

**CITY COUNCIL
WORKSHOP**

*January 5, 2010
5:30 p.m.*

AGENDA



*"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

The City Council may act on items listed on this agenda, or by consensus give direction for future action.

The council may also add and take action on other items not listed on this agenda.

I. Call to Order:

Mayor Neil Johnson @ Bonney Lake City Hall - 19306 Bonney Lake Blvd.

II. Roll Call:

Elected Officials: Mayor Neil Johnson, Jr., Councilmember Laurie Carter, Councilmember Dan Decker, Councilmember Mark Hamilton, Councilmember Donn Lewis, Councilmember Randy McKibbin, Councilmember Jim Rackley, and Councilmember Dan Swatman.

Expected Staff Members: City Administrator Don Morrison, City Attorney Jim Dionne, Administrative Services Director/City Clerk Harwood Edvalson, Public Works Director Dan Grigsby Chief Financial Officer Al Juarez, Community Services Director Gary Leaf, Police Chief Mike Mitchell, and Community Development Director John Vodopich.

III. Agenda Items:

- A. Administration of Oath of Office by Judge James Helbling: Neil Johnson, Mayor; Randy McKibbin, At-Large Councilmember #1; Dan Swatman, Councilmember Ward 1; and Donn Lewis, Councilmember Ward 4.
- B. AB10-02 - A Motion of the Bonney Lake City Council Electing the Deputy Mayor and Assigning Councilmembers to the Council Standing Committees.
- C. Council Open Discussion
- D. Review of Council Minutes: December 15, 2009 Workshop and December 22, 2009 Meeting.
- E. Discussion: AB10-16 – Approving the Planning Commission Workplan for 2010.
- F. Presentation: 2010 Outlook for East Pierce Fire and Rescue - Deputy Chief John McDonald.
- G. Discussion: Council Retreat and Town Hall Meeting Dates.

IV. Executive Session:

Executive Session: Pursuant to RCW 42.30.110, the City Council may meet in executive session. The topic(s) and duration will be announced prior to the executive session.

V. Adjournment:

For citizens with disabilities requesting translators or adaptive equipment for communication purposes, the City requests notification as soon as possible of the type of service or equipment needed.

THE COUNCIL MAY ADD AND TAKE ACTION ON OTHER ITEMS NOT LISTED ON THIS AGENDA.

**City of Bonney Lake, Washington
City Council Agenda Bill (C.A.B.) Approval Form**

<u>Department / Staff Contact:</u> ASD / HT Edvalson	<u>Workshop / Meeting Date:</u> 05 Jan 2010	<u>Agenda Bill Number:</u> AB10-02
<u>Ordinance Number:</u>	<u>Resolution Number:</u>	<u>Councilmember Sponsor:</u>

Agenda Subject: AB10-02

Proposed Motion: AB10-02 - A Motion of the Bonney Lake City Council Electing the Deputy Mayor and Assigning Councilmembers to the Council Standing Committees.

Administrative Recommendation: No recommendation.

Background Summary: The Deputy Mayor's position is elected from among the Council every two years at the first meeting of the year. Coincident with that election is the assignment of Councilmembers to the Standing Committees. Bonney Lake Municipal Code Sections 2.04.500, 2.04.510 and 2.04.860 through 2.04.930 describe the Deputy Mayor's duties and the responsibilities of the Standing Committees. The Municipal Code may be accessed online at <http://www.codepublishing.com/wa/bonneylake/>

BUDGET INFORMATION:

Budget Amount	Required Expenditure	Budget Impact	Budget Balance
		None.	

Budget Explanation:

COMMITTEE/BOARD REVIEW:

Subcommittee Review Date: -
Commission/Board Review Date: -
Hearing Examiner Date:

COUNCIL ACTION:

Workshop Date(s): 01/05/10	Public Hearing Date(s):
Meeting Date(s):	Tabled To Date:

Signatures:

Director Authorization HT Edvalson	Mayor NH Johnson	Date City Attorney Reviewed Not required
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CITY COUNCIL WORKSHOP

*December 15, 2009
5:30 p.m.*

DRAFT MINUTES

City of



“Where Dreams Can Soar”

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Website: www.ci.bonney-lake.wa.us

I. Call to Order:

Mayor Neil Johnson, Jr. called the workshop to order at 5:31 p.m.

II. Roll Call: [A1.3]

Administrative Services Director/City Clerk Edvalson called the roll. In addition to Mayor Johnson, elected officials attending were Deputy Mayor Dan Swatman, Councilmember David Bowen, Councilmember Laurie Carter, Councilmember Dan Decker, Councilmember Mark Hamilton, Councilmember Dave King and Councilmember James Rackley.

[Staff Members in attendance were City Administrator Don Morrison, Community Development Director John Vodopich, Police Chief Mike Mitchell, Public Works Director Dan Grigsby, Community Services Director Gary Leaf, Assistant City Attorney Kathleen Haggard, Administrative Services Director/City Clerk Harwood Edvalson and Records & Information Specialist Susan Duis.

III. Agenda Items:

5:31:47

A. Continued Public Hearing: AB09-192 – Resolution 1991 – WSU Forest Development Agreement.

Community Services Director Vodopich provided a presentation describing the proposed agreement. He also explained the various revisions that have been made to the agreement based on input from public and the Council at the December 8, 2009 Meeting. The proposed agreement is tied to the proposed WSU Comprehensive Plan amendment. It includes a condition that all parties must sign the agreement by December 31, 2009 or the Comprehensive Plan amendment ordinance and amendments will be void. The revised agreement includes a proposed R-3 Midtown zoning overlay for the WSU site, which the Council would need to approve in 2010. Director Vodopich also described restrictions on the property to be deeded to the City, property transfer timing, Master Drainage Design plan, transportation, tree preservation, and interim use of trails. Councilmembers expressed concern about which areas would be covered by a zoning overlay, and whether it would cover the WSU site only, the entire Midtown area, or Citywide.

