

CITY COUNCIL MEETING

November 13, 2012  
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](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: Cub Scout Pack #548 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 Mark Hamilton, Councilmember Donn Lewis, Councilmember Katrina Minton-Davis, Councilmember Jim Rackley, and Councilmember Tom Watson. Councilmember Randy McKibbin was absent.

Staff members in attendance were City Administrator Don Morrison, Public Works Director Dan Grigsby, Community Development Director John Vodopich, Chief Financial Officer Al Juarez, Acting Lieutenant Tom Longtine, Administrative Services Director/City Clerk Harwood Edvalson, Deputy City Attorney Jeff Ganson, and Records & Information Specialist Susan Duis.

**C. Announcements, Appointments and Presentations:**

1. Announcements:

Mayor Johnson said that Human Resources Manager Jenna Richardson recently received a Certificate of Wellness Leadership from the Association of Washington Cities. He said she earned the certificate through training and experience, and her work with the City's Wellness Committee has earned the City a 2% discount on insurance premiums. He thanked the directors and staff members who support the City's Wellness program.

2. Appointments:

- a. **AB12-165** – A Motion of the City Council Of The City Of Bonney Lake, Pierce County, Washington, Confirming The Mayor's Appointment of Dana Powers As Chief Of Police For The City Of Bonney Lake.

**Councilmember Lewis moved to approve motion AB12-165. Deputy Mayor Swatman seconded the motion.**

Mayor Johnson said it is great for the City to have a Chief who has lived and served in the area for many years, and who came up through the ranks of the Police Department.

**Motion approved 6 – 0.**

3. Presentations:

- a. **Oath of Office**: Dana Powers, Chief of Police.

Municipal Court Judge Ron Heslop administered the oath of office to incoming Police Chief Dana Powers. Chief Powers thanked the Council, Mayor, and City Administrator, as well as the Police, Court, and other City staff for their support. She also thanked her family and friends for their support over the years. She said she is honored to serve as the City's Chief.

**At 7:09 p.m. the Meeting was recessed for 20 minutes for a reception for Chief Powers. The Meeting reconvened at 7:30 p.m.**

D. Agenda Modifications:

**Deputy Mayor Swatman made a motion to move Finance Committee Issues Item A. and Item B. to the Consent Agenda as items F. and G. Councilmember Rackley seconded the motion.**

Deputy Mayor Swatman said both items were discussed by the Finance Committee earlier in the evening, because the Community Development Committee has not met. He said the Committee forwarded both items for action under the Consent Agenda.

**Motion to amend the agenda approved 6 – 0.**

**Deputy Mayor Swatman moved to table Full Council Issues Item B., AB12-149 – Ordinance D12-149. Councilmember Lewis seconded the motion.**

Deputy Mayor Swatman said staff requested the item be tabled due to possible inconsistencies between the proposed ordinance and other portions of the municipal code.

**Motion to table Ordinance D12-149 approved 6 – 0.**

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

A. Public Hearings:

1. **AB12-134** – A Public Hearing For Proposed Ordinance D12-135, Setting The Amount Of The Annual Ad Valorem Tax Levy For Fiscal Year 2013.

**Mayor Johnson opened the Public Hearing at 7:32 p.m. Seeing no one coming forward to speak, the Public Hearing was continued to the November 20, 2012 Workshop at 5:30 p.m.**

2. **AB12-156** – A Public Hearing For Proposed Ordinance D12-157, Adopting The 2013-2014 Biennial Budget

**Mayor Johnson opened the Public Hearing at 7:33 p.m. Seeing no one coming forward to speak the Public Hearing was continued to the November 20, 2012 Workshop at 5:30 p.m.**

B. Citizen Comments:

Ed Morris, 17301 159<sup>th</sup> Ave SE, Renton, said he owns property that the Council is considering for a condemnation action for an easement in Eastown. He said his family was shocked to receive notice from the City of the proposed ordinance as they were never contacted by City staff previously about the issue. He said his family objects to proposed Ordinance D12-151, and asked the Council not to approve it. He said his family has owned the property for 50 years and plans to develop someday when the economy improves. He said if the condemnation moves forward, the family will lose the ability to do anything with the back portion of their property. He said the sewer line would require elevating the property above the current grades and would create a long raised berm that could impact drainage on the property. He said the ordinance will only benefit one property owner who would not have to construct a sewer line. He said he feels it is not a legitimate or appropriate use of the City's condemnation powers. Mr. Morris reiterated his family's request that the Ordinance not be approved.

