

CITY COUNCIL WORKSHOP

September 20, 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

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 5:32 p.m.

II. ROLL CALL:

Administrative Services Director/City Clerk Harwood Edvalson called the roll. In addition to Mayor Johnson, elected officials attending were Deputy Mayor 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 Public Works Director Dan Grigsby, Community Development Director John Vodopich, Chief Financial Officer Al Juarez, Assistant Police Chief Dana Powers, Administrative Services Director/City Clerk Harwood Edvalson, City Attorney Jim Dionne, Human Resources Manager Jenna Richardson, and Records & Information Specialist Susan Duis.

III. AGENDA ITEMS:

A. Council Open Discussion:

Workshop Agenda Items: Councilmember Rackley suggested that several items be tabled to a later workshop when the City Administrator would be in attendance.

Councilmember Rackley moved to table items D., F., and G. to the October 4, 2011 Council Workshop for discussion. Councilmember Decker seconded the motion.

Councilmembers discussed whether to table these items to a later Workshop. Councilmember Carter said other staff members were in attendance who could answer questions on these items. Mayor Johnson said he would prefer to wait until the City Administrator was present, but it was up to the Council. Councilmember Decker asked whether this discussion should be done in an Executive Session.

City Attorney Dionne said he cannot give the Council advice on issues that relate to the contract with his office, and he would not participate in an Executive Session if the Council chose to have one. He said the Council would need to obtain another attorney to provide legal advice on these items. He noted that multiple issues are up for consideration beyond the amendment to his office’s contract, and he would need to know more before he could provide an opinion. Mayor Johnson suggested the Council wait to discuss the item with the City Administrator, and then decide whether it is necessary to obtain an outside legal opinion.

**Motion to table items D., F., and G. approved 6 – 1.
Councilmember Carter voted no.**

Medical Marijuana Moratorium: Councilmember Carter asked what the next step in the process is for the medical marijuana moratorium, and whether the issue should be added

to the Planning Commission's work plan. She asked if a permit is required for a garden. City Attorney Dionne said the moratorium ordinance leaves it up to the Council to decide how to move forward. He said the Council could opt to deal with the issue through zoning, or by declaring the practice illegal and prosecuting individuals in the City who grow or distribute marijuana. Councilmember Carter noted that the City has denied permits to medical marijuana dispensaries, but community gardens are a new and separate issue. Mayor Johnson said the administration's opinion is to continue denying these applications. City Attorney Dionne said the moratorium gives the City six months to consider its options, see what the federal government and other cities in Washington are doing, and make a plan to move forward. He said some cities have already implemented zoning to address gardens. He said this is one option, but it may make cities complicit in the distribution and use of marijuana. He said he expects there will be legal challenges around the State related to these issues.

Councilmember Rackley said Bonney Lake should not take the lead, and instead wait to see what happens elsewhere in the State. He said in his personal opinion, if marijuana use is against federal law, then it is against the law and should not be allowed. Deputy Mayor Swatman asked whether the City can take action today if someone plants a community garden. City Attorney Dionne said the City can elect to prosecute the resident in court. He said most cities are waiting for the issue to come forward elsewhere at the State or Federal level. He said Bonney Lake was one of the last cities to enact a moratorium, and it seems the Council has both legal and moral concerns related to this issue. Councilmember Hamilton said though he voted 'yes' on the moratorium, he had concerns that this action implies that the Council recognizes the legality of marijuana use. He agreed that the City should wait and see what happens elsewhere before taking action.

Councilmember Decker said the State law refers to collective gardens used by multiple people, not gardens maintained by individuals. He said there is a difference in federal and state laws in the number of marijuana plants an individual can possess, and different standards for when local and State police will take action.

City Attorney Dionne said the Council could vote to direct the City Attorney's office to research the possible effects and negative consequences of taking no action to amend the municipal code. He said his office will work on options and bring information back to the Council prior to the end of the moratorium. The Council can then make a decision, such as directing the Planning Commission to develop zoning amendments. Councilmember Carter said her main concern is that the Planning Commission be given ample time to work on the issue if it is forwarded to them. She thanked the City Attorney for his input.

Beautify Bonney Lake: Mayor Johnson thanked councilmembers and residents who took part in Beautify Bonney Lake on September 17, 2011. Councilmember Hamilton thanked Tom Watson for the signs he donated, and Councilmember Lewis said project leaders did a great job. Mayor Johnson said the event highlights councilmember's leadership.

Finance Items: Councilmember Decker said he discussed payroll and vouchers at the September 13, 2011 Meeting, and understood it was going to be discussed at the Workshop. Deputy Mayor Swatman said the Chief Financial Officer is putting information together for Councilmember Decker and would share it with him. He asked whether other councilmembers shared Councilmember Decker's concerns and wanted it to be discussed at the Workshop. Mayor Johnson said he will support changes in what staff presents to the Council if a majority of the Council is interested. Councilmember

Decker said the Council is approving items blindly, without understanding what they are. Deputy Mayor Swatman said information is available to Councilmembers, and it is not accurate to state they do not know what they are approving. He noted that the Council does not have the authority to deny payment of specific vouchers, which is why the City code and process is set up as it is currently.

