

CITY COUNCIL MEETING

December 8, 2009
7:00 P.M.



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

MINUTES

"Where Dreams Can Soar"

Audio Time Stamp ↓

I. CALL TO ORDER – Deputy Mayor Dan Swatman called the meeting to order at 7:02 p.m.

A. Flag Salute – Deputy Mayor Swatman led the audience in the Pledge of Allegiance.

B. Roll Call:

City Clerk Harwood Edvalson called the roll. In addition to Mayor Neil Johnson, Jr., elected officials attending were Deputy Mayor Dan Swatman, Councilmember David Bowen, Councilmember Laurie Carter, Councilmember Dan Decker, Councilmember Mark Hamilton, Councilmember Dave King and Councilmember Jim Rackley. Mayor Neil Johnson, Jr. arrived at 7:04 p.m.

[Staff members in attendance were City Administrator Don Morrison, Public Works Director Dan Grigsby, Police Chief Mike Mitchell, Chief Financial Officer Al Juarez, Community Services Director Gary Leaf, Community Development Director John Vodopich, 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. **AB09-193** – A Motion of the Bonney Lake City Council Confirming the Mayor's Appointment of James Helbling as Municipal Court Judge.

City Clerk Harwood Edvalson administered the oath of office to Judge Helbling. Mayor Johnson and the Council congratulated Judge Helbling on his appointment.

3. Presentations: None.

D. Agenda Modifications: None.

7:08:35

II. PUBLIC HEARINGS, CITIZEN COMMENTS & CORRESPONDENCE:

A. Public Hearings:

- 1. Continued from November 24, 2009: **AB09-168 - Ordinance D09-168** – An Ordinance of the City Council of the City of Bonney Lake Amending the Comprehensive Plan Land Use Designation and Zoning for Tax Parcel Nos. 0519032005, 0519031000, 0519034002, also Known as the WSU Forest.

Mayor Johnson noted this is a continuation of the public hearing held on November 24, 2009. City Attorney Dionne said citizens who spoke at the previous hearing were told they could also speak at the continued hearing.

Mayor Johnson opened the public hearing at 7:10 p.m.

The Council noted that they have received a number of e-mails to be added to the Public Hearing record; City Clerk Edvalson confirmed that they will be included in the record.

Larry Ingraham, 18023 Hwy 99, Suite 1, Lynwood, Managing Member of Emerald Properties, submitted a letter regarding the proposed ordinance to the City Clerk. He read his letter aloud to the Council.

Betsy Schultz, 12319 234th Ave Ext E, Buckley, said she lives near the forest and said many people are interested in the WSU forest. She said the land use review process has been going on a long time. She said many people could not attend the hearing due to other events and the busy time of year. She said most people oppose the rezone and asked the Council not to rush to any decisions.

Fred Jacobsen, 9100 189th Ave Ct E, Bonney Lake, spoke against the proposed land use and zoning change. He said the Council has to make a big decision whether to provide instant commercial gratification or long term quality of life and benefit to the citizens. He said if the proposed ordinance is approved, he hopes the City will use techniques to save as much of the forest as possible.

Roger Watt, 12029 225th Ave Ct E, Bonney Lake, also lives near the forest and spoke against the proposed ordinance. He said the City has leverage, and reminded the Council that no property taxes have been paid on the property for years. He said WSU used the site for educational purposes and the City could similarly take on the property for civic, recreational and educational uses. He said when he did work on his property, he was required to save 25% of existing trees. He said if the same requirement is placed on the WSU site, that would mean 37 acres of forested land must be saved. He also said he was surprised to hear the Council say a big box store like Costco could build on the WSU property. He said the City planned for big box stores in Easttown, and said property owners should get better notification from the City about this new plan.

Mayor Johnson clarified that the City has no information on Costco building on the WSU site, but has heard rumors that they are looking at several sites around the City. He said the City has taken no action or received firm plans, but will notify citizens as soon as more information is available. Councilmember Rackley confirmed that no property taxes have been paid on the WSU site for about 60 years. Deputy Mayor Swatman encouraged Easttown property owners to make their voices heard if they are concerned about the WSU forest property development.