Mayor Johnson said Councilmembers will have the opportunity to ask questions about the proposed ordinance later in the agenda when it is considered for action.

- 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. The Committee discussed personnel updates and the Council will hold an Executive Session at the end of the current meeting to discuss ongoing AFSCME labor negotiations. The committee discussed the upcoming public hearings for the ad valorem tax rate and biennial budget. The committee forwarded proposed Resolution 2252 and Resolution 2253 for action on the current agenda. In addition, the Committee reviewed its meeting notes, proposals for Public Works facilities, Eastown sewer options, and possible grant opportunities (CDBG) for the Food Bank.
- B. Community Development Committee: Councilmember Rackley said the Committee has not met since the Council's last meeting.
- C. Public Safety Committee: Councilmember Hamilton said the Committee met on November 5, 2012 and forwarded proposed Resolutions 2240 and 2251 to the current Consent Agenda. The Committee continued discussions of a proposed ordinance to adopt State laws by reference, which should come forward to the full Council soon.
- D. Other Reports:
- Communities for Families: Councilmember Lewis said he, Councilmember Watson and Special Events Coordinator David Wells attended the Communities for Families meeting on November 1<sup>st</sup>. The group discussed the Exodus Housing programs, Drug Free Communities, community forums at the middle school, Project Homeless Connect, and the upcoming Sumner High School Community Feed. He said the Community Feed fed about 700 families last year. This year's event is on Saturday, December 8<sup>th</sup>, and includes transportation, activities, musical performances, and dinner for families in need.
- Veterans Day: Councilmember Watson said he and Councilmember Rackley attended the flag raising ceremony held by the Greater Bonney Lake Veterans Memorial Committee on Sunday, November 11<sup>th</sup> at the memorial site on SR410 and Main Street East. He said about 40 people attended the flag raising and 20 met for breakfast afterwards. Mayor

Johnson said he attended the Veterans Day Assembly at Bonney Lake High School on Friday, November 9<sup>th</sup>. He said East Pierce Fire and Rescue Assistant Chief John McDonald performed on the bagpipes for the assembly. Mayor Johnson said he spoke to the students about the local Veterans Memorial committee and ways to get involved and volunteer. Councilmember Hamilton said he was out of town and couldn't attend events, but expressed thanks for the families and veterans who do so much for the country.

Beautify Bonney Lake: Councilmember Watson said he attended the Beautify Bonney Lake board meeting earlier in the month. He said the Board is working on ideas for their 10-year anniversary in 2013.

#### IV. CONSENT AGENDA:

- A. **Approval of Minutes:** October 16, 2012 Workshop, October 23, 2012 Meeting, and October 30, 2012 Special Meeting.
- B. **Approval of Accounts Payable and Utility Refund Checks/Vouchers:** Accounts Payable checks/vouchers #64769-64793 (including wire transfers 10075683 & 20121025 & 2012101201) in the amount of \$164,242.44. Accounts Payable checks/vouchers #64794-64819 in the amount of \$3,905.16. Accounts Payable checks/vouchers #64820-64822 in the amount of \$5,902.38. Accounts Payable checks/vouchers #64823-64892 (including wire transfers 6012012 & 9042012) in the amount of \$1,231,854.26.
- C. **Approval of Payroll:** Payroll for October 16-31st, 2012 for checks #30759-30784 including Direct Deposits and Electronic Transfers in the amount of \$ 248,346.64. Replacement check #30748 with #30758.
- D. **AB12-152 – Resolution 2250** – A Resolution Of The City Of Bonney Lake, Pierce County, Washington, Authorizing The Mayor To Sign An Interlocal Agreement Between The City Of Bonney Lake, Washington And The Okanogan County, Washington, For The Housing Of Inmates In The Okanogan County Jail.
- E. **AB12-153 – Resolution 2251** – A Resolution Of The City Of Bonney Lake, Pierce County, Washington, Authorizing The Mayor To Sign An Interlocal Agreement Between The City Of Bonney Lake, Washington And The City Of Fife, Washington, For The Housing Of Inmates In The City Of Fife Jail.
- F. **AB12-160 – Resolution 2252** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing The Professional Service Agreement With Larson And Associated For Surveying And Construction Staking Services During Construction For The SR 410 – Main Street/Sky Island Blvd Intersection Improvement Project. *Moved from Finance Committee Issues, Item A.*
- G. **AB12-161 – Resolution 2253** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing An Amendment To The Professional Service Agreement With Shea, Carr, Jewell Engineering For Services During Construction For The SR 410 – Main Street/Sky Island Blvd Intersection Improvement Project. *Moved from Finance Committee Issues, Item B.*

