

**CITY COUNCIL WORKSHOP**

**January 3, 2011  
5:30 p.m.**

**AGENDA**

City of



*"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)*

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*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.*

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**Location:** Bonney Lake Justice Center, 9002 Main Street East, Bonney Lake, Washington.

**I. Call to Order:** Mayor Neil Johnson

**II. Roll Call:**

Elected Officials: Mayor Neil Johnson, Jr., Councilmember Mark Hamilton, Councilmember Donn Lewis, Councilmember Randy McKibbin, Councilmember Katrina Minton-Davis, Councilmember James Rackley, Councilmember Dan Swatman, and Councilmember Tom Watson.

**III. Agenda Items:**

- p. 3 A. Action: **AB12-01** – A Motion Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Electing The Deputy Mayor And Assigning Councilmembers To The Council Standing Committees.
- p. 7 B. Review of Draft Minutes: December 6, 2011 Council Workshop and December 13, 2011 Council Meeting.
- C. Council Open Discussion.

**IV. Executive Session:** Pursuant to RCW 42.30.110(b), the City Council may hold an executive session. The topic(s) and the session duration will be announced prior to the executive session.

**V. Adjournment**

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

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City of Bonney Lake, Washington  
**City Council Agenda Bill (AB)**

<b>Department/Staff Contact:</b> Admin Srvcs / Edvalson	<b>Meeting/Workshop Date:</b> 3 January 2012	<b>Agenda Bill Number:</b> AB12-01
<b>Agenda Item Type:</b> Motion	<b>Ordinance/Resolution Number:</b>	<b>Councilmember Sponsor:</b>

**Agenda Subject:** Appointment of Deputy Mayor and Council Standing Committees

**Full Title/Motion:** A Motion Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Electing The Deputy Mayor And Assigning Councilmembers To The Council Standing Committees.

**Administrative Recommendation:** None.

**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. BLMC 2.04.500, 2.04.510 and 2.04.680 through 2.04.930 describe the Deputy Mayor's duties and the responsibilities of the Standing Committees. The municipal code sections are attached to this agenda bill.

**Attachments:** Excerpts from the Bonney Lake Municipal Code.

<b>BUDGET INFORMATION</b>			
Budget Amount	Current Balance	Required Expenditure	Budget Balance
<b>Budget Explanation:</b> No impact.			

<b>COMMITTEE, BOARD &amp; COMMISSION REVIEW</b>			
<b>Council Committee Review:</b>	<i>Approvals:</i>		<b>Yes No</b>
Date:	Chair/Councilmember		<input type="checkbox"/> <input type="checkbox"/>
	Councilmember		<input type="checkbox"/> <input type="checkbox"/>
	Councilmember		<input type="checkbox"/> <input type="checkbox"/>
Forward to:		<b>Consent Agenda:</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<b>Commission/Board Review:</b>			
<b>Hearing Examiner Review:</b>			

<b>COUNCIL ACTION</b>	
Workshop Date(s): 01/03/11	Public Hearing Date(s):
Meeting Date(s):	Tabled to Date:

<b>APPROVALS</b>		
<b>Director:</b> <i>HTE</i>	<b>Mayor:</b> <i>NJ</i>	<b>Date Reviewed by City Attorney:</b> N/A (if applicable):

## **Excerpts from the Bonney Lake Municipal Code**

### **Article VIII. Deputy Mayor**

#### **2.04.500 Appointment.**

The selection of deputy mayor will be biennially, by majority vote of the council, to serve in the absence or temporary disability of the mayor.

The biennial election shall occur during the even years at the first meeting of the council in January.

Councilmembers shall make nominations for the appointment of deputy mayor. The nominator is permitted to give reasons for supporting the nominee. Nominations do not require a second, but the person nominated should accept or decline the nomination prior to the vote. Councilmembers nominated for this appointment are not required to abstain from voting. (Ord. 1061 § 1, 2004).

#### **2.04.510 Duties of deputy mayor.**

The deputy mayor presides at meetings of the council, administers oaths and signs instruments in the absence of the mayor. When the deputy mayor presides over a council meeting he/she shall retain his or her councilmanic vote.

In addition to serving in the absence of the mayor, the deputy mayor shall serve as finance committee chair for the term of office as established for the deputy mayor, shall serve as voucher review committee chair, shall be responsible for overseeing council agendas with the city clerk and the mayor and shall perform any other duties prescribed by the council. (Ord. 1061 § 1, 2004).

### **Article XVI. Council Committees**

#### **2.04.860 Definition and scope of council standing committees.**

The standing committees of the council and the scope of their duties are described as follows. The council may amend these committees as they deem necessary. All issues for council meeting agendas shall be reviewed by the appropriate council committee, except those issues identified as approved for council workshops or as council may approve, prior to submitting to the city clerk for scheduling. Each council standing committee shall schedule a minimum of 12 meetings per year.

A. Finance Committee. The chair of the finance committee shall be the deputy mayor. The chairs of the community development committee and the public safety committee shall also serve on this committee with the deputy mayor. The finance committee exists for the purpose of reviewing all monthly city payable vouchers and payroll and to make recommendations to the city council for payment approval of the city's expenditures at a minimum of twice per month; and for the purpose of advising the city council on matters concerning the general fiscal and financial operations of the city, budget and financial reports, policy matters related to city finances and personnel, including, but not limited to, the salary grade schedule, position classifications and salary changes in coordination with the mayor, finance director, senior human resources analyst and administrative services coordinator.

B. Public Safety Committee (PSC). The public safety committee exists for the purpose of advising the city council on matters concerning the overall safety of the citizens who live within our community. The PSC's jurisdiction includes, but is not limited to, police and fire protection, safety and security in city parks, municipal court, emergency services, animal control, and civil and criminal penalties for conduct threatening public safety.