Mayor Johnson opened the Public Hearing at 5:48 p.m.

John Sigafos, 19721 99th St E, Bonney Lake, urged the Council to consider the ongoing lawsuits against Quadrant Homes by Bonney Lake residents. He said the company’s homes were poorly constructed and have endangered the health of homeowners. He asked the Council not to do business with Quadrant Homes. He read a portion of a current lawsuit statement aloud.

Dennis Tompkins, 10711 164th Ave Ct E, Bonney Lake, read aloud a letter that was also submitted to the Clerk. He spoke against the proposed development agreement and Comprehensive Plan amendment. He said the proposed agreement says they will save a grove of Western Red Cedars on the residentially zoned portion of the site, provided an arborist certifies that they can survive. He said the trees will be in standing water most of the year and could not survive that environment.

Mayor Johnson clarified that this Public Hearing is on the proposed development agreement only. He said if the agreement is approved and the City receives property from the site, a separate process will begin to determine how the City should use the property. He said though he favors developing ball fields, this decision will be made only after the Planning Commission, Park Board, citizens, and Council review the options in the future.

Chris Lunn, 18503 74th St E, Bonney Lake, encouraged the Council to take a long-range view when considering the agreement. He said from the citizen's point of view it seems like the City has already decided how the City's property will be used, and citizens can do nothing about it. He said his family has been in Bonney Lake since 1954 and he has seen many changes, good and bad. He said global warming is happening at a faster rate than first anticipated, and cities need to consider ways to support residents with farms and other resources.

Fred Jacobsen, 9100 184th Ave Ct E, Bonney Lake, described the history of the WSU forest. He said Weyerhaeuser bought the property for \$1 per acre in 1856 and has not paid taxes on the site since 1941. He said he would like to see the forest remain natural and not be developed. He said if it is developed, the City should require low impact development practices to be used to reduce runoff and preserve open spaces and water resources. He said if development occurs, time should be spent to review the project section by section. He said the current Public Facilities zoning could support construction of a medical center. He said the residential portion of the site should use low-impact development techniques to save as much of the forest as possible. He spoke against the proposed R-3 zoning overlay and said Bonney Lake should be a livable, walk-able community. He said the City already lost the historical Moriarty home and hopes the WSU forest will not be taken down as well.

Pete Lymberis, P.O. Box 130, Bellevue, spoke on behalf of Quadrant Homes. He said information on the litigation mentioned by Mr. Sigafos is available on the Quadrant Homes website. He thanked the Council, Planning Commission and staff for their work to revise and improve the proposed agreement. He said the proposed Comprehensive Plan amendment has been available to the public since July 2009 and citizens have had many opportunities to speak. He spoke in favor of the proposed agreement, and said representatives from the YMCA, Good Samaritan Hospital, medical groups and citizens have also spoken for the proposal. He said the agreement provides many benefits to the City, including a dedicated space for a recreation center, open land, trails, and water features. The project will pay TIF fees, mitigation fees and intersection improvements that will improve area traffic. He said the proposed developers agreement will help avoid problems in the future, and benefits all parties. He said Weyerhaeuser and WSU representatives support this agreement and are eager to approve it.

Winona Jacobsen, 9100 189th Ave Ct E, Bonney Lake, said the value of the WSU forest has gone up dramatically over the years. When the forest was first closed to public access there was a massive public turnout. She said she would prefer that all the land except the City's portion be zoned commercial. She said the City should require the developer to retain 25% of the trees, which is an option in the code. She said she opposed R-3 zoning changes as a Planning Commissioner. She suggested that higher densities in the residential would save more of the forested area. She said people move to and stay in Bonney Lake because of things like its mountain views, lakes, and forests.

Melissa Johnson, 4912 N Vista Dr E, Bonney Lake, spoke in favor of the proposed agreement and in developing the City's land for athletic facilities, a YMCA, open space and trails. She said the WSU forest has been closed for years and is the site of crime, illegal camping and drug activity. She said the site could provide recreational uses for kids and adults, as well as multifamily residences on a main corridor with businesses and public transportation. She said the City could develop the site to add ball fields and save trees. Councilmember Decker asked how new facilities would be funded. Mrs. Johnson said the City could partner with various organizations in the area to raise funds for athletic facilities.

Cheryle Noble, 18612 73rd St E, Bonney Lake, is a past Councilmember and spoke against the proposed agreement. She said the R-3 overlay proposal is an example of developers planning the City, instead of the Council. She said in this agreement, 12 acres of the City's 47 acres of land will be used for stormwater management, and the rest will be used to meet the developer's 25% tree retention. She said if the City develops its property there will be no trees left. She asked whether the Council is worried about potential litigation if the agreement fails. She said crime was not an issue before WSU closed the forest. She said the citizens and City should benefit from any agreement, not just the developer.

George Brown, 8410 Locust Ave E., Bonney Lake, spoke in favor of saving the forest with improvements. When he first moved to the City he used the WSU forest trails often. He said not many people used the trails, and he saw evidence of illegal camping, trash, and other illegal activities even before the trails were closed. He said he wants to save the trees but also wants to ensure public safety is considered.

Chris Lavalley, Sumner Soccer Club President, said the 47 acres offered to the City would be very helpful for potential athletic fields. He said his league is volunteer-run and teams are spread out over a wide area to find places to play. He said tournaments on City fields could help pay for the fields and bring increased revenues to local businesses. He was not in favor of waiving park impact fees to the developer, which is included in the current agreement.

