

**COUNCIL WORKSHOP**

*July 5, 2011  
5:30 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](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 Workshop to order at 5:30 p.m.

**II. Roll Call:** [A1.3]

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

Staff members in attendance were City Administrator Don Morrison, Chief Financial Officer Al Juarez, Police Chief Mike Mitchell, Community Development Director John Vodopich, Planning Manager Heather Stinson, Public Works Director Dan Grigsby, City Attorney Jim Dionne, Administrative Services Director/City Clerk Harwood Edvalson, and Administrative Specialist Shawn Campbell.

**Councilmember Rackley moved to excuse Councilmember Lewis from attendance at the meeting. Councilmember Decker seconded the motion.**

**Motion approved 6-0.**

**III. Agenda Items:**

**A. Council Open Discussion:**

Cloud Technology: Councilmember Rackley shared an article he read regarding Cloud Technology. He offered the article to the other members.

Fireworks: Councilmember Rackley said he received an email regarding fireworks allowed inside the City limits. He asked if there was Council interest in placing a ballot measure before the citizens to make fireworks inside the City limits of Bonney Lake illegal. He said he is in favor of leaving things the way they are. Mayor Johnson said the fireworks that are a problem are already illegal per the state regulations. He said enforcement of fireworks laws is very difficult. He said by the time the police arrive at a location the people have already finished lighting the fireworks. He added a ballot measure would affect all fireworks including the "safe and sane" ones. He said many nonprofit organizations would be adversely impacted. He suggested if the Council wanted to make changes they could shorten the days and hours fireworks are allowed in the City. Councilmember Hamilton said he would be in favor of putting an item on the ballot to allow the citizens of Bonney Lake to vote on the issue. He added there is not a lot the City can do about the fireworks until the State addresses the issue of illegal fireworks with the tribes that sell them. Councilmember Decker stated he does not believe the fireworks laws are enforceable. He added the Police Department does not have the manpower to devote to enforcement. He said citizens enjoy fireworks on the 4<sup>th</sup> of July celebration. Councilmember Carter agreed

that enforcement would be costly. She added there were no brush fires or homes burnt due to fireworks this year.

Sales Tax Revenue: Councilmember Rackley said the sales tax report for March and April show the highest income the City has seen in those two months. Mayor Johnson added the larger stores sales tax revenue is down, and the increase in sales tax is due to new businesses. Deputy Mayor Swatman said the increase in sales tax is from nonrecurring sources, the City cannot count on this income in the future.

Theater Tickets: Councilmember Carter said she and Councilmember Decker donated the tickets they received last week from Mane Stage Theater to the Lions for Kids House.

Relay for Life: Councilmember Carter said the Bonney Lake Relay for Life team needs donations and participants for the July 29<sup>th</sup> & 30<sup>th</sup> event. She said information is available online at [teambonneylake.org](http://teambonneylake.org).

Fennel Creek Tour: Councilmember Carter reminded Council of the upcoming Fennel Creek Tour on July 9, 2011. She added if any other Councilmembers were interested in attending the tour to contact Marian Betzer to RSVP.

YMCA Tour: Councilmember Carter said the tour of the Gig Harbor YMCA is scheduled for July 16, 2011. She said the candidates for the upcoming Council election have been invited to attend.

AWC Conference Reports: Councilmember Carter said she and Councilmember Hamilton went on a tour of Mirabeau Point Park at the conference. She said they toured the campus with a YMCA and the community center. She said the Discovery Park there has been 'loved to death' and had to be closed for repairs. Councilmember Hamilton spoke with the park director who said the community center has a budget of \$1 million and the City contributes \$400 thousand per year to that budget. He added the YMCA paid 100% of the cost for the YMCA and the city does not contribute to the maintenance of the Y.

Councilmember Carter said she attended a session dealing with medical marijuana. She said in some jurisdictions people are renting storage units to grow the marijuana plants.

Councilmember Carter said she attended a session on Civic Branding. She said one of the points made during the session is not to have 'vanilla' buildings. She said they suggested buildings that are unique and stand out like Bonney Lake's new Justice Center. They also suggested not putting a parking garage in a downtown zone.

Deputy Mayor Swatman said he attended a session on tax increment financing. He added this is not currently an option available in Washington State. He explained how the process works for jurisdictions in other states. He added AWC is working to have tax increment financing available in Washington State.