C. Community Development Committee (CDC). The community development committee exists for the purpose of advising the city council on matters related to the planning of the physical, economic, aesthetic, cultural and social development of the city. The CDC's jurisdiction includes, but is not limited to, zoning, building codes, sign codes, annexations, parks and recreation, utilities, and other public facilities and services as they pertain to the growth and development of Bonney Lake. (Ord. 1234 § 3, 2007; Ord. 1061 § 1, 2004).

**2.04.870 Committee attendance.**

Council committee members are to notify the committee chair of planned absences at least 24 hours in advance of the meeting and the chair of the committee may contact the deputy mayor or any other councilmember to serve in their absence. (Ord. 1061 § 1, 2004).

**2.04.880 Composition of the public safety and community development committees.**

The public safety and community development committees shall consist of three members of the council appointed by the deputy mayor at the first meeting of the new year after the deputy mayor has been elected. Each council committee shall select its own committee chair. (Ord. 1287 § 13, 2008; Ord. 1234 § 3, 2007; Ord. 1061 § 1, 2004).

**2.04.890 Duties of council committees.**

Standing committees shall be concerned primarily with policy matters. They shall review such matters within their general areas of jurisdiction or as determined by council direction or committee consensus and shall formulate recommendations to the full council for action.

The chair of each standing council committee shall be responsible for setting the agendas for each committee meeting and providing minutes of the meetings to all councilmembers, mayor and appropriate staff. (Ord. 1234 § 3, 2007; Ord. 1061 § 1, 2004).

**2.04.900 Required documentation.**

The committee chair may require that all issues, prior to scheduling for any council committee agenda, shall include a completed council agenda bill, with required signatures of the mayor and the city attorney when legal review is necessary, a committee review signature form and all necessary documentation on the issue being reviewed, including budget information if applicable. Whenever possible, any documents requiring legal review and evaluation (ordinances, resolutions, contracts, agreements, any amendments to same, etc.) shall be completed and the city attorney's response and recommendations shall be provided in the council committee or workshop packets prior to being scheduled on those agendas. (Ord. 1061 § 1, 2004).

**2.04.910 Council committee meeting schedules.**

The days and times of the finance committee meetings are fixed by ordinance and the days and times of other council committee meetings are fixed by resolution and may be amended as necessary by a majority vote of the council, or on a temporary basis by the committee chairperson. The schedule for committee meetings shall be posted at City Hall, the library and post office, and on the city's website. All committee meetings are open to the public. (Ord. 1234 § 3, 2007; Ord. 1061 § 1, 2004).

**2.04.920 Committee reports and agendas.**

The chair of each council committee shall be responsible for setting the committee agendas and providing agendas of committee meetings to the council, mayor, city clerk or deputy clerk.

The committee chair shall provide a verbal report of the committee meeting at the following regular council meeting.

The department directors shall be responsible for securing the required signatures of the appropriate council committee on the designated committee review form by the established deadline for submitting to the city clerk for inclusion on the forthcoming agenda. (Ord. 1061 § 1, 2004).

**2.04.930 Split decision by council committee.**

If the decision of the committee is not unanimous, by those committee members present, on any issue presented to them for consideration, the chair of the committee shall request the issue be forwarded to the full council at the next scheduled workshop for further discussions and deliberations by the council, or may direct the issue be scheduled for further committee discussions and deliberations. (Ord. 1061 § 1, 2004).

CITY COUNCIL WORKSHOP

December 6, 2011  
5:30 P.M.

DRAFT MINUTES



“Where Dreams Can Soar”

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**Location:** Bonney Lake Justice Center, 9002 Main Street East, Bonney Lake, Washington.

**I. CALL TO ORDER** – Deputy Mayor Dan Swatman called the workshop to order at 5:35 p.m.

**II. ROLL CALL:**

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

Staff members in attendance were City Administrator Don Morrison, Public Works Director Dan Grigsby, Community Development Director John Vodopich, Interim Police Chief Dana Powers, Administrative Services Director/City Clerk Harwood Edvalson, City Attorney Jim Dionne, and Records & Information Specialist Susan Duis, and Facilities & Special Projects Manager Gary Leaf.

**III. AGENDA ITEMS:**

A. **Public Hearing:** AB11-145 – CUGA Comprehensive Plan Amendment. *Continued from the November 1, 2011 Workshop.*

**Deputy Mayor Swatman re-opened the public hearing at 5:35 p.m. Seeing no one coming forward to speak, the public hearing was closed at 5:35 p.m.**

B. **Presentation:** Stream Team – Water Sample Results – 6 Year Period.

Facilities & Special Projects Manager Gary Leaf provided copies of the report to Councilmembers and audience members. He said volunteers have been collecting data from Lake Bonney and Lake Debra Jane for the past six years. The Stream Team provided a report on the lakes’ health three years ago, and used the new data to update the report. He introduced Stream Team Assistant Isabel Ragland to explain the report.

Ms. Ragland said volunteers have collected data from May to October each year since 2004. She said the information on the report can help the City manage the lakes, and educate residents in the watershed about how they can help protect the lakes. She explained how volunteers tested for oxygen levels, water clarity, phosphorus, chlorophyll, TSI rating, and algae.

Ms. Ragland said Lake Bonney has become somewhat clearer in the past three years, which normally indicates there is less algae in the water. She noted that Lake Bonney has been treated for aquatic weeds. Meanwhile, water clarity in Lake Debra Jane has become slightly lower. She said some algae in the lake have the potential to produce toxins, and she feels it is important to continue the water sampling program to educate residents on

the health of the lake. She said Pierce County has an algae watch program, and recommended that anyone interested in the welfare of area lakes subscribe to the program's email list. She said residents can also contact the Health Department to report algae blooms. She said homeowners can help protect area lakes by testing their soil before using fertilizer, leaving natural vegetation along the lakeshore, and keeping an eye on filters and storm drains that go into the lakes.