Leota Musgrave, 9308 202nd Ave E, Bonney Lake, expressed concern over how many trees would be cut down. She said the trees might be replanted but will take many years to be replaced. She said the forest is the best place in the City.

Mary Miller, Bonney Lake, owns Big E Nursery and has lived in the area for 20 years. She said cities are known for their parks and environment. She said cities

like Fife and Sumner have allowed too much development, while those like Gig Harbor have demanded to keep trees and the city’s look. She said the City can do better and save a large portion of the land for residents.

Seeing no further speakers, the Public Hearing was closed at 6:52 p.m.

At 6:52 p.m. Councilmember Rackley moved for a 10-minute break. Councilmember Carter seconded the motion.

Motion approved 7 – 0.

The Workshop was brought back to order at 7:03 p.m.

7:03:25

- B. **AB09-196** – A Motion of the City Council Waiving the Provisions of Bonney Lake Municipal Code 2.04.710 to Allow Immediate Discussion of Public Testimony Following the Close of the Public Hearing.

Councilmember Bowen moved to approve the motion. Councilmember Hamilton seconded the motion.

Motion approved 7 – 0.

7:04:20

- C. **Discussion Following Public Hearing: AB09-168 – Ordinance D09-168** – An Ordinance of the City Council of the City of Bonney Lake Amending the Comprehensive Plan Land Use Designation and Zoning for Tax Parcel Nos. 0519032005, 0519031000, 0519034002, also Known as the WSU Forest.

Community Development Director John Vodopich said the ordinance was revised to make it contingent on approval of the development agreement by December 31, 2009. The Comprehensive Plan amendment and the development agreement would both be voted on at the December 22, 2009 Council Meeting. He said denial of the WSU Forest amendment or agreement would not affect the other Comprehensive Plan amendments under consideration for 2010. Assistant City Attorney Haggard said the Growth Management Hearing Board reviews appeals for all kinds of Comprehensive Plan appeals. She said the Board has stated that it has no right to overturn a Council’s decision to deny a Comprehensive Plan amendment, however. The item was forwarded to the December 22, 2009 Meeting for action.

7:07:47

- D. **Discussion Following Public Hearing: AB09-192 – Resolution 1991** – A Resolution of the City Council of the City of Bonney Lake, Pierce County, Washington, to Approve the WSU Development Agreement.

Deputy Mayor Swatman asked about the 25% tree retention policy. Director Vodopich said the Municipal Code gives the City the right to impose up to 25% maximum tree retention for non-residential development, but no more. If the City required 25% retention for the commercial site, that would be about 8.75 acres of trees. The development agreement states that City’s land meets the tree retention requirements. Deputy Mayor Swatman said it is more complicated to have mitigation off-site with the City, and if the City develops its land the mitigation will be gone.

Deputy Mayor Swatman asked about the proposed traffic mitigation and signal. Public Works Director Grigsby said the traffic improvement will benefit the commercial site and provide mitigation. Director Vodopich said the signal is included in Phase 2 of the proposed development plan. Deputy Mayor Swatman said he feels the proposed R-3 zoning overlay should apply specifically to the WSU site, and not other parts of the City.

Deputy Mayor Swatman also asked about fire protection requirements in the residentially zoned area. Director Vodopich said fire protection is addressed in the agreement and the proposed R-3 zoning overlay as well. He said the overlay zoning could be amended to require sprinkler systems. Councilmember Bowen said the residential area should be allowed to have higher density to allow high-rise apartments and other types of residences.

Councilmember King asked for clarification on the indemnity and use terms in Section 7.10. Assistant City Attorney Haggard said this means that if someone is injured on the property, it will be indemnified by the City's insurance. She said State law severely limits liability for injuries on recreational properties, and did not see the potential for major liability in this clause.

Councilmembers further discussed the proposed R-3 zoning overlay. Assistant City Attorney Haggard said the agreement includes the basic outline of the R-3 zoning overlay, and the Council should develop that now as it will be part of the agreement. She confirmed that the Planning Commission would still review and make a recommendation on the proposed zoning overlay in 2010, and the Council would still need to review it and take action as well. Director Vodopich confirmed that the proposed agreement can only be amended after public notices and hearings are held, and all parties approve.

Councilmembers Carter and King said they were not sure if the proposed land for the City is large enough to house a full recreation complex. Councilmember King agreed and said that the City will only know how much land is available for use after the final Master Drainage Design is complete in 2010. In addition, he said parking and other infrastructure is needed for any sports fields. He said the City should consider acquiring land more suitable for a large athletic complex elsewhere, and keep the forested land for passive uses.

She said she wants to ensure the forest is safe before it is reopened to the public. She asked that the same arborists who reviewed the WSU forest before it was closed for safety reasons be contracted to review the Western Red Cedars on the site.

Assistant City Attorney Haggard clarified the interim use of trails section. She said the City would be allowed to use the trails on the commercial and residential portions of the site, as well as the City's property, until the properties are ready to be developed. The development is expected to come in several waves, so parts of the forest will be available for trails longer. The agreement states that if engineering plans are not approved by 2035, the City's use of the trails will end. In addition, either party can terminate the interim trail use at any time until 2035; WSU must give one year's notice prior to terminating the City's interim trail use.

Councilmembers reiterated that nothing has been decided about how the City’s property might be used after acquisition. Environmental review, public hearings and a lot of review will take place before any action is taken. The proposed resolution was forwarded to the December 22, 2009 Meeting for action.

7:54:17

- E. **Action: AB09-197** – A Motion of the Bonney Lake City Council Nominating an Elected Official to the Zoo/Trek Authority Board for the At-large Position #2 Vacancy.

