

**CITY COUNCIL WORKSHOP**

**December 1, 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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**I. Call to Order:**

Mayor Neil Johnson, Jr. called the workshop to order at 5:32 p.m.

**II. Roll Call:** [4:51-5:01]

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. City Attorney James Dionne arrived at 6:43 p.m.]

**III. Agenda Items:**

5:33:10

**A. Council Open Discussion:**

Lakewood Officers Memorial: Mayor Johnson said he has contacted the City of Lakewood to offer condolences for the four officers who were killed on November 29, 2009. He asked those in attendance to observe a moment of silence for Sergeant Mark Renninger and Officers Greg Richards, Tina Griswold and Ronald Owens. Police Chief Mitchell said the BLPD has teamed with Applebee's restaurant for a fundraising event on Saturday, December 12, 2009. On this day, 15% of all proceeds from food sales will be donated to the officers' families. In addition, a Bonney Lake officer who runs a coffee roasting company has offered to create a special coffee package. He will donate \$4.50 per pound of coffee to the fundraising effort. More information will be made available soon. Mayor Johnson said State Representative Chris Hurst said he wants to toughen state laws. The Mayor will keep councilmembers informed of any updates.

Interim Judge Appointed: Mayor Johnson announced that he has appointed Jim Helbling to a 4-year term as Municipal Court Judge. He said the position opening was advertised, but staff learned that a judge must be appointed by December 1, 2009 and there has not been time to review applicants. Mr. Helbling, who served as Bonney Lake's Municipal Court Judge in the past, agreed to step in until the applicants can be reviewed and a new judge can be appointed. Mr. Helbling was sworn in at the City of South Prairie this evening, and will be sworn in at the Bonney Lake Council Meeting on December 8, 2009. Mayor Johnson said a panel (that will include a member of the Council) will be set up to review applications within the next couple of weeks. He confirmed that Judge Douglas Haake will continue to serve as the city's Judge through December 2009.

Fund Balances: Councilmember Rackley asked if information is available on the available fund balances for traffic impact fees (TIF) and system development charges (SDC). City Administrator Morrison said he would provide information shortly, but is still researching TIF fund balances.

Water Agreements: Deputy Mayor Swatman said he has been working with residents living off 214<sup>th</sup> Ave E who are interested in revising an old water developer agreement with the city. Assistant City Attorney Haggard said she worked with Public Works on a letter that was sent to the property owners. She said the existing agreement does not prevent the residents from digging small, exempt wells and disconnecting from the community well. If the residents are still using the existing community well when a city water line becomes available to the property, they would be required to hook up and pay appropriate fees. If they are on private wells, they would not. She said the parties could rescind the agreement through mutual action if desired. Mayor Johnson asked the Community Development Committee to review this issue in more depth.

Dog Park Interest Group: Deputy Mayor Swatman said he attended a meeting for those interested in developing a dog park in Bonney Lake. Six new people attended the meeting, and the group is working to bring something forward through the Park Board for review.

Community Meetings: Deputy Mayor Swatman reminded Council about plans to hold several community meetings or "town halls" in early 2010. The schedule has not yet been set.

Zero-Based Budget: Deputy Mayor Swatman asked whether there were updates on doing a zero-based budget. City Administrator Morrison said he and Chief Financial Officer Juarez are working on this item and it would be a good topic for discussion at the Council Retreat in early 2010.

Sewer Plant Tour: Councilmember Hamilton said the Council is attending a tour of a sewer membrane plant in Lacey on Saturday, December 5, 2009. The public is invited to attend but must transport themselves to the site.

Appliance Rebate: Councilmember King said he has heard there may be a new stimulus package to let people turn in old appliances in exchange for rebates for new appliances. He said the city already has rebate programs in place for high efficiency washing machines and toilets. He said the program could cause a small spike in sales, and might help reduce water consumption.

Eastown Sewer Updates: Councilmember Bowen asked for an update on the Eastown sewer system. Public Works Director Grigsby said he is meeting with the city's bonding attorney during the week of December 14, and will work with the CFO and City Administrator to research financing options and costs. He said if the sewer system is funded with municipal funds, more stringent regulations apply for rates, bonding, and labor. Because of this, the developer has put the design plans for the lift station on hold. He said the 30% design has been submitted and he is waiting for comments from the design consultants.