Jeff Lueders, 12925 195th Ave Ct E, Bonney Lake, first thanked the Police Chief and his department for their service. He said he has lived in several cities and facilities for youth and adult recreation are an important factor in great

communities. He said he hoped as much of the forest as possible is preserved, but if it is developed he hopes the site will include a recreation facility. He said the City has great parks but needs larger recreation facilities like those in Auburn, Kent and Puyallup. He said the City can do this while preserving natural areas for hiking and biking as well.

Councilmembers discussed whether to leave the hearing open to allow people to get their statements in the public record. Several Councilmembers said they had received many emails from citizens but were unsure if they had been forwarded to the City Clerk to be part of the record.

Councilmember Carter moved to extend the Public Hearing until 9:00 p.m. to allow Councilmembers to forward e-mail Public Hearing submittals to the City Clerk. Councilmember Decker seconded the motion.

Councilmember Bowen moved to amend the motion to close the hearing at Midnight. Councilmember Hamilton seconded the motion.

Councilmember Bowen said this extension gives Councilmembers time after the meeting adjourns to forward emails to the City Clerk.

**Motion to amend the main motion approved 5 – 2.
Deputy Mayor Swatman and Councilmember King voted no.**

**Motion to extend the Public Hearing approved 6 – 1.
Councilmember King voted no.**

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

Mayor Johusou opened the public hearing at 7:45 p.m.

Pete Lymberis, P.O. Box 130, Bellevue, spoke on behalf of Quadrant Homes and thanked the Council, Mayor, Planning Commission and city staff for their efforts during the entire process. He said the development agreement is very close to meeting everyone's goals and he looks forward to finalizing the last few details in the coming days. Deputy Mayor Swatman confirmed that the agreement is not ready to be executed in its current version.

Cheryle Noble asked if the development agreement will be available for public comment after additional revisions are made, and before the Council makes a decision. Mayor Johnson said the revised version would be available on Friday in the December 15, 2009 Workshop agenda packet. She also asked about Section 7 of the agreement, which appears to allow WSU and Weyerhaeuser to terminate the City's use of trails at any time, surrender trails, or revert the land

back to WSU after 2035. City Attorney Dionne explained that the agreement allows the City to use trails on the planned residential area until it is developed. In addition, the City is not allowed to compete by using land for commercial uses for 15 years after the agreement is signed, through 2035. He clarified that the property dedicated to the City in this draft agreement would not revert back to Weyerhaeuser or WSU; these sections refer to the developer's land only.

Deputy Mayor Swatman asked about references in the agreement to a stop light on SR 410. City Attorney Dionne said the draft agreement states that the developer's engineer and the City's engineer must agree that a light would increase mobility on SR 410. He said this portion of the agreement is not likely to change in the upcoming revisions.

William Klein, 19109 122nd St Ct E, Bonney Lake, is a long-term Bonney Lake resident and member of the Sumner Soccer board. He said regardless of the City's decision on zoning for the WSU forest, the City needs fields and green space. He said teams have nowhere to play and no lighted fields.

Larry Ingraham, 18023 Hwy 99, Suite 1, Lynwood, said the City's 'gift' of land is not free, and the development agreement is still being revised. He said Eastown property owners are concerned, and all citizens need to get more information on the proposed agreement before the Council makes a decision.

Community Development Director Vodopich said the proposed Comprehensive Plan amendments were due in April 2009, and came before the Planning Commission in July. He said the Planning Commission held the first public hearings on these Comprehensive Plan amendments in August or September. Director Vodopich explained that the City provided public notification through published notices in city's official newspaper and posting notices online, at City Hall, the Post Office, the Library, and on four large signs around the WSU forest site. Mayor Johnson noted that the review and public hearing process is similar to that used for other developer agreements, such as the Greenwood development agreement.

Betsy Schultz said Bonney Lake residents are currently suing Quadrant Homes for shoddy construction. She said the City has more leverage and should not be pressured by WSU and Weyerhaeuser. She asked the Council to postpone a decision on the entire forest. She suggested the City allow construction of medical facilities on part of the forest, and take more time to consider development of the rest of the forest. She added that the proposed infiltration areas cannot be used for sports fields since they will be wet in winter. She suggested the City partner with area schools to create and maintain new sports facilities.

Fred Jacobsen submitted a letter from Dennis Tompkins to be included in the public record, and read portions of the letter aloud. He added that the City has a chance to preserve the forest for people to enjoy for years, like Central Park in New York or Point Defiance Park in Tacoma.