Councilmember Bowen nominated Councilmember Mark Hamilton to the Zoo/Trek Authority Board position. Councilmember Rackley seconded the motion.

Councilmember Hamilton was nominated for the position by a 7 – 0 vote.

7:58:46

- F. **Council Open Discussion:**

Toy & Food Drives: Councilmember Carter said the Toy Drive is in need of large gift bags as soon as possible. The Bonney Lake Applebee’s is holding a fundraiser to benefit the Senior Center and Food Bank from December 17 to 20, 2009.

Councilmember Rackley said the Police fundraiser at Applebee’s raised about \$1,000 and the Papa Murphy’s fundraising effort was a big success.

Rebate Programs: Councilmember Carter said the City has rebate programs for low-flow toilets and washing machines. She said a low-flow toilet and shower head can save up to \$90 per year and pays for itself.

Snow & Ice Removal: Deputy Mayor Swatman asked the Community Development Committee to review deicing procedures. Director Grigsby said the City has equipment to spray deicer from trucks but needs a brine tank in order to store large amounts of deicer from the County.

Public Meetings: Deputy Mayor Swatman asked whether the Council wanted to hold public open houses in early 2010. Mayor Johnson asked Councilmembers to consider which dates would work best.

Annexation: Deputy Mayor Swatman said he and Director Grigsby met with the Autumn Crest Homeowner’s Association board to discuss what annexing into Bonney Lake would mean for their residents. He said he will continue to contact people to gauge the level of interest in annexation.

8:05:37

- G. **Review of Council Minutes:** November 24, 2009 Meeting, December 1, 2009 Workshop, December 5, 2009 Special Meeting and December 8, 2009 Meeting.

Councilmember Carter thanked staff for their work on the minutes from recent Public Hearings. She made several corrections to the December 8, 2009 Minutes: on p. 2, Roger Watt said “at least 60 years,” not 6 years; a typographical error on p. 3; and on p. 6, Marian Betzer was recognized by the “Forever Green Council.” The minutes were forwarded to the December 22, 2009 Meeting for approval with corrections.

8:06:57

IV. Closed Session:

Pursuant to RCW 42.30.140(4)(a) the City Council met in a closed session at 8:10 p.m. for 15 minutes to discuss labor negotiations. No actions were taken. The Workshop returned to order at 8:25 p.m.

V. Adjournment:

At 8:25 p.m. Councilmember Rackley moved to adjourn the workshop. Councilmember Decker seconded the motion.

Motion approved 7 - 0.

Harwood T. Edvalson, CMC
City Clerk

Neil Johnson, Jr.
Mayor

Items submitted to the Council Workshop of December 15, 2009:

- City of Bonney Lake – *Presentation “WSU Development Agreement Key Points”* – Community Development Director John Vodopich.
- Bonney Lake Citizen – *Letter re: WSU Forest (opposition)* – Chris Lunn.
- Bonney Lake Citizen – *Email re: WSU Forest Comprehensive Plan Amendment* – Glenn Kasman.
- Bonney Lake Citizen – *Email re: WSU Development* – Lauren Moore.
- Bonney Lake Citizen – *Email re: WSU Demonstration forest resource allocation (public record)* – Daniel Bachilla.
- Bonney Lake Citizen – *Email re: Bonney Lake Medical Building* – Brian Schoos, MD.
- Bonney Lake Citizen – *Email re: WSU Forest Proposal – vote yes on the rezone* – Dr. Barbara Blankenship.
- Bonney Lake Citizen – *Email re: Vote on WSU forest Development Plan* – Mies Heisterkamp.
- Bonney Lake Citizen – *Email re: WSU Demonstration Forest comments* – Leigh Goodier.
- Bonney Lake Citizen – *Email re: WSU Forest Comp Plan Amendment* – JD Fitz for Glenn Kasman.
- Bonney Lake Citizen – *Letter to City Council* – Dennis Tompkins.
- Bonney Lake Citizen – *Email re: Bonney Lake MOB* – Jennie Hendrie.
- Bonney Lake Citizen – *Email re: WSU Demonstration Forest* – Camille Herd.
- Bonney Lake Citizen – *Email re: Hearing for the WSU Demonstration Forest* – Joshua Hatley.
- Bonney Lake Citizen – *Email re: More bullying of the city in the latest WSU plan* – Betsy Shultz.
- Bonney Lake Citizen – *Email re: Zoning of WSU Land off Hwy 410* – Rick Heather.
- Bonney Lake Citizen – *Email re: WSU Forest Comments* – Roger Watt.
- Bonney Lake Citizen – *Email re: WSU Forest Hearing – Testimony* – Charles Chu.
- Bonney Lake Citizen – *Email re: WSU Forest Development Plan vote comments* – Mr. & Mrs. Michael Dempsey.
- Bonney Lake Citizen – *Email re: New Development Behind Safeway* – Jina Dempsey.
- Bonney Lake Citizen – *Email re: WSU Forest* – Jerry Bullat.

- Bonney Lake Citizen – *Email re: Quadrant/Bonney Lake* – Skip Skipworth.
- Bonney Lake Citizen – *Email re: Use of WSU Demonstration Forest* – Mike and Jody Low.
- Bonney Lake Citizen – *Email re: WSU Demonstration Forest* – Tanya Morefield.
- Bonney Lake Citizen – *Email re: WSU Demonstration Forest* – Jason Preston.
- Bonney Lake Citizen – *Email re: Soccer Complex* – Michael Breiner.
- Bonney Lake Citizen – *Email re: WSU Demonstration Forest* – Gary Crueger.
- Bonney Lake Citizen – *Letter to the Council re: Developers Agreement* – Fred Jacobsen.
- Bonney Lake Citizen – *Email re: Use Designations and Zoning Public Hearing for the WSU Demonstration Forest* – Ramona & Randy Raub.
- Bonney Lake Citizen – *Email re: WSU Forest* – L. Winona Jacobsen.
- Bonney Lake Citizen – *Email re: I am in favor* – Jacque Coffey, LPN.

