

**CITY COUNCIL MEETING**

**September 23, 2008  
7:00 P.M.**

**MINUTES**

City of



*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)

*"Where Dreams Can Soar"*

Audio Time  
Stamp ↓

- I. CALL TO ORDER** – Mayor Neil Johnson called the meeting to order at 6:59 p.m.
- A. Flag Salute – Mayor Neil Johnson led the audience in the Pledge of Allegiance.
  - B. Roll Call: [A 1.3]  

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 Jim Rackley.

[Staff members in attendance were Chief Financial Officer Al Juarez, Public Works Director Dan Grigsby, Planning & Community Development Director John Vodopich, Police Chief Mike Mitchell, Community Services Director Gary Leaf, City Attorney Jim Dionne, Administrative Services Director/City Clerk Harwood Edvalson and Records & Information Specialist Susan Duis.]
  - C. Announcements, Appointments and Presentations: [A 3.6.9]
    - 1. Announcements: None.
    - 2. Appointments: None.
    - 3. Presentations:
      - a. Proclamation: October 2008 – as Domestic Violence Awareness Month.  

Mayor Johnson presented a copy of the proclamation to Pam Dittman, Coordinator for the Pierce County Commission Against Domestic Violence. Ms. Dittman thanked Councilmember Carter for working to educate citizens, and spoke about how the community can stand up to domestic violence. She announced an event honoring law enforcement on October 3<sup>rd</sup> in downtown Tacoma, and said October 10<sup>th</sup> is 'Work to Prevent Domestic Violence Day.' Councilmember Carter thanked Court Administrator Kathy Seymour and past Councilmember Cheryle Noble for getting a domestic violence kiosk at City Hall, and said they are now working to provide a private, secure space for the kiosk. Police Chief Mitchell said one in four people are affected by domestic violence, and the community must work together to break the cycle of domestic violence. He said the purple Domestic Violence ribbons would be displayed on Police Department vehicles in October.
  - D. Agenda Modifications: None.

7:09:11

**II. PUBLIC HEARINGS, CITIZEN COMMENTS & CORRESPONDENCE:****A. Public Hearings: [A 3.6.12]**

1. No Hearing on Transportation Improvement Plan (See Consent Agenda Item J).

**B. Citizen Comments: [A 1.5]**

Douglas R. McCoy, 18218 84<sup>th</sup> St E, Bonney Lake, said he has lived in Bonney Lake since 1949. He said he has become very disillusioned with the City in the past five years, and specifically with development in the City. He lives across from the Orchard Grove I and II development, and was notified of the plan before it started. He said the City required him to give up five feet of his property for a road. He said on Friday, September 5, 2008, he was approached by a contractor that a sidewalk was being installed on 149 feet of property starting the following Monday. He said the City did not inform him of the project. He asked that someone look into the issue and get back to him. He said he was told by an inspector that the City can do whatever it wants to do and he has no say. Mayor Johnson said City staff will research the project and contact Mr. McCoy directly with more information.

Ken Jennings, 20212 71<sup>st</sup> St E, Bonney Lake, said he lives in the Church Lake area. He thanked the councilmembers who attended the Ward 5 Open House on September 13, 2008. He said he was approached by many homeowners in his area who want the area to be rezoned to R-1 from R-2. He said he spoke with Councilmember Decker for three hours at the Open House about the rezone. He said Councilmember Decker said he would get at least 100 signatures to show who wants to keep R-2 zoning. Mr. Jennings said he heard that Councilmember Decker has said that his community wants to keep R-2 zoning at the last Council meeting. Mr. Jennings said he is very disappointed and that this issue is very important to him. He asked the Council to do what the community wants, not one individual.

Melissa Johnson, 4912 N Vista Dr E, Bonney Lake, said she attended the September 3, 2008 Public Hearing and the September 17, 2008 Planning Commission meeting about the Inlet Island rezone issue. She said the Planning Commission recommended not passing the rezone for Inlet Island from R-2 to R-1. She said she and other residents want the area rezoned to R-1 for many reasons, including roads and safety. She said parking is a problem for multiple family residences. She said this is a volatile issue and she will attend any meetings when the Council considers the rezone. She said she is working on her own petition of her neighbors to see who is in favor of or opposed to the rezone.

Richard Leber, 10206 204<sup>th</sup> Ave E, Bonney Lake, said he has had ongoing water utility billing issues. He said his August bill for consumption was \$379, while his average bill is about \$45-65. He said he could not possibly use this much water as he does not have a pool or water his lawn. He said there is no leak in the house, so he and his wife came to City Hall to get satisfaction on their bill. He said City staff told him he could have the meter pulled and tested for accuracy at his expense. Mr. Leber said he should not have to pay for testing, as he pays the City already to lease the meter. He said he has had the meter removed for testing but has not gotten the results

yet. Mayor Johnson said the Public Works Director and Finance Director would get more information and would be in touch.