Winona Jacobsen, 9100 189th Ave Ct E. Bonney Lake, said this issue came before the Planning Commission, of which she is a member, in July 2009. She questioned why the site was not presented as a Planned Unit Development instead of in this piecemeal way. She said the Council can revise the current Public Facilities zoning to allow construction of a medical facility today and allow that development to begin. She said this would allow more time to consider options for residential development, saving forested areas, or developing recreation facilities.

Roger Watt, Sandy Straight, Jeff Lueders, Andy Gomen, Chriss Streuli, and Jacob Klein were listed on the sign-in sheet to speak on this issue, but chose not to speak.

City Attorney Dionne recommended the Public Hearing remain open until the December 15, 2009 workshop to allow citizens the chance to comment on the revised Development Agreement, when it becomes available.

Councilmember Decker moved to extend the public hearing to the December 15, 2009 Workshop at 5:30 p.m. Councilmember King seconded the motion.

Motion approved 7 – 0.

B. Citizen Comments:

Wendy Woodyard, 9606 192nd Ave E. Bonney Lake, spoke about the proposed Woodyard Comprehensive Plan amendment. She said she has lived on the property for over 10 years and it is no longer a good site for residential use. She said they deal with the headlights from passing cars, noise from trucks going to Wal-Mart, and traffic noise from SR 410. She said a commercial business would provide a buffer between the larger commercial area and residences and make it a nicer place to live.

Andy Gomen, 19006 Bonney Lake Blvd, Bonney Lake, thanked all who supported him during the 2009 elections, where he ran for the Ward 1 Council seat. He thanked department heads for meeting with him and said he had a great time meeting people and learning about the City. He welcomed the two new councilmembers and wished luck to Mayor Johnson and to Dan Swatman in the Ward 1 Council position.

Fred Jacobsen congratulated Bonney Lake for the great success of the Papa John's pizza fundraiser for the murdered Lakewood Police Officers. He said the restaurant had to stop taking orders because they were running out of food. He said the fundraiser continues tomorrow, and Applebee's 'Dining to Donate' fundraiser is December 12, 2009. He added that Applebee's is holding a separate fundraiser for the Bonney Lake Senior Center and Food Bank on December 17 to 19, 2009.

Councilmember King added that the Bonney Lake Police Guild is running another fundraiser, selling coffee from Officer Vince Sainati's coffee roasting company. All profits, \$4.50 per bag, will go to the Lakewood Officer's fund.

At 8:16 p.m., Councilmember Bowen moved for a five-minute break. Councilmember Rackley seconded the motion.

Motion approved 7 – 0.

The meeting was brought back to order at 8:25 p.m.

- C. Correspondence: None.

8:25:11

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 proposed Resolutions 1986 and 1992, which are on the agenda. The committee also discussed minutes, budget, and water conservation rebate programs.
- B. Community Development Committee: Councilmember Rackley said the committee met on December 7, 2009 and discussed proposed Resolution 1984 which is on the Consent Agenda. Assistant Public Works Director Charles Simpson discussed the bid process and assured the committee that the City notified all Bonney Lake auto shops about the advertisement to bid.
- C. Public Safety Committee: Councilmember King said the Committee met on December 7, 2009 and discussed 2010 goals and boating concerns on Lake Tapps. The committee recommends that an advisory committee be created, including lakeside residents and boat owners. The advisory committee will discuss and provide recommendations to deal with boating noise and excessive speed on the lake. Mayor Johnson said he will work with the Public Safety Committee on this idea.
- D. Other Reports:
- Marian Betzer Recognition: Councilmember Carter noted that Marian Betzer was recognized by the Forever Green Council for her work on the Fennel Creek Trail. The event was written up in a December 3, 2009 News Tribune article.
- Special Council Meeting: Deputy Mayor Swatman thanked staff for coordinating the City Council's tour of the MBR plant in Lacey on Saturday, December 5, 2009. He said it was a very informative meeting and offered good options for Bonney Lake's sewer treatment in the future.

8:30:54

IV. CONSENT AGENDA:

- A. **Approval of Minutes**: November 17, 2009 Council Workshop.
- B. **Approval of Payroll**: Payroll for November 16-30, 2009 for checks 28640-28669 including Direct Deposits and Electronic Transfers in the amount of \$ 541,323.88.
- C. **Accounts Payable Checks/Vouchers**: Accounts Payable checks/vouchers #57327 thru 57382 (including wire #'s 111709, 9403111, 12012009 & 12172009) in the

amount of \$1,404,555.14; Accounts Payable check/voucher #57383 for an Accounts Receivable refund in the amount of \$50.00.