Councilmember Rackley noted that the program does not test for nitrates; Ms. Ragland said this test could be added. Councilmember Hamilton asked whether the treatments on Lake Bonney have been helpful. Ms. Ragland said the treatments have probably helped water clarity and chlorophyll levels, but she urged caution in removing plants, other than noxious weeds, from the lakes.

Ms. Ragland said volunteers spend about 45 minutes to an hour for each test, and they go into the deepest part of the lake to collect water samples. The Council thanked Ms. Ragland for the report.

Councilmember Hamilton asked if the City does any testing on Fennel Creek. Mr. Leaf said the City does not test Fennel Creek, although the Puyallup River Watershed Council is considering whether include testing on Fennel Creek as part of a larger watershed survey.

Councilmember Carter thanked Mr. Leaf for his work and to the volunteers for their commitment to protecting the watershed. Councilmembers discussed the future budget for continued water sampling. City Administrator Morrison confirmed that the program was shifted from the Community Services budget to the Stormwater budget in 2011, and he would check and report back on the program's budget status. Councilmembers Rackley and Lewis expressed support for continuing the water testing program. Mr. Leaf said the actual tests cost about \$3,000, while the Stream Team study report cost about \$5,000.

C. **Presentation:** DM Disposal – Recycling Program Status & Customer Service.

Facilities & Special Projects Manager Leaf said the City renewed its contract with D.M. Disposal in 2009 for five years, and that contract included a customer service report mid-way through the contract. He introduced D.M. Disposal District Manager Keith Kovalenko and Operations Manager Mark Gingrich, who provided an overview of customer service history and future plans. They discussed customer service response times, a 'secret shopper' program, customer advocacy, employee recognition, and safety programs. He said D.M. is converting to co-mingled recycling for businesses and apartments. He said they plan to focus on recycling programs in 2012, including outreach to businesses and apartments that do not have recycling service currently, encouraging residential customers to recycle, reducing recycling contamination, route enhancements, and improving communication with cities.

Councilmember Rackley said he has been pleased with the customer service response he received from D.M. in the past. Councilmember Hamilton noted that 40% of commercial customers in City limits do not participate in recycling. Mr. Gingrich said 90% or more residential customers participate in recycling, but only about 60% of the total weight collected is recyclable, which is similar to county average. Councilmember Hamilton said he sometimes sees trash on the streets on trash day. Mr. Kovalenko said the trucks use an automated arm to dump the bins, so there is a potential for some items to fall out. He said

drivers are trained to pick up garbage, and asked residents to call if they notice a problem with garbage along the street.

Deputy Mayor Swatman said he has heard complaints about early morning garbage pick-up at commercial sites that are adjacent to residential homes. He said D.M. has been responsive to these issues and asked them to keep this in mind when considering route changes. Councilmember Hamilton suggested that D.M. work with the Chamber of Commerce to inform business owners about the commercial recycling program. Councilmembers thanked Mr. Kovalenko and Mr. Gingrich for their presentation.

**D. Council Open Discussion:**

Midtown Sidewalks: Deputy Mayor Swatman said he appreciates the new span of sidewalk along SR 410 in Midtown. He said it provides a new piece of connectivity, and he has seen more people walking along the area since it was constructed. Councilmember Lewis said high school students use the route to get to school and really appreciate it.

Holiday Gathering: Deputy Mayor Swatman said there will be an informal holiday gathering for Councilmembers, Board and Commission members, and others at the Midtown Grill at 6:00 p.m. on December 14<sup>th</sup>. Councilmember Lewis noted that the Summer School District is hosting an open house the same evening.

**E. Review of Council Minutes:** November 15, 2011 Council Workshop and November 22, 2011 Council Meeting.

Councilmember Carter requested that the November 15<sup>th</sup> minutes be amended to capitalize the words “Downtown” and “Midtown”, and that the November 22<sup>nd</sup> minutes be amended on p. 3, to read, “Councilmember Carter said councilmembers and directors have pledged to match up to \$800 ~~\$500~~”. The corrected minutes were forwarded to the December 13, 2011 Meeting for action.

**F. Discussion:** AB11-160 – Resolution 2173 – Withdrawing from Rainier Cable Commission.

Councilmember Rackley said he feels the City should withdraw from the Rainier Communications Commission (RCC), unless the Council would like to use their services to televise meetings. He said the City pays \$24,000 per year to be a part of the RCC, and the City must send a withdrawal letter 6 months before leaving the commission. He said if the Mayor sends a letter by December 31<sup>st</sup> the City will save \$12,000 on the 2012 budget and remove this cost in future years. He said as the city’s population grows the cost of participation grows, and the membership fee does not include extra costs for televising meetings. Deputy Mayor Swatman agreed that withdrawing from the commission is a good cost savings for the city.

Councilmember Hamilton asked whether other cities are considering withdrawing from the RCC. Councilmember Rackley said the cities that remain on the commission are those who televise their meetings and a few smaller communities. Councilmember Lewis said the city could always rejoin the commission later if it wants to utilize their services. Councilmember Hamilton asked if withdrawal would affect future cable TV franchise agreement negotiations with Comcast. He said he wanted to be sure customers would not incur future higher costs if the City leaves the RCC. City Administrator Morrison said the RCC provides member cities with a template franchise agreement, but withdrawal should

not negatively impact Bonney Lake residents with higher fees. By Council consensus the item was forwarded to the December 13<sup>th</sup> Meeting for action.

