

COUNCIL WORKSHOP

October 18, 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: Deputy Mayor Swatman called the Workshop to order at 5:32 p.m.

II. Roll Call: [A1.3]

Administrative Services Director/City Clerk Harwood Edvalson called the roll. In addition to Deputy Mayor Dan Swatman, elected officials attending were Councilmember Laurie Carter, Councilmember Dan Decker, Councilmember Mark Hamilton, Councilmember Donn Lewis, Councilmember Randy McKibbin and Councilmember James Rackley. Director Edvalson noted that Mayor Neil Johnson, Jr. was not in attendance.

Staff members in attendance were City Administrator Don Morrison, Public Works Director Dan Grigsby, Community Development Director John Vodopich, Interim Police Chief Dana Powers, City Attorney Jim Dionne, Administrative Services Director/City Clerk Harwood Edvalson, and Administrative Specialist Shawn Campbell.

III. Agenda Items:

A. Council Open Discussion:

Cultural Resources Plan: Councilmember Carter asked if the Cultural Resources Plan would be completed by the end of 2011. City Administrator Morrison said the Planning Commission created a subcommittee to work on the plan. He said the plan will come before the full Planning Commission at their next regularly scheduled meeting, then it will come forward to the City Council with the Planning Commission's recommendation. He said his understanding is the Planning Commission will continue to work on the Cultural Resources Plan for an additional amendment in 2012. Director Vodopich said the Planning Commission has a Public Hearing scheduled for November 2, 2011. Planning Commission Chair Grant Sulham said there has been a miscommunication at the Planning Commission level that will be discussed at the next meeting but the intent of the Planning Commission is to bring a Comprehensive Plan amendment forward for the Cultural Resources Plan in 2011, and then to refine the plan further in 2012 for an additional amendment.

Property Acquisition: Councilmember Carter asked for an update on the purchase of the Crossley Building (18585 Sumner Buckley Hwy E). City Administrator Morrison said the attorneys have been working on this item but it has not yet closed. He said the underlying note holder is blocking the closing. He added that the City has talked about starting the friendly condemnation process, but that would slow down the process.

WSU Storm Water Pond: Councilmember Hamilton asked if the clean out of the WSU storm water pond was part of the regularly scheduled maintenance. Director Vodopich said it was part of the regularly scheduled maintenance.

Pierce County 911 Upgrade: Councilmember Carter said she read an editorial in the Tacoma News Tribune regarding the proposed County-wide upgrade of the 911 system. She said the article had a lot of inaccurate information. She asked Interim Chief Powers what radios the Police Department is currently using. Interim Chief Powers said the department is using the 800 MHz radios. She said the Bonney Lake Police department is not in favor of this tax. She said the campaign in favor of the 911 tax has presented a lot of misinformation.

Alarm Permit Fees: Councilmember Lewis said he has been contacted from citizens who have been billed for the \$24 per-year alarm permits for non-active alarms. He said his understanding is the fee was only to be for active alarms.

Councilmember Decker moved to table item “F” to the next workshop. Councilmember Carter seconded the motion.

**Motion failed 3 – 4.
Deputy Mayor Swatman, Councilmember Hamilton, Councilmember McKibbin, and Councilmember Lewis voted no.**

Model Lighting: Deputy Mayor Swatman said the Dark Sky Association is holding a workshop for Model Lighting in Seattle; he asked the Council to let him know if they are interested in attending.

- B. Discussion / Action:** AB11-124 – Resolution 2159 – A Resolution Of The City Of Bonney Lake, Pierce County, Washington, Authorizing The Mayor To Sign The Franciscan Voluntary Transportation Mitigation Agreement.

Councilmember Lewis moved to approve Resolution 2159. Councilmember Rackley seconded the motion.