Nuisance Abatement: City Administrator Morrison informed the Council that the house at 19003 75<sup>th</sup> St East has been deemed a nuisance and is in need of abatement. He said the Hearing Examiner gave the homeowner a specific date to complete the clean up and as of yet they have not complied with the Hearing Examiner's order. The Hearing Examiner said if the cleanup is not completed by the specified date the City could do the abatement and bill the property owner or lien the property. He said it would cost \$10,000 to clean up

the property. He asked Council for their direction on this issue. Councilmember Carter asked if this was a health and safety issue. She asked if the City could 'earmark' demolition permits to fund abatement. City Administrator Morrison said his general advice is not to earmark funds. He said it is better to put all funds into a general account and prioritize spending from that account. Mayor Johnson said once the City starts this process, there will be other properties citizens will want the City to clean up. Councilmember Rackley said he believes the city needs to find the money to clean up the property. Councilmember Hamilton said he would like to have more discussion on this issue. He suggested this item be moved back to the Finance Committee. By consensus, this item was sent back to the Finance Committee for review.

Code Enforcement: City Administrator Morrison said the Chamber of Commerce contacted him regarding their Health Fair signs being removed from the City right of way. He said it is the City policy to not allow any non-profit to put signs into the right of way. He added if they obtain a sign permit and receive property owner permission they can put the signs on private property. Mayor Johnson said the City must be consistent with all groups who wish to put up signs in the right of way.

Sewer Treatment Plant: Deputy Mayor Swatman spoke with a councilmember from the City of Sumner regarding increasing the sewer treatment capacity. He said the councilmember indicated they did not want to allow the treatment plant to be expanded if that would increase the number of cars on the roads in Sumner.

Councilmember Hamilton said he was approached by the Mayor from the City of Buckley. She said she would like to negotiate with the City of Bonney Lake for the use of their sewer treatment plant. Director Grigsby said the cost of running a pipeline to Buckley is cost prohibitive. Councilmember Carter said the City of Buckley has recently purchased 150 acres from Puget Sound Energy next to their sewer treatment plant.

Vacation Time: Deputy Mayor Swatman said the Finance Committee discussed a concern that some staff are having a difficult time taking sufficient vacation to be below the cap of 240 hours before the end of the year. He added this problem has been exaggerated with the furlough days. Councilmember Carter noted the federal government also caps the maximum hours at 240. Councilmember Rackley said some companies do not allow people to carry over any hours from year to year.

WSU Forest: Councilmember Hamilton shared photos of campsites within the WSU Forest. He is concerned that with the weather getting drier that campfires could spread and cause damage to the forest. He asked the Police to step up patrols in the area.

Buckley/Bonney Lake Park: Councilmember Hamilton said non-motorized vehicles have damaged the 80-acre park. He would like the City to contact the County and request they maintain the area. He said the park would be ideal for ball fields that are needed for the area. He confirmed the company who clear-cut the woods behind the park would be required to replant the trees.

Sumner School District: Mayor Johnson said the interim superintendant at the Sumner School District will be Craig Spencer. He said they met and discussed the pool, Parks and Recreation, and the YMCA, and the meeting went very well.

- B. Review of Council Minutes:** May 31, 2011 Special Meeting, June 7, 2011 Council Workshop, June 14, 2011 Council Meeting, and June 28, 2011 Council Meeting.

Councilmember Carter asked for p.4 of the June 14, 2011 minutes to be amended to “~~dry~~ dry line”, and p. 5 to be amended to “~~does inform~~ runs from the right of way”. The corrected minutes were forwarded to the July 12, 2011 meeting for action.

- C. Discussion/Action:** (Tabled from 6/28/11 Council Meeting) **AB11-70 – Ordinance 1391 [D11-70]** – An Ordinance Of The City Council Of The City Of Bonney Lake, Pierce County, Washington Amending Chapter 5.04 Of The Bonney Lake Municipal Code, And The Corresponding Portions Of Ordinance Nos. 990 And 305, Relating To Utility Tax.

**Deputy Mayor Swatman moved to approve Ordinance 1391. Councilmember Rackley seconded the motion.**

Deputy Mayor Swatman said this issue has gone to the Finance Committee. He said the language in the current ordinance is ambiguous. He said this draft ordinance clears up the language. He said this is not a new tax. He added this is only for voice not for data plans. City Administrator Morrison said this ordinance closed an unintended loophole that some cellular carriers are using to not pay the utility tax.

