

CITY COUNCIL WORKSHOP

April 21, 2009
5:30 p.m.

MINUTES



"Where Dreams Can Soar"

The City of Bonney Lake's Mission is to protect the community's livable identity and scenic beauty through responsible growth planning and by providing accountable, accessible and efficient local government services.

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Audio Time Stamp ↓

Call to Order:

Mayor Neil Johnson, Jr. called the Workshop to order at 5:30 p.m.

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 and Councilmember James Rackley. Councilmember David King was absent.

Councilmember Hamilton moved to excuse Councilmember King from attendance at the Workshop. Councilmember Rackley seconded the motion.

Motion approved 6 – 0.

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

5:31:15

1. **Action: AB09-62 – Ordinance 1319** – An Ordinance of the City Council of the City of Bonney Lake, Pierce County, Washington, Adding a New Chapter 3.70 to the Bonney Lake Municipal Code Relating to Temporary Incentives to Encourage Business Investment in Commercial Building. (Tabled from 4/14/09 Council Meeting).

City Administrator Morrison said the item was tabled at the April 14th Meeting due to questions about the definition of commercial retail buildings. City Attorney Dionne said that describing qualified buildings as 'retail commercial' uses offers a distinction between retail and residential uses, and is a sufficient definition.

Deputy Mayor Swatman moved to amend all instances of 'commercial building' to 'retail commercial building' throughout Ordinance 1319. Councilmember Rackley seconded the motion.

Councilmember Hamilton asked what types of businesses would not qualify for the ordinance's proposed incentives. Businesses that do not generate sales tax would not qualify, nor would professional services or condominiums. Councilmember Carter confirmed that mixed-use buildings can qualify, if at least 50% of the building space is devoted to retail commercial use. City Administrator Morrison said the intent is to increase the sales tax base in the City and incentivize retail businesses.

Motion to amend Ordinance 1319 approved 6 – 0.

**Amended main motion
approved 6 – 0.**

5:37:39

2. **Council Open Discussion.**

Permit Applications

Mayor Johnson said Sonic Burger restaurants submitted their plans to the Permit Center today, and Red Robin restaurants are coming to do a site tour in Bonney Lake in early May, 2009. Plans for a new Hopjacks restaurant are complete; the owners also operate The Rock restaurants, and said Bonney Lake's permit and review process was the quickest they have encountered with any city.

AWC Conference

Councilmember Carter noted that the Association of Washington Cities (AWC) Conference is June 23-26, 2009, and asked who planned to attend. Deputy Mayor Swatman and Councilmembers Carter, Decker and Rackley will attend. Councilmember Carter noted the Council must decide who will serve as voting delegates at the business meeting at the Conference.

Stimulus Funding Updates

Councilmember Carter asked for updates on federal stimulus grant funding. Mayor Johnson said he met with Senator Maria Cantwell's office on April 20, 2009 and will meet with Mary McBride from Senator Patty Murray's office on May 5, 2009. He is waiting to set up a time to meet with Congressman Dave Reichert. He said from what has been made available at this point, the City has so far focused on funds for the Fennel Creek trail and economic development. He said he would keep the Council updated as more information becomes available.

City Property Issue

Deputy Mayor Swatman said Finance Committee will be discussing a piece of property on 192nd Street East where the City is being charged for maintenance costs. He said the City was charged \$4,000 last year for water and sewer, and has paid about \$23,000 in property maintenance costs since 2005. He said this property relates to the property off 192nd that the City purchased as a site for a new City Hall, which was never built there. However, he said it appears the maintenance agreement was signed without Council approval.

Councilmembers discussed whether the City should be paying for property management, and whether the agreement is legal if it was signed without Council authority. City Attorney Dionne said Jeff Ganson is researching the issue and would provide more information to the Council on the agreement. He said his office could draft a letter from the mayor to the property owners regarding this issue.

Noise Complaints

Councilmember Rackley asked for an update on noise complaints related to the Diamond Lounge. Police Chief Mitchell said the department has monitored the Lounge but they have not been violating the City's revised noise ordinance, and the new ordinance has not helped solve the issue. Councilmember Carter said the Public Safety Committee will continue discussing the issue and review other cities' ordinances for possible solutions.