G. **Discussion:** AB11-155 – Ordinance D11-155 – Amending the BLMC Relating To Miscellaneous Fees.

City Administrator Morrison said the proposed ordinance updates facility rental fees and makes minor changes to fingerprint scanning and paper scanning fees. He said in the current fee structure, the rate for non-profits to use City facilities was highly subsidized and did not even cover basic costs such as utilities. He said the new fees would apply to the Senior Center, the old City Hall chambers, and rooms in the Justice Center. He said staff felt it was important that a building monitor be present when a space is rented out, and that cost is built into the new fee schedule. He said if an approved City employee volunteers to serve as the building monitor, the rate can be reduced.

Councilmember Decker asked for an update on the Crossley property purchase negotiations (located at 18585 Sumner-Buckley Hwy). City Administrator Morrison said the City Attorney's office is still negotiating with the property owner on an agreement.

Councilmember Carter asked for clarification on the listed fees for paper copies. Administrative Services Director/City Clerk Edvalson said the State provides a standard copy charge, and the City would have to do its own analysis to justify a higher rate. Councilmember Carter said the City's current facility rental costs are very reasonable compared to other facilities, and she feels the proposed changes are justified.

Councilmember McKibbin asked what constitutes as a local non-profit group for the rate structure. City Administrator Morrison said staff reviewed several options and did not want to limit the reduced rates only to registered non-profits inside City limits. He noted that many organizations like HOAs and sports clubs do not have 501(c)(3) non-profit status, but staff felt they should still receive the reduced rate. He said the rate used would be up to the discretion of the Senior Services Manager, who manages facility rentals.

Deputy Mayor Swatman asked whether a Councilmember or Planning Commissioner would be considered as an 'employee' to serve as a building monitor; the City Administrator said they would be since they are paid staff. Deputy Mayor Swatman said he wants to encourage more use of public buildings, and asked organizations to let the Council know if they have any issues with the new fees or facilities.

City Administrator Morrison added that the City of Dupont is considering a program to provide facility use credits to community groups who participate in public service projects. He said if and when Dupont approves the program he will provide more information to Council to see if it could be implemented for Bonney Lake. By Council consensus, the proposed fee ordinance was forwarded to the December 13<sup>th</sup> Meeting on the Consent Agenda for action.

H. **Discussion:** AB11-147 – Ordinance D11-147 – Mid-Biennial Budget Adjustment.

Deputy Mayor Swatman said he is concerned that the proposed 2012 budget would have the City spending more than expected revenues. He provided the Councilmembers with a modified Revenues and Expenditures model (Schedule A) for consideration. He said based on his minor amendments, the City would have a \$200,000 budget shortfall in 2012. He said he feels the administration should further reduce expenditures by \$200,000

to balance the budget, instead of using reserve funds. He said the administration should be allowed to decide where further cuts can be made.

Deputy Mayor Swatman said other programs should be taken into account on the budget, such as potential cost-sharing for the 800 MHz communications system, and the possible continuation of the City's TIF credit program, which he supports. City Administrator Morrison said with the recent passage of the county-wide 9-1-1 system, Pierce County may decide to partner with Bonney Lake to use the City's existing communications towers. He added that it is an open question when or if this might happen, or how it might affect the budget. Councilmember Carter said the City may also be able to partner with the Washington State Patrol, which also plans to switch to the 800 MHz system.

The City Administrator reminded the Council that the original 2011-2012 budget provided reserve funds, but staff reduced expenditures and has not used any reserves in 2011. Councilmember Rackley said the administration already saved \$400,000 in 2011 and he does not want to further reduce the 2012 budget. He said the economy is starting to improve and the Council should wait to start a zero-based budget until 2013. Deputy Mayor Swatman disagreed and reiterated his desire for a balanced 2012 budget.

City Administrator Morrison said the administration's preference is to carry forward the fund balance for 2012, as Councilmember Rackley suggested. He said staff would continue a careful review of budget items with the Finance Committee next year, which will help in the development of the 2013-2014 biennial budget.

Councilmember Hamilton said he is concerned about potential cuts at the State level, including potential changes to liquor tax revenues. He said the Council has not given the administration a target number for the budget since he joined the Council, though he said he was interested in the Deputy Mayor's proposal. Councilmember Lewis said it seems too rushed to make a decision in December, and there are many issues that could affect the budget. He agreed that the budget should be zeroed out but feels the fund balance should be left as-is, and give staff time to look for additional cost savings.

Councilmembers discussed whether the budget amendment ordinance could be delayed until 2012. City Administrator Morrison said the Council is required to complete a mid-biennial review of the budget, and can further amend the budget at any time during the year. He said the amendment may be required to be in compliance with the State Auditor's requirements. He encouraged the Council to take action on the proposed ordinance in 2011 and consider further amendments in 2012 if necessary.

Councilmember Hamilton said if the proposed amendment is not approved, the remaining fund balance will not be carried forward to 2012. City Administrator Morrison said the proposed budget amendment reduces the amount originally adopted from \$13.3 million to \$12.86 million.

Councilmember Lewis and Councilmember Rackley spoke in favor of approving the proposed budget amendment as presented by the administration. Deputy Mayor Swatman said the Council should receive more information in time for the December 13<sup>th</sup> Meeting, and can decide at that time whether to take action or to table a portion, or all, of the proposed ordinance. The proposed ordinance was forwarded to the December 13<sup>th</sup> Meeting for action.

**At 7:30 p.m., Councilmember Rackley moved for a 10-minute break. Councilmember Decker seconded the motion.**

**Motion approved 7 – 0.**

The workshop reconvened at 7:41 p.m.