**Ordinance 1391 approved 6 – 0.**

- D. Discussion:** (Tabled from 5/24/11 Council Meeting) **AB11-58 – Ordinance D11-58 – Updating the Municipal Code Regarding Impacts between Commercial and Residential Development.**

Director Vodopich explained various examples from jurisdictions in the area to Council. He said the buffers vary from 150 feet to 400 feet and some jurisdictions do transition zoning districts. He added a number of jurisdictions use various landscaping buffers to mitigate the noise and sound pollution. Councilmember Carter thanked Director Vodopich and his staff for the examples. She said a number of jurisdictions have rules regarding when businesses can have deliveries made and that developers must keep mature trees. She added it is important to consider firewalls for zero lot line areas, transitional buffers between opposing zones, solar access and the walkability of the City when adjusting these regulations. Councilmember Hamilton said this issue needs to be returned to the Planning Commission for a more in-depth analysis. He said this could have a huge economic impact on the area. Councilmember Decker said the 500 foot buffer is truly 1000 feet, and this issue needs to be returned to the Planning Commission. Deputy Mayor Swatman said one of the main concerns is the lack of regulations for new residential homes next to existing commercial.

**Councilmember Rackley moved to make AB11-58 an action item. Councilmember Decker seconded the motion.**

**Motion approved 6 – 0.**

**Councilmember Rackley moved to send AB11-58 back to the Planning Commission. Councilmember McKibbin seconded the motion.**

Councilmember Hamilton said it is important to give the Planning Commission direction and input on how the Council would like them to work on this ordinance. Director

Vodopich said he will include in the packet to the Commission the minutes from the various Council Meetings where this item has been discussed and make the audio for those meetings available to the Planning Commission members. Deputy Mayor Swatman said he wants the Planning Commission to look at cognitive measures. He said the regulations need to make sense and prove they will make a difference. He said he does not want the language 'where feasible' in the next draft. He said he would like to have this item back to Council by the end of 2011.

**Motion approved 6 – 0.**

**E. Discussion:** Discussion: AB11-81 – A Letter of Understanding with the YMCA of Pierce and Kitsap Counties.

Mayor Johnson said he brought this letter forward to receive input from Council. He said the letter needed to be returned to the YMCA by the end of July 2011. Councilmember Carter asked if the Park Board had been asked for input on this letter. Mayor Johnson said the issue is past the Park Board phase and he had not consulted them on the letter of understanding. Councilmember Rackley asked for assurance the letter is not a contract. City Attorney Dionne said the letter does read as a contract. He suggested before signing a full legal review and language changes. Councilmember Carter stated she would like to add language clarifying the money can only be used for the Bonney Lake YMCA. Councilmember Hamilton said he likes the idea of partnering with the YMCA. He asked if the City of Sumner's Urban Growth Area amendment is denied by the Pierce County Council, would that affect the City of Bonney Lake's ability to move forward with their current plan. Mayor Johnson said his understanding is the two plans are not connected. He said the City of Bonney Lake's YMCA is based on the City being able to get a bond to fund the facility. Mayor Johnson said it is his understanding the YMCA will maintain the grounds, staff and building. Councilmember Carter noted approximately 150 people, many of them youths, will have jobs at the YMCA. Mayor Johnson said in his discussion with Tim Thompson they believe the area can support both a YMCA and a Parks and Recreation department. He said the lack of ball fields is a concern. Councilmember Decker confirmed the Mayor is not signing the letter of intent until after it has been reviewed and amended by the City Attorney.

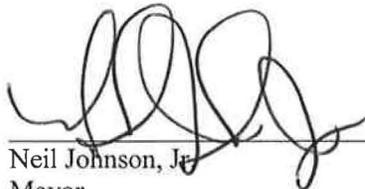
**IV. Executive Session:** None.

**V. Adjournment:**

At 7:03p.m. Councilmember Rackley moved to adjourn the Workshop. Councilmember Decker seconded the motion.

**Motion to adjourn approved 6 – 0.**

  
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Harwood T. Edvalson, CMC  
City Clerk

  
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Neil Johnson, Jr.  
Mayor

Items Submitted to the July 5, 2011 Council Workshop: None.