- D. **AB09-79 – Ordinance 1338** – An Ordinance of the City of Bonney Lake, Pierce County, Washington, Amending Chapter 12.12 of the Bonney Lake Municipal Code and the Corresponding Portions of Ordinance Nos. 1232, 1150, 1037, 1015, 826, 669, 661, and 454 Relating to Park Regulations.
- E. **AB09-157 – Resolution 1974** – A Resolution of the City Council of the City of Bonney Lake, Pierce County, Washington, Authorizing the Mayor to Sign an Amendment to the Agreement with DM Disposal for the Collection and Disposal of Solid Waste, Recyclables and Yard Waste.
- F. **AB09-178 – Resolution 1984** – A Resolution of the City Council of the City of Bonney Lake, Pierce County, Washington, Awarding a Police Department Fleet Maintenance Agreement to Mobile Oil & Service.
- G. **AB09-184 – Resolution 1987** – A Resolution of the City of Bonney Lake City Council, Pierce County, Washington to Approve the PSE Intolight Authorization Letter to Purchase and Install Nine Street Lights During the Downtown Improvement Project.
- H. **AB09-189 – Resolution 1986** – A Resolution of the City Council of the City of Bonney Lake, Pierce County, Washington, Authorizing the City to Accept a \$175,855 Custom Grant from Puget Sound Energy and a \$85,200 Energy Efficiency Community Development Block Grant from the Washington State Department of Commerce.
- I. **AB09-194 – Resolution 1992** – A Resolution of the City Council of the City of Bonney Lake, Pierce County, Washington, Authorizing the City to Accept a \$29,100 Grant from the Washington State Department of Commerce for the 2011 Major Comprehensive Plan Update.

**Councilmember Rackley moved to approve the Consent Agenda.
Councilmember Hamilton seconded the motion.**

Motion approved 7 – 0.

8:31:03

V. FINANCE COMMITTEE ISSUES:

- A. **AB09-185 – Resolution 1988** – A Resolution of the City Council of the City of Bonney Lake, Pierce County, Washington, Authorizing a Contract with Parametrix for the Design of SR 410 Sewer Main Repair - Phase 4.

Councilmember Decker moved to approve Resolution 1988. Councilmember Hamilton seconded the motion.

Public Works Director Grigsby said a portion of the line in Sumner failed and the City has since completed Phase 1 and 2 of the replacement project. Phase 3 is in progress currently. Deputy Mayor Swatman said there are no signs this portion of the sewer main is in danger of imminent failure, and asked why the City should move forward with this project now instead of waiting. Public Works Director Grigsby

said video taken of the line from 2006 showed signs that the line is deteriorating, but not in immediate danger. He said Public Works Trust Fund loan monies are available for Phase 4 of the project, since recent projects have come in far below estimates. The line would be prepared through either slip-lining or in situ form, and should extend the life of the sewer main for 30 to 50 years. Councilmember Carter noted that if this project also comes in below estimates, the City could save money by doing the project now rather than waiting 5-10 years when prices have risen.

Motion approved 7 – 0.

- B. **AB09-188 – Resolution 1990** – A Resolution of the City Council of the City of Bonney Lake, Pierce County, Washington, Authorizing the Mayor to Sign an Agreement with Coldwell Banker Commercial/Offenbecher for Leasing Agent Services for the Interim Justice Center.

Councilmember Decker moved to approve Resolution 1988. Deputy Mayor Swatman seconded the motion.

City Administrator Morrison confirmed that the agreement does not lock the City into a long-term contract. The agreement runs until 6 months after the Interim Justice Center opens. The agreement includes a 6% charge for leasing services. Mayor Johnson said this is one more important step in the IJC project.

Motion approved 7 – 0.

VI. COMMUNITY DEVELOPMENT COMMITTEE ISSUES: None.

VII. PUBLIC SAFETY COMMITTEE ISSUES: None.

VIII. FULL COUNCIL ISSUES:

8:41:52

- A. **AB09-174 – Ordinance 1339** – An Ordinance of the City Council of the City of Bonney Lake, Pierce County, Washington, Adopting the Mid-biennial Budget Amendment for Budget Years 2009 and 2010.