**Agenda Modifications:** Deputy Mayor Swatman said staff requested the agenda be modified with the following changes: Item D. (AB09-170) moved to Item F., Item E. (AB09-171) moved to item G., Item F. (AB09-190) moved to Item E, Item G. (AB09-191) deleted, and Item H. (AB09-192) moved to Item D. Council consensus was to modify the agenda as requested.

5:59:52

**B. Review of Draft Council Minutes:** November 17, 2009 Council Workshop.

The minutes were forwarded to the December 8, 2009 Meeting for approval with no corrections.

6:00:24

**C. Discussion Pursuant to Public Hearing on 11/24/09:** AB09-168 – Ordinance D09-168 - 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 Public Hearing for the WSU Forest application will continue through the December 8, 2009 Council Meeting. He suggested the Council hold a public hearing on the proposed developer agreement with WSU at the same meeting. Assistant City Attorney Haggard said there is no legal requirement for the Council to consider the development agreement at the same time as the Comprehensive Plan amendment, but it would be in the interest of both parties to review them concurrently.

6:02:56

**D. (Originally Item H.) Presentation/Discussion:** AB09-192 – Resolution 1991 – WSU Forest Development Agreement.

Community Development Director Vodopich provided copies of a presentation and draft development agreement to the Council. A public hearing for the agreement is scheduled on December 8, 2009 at 7:00 p.m., and a revised draft of the agreement will be available when the agenda packet is published. He described the elements of the agreement, including its authority and procedure, project elements, rezone, property transfer restrictions, wetlands mitigation and drainage, utility service, transportation mitigation, parks and trail areas.

Assistant City Attorney Haggard said a development agreement is designed to address a large, complex project with mixed uses. It allows the government to negotiate with the development so both sides benefit. In this case, the developer would gain certainty about the development to help sell their project, and the city would gain public land and access to the site. Councilmembers discussed proposed changes to the zoning code for R-3 or a new R-4 zone, and raised concern about revising zoning codes for this specific development. This discussion was deferred, since it is the topic of the next item on the agenda.

Councilmembers discussed the planned recreation center or YMCA. Councilmember Hamilton suggested the agreement should not reference a specific agency (such as the YMCA) but refer to a more generic recreation center to provide more flexibility. Deputy Mayor Swatman questioned whether the type of facility should be limited to a recreation center, and suggested the city may want to use the site for another project like a fire station.

Councilmembers discussed possible uses for the proposed 47 acres of property that would be dedicated to the city. The draft agreement allows the city to rezone up to 15 acres after commercial permits are issued or after 2025, whichever comes first. Deputy Mayor Swatman questioned why the property should be restricted in perpetuity, noting the city could never use the site for another purpose with these restrictions. He said the agreement should be flexible to allow different uses in the future if the Council desires. Councilmember Hamilton spoke in favor of restricting use on the city property to save the open space. He said the Growth Management Act gives cities few opportunities to save open space in urban areas, and the only way the city can preserve this site is by owning and preserving it. Councilmember Carter said the proposed use would help the city's trail and community parks, but if athletic fields are installed there will be few trees left on the site. She said all the residents who spoke at the Public Hearing spoke in favor of saving the trees, not for more ball fields. Councilmember Decker said the city used to be full of trees, and this is one of the last places left. He said the city should treat the site like Central Park in New York and preserve the site forever, regardless of the value of the land. Councilmember Bowen suggested the city could include a clause that if the property were ever sold or developed, any proceeds must be dedicated to open spaces. Deputy Mayor Swatman agreed that the site is critical and should be protected, but he does not want to limit a future council's options. As an example, he suggested a future Council might have the opportunity to swap the WSU land for other open space that becomes available in the city, but could not with the draft agreement's restrictions.

Director Vodopich also explained how the agreement proposes that park impact fees be waived, since the value of the land to be granted to the city far exceeds the fees. Allison Moss, the attorney for the developer, explained that they used the open space property value from the city's Comprehensive Plan Parks Element for their calculations.