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

**Consent Agenda approved as amended 6 – 0.**

**V. FINANCE COMMITTEE ISSUES:**

- A. ~~AB12-160 — Resolution 2252~~ — A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing The Professional Service Agreement With Larson And Associated For Surveying And Construction Staking Services During Construction For The SR-410 — Main Street/Sky Island Blvd Intersection Improvement Project. *Moved to Consent Agenda Issues, Item F. during Agenda Modifications.*
- B. ~~AB12-161 — Resolution 2253~~ — A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing An Amendment To The Professional Service Agreement With Shea, Carr, Jewell Engineering For Services During Construction For The SR-410 — Main Street/Sky Island Blvd Intersection Improvement Project. *Moved to Consent Agenda Issues, Item G. during Agenda Modifications.*

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

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

**VIII. FULL COUNCIL ISSUES:**

- A. **AB12-147 – Ordinance 1442 [D12-147]** – An Ordinance Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Amending Chapters 18.04 And 18.08 Of The Bonney Lake Municipal Code And Ordinance Nos. 740 And 746, Relating To Cannabis Collective Gardens And Dispensaries.

**Councilmember Watson moved to approve Ordinance 1442. Councilmember Lewis seconded the motion.**

Deputy City Attorney Jeff Ganson said the recently approved initiative legalizing marijuana does not change the basis for this proposed ordinance, as it does not change State law regarding collective gardens, which are still prohibited by Federal law. Administrative Services Director/City Clerk Edvalson noted that there was someone in the audience who wished to speak on the issue.

Steve Lemco, 8403 Locust Ave E, Bonney Lake, asked the Council how the process will work for licensing marijuana retail and growing businesses. He said he is curious from a business standpoint and wants to get into the process early if possible. He asked who would be allowed to grow and sell marijuana under the new law.

Mayor Johnson said the City does not have any details yet on how the new law will impact business licensing and permitting. Councilmember Watson noted that the State has one year to develop the regulations and processes related to the new law and that information is not available yet. Mayor Johnson encouraged Mr. Lemco to check back with the City and State for information as it becomes available.

**Ordinance 1442 approved 6 – 0.**

- B. ~~AB12-149—Ordinance D12-149—An Ordinance Of The City Of Bonney Lake, Pierce County, Washington, Replacing Chapter 16.14 Of The Bonney Lake Municipal Code, Adopting New Landscaping Standards. Tabled during Agenda Modifications.~~
  
- C. **AB12-151 – Ordinance 1441 [D12-151]** – An Ordinance Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing The Acquisition Of Property By Purchase Or Condemnation (0519022007, 21704 SR410 E).

Community Development Director Vodopich said the proposed ordinance was drafted by the City Attorney's office and provides a sewer easement and a temporary construction easement. He said proper notice was posted and sent to the property owners.

**Councilmember Watson moved to approve Ordinance 1441. Councilmember Lewis seconded the motion.**

Councilmember Rackley said he spoke with Mr. Morris earlier in the evening during the break. He said Mr. Morris did not receive notification from the City and learned of it through a family member. Director Vodopich said per the Pierce County Assessor's office, the legal owner is the Shepard family who lives in Arizona. He said Mr. Morris contacted him after the notice was sent, and he provided Mr. Morris with a copy of the notice at that time.