- B. **Review of Council Minutes:** September 6, 2011 Council Workshop and September 13, 2011 Council Meeting.

Councilmember Carter asked that the September 13, 2011 Meeting minutes, p. 5, be amended to “only Comcast customers would have access to a public access channel”.

- C. **Discussion:** (Tabled from the September 6, 2011 Council Workshop) Model Lighting Ordinance.

Deputy Mayor Swatman asked the Council to consider whether to forward this item to the Planning Commission Work Plan. He said he came across the subject some time ago and past-Councilmember King had brought it up as well. A majority of Councilmembers supported forwarding the item to the Planning Commission Work Plan for 2012. Councilmember Carter said she has been interested in this topic for some time as well. Councilmember Hamilton said the Commission should try to also determine additional costs that might be required to comply with this type of ordinance.

City Attorney Dionne confirmed that the Council needs to put its rules in abeyance to add an action item to the agenda and take action.

Councilmember Hamilton moved to suspend the Council rules to amend the Workshop agenda with an action item. Councilmember Carter seconded.

Motion to modify agenda approved 7 – 0.

Deputy Mayor Swatman moved to add a Model Lighting Ordinance to the Planning Commission Work Plan during the second quarter of 2012 as a medium priority issue. Councilmember Rackley seconded the motion.

Motion approved 7 – 0.

- D. **Discussion/Action:** (Tabled from the September 13, 2011 Council Meeting) AB11-99 – Resolution 2146 – A Resolution of the City of Bonney Lake, Pierce County, Washington Authorizing the Mayor to Sign a Contract Amendment with Dionne and Rorick for Legal Services.

The item was tabled to the October 4, 2011 Council Workshop for discussion during Council Open Discussion.

- E. **Discussion:** (Continued from the September 6, 2011 Council Workshop) AB11-116 – Ordinance D11-116 – An Ordinance of the City of Bonney Lake, Pierce County, Washington Renaming Sumner-Buckley Highway within City Limits.

Councilmember Hamilton said he feels it is a good time to consider naming a ‘memorial highway’, especially since it is the tenth anniversary of 9/11 and the war in Afghanistan. He said changing street names does incur some costs, including amending signs, business addresses, and letterhead, but this is a small price to pay to honor veterans. He said he

hoped the change can go into effect by Veteran’s Day, with new signs being unveiled on Memorial Day in May 2012.

Councilmembers reviewed various options for a new street name, including veterans and memorial drive, road, etc. Mayor Johnson said he received emails from area business owners suggesting names. Councilmember Donn Lewis said a longer phase-in time will help businesses make changes to their business information and print materials, without incurring costs in the short term. Deputy Mayor Swatman said it does not cost businesses much to update their materials, and most use a P.O. box for business mail in any case. Councilmember Hamilton said the post office will deliver mail to a changed address for up to two years.

Community Development Director Vodopich confirmed that the City cannot change the name of the highway that lies outside the city limits. Councilmember Carter said the City could place brown ‘historic’ street signs under the official street signs, to reflect the historic name of the street. Deputy Mayor Swatman said he is favor of naming the road a ‘memorial’ drive to honor all public servants, such as late East Pierce Fire & Rescue Chief Dan Packer. Councilmember Hamilton said he understands that any road name the Council chooses must have ‘East’ at the end of the name.

Mayor Johnson asked councilmembers to bring proposed nominations for the street name to the September 27th Council Meeting for consideration.

- F. ~~**Discussion:** AB11-112—Ordinance D11-112—An Ordinance of the City of Bonney Lake, Pierce County, Washington Amending Chapter 2.08 of the BLMC Relating to the Departments and Offices of the City. The item was tabled to the October 4, 2011 Council Workshop for discussion during Council Open Discussion.~~
- G. ~~**Discussion:** AB11-113—Ordinance D11-113—An Ordinance of the City of Bonney Lake, Pierce County, Washington Updating the Position, Classification and Grade Table of Non-Represented Employees. The item was tabled to the October 4, 2011 Council Workshop for discussion during Council Open Discussion.~~

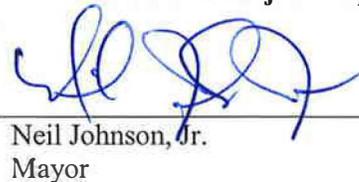
IV. EXECUTIVE SESSION: None.

V. ADJOURNMENT:

At 6:39 p.m., Councilmember Rackley moved to adjourn the Council Meeting. Councilmember Decker seconded the motion.

Motion to adjourn approved 7 – 0.


 Harwood Edvalson, CMC
 City Clerk


 Neil Johnson, Jr.
 Mayor

Items presented to Council at the September 20, 2011 Workshop: None.