**I. Discussion:**

- **2011 Comprehensive Plan Amendments:**
  - **AB11-130 – Ordinance D11-130** – Eastown Subarea.
  - **AB11-132 – Ordinance D11-132** – CUGA Comprehensive Plan Amendment and Zoning.
  - **AB11-133 – Ordinance D11-133** – Midtown Plan.
  - **AB11-135 – Ordinance D11-135** – Midtown Land Use.
  - **AB11-136 – Ordinance D11-136** – Park Element.
  - **AB11-137 – Ordinance D11-137** – Cultural Resources Comp Plan amendment.
- Amendments to the BLMC:
  - **AB11-131 – Ordinance D11-131** – Eastown Design Standards.
  - **AB11-134 – Ordinance D11-134** – Midtown Design Standards.
  - **AB11-151 – Ordinance D11-151** – Midtown Zoning.
  - **AB11-152 – Ordinance D11-152** – Land Use Matrix.

Deputy Mayor Swatman said staff presented the Council with a final version of each amendment for the Council to ensure they are accurate and ready to move forward.

Councilmember Hamilton said he previously requested additional language for the Eastown Plan which has not been inserted. He said the plan needs to include language about the City's plan to expand and annex land north of the current city limits in Eastown. He said this language is important to let developers and others know the City's ultimate goal is to annex these areas and the roadway to be part of the City limits. City Administrator Morrison noted that having this language in the comprehensive plan would also help with future requests to Pierce County to amend the Urban Growth Area. Councilmember Lewis agreed that language regarding future plans for annexation should be added to the first chapter of the Eastown Subarea plan.

Councilmember Carter said the Planning Commission is currently reviewing issues related to landscape buffers and minimum setbacks, which relate to the Midtown Plan and are still under review.

By consensus of the Council, the proposed amendments were forwarded to the December 13<sup>th</sup> Meeting for consideration as Full Council Issues.

**IV. EXECUTIVE SESSION:**

Pursuant to RCW 42.30.110(1)(i), the Council adjourned to an executive session with the City Attorney at 7:52 p.m. for 15 minutes to discuss potential litigation. The executive session was extended 10 minutes at 8:11 p.m., and for 5 minutes at 8:22 p.m. The Council returned to chambers at 8:27 p.m.

**V. ADJOURNMENT:**

**At 8:27 p.m., Councilmember Rackley moved to adjourn the Council Meeting. Councilmember Lewis seconded the motion.**

**Motion to adjourn approved 7 – 0.**

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Harwood Edvalson, CMC  
City Clerk

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Neil Johnson, Jr.  
Mayor

Items presented to Council at the December 6, 2011 Workshop:

- Keith Kovalenko & Mark Gingrich – *Bonney Lake City Council Update* – D.M. Disposal.
- Deputy Mayor Dan Swatman – *Schedule A, Total Revenues & Expenditures* – City Council.

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CITY COUNCIL MEETING

December 13, 2011  
7:00 P.M.

DRAFT MINUTES

City of



"Where Dreams Can Soar"

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**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: Mayor Johnson 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 Laurie Carter, Councilmember Dan Decker, Councilmember Mark Hamilton, Councilmember Donn Lewis, Councilmember Randy McKibbin, and Councilmember Jim Rackley.

Staff members in attendance were City Administrator Don Morrison, Community Development Director John Vodopich, Chief Financial Officer Al Juarez, Interim Police Chief Dana Powers, Assistant Public Works Director Charlie Simpson, 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:

a. **AB11-159** – A Motion Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Confirming The Mayor's Appointment Of James Bouchard As A Member Of The Park Board With A Term Expiring April ~~2012~~ 2014.

**Councilmember Rackley moved to approve Motion AB11-159.  
Councilmember Decker seconded the motion.**

Administrative Services Director/City Clerk Harwood Edvalson explained that Mr. Bouchard's term will actually end in 2012 as he is filling a previously unexpired term. Mr. Bouchard thanked the Council for considering him for the appointment and said he looks forward to serving on the board. Mayor Johnson said this appointment brings the Park Board back to full membership.

**Motion approved 7 – 0.**

3. Presentations:

a. Oath of Office: Police Officer Jeffrey Bourbon.

Municipal Court Judge Ron Heslop administered the Oath of Office to Officer Bourbon. Mayor Johnson and the Council welcomed him to the City staff.

- b. Recognition of Service: Councilmember Laurie Carter and Councilmember Dan Decker.

Mayor Johnson presented plaques to recognize Councilmembers Decker and Carter for their service as councilmembers from 2008 to 2011. He thanked Councilmember Decker for working as a team member during his time in office. He thanked Councilmember Carter for her passion and energy working on issues and said he hopes she has inspired others in the community to serve.

**At 7:12 p.m. Mayor Johnson called for a 15 minute break for a reception and refreshments congratulating the outgoing councilmembers. The Meeting returned to order at 7:29 p.m.**

- D. Agenda Modifications: None.

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

- A. Public Hearings: None.

- B. Citizen Comments:

Connie Swarthout, owner of CJ's Deli in Bonney Lake, said someone started a petition and asked to post it at her business. She said she has a list of people who are opposed to changing the name of Sumner-Buckley Hwy (per Ordinance 1405). She said she wanted to speak for long-time residents Juanita and Hugh McGraw, who do not want the road name to be changed. She said she has not spoken to anyone who wants the road name to be changed. She said petition signers suggested other names or locations for a Veteran Memorial Drive, such as the actual location of a future memorial. She said business owners were not contacted before the name change was approved to ask their opinion. She said though she appreciates the Council's desire to honor veterans, people do not want this particular road name to be changed. She said she works very hard and does not want the Council to tell her how to spend money. She said business owners should not be expected to pay for the costs of changing their street address.

Steve Marks, owner of B Natural Music in Bonney Lake, said he does not understand why the City changed the road name in the current economy, as it will impact his business. He said people who live in the area recognize the Sumner-Buckley Hwy and know where it is. He said businesses and governments are watching every penny, and this will be an added cost.