DRAFT

CITY COUNCIL MEETING

**December 22, 2009
7:00 P.M.**

DRAFT MINUTES



"Where Dreams Can Soar"

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Audio Time
Stamp ↓

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:

City Clerk Harwood Edvalson called the roll. In addition to Mayor Neil Johnson, Jr., elected officials attending were Deputy Mayor Dan Swatman, Councilmember David Bowen, Councilmember Laurie Carter, Councilmember Dan Decker, Councilmember Mark Hamilton, Councilmember Dave King and Councilmember Jim Rackley.

[Staff members in attendance were City Administrator Don Morrison, Chief Financial Officer Al Juarez, Public Works Director Dan Grigsby, Police Chief Mike Mitchell, Community Development Director John Vodopich, Community Services Director Gary Leaf, 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: None.

3. Presentations:

- a. **Recognition of Service:** Councilmember David Bowen (48 months) and Councilmember David King (97 months).

Mayor Johnson presented a plaque to Councilmember David Bowen for his service since 2008. The Mayor said he appreciated Councilmember Bowen's unique perspective and insight on the Council. Councilmember Bowen thanked the Mayor and said he will be back in the future to urge the Council to install public art spaces and to develop Easttown.

Mayor Johnson presented a plaque to Councilmember Dave King for his service on the Council since November 2001. Mayor Johnson thanked Councilmember King for his insight, attention to detail and oratory skill. Councilmember King said a lot has changed since he joined the Council in 2001. He expressed appreciation for input from concerned citizens and the hard work of City staff and Councilmembers. He said he would keep involved with the City through the Veteran's Memorial Committee. Deputy Mayor Swatman thanked Councilmembers Bowen and King for their contributions and said he hoped they would both stay involved.

D. Agenda Modifications: None.

7:12:34

II. PUBLIC HEARINGS, CITIZEN COMMENTS & CORRESPONDENCE:

A. Public Hearings: None.

B. Citizen Comments:

Fred Jacobsen, 9100 189th Ave E, Bonney Lake, thanked the Council for all the work they do at meetings and in their personal time. He reminded all that the Police Department's coffee fundraiser is still going on and is a good way to contribute after two officers were shot this week. He thanked the Police and Fire Departments for doing a great job.

Betsy Schultz, 12319 235th Ave Ext E, Buckley, thanked the Council for their hard work. She said she saw a new version of the WSU Development Agreement was available at the Council Meeting that she had not seen before, and asked whether people would have a chance to review and comment on it. She said the City should recalculate the value of the WSU property. She said there are many strings attached, including use of the City's land for storm water mitigation. She said the actual value of the land might be closer to \$1 million, not \$2 million as the developer suggests.

David Bowen, 22523 SR 410, Bonney Lake, said he drove through a Weyerhaeuser tree farm near Elma and thinks that Weyerhaeuser has been a good neighbor to area communities. He described various properties in Bonney Lake that were owned by Weyerhaeuser in the past, and reminded those attending that times change. He said he was speaking as a private citizen, and quoted a popular song lyric, "They paved paradise and put up a parking lot."

C. Correspondence: None.

7:19:49

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 continuation of the water conservation rebate program, false alarm management, and other year-end items.

B. Community Development Committee: Councilmember Rackley said the committee has not met since the last Council meeting.

C. Public Safety Committee: Councilmember King said the committee has not met since the last Council meeting.

D. Other Reports:

Community Leader's Coffee: Mayor Johnson said he was unable to attend the most recent meeting with Superintendent Gil Mendoza. Councilmember Rackley attended and said it was a nice event with great musical performances.

Fire District: Mayor Johnson said he recently met with Sumner Mayor Dave Enslow, County Councilmember Shawn Bunney, and representatives of East Pierce Fire & Rescue. The group discussed East Pierce Fire & Rescue's (EPFR) concerns that the Auburn fire district is attempting to extend their service area south along Lake

Tapps, and to overlap the EPFR service area. He said EPFR plans to start an educational campaign for residents about the benefits of staying with their fire district, in response to information Auburn's fire district has been sending out.

Council Christmas Donations: Mayor Johnson said the Council will give donations to local charities instead of gifts to each other again this year. He thanked everyone for their contributions, including incumbent Councilmember Randy McKibbin.

7:25:16

IV. CONSENT AGENDA:

- A. **Approval of Corrected Minutes:** November 24, 2009 Meeting, December 1, 2009 Workshop, December 5, 2009 Special Meeting and December 8, 2009 Meeting.
- B. **Accounts Payable Checks/Vouchers:** Accounts Payable checks/vouchers #57384 thru 57465 (including wire #'s 5229160 & 12042009) in the amount of \$556,914.15; Accounts Payable checks/vouchers #57466 thru 57510 for Utility Refunds in the amount of \$4,278.19; Accounts Payable checks/vouchers #57511 thru 57558 (including wire #'s 5315532, 11022009, 12022009 & 12092009) in the amount of \$879,414.51; Accounts Payable checks/vouchers #57559 thru 57568 for Utility Refunds in the amount of \$948.63.

**Councilmember Rackley made a motion to approve the Consent Agenda.
Councilmember Bowen seconded the motion.**

Motion approved 7 – 0.