Councilmember Lewis said the funds can only be held for five years, and after that time, they would no longer be available to the City. He added the Community Development Committee is working on a design study for the area that will detail the total costs for improvements. Director Grigsby said the City has been working to have sidewalks through the length of the City, and this agreement would help with this goal. Councilmember Hamilton asked why the funds would only be available for five years. Director Vodopich said it is part of State Law. Director Grigsby said the City will need to revise the current 30% design plans to incorporate the Franciscan property and street lighting, and then complete the plans. Deputy Mayor Swatman explained that the reason for allowing Franciscan to pay only a portion of the costs for the improvements is that they are the last occupant in the area. He said the other businesses are also part of the traffic concerns and it would not be fair to expect Franciscan to pay for all the upgrades. He added the medical office will provide a significant economic benefit to the City over time. Director Vodopich said the payment in the proposed mitigation agreement is over \$300,000 more than the Traffic Impact Fees for the property. He said Franciscan is also providing the City with a 30-foot Right-of-Way dedication. He said the building plans are currently in review and Franciscan hopes to start building in the first quarter of 2012. Director Grigsby said the intersection improvements should be completed by 2013.

Resolution 2159 approved 7 – 0.

C. Review of Council Minutes: October 4, 2011 Council Workshop and October 11, 2011 Council Meeting.

Councilmember Carter asked that the October 4, 2011 Workshop minutes be amended on p. 3 to, "~~Cater Carter~~", and on p.4 to "~~Rainer Rainier~~."

Councilmember Carter asked that the October 11, 2011 Meeting minutes be amended on p.3 to "~~Buckly Buckley~~", and on p. 6 to remove the following sentence: "City Clerk/Administrative Services Director confirmed that an older version of the ordinance was inserted in the packet by staff in error, and the current version had been provided to the Council for the Meeting."

The corrected minutes were forwarded to the October 25, 2011 Meeting for action.

D. Discussion / Action: Tabled from October 11, 2011-- AB11-112 – Ordinance 1399 [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.

Councilmember Decker moved to approve Ordinance 1399 [D11-112]. Councilmember Lewis seconded the motion.

Councilmember Rackley moved to amend the Ordinance to add the City Prosecutor position to the list of positions that are confirmed by Council. Councilmember Decker seconded the motion.

Councilmember Hamilton said the Council should confirm the position. Councilmember Decker said he would like the position to be more independent from the administration and from the legislative branch. He said the position needs more latitude than they can have if the position is controlled by the administration.

Councilmember Rackley moved to amend the motion to amend Chapter 2.08.010 of the Bonney Lake Municipal Code subsection "A" to include Prosecuting Attorney. Councilmember Decker seconded the motion.

Motion to amend Ordinance D11-112 passed 7 – 0.

Councilmember Carter asked who the City's liaison is for homeowner's associations and citizens that previously would have contacted the Community Services Director. City Administrator Morrison said those duties are still under the Facilities and Special Projects Manager's job duties. He said the position was reclassified with a reduction in duties. He said the Senior Center was moved under Administrative Services partly due to proximity and the parks maintenance was moved back under Public Works partly due to shared workload and equipment. Councilmember Decker said if the problem was interdepartmental cooperation that issue needed to be considered citywide. Councilmember Lewis called for the question. Councilmember Rackley seconded.

**Motion to call for the Question approved 5 – 2.
Deputy Mayor Swatman and
Councilmember Decker voted no.**

**Ordinance 1399 as amended approved 6 – 1.
Deputy Mayor Swatman voted no.**

- E. Discussion / Action:** Tabled from October 11, 2011: AB11-113 – Ordinance 1400 – An Ordinance of the City of Bonney Lake, Pierce County, Washington Updating the Position, Classification and Grade Table of Non-Represented Employees.

Councilmember Decker moved to approve Ordinance 1400. Councilmember Lewis seconded the motion.

Councilmember Lewis said all the requested updates have been made.

Ordinance 1400 approved 7 – 0.

- F. Discussion / Action:** Tabled from October 11, 2011 – 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.