Mayor Johnson confirmed that the road renaming was approved by Council (Ordinance 1405) and will be effective 30 days after approval and publication. He asked Mr. Marks and others to speak with the City Clerk or City Administrator to get information on the appeal process.

Linda Youngberg, 18112 85<sup>th</sup> St, Bonney Lake, said she appreciates Councilmember Carter's 'no' vote on the ordinance, though he and other business owners did not speak with her directly. She said no one she has spoken to on the road wants to see the change, and she is surprised the Council passed an ordinance that no one wants. She said people in the area recognize the name 'Old Buckley Highway' or Sumner-Buckley Hwy. She said the Council should reverse the decision. She thanked Ms. Swarthout and Mr. Marks for their comments.

Pastor Glen McMurray, 19917 113<sup>th</sup> St E, Bonney Lake, spoke representing the Bethel Family Fellowship located off South Prairie Road. He said the property was annexed into the City under C-2 zoning but the zoning was later changed to C-1 zoning in 2005. He said representatives from the church have attended Planning Commission meetings. He said the Bethel Family Fellowship requests that the Council approves the proposed Midtown Core land use designation ordinance (Ordinance D11-135). He said the church plans to move to a new location in the future.

- 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 and discussed a proposed renewal of the City Administrator's contract, and recommended it be reviewed in 2012 when new councilmembers have joined the Council. They also reviewed options for use of the Justice Center space for city staff. The committee discussed a recommendation to eliminate an accounting system module that is not being used, which would save about \$3,700. He noted that boat launch revenues came in as normal for 2011. The committee also discussed the National Home Builder's report, and are hoping to have Dr. Elliot Eisenberg to attend a future Council Workshop to provide a report, since he will be doing so for Pierce County as well.
- B. Community Development Committee: Councilmember Rackley said the committee met on December 6<sup>th</sup> and discussed priorities for 2012. He said the committee's meeting notes are available online, and no items were forwarded to the current agenda.
- C. Public Safety Committee: Councilmember Hamilton said the committee met on December 5<sup>th</sup> and discussed options to install video cameras on police vehicles and on officers. The Police Chief noted that cost is an issue, and the City Prosecutor did not recommend cameras due to concerns about gaining permission to make a video recording, and for the cost to provide recordings to defendants. Councilmember Decker reported on a fire in his neighborhood and thanked East Pierce Fire & Rescue and the Police Department for their quick response. Councilmember Hamilton said the City Prosecutor continues working on proposed code revisions with input from the City Attorney's office and Court staff. The committee also discussed how a recent finding against the Pierce County dangerous dog ordinance might impact the City of Bonney Lake code. They also discussed standing committees in general, and the consensus of Public Safety Committee members was that the council standing committees could be dissolved.

Mayor Johnson noted that all Councilmembers are now 'at-large' so residents can contact any councilmember with issues or concerns.

- D. Other Reports: None.

Youth Forum: Mayor Johnson thanked staff members for their participation at the Bonney Lake High School Youth Forum on December 2<sup>nd</sup>. He said students brought up similar ideas as they have discussed in the past, including a need for more youth activities and recreation centers, and concerns about youth drug use. He encouraged Councilmembers to attend future forums, to learn from youth in the community and their teachers.

Police Updates: Mayor Johnson asked Interim Chief Powers to provide an update on police activities that happened earlier in the day. Interim Chief Powers said a bomb threat was reported at Bonney Lake High School in the morning. She said the school went on modified lockdown, and the students were sent home early. She said no bomb was found, and after investigation Police arrested one youth later in the day.

Interim Chief Powers said that earlier in the day, the regional auto-theft task force was in Bonney Lake and attempted to pull over a stolen vehicle. She said this resulted in a high-speed chase, damage to two police vehicles, and injuries to an officer whose vehicle was hit by the suspect. She said the chase ended in a pit maneuver at the Traffic Avenue exit in Sumner and the suspect was arrested.

#### IV. CONSENT AGENDA:

- A. **Approval of Corrected Minutes:** November 15, 2011 Council Workshop and November 22, 2011 Council Meeting.
- B. **Approval of Accounts Payable and Utility Refund Checks/Vouchers:** Accounts Payable checks/vouchers #62450 thru 62494 (Including Wire Transfer #'s 8368629, 11162011, 12012011, 20111115) in the amount of \$1,051,502.72; Accounts Payable checks/vouchers #62495 thru 62498 in the amount of \$1,314.64; Accounts Payable checks/vouchers #62499 thru 62525 in the amount of \$3,543.40 for Utility refunds for a grand total of \$1,056,360.76.  
VOIDED CHECKS: #62424 – Duplicate Payment, and #61977 – Duplicate Payment.
- C. **Approval of Payroll:** Payroll for November 16-30th 2011 for checks 30136-30165 including Direct Deposits and Electronic Transfers in the amount of \$591,032.51.
- D. **AB11-155 – Ordinance 1417 [D11-155]** – An Ordinance Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Amending Chapter 3.90 Of The Bonney Lake And Ordinance Nos. 1233, 995 And 825 Relating To Miscellaneous Fees.
- E. **AB11-156 – Resolution 2171** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing The City To Award A Contract To Laser Electric, Inc. For The Installation Of City-Purchased Variable Frequency Drives.
- F. **AB11-160 – Resolution 2173** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing The Mayor To Give Notice Of The City's Withdrawal From The Rainier Communication Commission.

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

**Consent Agenda approved 7 – 0.**

#### V. FINANCE COMMITTEE ISSUES: None.

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

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

**VIII. FULL COUNCIL ISSUES:**

- A. **AB11-147 – Ordinance 1414 [D11-147]** – An Ordinance Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Adopting The Mid-Biennial Budget Amendment For Budget Years 2011 And 2012.