V. **FINANCE COMMITTEE ISSUES:** None.

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

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

7:25:42

VIII. FULL COUNCIL ISSUES:

- A. **AB09-170 – Ordinance D09-170** – An Ordinance of the City Council of the City of Bonney Lake, Pierce County, Washington, Amending the Comprehensive Plan Land Use Designation of the Woodyard Property, Parcel No. 4910000330.

**Councilmember Hamilton moved to approve Ordinance D09-170.
Councilmember Decker seconded the motion.**

Councilmember Carter asked how the City's plans to develop the intersection at 192nd Ave E in the future might affect this property. Public Works Director Grigsby said the project design shows this property would have new curb, gutter and sidewalk installed as part of the project, but did not believe that the City would need to acquire right-of-way on this property to complete the project. He said he could not be certain unless he could view the final plans and maps, however.

Councilmember Decker moved to table proposed Ordinance D09-170 to January 2010. Councilmember Bowen seconded the motion.

**Motion failed 2 – 5.
Deputy Mayor Swatman and
Councilmembers Carter, Hamilton,
King and Rackley voted no.**

Councilmember Hamilton said he does not support the proposed ordinance. He said if adjacent property owners came forward as a group with a Comprehensive Plan amendment, he would be more in favor of the change. Councilmember Decker agreed and said he was not in favor of a single-property rezone.

Motion failed 0 – 7.

- B. AB09-171 – Ordinance 1341** – An Ordinance of the City Council of the City of Bonney Lake, Pierce County, Washington, Adopting the 2009 Comprehensive Sewer Plan, the 2008 Comprehensive Water Plan, and Amending the Utilities Element of the Comprehensive Plan Referencing these Plans.

Councilmember Rackley moved to approve Ordinance 1341. Councilmember Decker seconded the motion.

Deputy Mayor Swatman said the revised plans are needed, but cautioned the Council that the data used reflects past economic conditions, not current conditions. He said the Council needs to consider the current economy when making decisions about any future projects. Director Grigsby said both plans have undergone extensive review and public discussion through 2008 and 2009. He said the previous versions are from 2004-05, and these updates provide an important roadmap for staff.

Motion approved 7 – 0.

- C. AB09-192 – Resolution 1991** – A Resolution of the City Council of the City of Bonney Lake, Pierce County, Washington, to approve the WSU Development Agreement.

Mayor Johnson thanked staff and Council for their hard work and effort to review and revise the proposed agreement. He said this is probably one of the biggest decisions the Council has ever made. He said the citizens and Council have identified various needs, including a recreation center, medical services, parks and open space. He said his goal is for the City to gain control of at least part of the forest and provide value to the citizens. He said the forest has been closed to the public for several years and it is impossible to predict what might happen in the future. He added that the City also needs to provide high densities on the SR 410 corridor. He said he would fully support whatever the Council decides on this issue.

Councilmember Rackley moved to approve Resolution 1991. Councilmember Decker seconded the motion.

City Attorney Dionne said his office revised the proposed agreement based on input from the Public Hearing comments and Council discussions. He said negotiations with Quadrant have continued through the week. He provided the Council with copies of a revised agreement dated December 22, 2009, and summary of the proposed amendments it includes. He said all the proposed amendments were previously discussed by the Council, and he feels at least six of the seven proposed amendments benefit the City. He suggested that the Council consider a motion to add these amendments to the development agreement prior to voting on it.

City Attorney Dionne reviewed the proposed amendments, which included fire suppression, use restrictions, the proposed connector road, maximum residential densities, zoning overlay, tree preservation, and interim use of trails. The amendments require residential construction to comply with whatever fire codes are in effect at the time of permitting. An amendment to the connector road section refers to the 'SeaStreet' development method for low-impact infiltration techniques and removes eligibility for TIF credits. The amendments remove references to maximum density in the residential area, and specifies which areas are covered by the zoning overlay. In addition, the amendments state that the city's property would not be utilized for tree mitigation, and name mutually acceptable arborists. The amendments clarify that either party may terminate the interim use of trails, and that WSU and Weyerhaeuser are required to give 1 year notice prior to termination. City Attorney Dionne said the proposed amendments have been reviewed by and are acceptable to WSU and Weyerhaeuser.

Mayor Johnson said several citizens signed up to speak on the issue, each of whom have one minute to speak.

Betsy Schultz and Pete Lymberis had already spoken and waived their time to speak.

Larry Ingraham said the Council should consider whether the agreement is good for the City. He said there are many strings attached to the gift of land to the City. He said perhaps 50% of the city's land will be usable after tree mitigation and storm water management needs are met, and the City will pay future maintenance costs.

Fred Jacobsen, 9100 189th Ave Ct E, Bonney Lake, spoke in favor of using SeaStreet concepts in the City. He spoke against a zoning overlay, and said the City should create a new zoning type instead that includes high-rise residential units with low impact to the environment.

George Brown, 8410 Locust Ave E, Bonney Lake, asked to be shown where the forest area is on the City map.

Councilmembers discussed the proposed agreement and the amendments presented by the City Attorney. Councilmembers King and Rackley spoke in favor of the proposed agreement. Councilmember Bowen said he will not vote in favor of the agreement unless it includes language that there will be no traffic light at 204th St E. Councilmember King spoke about the current economic crisis and the City's long-term plans for parks, recreation and open space. He said citizens have spoken to the Council about saving the forest, as well as the need for more fields and a recreation center. He said the proposal is not perfect but it is the best that could be hoped for.

Councilmember Carter spoke against the proposed agreement. She said she is disappointed about tree mitigation requirements and that the property given to the City would not be big enough for the type of recreational uses citizens want. She also spoke against allowing a traffic light at 204th Ave E. She suggested the City phase the project with the medical center first, and the YMCA. She said Weyerhaeuser should help the City raise funds to build a YMCA as well. She said the proposal seems to benefit WSU and Weyerhaeuser more than the City, and it was driven by development, not by the City. She also expressed concern about the residential property setbacks, cutting the forest, sewer expansion, and how the agreement might affect development in Eastown.