Councilmember Decker moved to approve Resolution 2146. Councilmember Lewis seconded the motion.

Councilmember Hamilton asked City Attorney Dionne if he was comfortable with the agreement. City Attorney Dionne said the agreement is acceptable. Councilmember Decker said the agreement is what was expected. Councilmember Decker called for the question. Councilmember Lewis seconded.

Motion to call for the question approved 7 – 0.

**Resolution 2146 approved 6 – 1.
Deputy Mayor Swatman voted no.**

- G. Discussion:** AB11-138 – Resolution 2165 – Eastown Sewer Memorandum of Understanding.

Councilmember Rackley asked if the Eastown LLC group has approved the Memorandum of Understanding (MOU). Deputy Mayor Swatman said they have signed the agreement and are waiting for Council approval to move forward to the next stage. Councilmember Hamilton stated the contributions from the Eastown property owners are slightly less than what the Mayor reported they would be previously. Mr. Watt, an Eastown property owner, said the City prepared the MOU, the property owners have reviewed it and are satisfied with the terms. He said he would like to have the MOU brought forward as soon as possible.

Deputy Mayor Swatman said his understanding is the Eastown Property Owners have 30 days to provide the 5% contribution. Director Grigsby said this is not an actual latecomer's agreement. He said the 30-day window does not start until both parties have signed a latecomer's agreement. He said the property owners asked for an MOU to show the City Council is willing to accept the 5% contribution. Deputy Mayor Swatman said he is concerned about the City spending any more money before the Eastown property owners provide their contribution. City Attorney Dionne said the MOU is only intended to clarify for the property owners what the Council is willing to accept as a meaningful contribution. He said this agreement is not binding on either party. Councilmember Decker asked Mr. Watt if the money is available. Mr. Watt said he has spoken with over 80% of the property owners and they have

indicated they will participate if they have a clear understanding for what the City intends. He said he must first have something from the Council to go back to the property owners to ensure he is able to raise the funds. Councilmember Lewis confirmed the level of participation is 5%.

Councilmember Rackley moved to suspend Council rules and take action on AB11-138 – Resolution 2165. Councilmember Decker seconded the motion.

**Motion to suspend Council rules approved 5 – 2.
Councilmember McKibbin and
Councilmember Hamilton voted no.**

Councilmember Rackley moved to approve Resolution 2165. Councilmember Lewis seconded the motion.

Councilmember Hamilton suggested that the agreement is redundant as the City has an ordinance requiring a minimum 5% contribution. He said he does not think the Council is ready to approve the agreement. He said he wants to know where the City's funds will come from and is concerned the City does not know the total costs of the project. Director Grigsby said the current plan is to implement a revenue bond to finance the City's portion of the project. He said in the long run, the project will not cost the City any money. Councilmember Carter stated this MOU is an outline for the property owners to use to procure funds.

Councilmember Rackley made a motion to strike the words on p. 49, Subsection 2, “of not less than”. Councilmember Lewis seconded the motion.

Motion to amend Resolution 2165 approved 7 – 0.

**Motion to approve Resolution 2165 as amended approved 5 – 2.
Councilmember Hamilton and
Councilmember McKibbin voted no.**

At 6:41 p.m., Councilmember Rackley moved to take a five-minute recess. Councilmember Lewis seconded the motion. Deputy Mayor Swatman called the meeting back to order at 6:49 p.m.

H. Discussion: 2011 Comp Plan amendments (minus the Cultural Resources Element).

Planning Commission Chair Grant Sulham and Planning Commissioner Katrina Minton-Davis shared the Planning Commission's thoughts on each Comprehensive Plan amendment. Planning Commissioner Winona Jacobsen was also in attendance. Council thanked the Planning Commission for the hard work in bringing the comprehensive plan amendments forward.