**At 6:58 p.m., the workshop was recessed for a 10-minute recess. The workshop returned to order at 7:11 p.m.**

Director Vodopich said the agreement proposes that the developer would purchase part of the city's Fennel Creek trail property for wetland mitigation. He said the city's consultants feel there is enough land on the Fennel Creek site to accommodate the separate mitigation plans for both the city and the developer.

Councilmembers discussed proposed stormwater plans, including ponds and infiltration areas, at length. Councilmembers Carter and Hamilton asked how much of the city's land would be used for infiltration and ponds and how much could remain forested. Director Vodopich said of the original 47.4 acres the proposal would transfer to the city, 34.6 acres are reserved for recreational use. Of those, 12 acres would be developed for stormwater ponds and infiltration, leaving up to 22.6 acres of forested land. Councilmember Carter clarified that the trees must be cut in order to develop acreage for infiltration purposes.

Water and sewer utilities were also discussed, and Councilmembers noted the mains will eventually require upgrades to service the WSU site and Eastown in the future. Director Vodopich briefly discussed transportation options and mitigation. He said the developer proposed a light on SR410 but the Department

of Transportation will only support a right-in, right-out access along 410 for the commercial area. Development of the site would require extending the third land on SR 410 and improvements to South Prairie Road.

Councilmembers discussed how the agreement opens the site to public use of existing trails. It also proposes the construction of trails in the residential portion of the project, which would be transferred to the city. Councilmember Carter asked how opening existing trails for public use would affect public safety. Police Chief Mitchell said it should actually improve safety, allowing Police easier access and keeping people from hiding or having parties in the forest.

The Council invited Pete Lymberis from Quadrant Homes to speak. He explained that Washington State University holds the deed to the site, but Weyerhaeuser Corporation has a reversionary right that came into play when WSU stopped using the site for research. The two entities are working together to sell the property for the best use. Quadrant Homes, a subsidiary of Weyerhaeuser, has stepped in to assist in the process. The WSU Office of Business & Public Affairs is working to monetize the site in the best possible way.

The Council discussed the timeline for development, noting the economic downturn and lack of residential building projects. Mayor Johnson said the YMCA anticipates that they could complete construction by 2018 or earlier if a site were designated. The proposed medical complex on the commercial site could be completed by then as well, he said, and the rest of the site might remain forested for some time. He said he felt the proposed project is positive for the city and agreed that it is very important to preserve trees and open spaces. Director Vodopich said the proposed development agreement would last 15 years, with an option for a five-year extension if approved by the Council.

Councilmember Bowen expressed concern from Eastown residents that the proposed commercial site could be used for a big box retail store. He said Eastown is planned for big box retail development, and opening this site for development could be problematic for Eastown.

Mayor Johnson thanked the Council for their input. City Attorney Dionne said his office would work with Community Development staff to revise the agreement and provide a draft for the public hearing on December 8, 2009. He said this might delay printing of the agenda packet until late Friday afternoon, however. Councilmembers said the Clerk's office could publish agenda packets later than usual on Friday to accommodate inclusion of this item for the public.

Councilmembers discussed whether the development agreement could be ready for a vote by the end of the year. City Attorney Dionne said he would work to get a finished product to the Council in time, but wants to ensure due diligence is done and that the Council does not feel rushed. Assistant City Attorney Haggard said the goal is for the Council to consider the Comprehensive Plan amendment and the development agreement concurrently, but their office is reviewing alternatives such as conditions in the agreement or a delayed effective date for the Comprehensive Plan amendment. The item was continued to the December 8, 2009 Meeting for a public hearing.

**At 8:47 p.m. the Workshop was recessed for a short break. The Workshop was brought back to order at 9:00 p.m.**

9:00:17

- E. (Originally Item F.) **Discussion:** AB09-190 – Consider Changes to Zoning Code – R-3 and Possible R-4 Zones.

Community Services Director Vodopich said the Planning Commission discussed proposed changes to the R-3 high-density residential zoning code. The Commission recommended denial of the revisions. He asked the Council to discuss whether they would consider revising the R-3 code or developing a new zoning code called 'R-4' during 2010. He noted that the draft WSU developer agreement states that land will not be dedicated to the city until the zoning of the residential portion of the site is changed to either revised R-3 or R-4 zoning.