Joel Riddle, 20208 71<sup>st</sup> St E, Bonney Lake, is a resident in the Church Lake area and spoke in favor of the R-1 rezone issue. He said traffic is an issue, and renters do not respect the speed limit or noise ordinance. He said he spoke with seven neighbors before the night's meeting who all wanted the area rezoned to R-1. He said his neighbors are working to send a letter to all homeowners to let them give their opinion on the rezone. He said what he has heard from neighbors contradicts what his councilmember has said.

Todd Husa, 19204 110<sup>th</sup> St E, Bonney Lake, said he was one of the first residents at Bonney Lake Manor, and his property borders 192<sup>nd</sup> St E near Bonney Lake High School. He said the homeowner's association was told to maintain the road, and for the past 16 years he has put his grass clippings along the embankment to stop weeds from growing. He said he received a letter from City Code Enforcement that someone had complained and he must remove the clippings or he would be billed for the cost to clean up the area. He asked what had changed, since he has been doing this for 16 years. Mayor Johnson asked Mr. Husa to contact Planning & Community Development Director Vodopich so he could get more information.

- C. Correspondence: None. [A 1.2]

7:40:53

### III. **COUNCIL COMMITTEE REPORTS:** [A 3.6.4]

- A. Finance Committee: Deputy Mayor Swatman said the committee met at 5:00 p.m. earlier in the evening and discussed LEED Silver certification for the Interim Justice Center building and council rules and procedures.
- B. Community Development Committee: Councilmember Rackley said the committee met on September 15, 2008 and forwarded ten items to the evening's agenda. He said the CDC meeting notes are available for review on the City's website.
- C. Public Safety Committee: Councilmember King said the committee met on September 15, 2008 and forwarded one item to the current agenda. He said the City Attorney gave a presentation on the proposed public nudity ordinance. The committee also discussed a proposed grant-funded position for a multi-agency vehicle theft task force; the Interim Justice Center plans; and 800 MHz system updates. He said he would look into getting the Committee notes online as well.
- D. Other Reports:

#### Beautify Bonney Lake

Mayor Johnson thanked Deputy Mayor Swatman and Councilmembers Carter, Hamilton, King and Rackley for attending the annual Beautify Bonney Lake event. He said over 400 people participated, and the event was a great success. Mayor Johnson thanked city staff and the Chamber of Commerce for their support as well. Councilmember Hamilton said he was given a \$10 bill someone found during the clean up, which he wanted to give to the Finance Director to be donated to the Senior Center or another group.

International City/County Management Association

Mayor Johnson said City Administrator Morrison is attending the ICMA annual conference in Virginia.

Departure of Executive Assistant

Mayor Johnson said Executive Assistant Joel Thompson's last day with the City was September 19<sup>th</sup>. He thanked Mr. Thompson for his great work on grants for the City. He said Mr. Thompson is attending a real estate program in Portland, and the City is looking to fill the position soon.

Rainier Cable Commission

Councilmember Rackley said the RCC met last week and discussed the commission's focus for 2009, including a possible merger of the RCC and the Rainier Media Center.

Pierce County Regional Council

Councilmember Rackley said the PCRC met on September 17<sup>th</sup>. He said he did not attend but got the packet, and items on the agenda included a discussion of a grant for the City of Lakewood.

7:48:31

**IV. CONSENT AGENDA:** [A 3.6]

- A. **Approval of Corrected Minutes:** August 26th Council Meeting, September 2nd Council Workshop, September 9th Council Meeting.
- B. **Accounts Payable checks/vouchers:** #52777 thru #52831 in the amount of \$108,540.02. Accounts Payable checks/vouchers #52832 thru 52890 (including wire transfer #'s 82608, 3970456, 5152008, 6022008, 6192008, 7082008, 7222008, & 8112008) in the amount of \$754,065.92. Accounts Payable checks/vouchers #52891 thru 52891 in the amount of \$466.85.
- C. **AB08-163 – Resolution 1875** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing The Mayor To Sign A Joint Memorandum Of Understanding With Pierce County Department Of Emergency Management To Make The Senior Center Available As An Emergency Shelter.
- D. **AB08-176 – Resolution 1882** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Awarding The Downtown Area Regional Drainage Facility Construction Contract To Tucci And Sons.
- E. **AB08-177 – Resolution 1883** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing The Mayor To Sign An Agreement With Parametrix To Design Sidewalk, Curb, And Gutter Improvements Along 192nd Avenue.
- F. **AB08-178 – Resolution 1884** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing An Interlocal Agreement With Pierce County To Provide Construction Oversight And Maintenance Responsibilities Of The Traffic Signal Equipment Within The City Of Bonney Lake Right Of Way On Kelly Lake Road.