**Councilmember Rackley moved to approve Ordinance 1414. Councilmember Lewis seconded the motion.**

Mayor Johnson said the Council and administration have been working on the biennial budget amendment for some time. He said administration requests authorization for the use of about \$393,000 of fund reserves in the 2012 budget, which is far under the \$600,000 originally budgeted for the current biennium. He said starting with the 2013 budget any reserve funds would be used only for emergencies or to maintain public safety.

Deputy Mayor Swatman said he feels the City should not spend more than it takes in, and believes the 2012 budget is actually only about \$200,000 short, based on his own revenue and expenditure projections. He provided Councilmembers with revised versions of the ordinance exhibits A and B for review.

**Deputy Mayor Swatman moved to amend Ordinance 1414 to replace Exhibit A and Exhibit B with the amended figures provided. Councilmember Decker seconded the motion.**

Deputy Mayor Swatman said the Council should challenge the administration to find a way to zero out the 2012 budget. He said he does not think the Council should decide specific line items to be cut, as this is better left up to the administration to decide.

Councilmember Rackley said he does not support the proposed amendment, for reasons discussed at the previous Workshop. Councilmember McKibbin said he supports the idea of a zero-based budget, and would be interested in a more detailed review of budget items but is not sure he is ready to decide at the current meeting. Councilmember Carter confirmed that the Deputy Mayor wants to revise the ordinance attachments, and let staff work to find additional ways to trim the budget in 2012.

Mayor Johnson said the Council needs to review the budget line by line to determine their priorities and to identify areas that could be cut. He asked the City Attorney for background on how the budget process normally occurs. City Attorney Dionne said the process varies by government agency. He said the Bonney Lake Council does review a 'line item' budget for expenditures, as it completes monthly reviews of line items in the Finance Committee, but the Council formerly adopts a 'fund level' budget by ordinance, not a line item budget. He said if the Council decides to adopt the proposed amendments they could do so, but would not have a chance to identify where cuts would be made. He said it depends on whether the Council is interested in or prepared to take this action.

Mayor Johnson noted that the funds held in reserve were saved during better economic times, and that \$600,000 in fund reserves were budgeted to be used during the current biennium. Councilmember Lewis said he feels the budget should be approved as proposed by the administration and move forward with a balanced budget in 2013.

**Deputy Mayor Swatman withdrew his motion to amend the ordinance attachments. Councilmember Decker withdrew his second.**

**Deputy Mayor Swatman moved to amend Ordinance 1414, Section 1. as follows:**

**“Section 1. The biennial budget for the City of Bonney Lake for the period January 1, 2011 through December 31, 2012 as contained in the adopted 2011-2012 Biennial Budget for total revenues/sources (including beginning fund balances) and expenditures/uses (excluding ending fund balances) and as revised by the City Council, is hereby amended by Total Revenues and Expenditures for each fund as shown on the attached Exhibit “A” (City of Bonney Lake Mid-Biennial Budget Amendment), provided however, that any 2012 General Fund expenditures in excess of \$12,886,038 shall require advance council approval.”**

**Councilmember Decker seconded the motion.**

Deputy Mayor Swatman said this proposed language will draw the Council’s attention if the City spends more than it brings in during 2012. Councilmember Rackley said he feels the proposed amendment is unnecessary, as the Council already has budget oversight and is kept updated on the budget throughout the year.

Deputy Mayor Swatman said the proposed amendment does not change the budget figures in any way, but ensures the Council will be informed at the point when the City will spend more than revenues and start using the fund balance during 2012.

Councilmember Decker noted that the Council can amend the budget at any time in 2012 with a majority vote.

Mayor Johnson asked how the Deputy Mayor’s proposed amendment would be implemented. City Attorney Dionne said this amendment is less problematic, although in reality the administration will probably budget for 2012 as if the funds over the proposed amount are not available. He said it would require an additional vote of the Council before the City could spend funds over the proposed amount, if and when that time comes. In other words, he said the Council would need to consider an amendment to the budget before any reserve funds could be spent in 2012.

Councilmember Rackley noted that the 2013-2014 budgeting process will begin in 2012 and the Council will learn more during that process. He reiterated that he does not feel the proposed amendment is necessary. He said the City has \$2.5 million in fund balance, which is a large amount to retain for a fund balance.

Mayor Johnson said he disagrees with the proposed amendment and feels it will cause difficulty for staff. He said he feels the City should stick to the original budget approved for 2011-2012, but that he would support the Council’s decision.

**Motion to amend Ordinance 1414 approved 5 – 2.  
Councilmembers Rackley and Lewis voted no.**

**Ordinance 1414 approved as amended 6 – 1.  
Councilmember Decker voted no.**

**At 8:28 p.m. Councilmember Rackley moved for a 10-minute recess. Councilmember Decker seconded the motion.**

**Motion approved 7 – 0.**

**The Meeting returned to order 8:38 p.m.**

**B. 2011 Comprehensive Plan Amendments:**

- i. **AB11-130 – Ordinance 1406 [D11-130]** – An Ordinance Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Amending The Eastown Element Of The Comprehensive Plan.
- ii. **AB11-132 – Ordinance 1408 [D11-132]** – An Ordinance Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Establishing Pre-Annexation Planning And Zoning For The Comprehensive Urban Growth Area To The South Of The City Limits.
- iii. **AB11-133 – Ordinance 1409 [D11-133]** – An Ordinance Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Adopting The Midtown Element As Chapter 11 Of The Comprehensive Plan.
- iv. **AB11-135 – Ordinance 1411 [D11-135]** – An Ordinance Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Adopting The Midtown Core Land Use Designation And Applying It To Properties Currently Designated Neighborhood Commercial, Commercial, And Commercial & Light Industry In Midtown.
- v. **AB11-136 – Ordinance 1412 [D11-136]** – An Ordinance Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Amending The Parks Element Of The Comprehensive Plan.
- vi. **AB11-137 – Ordinance 1413 [D11-137]** – An Ordinance Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Adopting The Cultural Resources Element As Chapter 12 Of The Comprehensive Plan.