Councilmember King said he is not comfortable with the proposed amendments in either form, as they allow small houses to be built within 5' of each other. He said if a new zoning type is created it should be much more specific and not allow cheap residential units to be packed in. Councilmember Carter agreed and pointed to fire code concerns and problems in other neighborhoods that allow minimal setbacks. Councilmember King said it is worth delaying dedication of property to the city if it gives the Council time to develop zoning amendments that are appropriate and safe. Council consensus was to review options for creating a new R-4 zoning code in 2010, and to not amend R-3 zoning at this time.

9:17:07

- F. (Originally Item D.) **Discussion Pursuant to Public Hearing on 11/24/09:** AB09-170 – Ordinance D09-170 – Woodyard Comprehensive Plan Amendment.

Deputy Mayor Swatman said he does not support this proposed amendment. He said if multiple residents in that area came together to ask for an area-wide rezone he would be more willing to consider it than a single parcel rezone.

Councilmember Carter said she also does not support the rezone, noting the city's plans to widen 192<sup>nd</sup> St in the future and concerns about access to area businesses. The item was forwarded to the December 15, 2009 Workshop for action.

9:25:45

- G. (Originally Item E.) **Discussion Pursuant to Public Hearing on 11/24/09:** AB09-171 – Ordinance D09-171 – Utilities Element Comprehensive Plan Amendment.

Community Development Director Vodopich said this amendment is required to incorporate the new versions of the Sewer and Water Comprehensive Plans. There were no comments from citizens during the Public Hearing. Deputy Mayor Swatman said he is concerned that the incorporated plans use past economic data and the current economy is much different. He said the Council should have this in mind when considering future projects and proposals. Public Works Director Grigsby said the plans have a 20-year timeline, so they provide a wider view of future needs. He said the plans provide direction and identify potential projects, and are updated every few years so they are still valid. The item was forwarded to the December 15, 2009 Workshop for action.

- H. (Originally Item G.) **Discussion:** AB09-191 – Ordinance D09-191 – Comprehensive Plan Amendment Updating the Transportation Element. *This item was removed from the agenda (see agenda modification, above).*

9:28:58

**I. Discussion Pursuant to Public Hearing on 11/24/09: AB09-174 – Ordinance D09-174 – Mid-Biennial Budget Modifications.**

City Administrator Morrison provided a list of items that were removed or frozen in the budget amendment. He asked Councilmembers to notify him if they would like any projects to be added to or removed from this list as soon as possible, and he will incorporate any amendments into the final draft for review later in the month. He noted that the proposed budget eliminates the Council’s discretionary fund and sets aside funds for a potential special election in 2010. The proposed ordinance was forwarded to the December 15, 2009 Workshop for action.

9:30:52

**J. Discussion Continued from 11/17/09 Workshop: AB09-79 – Ordinance D09-79 – Park Rules and Regulations.**

Councilmember King said the Public Safety Committee reviewed the proposed ordinance in depth and recommends its passage. Councilmember Carter said legislation is pending review at the State level related to influencing children about alcohol, and she had suggested an amendment to the ordinance to disallow beer gardens in city parks. Councilmember King said he does not support her proposed amendment, but said any councilmember can propose an amendment when the item comes up for review at the meeting. The proposed ordinance was moved forward to the December 8, 2009 Meeting for action.

**IV. Executive Session: None.**

**V. Adjournment:**

**At 9:35 p.m. Councilmember Rackley moved to adjourn the workshop. Councilmember Decker seconded the motion.**

**Motion approved 7 – 0.**

  
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Harwood T. Edvalson, CMC  
City Clerk

  
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Neil Johnson, Jr.  
Mayor

**Items submitted to the Council Workshop of December 1, 2009:**

- City of Bonney Lake – *WSU Development Agreement Key Points Presentation* – Community Services Director John Vodopich.
- City of Bonney Lake – *Draft WSU Development Agreement* – Community Services Director John Vodopich.