- **AB11-130 – Ordinance D11-130 – Eastown Subarea Comp. Plan Amendment.**

Councilmember Carter suggested updates to the Ordinance to show completed projects. She asked about signage to help traffic congestion. She confirmed the medians would be consistent throughout the City. Councilmember Hamilton asked for clarification on the language regarding adverse traffic impacts. He asked to add language regarding the Urban Growth Area. He asked if the reference to residential zoning should be removed since the plan for the area is mostly commercial. He asked for clarification on the different size roads. He asked about the implication that the City would set aside sewer

capacity in the Sumner Sewer Treatment Plant. He also asked about creative solutions for retention ponds. Director Grigsby explained the WAC requirements for connecting to the frontage road, road sizes and zoning. He said the City is discussing Sewer Capacity with the City of Sumner. He said the sidewalk requirements vary due to the different options. He added that roundabouts require more land than traditional intersections.

- **AB11-131 – Ordinance D11-131 – Easttown Design Standards.**

Councilmembers questioned the need for pedestrian plazas in the Easttown area at this time. Councilmember Lewis suggested that pedestrian plazas could be a part of a development standard. He said having a pedestrian plaza requirement could deter development. Councilmember Carter said there are many businesses that would need a pedestrian plaza. She confirmed the headlights and noise from drive-through businesses would be mitigated so as not to disturb residential properties.

- **AB11-132 – Ordinance D11-132 – CUGA Comprehensive Plan Amendment and Zoning.**

Councilmember Rackley said this amendment is to show that the City has been planning for the County Urban Growth Area (CUGA). Councilmember Hamilton clarified this ordinance is a tool, but it does not limit the City in the future.

- **AB11-133 – Ordinance D11-133 – Midtown Plan Comprehensive Plan Amendment.**

Councilmember Carter asked about areas that need to be added to the Midtown area. She said the Bonney Lake Municipal Code has a street naming ordinance, BLMC15.32. She requested adding the street naming criteria to the BLMC. Director Grigsby said according to the Washington Administrative Code there would not be any additional stoplights in the Midtown area on SR410 between 198th and 208th.

Councilmember Rackley moved to take a five-minute recess at 7:53 p.m. Councilmember Decker seconded the motion. Deputy Mayor Swatman called the meeting back to order at 7:58 p.m.

- **AB11-134 – Ordinance D11-134 – Midtown Design Standards.**

Councilmember Hamilton asked that language be included that the developers are required to work together. Councilmember Lewis asked if the requirement for pedestrian plazas should be reduced from 5 acres to 2 acres.

- **AB11-135 – Ordinance D11-135 – Midtown Land Use Comprehensive Plan Amendment.**

Councilmember Carter asked if areas that are not zoned commercial were to be rezoned if they would fall under the Midtown Land Use requirements. Director Vodopich said the areas are currently zoned high-density residential, but if they are rezoned, they will fall under the adjacent land use zone. Commissioner Minton-Davis said the zoning matrix has not been completed, but the goal is to ensure that all existing commercial properties be allowed. Councilmember Carter asked to have language added about mitigating noise in Midtown.

- **AB11-136 – Ordinance D11-136 – Park Element Comprehensive Plan Amendment.**

Council recognized the hard work of the Park Board on this document. Councilmember Carter noted there are no dog parks in the recommendations. Councilmembers reviewed the charts and maps in the document to show where the City is lacking parks and the need for future parks and facilities. Councilmember Carter discussed the national guidelines for city parks. Councilmember Hamilton said it is important to have the cost of operations in the plan. Planning Commissioner Winona Jacobsen said more emphasis needs to be put on trails.

IV. Adjournment:

At 8:25 p.m., Councilmember Rackley moved to adjourn the Workshop. Councilmember Lewis seconded the motion.

Motion to adjourn approved 7 – 0.



Harwood T. Edvalson, CMC
City Clerk



Neil Johnson, Jr.
Mayor

Items Submitted to the October 18, 2011 Council Workshop: none