Mr. Morris said several people share ownership of the parcel, including the Shepard and Morris families. He said they are not opposed to development, but need more time to do due diligence. He said he has been working with professionals on development options and figure out what is in the best interest of both the City and the property owners. He said his family is working as fast as they can to resolve the issue.

Councilmember Rackley suggested the proposed condemnation ordinance be delayed until the Council takes action on the Eastown sewerage project. He said he expects this to come forward in about a month, which gives Mr. Morris time to negotiate for his property and avoid the condemnation action. Deputy Mayor Swatman said the properties in the proposed ordinance are entirely separate from the Eastown sewer project.

Deputy City Attorney Ganson said that ideally, property acquisition happens through negotiation rather than condemnation. He said the proposed ordinance authorizes the City Attorney to file a condemnation action, but the action does not need to be filed immediately, especially if negotiations are ongoing. He said after the condemnation action is filed, there will still be time to continue negotiations. He said the proposed ordinance allows the City to pursue condemnation if negotiations break down, but it does not preclude further negotiations moving forward. Deputy Mayor Swatman said the proposed ordinance provides a legal process for the City to come to a conclusion on this issue and he supports it.

Public Works Director Grigsby said his department has been working on the Kahne sewer issue for at least two years. He said the Kahne family has been trying to negotiate with another member of the family, Chet Morris, but negotiations have broken down several times, and Mr. Kahne then came to the City to ask that the sewer connection be moved forward.

Kelly Kahne, Enumclaw, said he spoke to the Council at the May 9, 2012 Meeting to ask for help. He said he had not met Ed Morris previously. He said he contacted the property owners in Arizona, who told him he needed to work with Chet Morris to negotiate the easement. He said his sewer line is separate from the Easttown system. He said the sewer would benefit more than one property owner as it will serve at least 40 acres, including his and the Babcock's property. He said he worked with Chet Morris for years and got nowhere. He said the proposed easement is on the edge of the property, which would be a setback or roadway, and not a usable part of the Morris' property. He said he came to the City for help because he has worked on this issue for years with no resolution.

Dave Babcock, Eatonville, said he owns property next to Mr. Kahne. He said he contacted Chet Morris about one year ago and had a verbal agreement with him, but once the contract was written up, Chet Morris refused to negotiate or communicate further. He said he has not been able to get any follow up communication from Mr. Morris and that is why he has come to the City for help.

Councilmember Hamilton asked Mr. Babcock if he plans to develop his property commercially. Mr. Babcock said that is his intention, and noted that the existing restaurant site cannot have a change of use until the area is connected to sewer. Councilmember Hamilton said it is important to pass the proposed ordinance. He said it does not mean that condemnation will occur; it is just part of the process. He said the properties need to be opened up for development. He said he does not feel that the ordinance gives one property owner a benefit over the other.

**Ordinance 1441 approved 6 – 0.**

**IX. EXECUTIVE SESSION:**

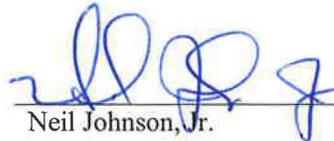
Pursuant to RCW 42.30.140(4)(a), the Council adjourned to a Closed Session at 8:02 p.m. for 20 minutes to discuss labor negotiations. No action was anticipated. The Closed Session was extended for 10 minutes at 8:25 p.m., for 5 minutes at 8:36 p.m., for 5 minutes at 8:43 p.m., and for 5 minutes at 8:49 p.m. The Council returned to Chambers at 8:54 p.m. No action was taken.

**X. ADJOURNMENT:**

**At 8:54 p.m., Councilmember Lewis moved to adjourn the Council Meeting. Councilmember Watson seconded the motion.**

**Motion to adjourn approved 6 – 0.**

  
Harwood Edvalson, MMC  
City Clerk

  
Neil Johnson, Jr.  
Mayor

Items presented to Council at the November 13, 2012 Meeting:

- Shawn Hoey – Letter in support of Ordinance D12-149 (Adopting New Landscaping Standards) – Master Builders Association of Pierce County.