Councilmember Hamilton thanked the Mayor and staff members for their hard work negotiating the agreement. He expressed concern about increased densities once the area is developed and traffic issues. He agreed with Councilmember King that the proposal is not perfect but overall it is a good plan, and if it is not approved the property would be outside the City's control, especially if it is sold to someone else.

Councilmember Decker moved to amend Resolution 1991 to include the City Attorney's recommended amendments. Councilmember Rackley seconded the motion.

Motion approved 7 – 0.

Mayor Johnson asked for a roll call vote on Resolution 1991.

**Councilmember Bowen voted no.
Councilmember Carter voted no.
Councilmember Decker voted no.
Councilmember Hamilton voted yes.
Councilmember King voted yes.
Councilmember Rackley voted yes.
Deputy Mayor Swatman voted no.
Motion failed 3 – 4.**

**At 8:24 p.m., Deputy Mayor Swatman moved for a 15-minute recess.
Councilmember Decker seconded the motion.**

Motion approved 7 – 0.

The meeting was brought back to order at 8:50 p.m. City Attorney Dionne said it is difficult to draft a development agreement, as staff must try to respond to public and Council comments and try to provide an agreement that the majority of the Council might approve. He said based on discussion prior to the vote, it appeared that Resolution 1991 would pass if the agreement included language that there will be no signal on 204th Ave E. He said if the Council chooses, they may make a motion to reconsider the previous vote and move to further amend Resolution 1991 to delete references to signal improvements from section 6.6.13, to delete Section 6.6.14 in its entirety, and replace the section with the following language: "The parties agree that

there will be no traffic signal at the 204th / 410 intersection. The parties agree to a right-in, right-out at this intersection.”

Councilmembers discussed the council rules on reconsidering a motion at the same meeting. City Attorney Dionne confirmed that the item can only be reconsidered at the same meeting, and debate is limited to the reasons for reconsideration.

Deputy Mayor Swatman moved to reconsider Resolution 1991. Councilmember Rackley seconded the motion.

Deputy Mayor Swatman said the City Attorney accurately pointed out that he and Councilmember Bowen have specific concerns about the proposed light on SR 410.

**Motion to reconsider approved 6 – 1.
Councilmember Bowen voted no.**

Councilmember Hamilton moved to amend Resolution 1991 by deleting “and signal improvements” from Section 6.6.13, and replacing all language in Section 6.6.14 with the following: “The parties agree that there will be no traffic signal at the 204th / 410 intersection. The parties agree to a right-in, right-out at this intersection.” Councilmember Rackley seconded the motion.

Councilmember Hamilton said this amendment offers a definitive decision for concerns some Councilmembers have. Councilmembers Bowen and Decker said they would approve the resolution with this amendment in place. Councilmembers allowed Pete Lymberis from Quadrant to speak.

Pete Lymberis said as a representative for WSU and Weyerhaeuser, he would need to present the proposed amendment to them for a final decision. He warned that the right-in, right-out access would prohibit the use for the length of the agreement. He said if the City did not support a traffic signal, DOT would not approve it, and recommended the Council leave this language more open. Councilmember Hamilton pointed out that the development agreement could be amended in the future if all parties agreed, so it is not completely inflexible.

Councilmember Decker confirmed with Mr. Lymberis that the residential portion of the WSU forest will not be logged until Quadrant or another builder has gone through the development process.

Motion to amend approved 7 – 0.

Mayor Johnson asked for a roll call vote on the amended main motion.

**Councilmember Carter voted no.
Councilmember Decker voted yes.
Councilmember Hamilton voted yes.
Councilmember King voted yes.
Councilmember Rackley voted yes.
Deputy Mayor Swatman voted yes.
Councilmember Bowen voted yes.**

Motion approved 6 – 1.

Mayor Johnson said the City will wait to receive a signed copy of the amended agreement before he signs the final document.

- D. AB09-168 – Ordinance 1340** – An Ordinance of the City Council of the City of Bonney Lake Amending the Comprehensive Plan Land Use Designation and Zoning for Tax Parcel Nos. 0519032005, 0519031000, 0519034002, also Known as the WSU Forest.

Councilmember Rackley moved to approve Ordinance 1340. Councilmember Decker seconded the motion.

Deputy Mayor Swatman asked about the language related to the Resolution 1991 agreement. City Attorney Dionne said the proposed ordinance will not go into effect until all parties have signed the development agreement. If all parties do not execute the agreement by December 31, 2009, the ordinance is void.

Councilmember Hamilton said he would vote in favor of the ordinance, though he knows some citizens are disappointed by the outcome. He said he feels the changes are in the long-term best interest of the City, and citizens will have a say on what happens to the City’s portion of the property in the future.

**Motion approved 5 – 1 – 1.
Councilmember Carter voted no.
Councilmember Decker abstained.**

IX. EXECUTIVE SESSION: None.

9:12:14

X. ADJOURNMENT:

At 9:12 p.m. Councilmember Rackley moved to adjourn the meeting. Deputy Mayor Swatman seconded the motion.

Motion approved 7 – 0.

Harwood Edvalson, CMC
City Clerk

Neil Johnson
Mayor

Items submitted to the Council Meeting of December 22, 2009:

- City of Bonney Lake – *WSU Development Agreement – City Attorney’s Recommended Amendments* – Assistant City Attorney Kathleen Haggard.
- City of Bonney Lake – *WSU Development Agreement (dated 12-22-2009)* – Assistant City Attorney Kathleen Haggard.