- G. **AB08-179 – Resolution 1885** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing The Mayor To Sign The Right Of Way Procedures In Accordance With The Washington State Department Of Transportation’s Right Of Way Manual And Local Agency Guidelines Manual.
- H. **AB08-181 – Resolution 1887** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Approving The Change Order To The Contract With Les Russell Construction On The Bonney Lake Boulevard And 183rd Avenue Reconstruction Project For Additional Work Outside The Scope Of The Contract.
- I. **AB08-171** – A Motion Of The City Council Of The City Of Bonney Lake, Rescheduling A Public Hearing From September 23<sup>rd</sup> To October 14, 2008, at 7:00 P.M. In The Bonney Lake City Council Chambers Regarding The Proposed Adoption Of The Six-Year Transportation Improvement Program (2009-2014). [A 3.6.10] [A 3.6.12]

**Councilmember King moved to accept the Consent Agenda. Councilmember Decker seconded the motion.**

**Motion approved 7 – 0.**

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

7:49:02

**VI. COMMUNITY DEVELOPMENT COMMITTEE ISSUES:**

- A. **AB08-175 – Ordinance D08-175** – An Ordinance Of The City Of Bonney Lake, Pierce County, Washington, Amending Chapters 19.04 Of The Bonney Lake Municipal Code And Ordinance Nos. 984 Relating To Annual Adjustments To Transportation Impact Fees. [A 3.5.5]

**Councilmember Rackley moved to accept Ordinance D08-175. Councilmember Bowen seconded the motion.**

Councilmember Rackley said the proposed ordinance changes only the index used by the City for inflation rates, to the Washington State Department of Transportation Highway CPI Index.

**Motion approved 7 – 0.**

- B. **AB08-117 – Ordinance D08-117** – An Ordinance Of The City Of Bonney Lake, Pierce County, Washington, Repealing Section 17.48.040 Of The Bonney Lake Municipal Code And Ordinance No. 766, Adding A New Section To Bonney Lake Municipal Code Chapter 12.04, And Amending Section 17.24.040 Relating To Placing Distribution Utilities Underground. [A 3.5.5]

**Councilmember Decker moved to accept Ordinance D08-117. Councilmember Rackley seconded the motion.**

Mayor Johnson invited John Alexander from the Master Builder's Association to speak. Mr. Alexander said his group participated on most of the meetings where the proposed ordinance was discussed. He said his group had some hesitation at first, but staff was receptive and addressed their concerns. He said many jurisdictions require underground utilities now. He cautioned the Council to be watchful, as property owners may take issue with the requirement for work to be done on or near their properties. He said he hopes if citizens come forward, the Council will say they worked hard on the ordinance and will hold it up with some teeth. Councilmember Bowen asked if Mr. Alexander felt there was a break in communication, as the Council almost passed the draft ordinance several weeks ago before the MBA provided input. Mr. Alexander said this slipped past his organization at first but that was overcome. He said he thinks communication has improved in the past couple of years, and this was a rare communication issue. Director Grigsby said he would make sure the MBA is receiving the CDC agenda via email.

**Motion approved 7 – 0.**

- C. **AB08-155 – Resolution 1869** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Approving The Change Order To The Comprehensive Water System Plan Contract With RH2 Engineering For Additional Work Required To Complete The Plan.

**Councilmember Rackley moved to accept Resolution 1869. Councilmember Decker seconded the motion.**

Deputy Mayor Swatman said he continues to believe the strategy the City uses for its water utility is wrong. Councilmember King said he appreciates Deputy Mayor Swatman's consistency on this issue, but that he would vote in favor of the proposed resolution.

**Motion approved 5 – 2.  
Councilmember Carter and  
Deputy Mayor Swatman voted no.**

- E. **AB08-174 – Resolution 1881** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Approving The Change Order To The Contract With Les Russell Construction On The Bonney Lake Boulevard And 183<sup>rd</sup> Avenue Reconstruction Project For Hot Mix Asphalt Cost Increase.

**Councilmember Rackley moved to accept Resolution 1881. Councilmember King seconded the motion.**

Director Grigsby said the cost of the asphalt mixture used for paving has gone up 200% since March 2007. He said the rates have gone up because of oil prices nationwide. He said there is no provision in the current City contracts for a standard adjustment based on actual costs. He said by next year he hoped the City's standard contract would include a provision for change orders that fall within budgeted funds. Councilmember King spoke in favor of the resolution, and said he appreciates the Public Works Department's work on contracts this year. Councilmember Rackley thanked Les Russell Construction for staying on the job while the Council considered the change order. He noted that the company still has the lowest bid even with this

increase. Director Grigsby said the City used the WSDOT cost index to calculate what the 'reasonable' increase would be. Deputy Mayor Swatman spoke in favor of the proposed resolution to pay the proper amount for services provided. Mayor Johnson said Public Works Project Manager King Cooper assured him that his department as a general rule does not accept change orders, and Director Grigsby agreed this is a unique situation. Councilmember Decker called for the question.

**Motion approved 6 – 1. Deputy Mayor Swatman voted no.**

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

**VIII. FULL COUNCIL ISSUES:** None.

**IX. EXECUTIVE SESSION:** None.

8:05:51

**X. ADJOURNMENT:**

**At 8:05 p.m. Councilmember Rackley moved to adjourn the meeting. Councilmember Decker seconded the motion.**

**Motion approved 7 – 0.**

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Harwood Edvalson, CMC  
City Clerk

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Neil Johnson  
Mayor