 1407 [D11-131]** – An Ordinance Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Adopting A New Chapter 18.33 Of The Bonney Lake Municipal Code Relating To Eastown Development Standards.
- ii. **AB11-134 – Ordinance 1410 [D11-134]** – An Ordinance Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Adopting A New Chapter 18.39 Of The Bonney Lake Municipal Code Relating To Midtown Development Standards.
- iii. **AB11-151 – Ordinance 1415 [D11-151]** – An Ordinance Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Adding A New Chapter 18.27 To Title 18 Of The Bonney Lake Municipal Code, Creating A Midtown Core Zone And Applying It To Those Properties With A Midtown Core Land Use Designation.
- iv. **AB11-152 – Ordinance 1416 [D11-152]** – An Ordinance Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Amending Title 18 Of Bonney Lake Municipal Code.

**Councilmember Rackley moved to consider the proposed Municipal Code Amendment ordinances as a group. Councilmember Lewis seconded the motion.**

**Motion approved 7 – 0.**

The City Clerk read each of the ordinance titles aloud.

**Ordinances 1407, 1410, 1415,  
and 1416 approved 7 – 0.**

- D. **AB11-161** – A Motion Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, To Cancel The December 20, 2011 Council Workshop And The December 27, 2011 Council Meeting.

**Councilmember Lewis moved to approve AB11-161. Councilmember Decker seconded the motion.**

**Motion AB11-161 approved 7 – 0.**

**IX. EXECUTIVE SESSION:** None.

**X. ADJOURNMENT:**

**At 9:02 p.m., Councilmember Decker moved to adjourn the Council Meeting.  
Councilmember Lewis seconded the motion.**

**Motion to adjourn approved 7 – 0.**

  
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Harwood Edvalson, CMC  
City Clerk

  
\_\_\_\_\_  
Neil Johnson, Jr.  
Mayor

Items presented to Council at the December 13, 2011 Meeting:

- Deputy Mayor Dan Swatman – *Amended Exhibits A and B for Ordinance 1417* – City Council.