Cancelling Council Workshops

Deputy Mayor Swatman said the Council often has few items on workshop agendas and suggested the Council could revise its rules to allow cancellation of a Workshop with approval from the Deputy Mayor and City Clerk or something similar. City Attorney Dionne said Council Workshops are considered 'record meetings' under State law. He said an open public meeting like this must be cancelled in line with the RCW, with proper public notice. He said he would review the options for Council discussion.

Eastown Sewer Updates

Deputy Mayor Swatman noted that the Washington State legislature has passed a bill that allows cities to participate in utility latecomer's agreements. Mayor Johnson said Director Grigsby is working on background information and options to present to Council once the bill is signed by the governor. Councilmembers noted there are positive and negative aspects to latecomer's agreements, and asked Director Grigsby to also present the differences between a latecomer's agreement and a Local Improvement District.

Cascade Water Alliance

Mayor Johnson said the Lake Tapps homeowner's association is working on an agreement with Cascade Water Alliance that would include an agreement not to fight eminent domain in the legislature. He said the senate passed a bill with an addendum that forces CWA to work out interlocal agreements with each City. He said the City Attorney's office is working with other cities on an agreement, and negotiations are continuing. He said he will meet with the Department of Ecology on April 22, 2009 to discuss water rights. He said one positive note is that CWA seems to want to work with the cities.

6:08:13

3. **Review of Council Minutes:** April 7, 2009 Council Workshop and April 14, 2009 Council Meeting.

The draft minutes were moved forward to the April 28, 2009 meeting for approval with no corrections.

6:08:36

4. **Discussion:** Follow-up to Council Retreat and Goals.

City Administrator Morrison said he created a list of priorities based on input from Councilmembers at the retreat, which is included in the agenda packet. Councilmember Hamilton said it is important to continue working on an interlocal agreement related to urban density. Mayor Johnson said he will work to get discussions with Auburn and Sumner back on track. Councilmember Hamilton noted that the costs of development in Bonney Lake are high, and the City should address long-term needs and costs of maintaining its separate, smaller sewer system. Director Grigsby noted that new Sewer SDC calculations will be ready for Council review soon. He said the calculations show what the City can legally justify charging per state law, but the Council could charge less than the maximum rate.

Deputy Mayor Swatman said organizations must consider systematic changes during hard financial times, and said the budget is still very worrisome to him. He said the approved budget will spend down a portion of the City's savings and assumes 12% sales tax growth in 2012. Mayor Johnson said all City staff are working to trim costs wherever possible, and layoffs are always the last option to consider.

Councilmember Bowen asked if there were any updates related to Pierce Transit bus service. Mayor Johnson said Pierce Transit would prefer not to serve areas like Bonney Lake if they did not have to, and will be setting up community meetings to talk with residents about their services. He said Pierce Transit would prefer to serve routes with high densities only, and not serve areas beyond the 410 corridor. He expressed concern that service levels will drop and encouraged the Council and citizens to attend the community meetings once they are scheduled. Councilmember Carter said area senior citizens she meets always tell her the busses do not connect from SR 410 to other areas, and they can't get home from the SR 410 transit center. She said she has seen multiple people in wheelchairs waiting for busses and wonders how they will be affected.

6:28:19

5. **Discussion:** Naming Policy for Parks and Facilities.

Deputy Mayor Swatman said the ad hoc committee has been working on a naming policy proposal, and wrote a draft in ordinance form. He said they worked out some issues, including defining qualified 'deceased persons' as those who have been deceased for more than two years, requiring at least 6 members of the Council to approve naming a park or facility. He noted that if someone donates something to the City they can include the name as a condition of the donation, but the City has the right to turn it down if they wish. Councilmembers agreed that the draft ordinance is a good start and it should come before the Council in the future.

6:31:57

6. **Executive Session:**

Pursuant to RCW 42.30.110(1) the City Council adjourned to an Executive Session with the City Attorney at 6:32 p.m. to discuss property acquisition and potential litigation. The Executive Session was extended five minutes at 6:48 p.m. The Meeting reconvened at 6:54 p.m. No action was taken.

6:54:40

7. **Adjournment:**

At 6:54 p.m., Councilmember Rackley moved to adjourn the workshop. Councilmember Decker seconded the motion.

Motion approved 6 – 0.



Harwood T. Edvalson, CMC
City Clerk



Neil Johnson, Jr.
Mayor

Items submitted to the Council Workshop of April 21, 2009: None.