**City of Bonney Lake, Washington
City Council Agenda Bill (C.A.B.) Approval Form**

<u>Department / Staff Contact:</u> CD / Heather Stinson	<u>Workshop / Meeting Date:</u> 05 Jan 2010	<u>Agenda Bill Number:</u> AB10-16
<u>Ordinance Number:</u>	<u>Resolution Number:</u>	<u>Councilmember Sponsor:</u>

Agenda Subject: Review of Planning Commission 2010-2012 workplan

Proposed Motion:

Administrative Recommendation: Approve attached Suggested Draft of PC workplan

Background Summary: City Council periodically reviews the Planning Commission workplan. A review is needed in order to clarify priorities for the Planning Commission and staff for the next two years.

BUDGET INFORMATION:

Budget Amount	Required Expenditure	Budget Impact	Budget Balance
Budget Explanation:			

COMMITTEE/BOARD REVIEW:

Subcommittee Review Date: -

Commission/Board Review Date: Planning Commission -16 Dec 2009

Hearing Examiner Date:

COUNCIL ACTION:

Workshop Date(s):	Public Hearing Date(s):
Meeting Date(s):	Tabled To Date:

Signatures:

Director Authorization John P. Vodopich, AICP	Mayor	Date City Attorney Reviewed
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**City of Bonney Lake
2009 - 2012 Planning Commission Workplan**

Description	Department	Tentative Completion Date	Specifics	Priority	Initiated By	Date Added by CC	Date of PC Recomm.	Complete Date
Update Title 16 Critical Areas	CD	3rd Quarter	Wetland Ordinance going to CC in June	HIGH	Staff		5/11/09	2nd Quarter
Update Title 17 Subdivision	CD	3rd Quarter	Cottage Development - Coming before CC in January	HIGH	Staff		10/7/09	
Downtown boundary map	CD	3rd Quarter	Before City Council in January	HIGH	Staff		10/21/09	
Update Title 18	CD	4th Quarter	R-2 update before City Council in January, Adopting R-3 overlay, adopting minimum densities in R-3	HIGH	Staff			
Update Capital Facilities Element	GD-PW	4th Quarter	Update references to stormwater, water and sewer plans.	HIGH	Staff		11/4/09	4th Quarter
Private Camp Plan Amendments	CD	4th Quarter	WSU Forest & Woodyard, accompanying Land Use Element and Parks element changes	HIGH	Citizens		11/4/09	4th Quarter
Year One - Shoreline Master Plan Update	CD	Year Round		HIGH	Staff			4th Quarter
Design Standards for Nightclubs	CD	4th Quarter		MED	CC	5/26/09		
Protecting View Sheds	CD	4th Quarter	Before City Council in January	LOW	CC	5/12/09	11/18/09	

2009

Description	Department	Tentative Completion Date	Specifics	Priority	Initiated By	Date Added by CC	Date of Complete
Year Two - Shoreline Master Plan Update	CD	Year-Round		HIGH	Staff		
Title 16	CD	1st Quarter	Update landscaping code to include requirements for maintenance	HIGH	Staff		
Title 16	CD	1st Quarter	Remove "25%" language from tree retention in Commercial areas as suggested by WCIA in our land use audit	HIGH	WCIA		
Begin update of Parks Element	CD / OS	1st Quarter	General update of Parks Element, revisit Moriarty plan	HIGH	Staff / Exec		
Incentives for Green building	CD	2nd Quarter		MED	CC		
Provisions for interim buildings and uses in Downtown Design Standards and Downtown Core Zoning	CD	2nd Quarter		MED HIGH	Staff / Exec		
Update Title 18	CD	2nd Quarter	Allow ADU's in R-1, Provisions for shared housing, Parking Stalls dimensions in Midtown and Eastown	MED	CC, PC		
Stormwater Master Plan	PW, CD	3rd Quarter		HIGH	Staff		
Update Comp Plan Land Use Element to include CUGA subareas 1, 2, and 3	CD	3rd Quarter		HIGH	Staff		
Pre-zone CUGA subareas 1, 2, and 3	CD	3rd Quarter		HIGH	Staff		
Update Transportation Element with reference to transportation plan rather than whole plan	CD, PW	3rd Quarter		HIGH	Staff		
Eastown Design Standards and Uses	CD	3rd Quarter		MED	Staff		
Update Capital Facilities Element	CD	3rd Quarter	Include inventory of City-owned buildings and other facilities.	HIGH	Exec.		
Add Historic Preservation Element to Comp Plan	CD	3rd Quarter		LOW	PC		

2010

	Description	Department	Tentative Completion Date	Specifics	Priority	Initiated By	Date Added by CC	Date of PC Recomm	of Complete Date
2011	Year Three - Shoreline Master Plan Update	CD	6/30/2012		HIGH	Staff			
	Adopt Major Comp Plan Update	CD	2nd Quarter		HIGH	Staff			
	Adopt Development Regulations Related to Major Update including updates to permitting processes	CD	4th Quarter		HIGH	Staff			
	Update Title 18	CD	4th Quarter	Use Matrix, allowed uses in C-2/C-3	MED	CC			
	Complete update of Parks Element of Comprehensive Plan	CD / CS	4th Quarter	General update of Parks Element, revisit Moriarty plan	HIGH	Staff / Exec			
	Update Transportation Element with reference to transportation plan rather than whole plan	CD, PW	4th Quarter	Need to make sure its consistent with Land Use Element of Comprehensive Plan	HIGH	Staff			
2012	Complete Shoreline Master Plan Update	CD	2nd Quarter		HIGH	Staff			
	Update Economic Development Element of Comp. Plan	CD	4th Quarter	Update with new Census population numbers	HIGH	Staff / Exec			