Mayor Johnson asked the City Attorney if the Council could act on all the proposed Comprehensive Plan amendments at once. The City Attorney confirmed that they should make a motion to pass all six related ordinances at once, then the City Clerk would read all the ordinance titles aloud, and the Council could vote upon them all at that time.

**Councilmember Rackley moved to consider the proposed Comprehensive Plan amendment ordinances at the same time. Councilmember Lewis seconded the motion.**

Councilmember Decker moved to amend the motion to remove Ordinance 1406 [D11-130] from the motion and consider it as separately. The City Attorney explained that if any ordinance was removed from the main motion, it would mean the Council would not

take action on that item this year as part of the Comprehensive Plan amendments. Councilmember Decker removed his motion. The City Clerk read each of the ordinance titles aloud.

**Motion to consider the Comprehensive Amendments as a group approved 7 – 0.**

**Councilmember McKibbin moved to amend the motion to remove Ordinance 1413 [D11-137] from the main motion. Councilmember Decker seconded the motion.**

Councilmember McKibbin said he is in favor of the Cultural Resources plan, but he does not feel it needs to be an element of the Comprehensive Plan. Deputy Mayor Swatman said some members of the Council have concerns about being able to amend the plan regularly, since Comprehensive Plans can only be amended once per year. He said he is not certain if adopting the plan outside of the Comprehensive Plan will give it less teeth, however. City Attorney Dionne explained that a motion, resolution, and ordinance all have the same legal affect under the law. He confirmed that adopting the plan as a resolution would provide more flexibility to make changes in the future.

Councilmember Rackley said the Council will have plenty of time to make amendments again, and the plan truly only needs to be amended about once a year. He said he feels the plan could be lost if not adopted as part of the Comprehensive Plan.

Councilmember Lewis noted a typographical error in Goal 13 of the plan, which states “The City has ~~has~~ taken ...”. City Administrator Morrison said the text would be corrected in the final version.

Councilmember Hamilton said he also felt the plan will be lost if not included in the Comprehensive Plan. He said the Park Board and Planning Commission worked diligently on the plan based on the Council’s interest. He said this plan has been lacking for many years, and identifies many great resources in the community. He said the Park Board will continue working on the plan throughout the year, and it makes sense to wait and make changes only once a year or so, as needed. He said the proposed plan should be a high priority, and it shows where the City is today and where it plans to go in the future. Councilmember Carter agreed that the item should be included in the Comprehensive Plan element.

The City Clerk said no one had signed up to speak on the item. Deputy Mayor Swatman asked if the Council would recognize someone in the audience who wished to speak. Mayor Johnson invited the speaker to the podium.

Winona Jacobsen, 9100 189<sup>th</sup> Ave Ct E, Bonney Lake, said it has taken three years to get the Cultural Resources Element to this point, and the Council had always agreed it should be part of the Comprehensive Plan. She said though the plan can only be amended once per year, if the Council follows the recommendations in the plan to form a Commission, that new body can make recommendations for the Council during the year. She said there are no ordinances supporting the plan at this time, but if it is approved as a plan outside the Comprehensive Plan, there will be no ordinances supporting it, and it could just be filed away and forgotten.

**Motion to remove Ordinance 1413 [D11-137] from the main motion failed 1 – 6.**

**Councilmembers Decker, Carter, Hamilton, Rackley, Lewis, and Deputy Mayor Swatman voted no.**

**Ordinances 1406, 1408, 1409, 1411, 1412, and 1413 approved 7 – 0.**

**C. Amendments to the Bonney Lake Municipal Code:**

- i. **AB11-131 – Ordinance 1407 [D11-131]** – An Ordinance Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Adopting A New Chapter 18.33 Of The Bonney Lake Municipal Code Relating To Eastown Development Standards.
- ii. **AB11-134 – Ordinance 1410 [D11-134]** – An Ordinance Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Adopting A New Chapter 18.34 Of The Bonney Lake Municipal Code Relating To Midtown Development Standards.
- iii. **AB11-151 – Ordinance 1415 [D11-151]** – An Ordinance Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Adding A New Chapter 18.27 To Title 18 Of The Bonney Lake Municipal Code, Creating A Midtown Core Zone And Applying It To Those Properties With A Midtown Core Land Use Designation.
- iv. **AB11-152 – Ordinance 1416 [D11-152]** – An Ordinance Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Amending Title 18 Of Bonney Lake Municipal Code.

**Councilmember Rackley moved to consider the proposed Municipal Code Amendment ordinances as a group. Councilmember Lewis seconded the motion.**

**Motion approved 7 – 0.**

The City Clerk read each of the ordinance titles aloud.

**Ordinances 1407, 1410, 1415, and 1416 approved 7 – 0.**

- D. AB11-161** – A Motion Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, To Cancel The December 20, 2011 Council Workshop And The December 27, 2011 Council Meeting.

**Councilmember Lewis moved to approve AB11-161. Councilmember Decker seconded the motion.**

**Motion AB11-161 approved 7 – 0.**

**IX. EXECUTIVE SESSION:** None.

**X. ADJOURNMENT:**

**At 9:02 p.m., Councilmember Decker moved to adjourn the Council Meeting.  
Councilmember Lewis seconded the motion.**

**Motion to adjourn approved 7 – 0.**

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Harwood Edvalson, CMC  
City Clerk

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Neil Johnson, Jr.  
Mayor

Items presented to Council at the December 13, 2011 Meeting:

- Deputy Mayor Dan Swatman – *Amended Exhibits A and B for Ordinance 1417* – City Council.

DRAFT