Councilmember Decker moved to approve Ordinance 1339. Councilmember Carter seconded the motion.

Mayor Johnson said mid-biennial budget amendments are standard and staff members have put a lot of work into these adjustments.

Motion approved 7 – 0.

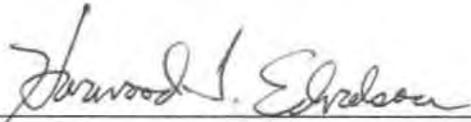
IX. EXECUTIVE SESSION: None.

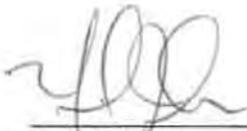
8:42.30

X. ADJOURNMENT:

At 8:42 p.m. Councilmember King moved to adjourn the meeting. Councilmember Carter seconded the motion.

Motion approved 7 – 0.


 Harwood Edvalson, CMC
 City Clerk


 Neil Johnson
 Mayor

Items submitted to the Council Meeting of December 8, 2009:

Public Hearing Submittals – WSU Comprehensive Plan Amendment & Development Agreement

- Bonney Lake Citizen – *E-mail re: WSU Demonstration Forest Public Hearing* – Aaron, Mashae, Camden, Kendra and Brenden Myers.
- Bonney Lake Citizen – *E-mail re: WSU Demonstration Forest Public Hearing* – Melissa Johnson.
- Bonney Lake Citizen – *Letter re: WSU Forest Development Plan* – Cheryle Noble.
- Bonney Lake Citizen – *E-mail re: Support of Sports Field and Complex* – Cheryl Achi.
- Bonney Lake Citizen – *E-mail re: Rezoning of WSU Demonstration Forest* – Sheyrl & Brian Pringle.
- Bonney Lake Citizen – *E-mail re: Soccer fields in Bonney Lake* – Rachel Schaut.
- Bonney Lake Citizen – *E-mail re: WSU Rezone & development agreement* – Velina Wong; (also presented at hearing by Larry Ingraham of Emerald Properties).
- Bonney Lake Citizen – *E-mail re: WSU Demonstration Forest Public Hearing* – Margit Lewis.
- Bonney Lake Citizen – *E-mail re: Presentation at Dec. 8 Council Meeting* – Dennis Tompkins.
- Bonney Lake Citizen – *E-mail re: WSU Demonstration Forest* – William Klein.
- Bonney Lake Citizen – *E-mail re: WSU Development* – Betsy Schultz.
- Bonney Lake Citizen – *E-mail re: WSU Forestry Land – Sports Complex* – David Babbitt.
- Bonney Lake Citizen – *E-mail re: WSU Demonstration Forest – public comments* – Chris LaValley.
- Bonney Lake Citizen – *E-mail re: WSU Demonstration Forest* – Rick & Julianne Schoder.
- Bonney Lake Citizen – *E-mail re: Support of youth sports fields* – Noelle Miller.
- Bonney Lake Citizen – *E-mail re: WSU Demonstration Forest* – Stan Penner.
- Bonney Lake Citizen – *E-mail re: Support for sports complex at the rezoned WSU Demonstration Forest* – Shar Leuders.
- Bonney Lake Citizen – *E-mail re: Use Designations and Zoning Public Hearing for WSU Demonstration Forest* – Shelly Scott.
- Bonney Lake Citizen – *E-mail re: WSU Demonstration Forest* – Tanya Morefield.
- Bonney Lake Citizen – *E-mail re: Sports complex* – Joel Strasler.
- Bonney Lake Citizen – *E-mail re: WSU Demonstration Forest* – Tom Watson.
- Bonney Lake Citizen – *E-mail re: WSU Forest Development Agreement* – Fred Jacobsen.
- Bonney Lake Citizen – *E-mail re: Sports Fields in the Bonney Lake Summer area* – Nick Terrana.
- Bonney Lake Citizen – *E-mail re: Use Designations and Zoning Public Hearing for the WSU Demonstration Forest* – Jay Penney.
- Bonney Lake Citizen – *E-mail re: WSU Property rezoning* – Dan Adams.

- Bonney Lake Citizen – *E-mail re: WSU Demonstration Forest land use hearing* – Janine and Lance DeLarme.
- Bonney Lake Citizen – *E-mail re: Use Designations and Zoning Public Hearing for the WSU Demonstration Forest* – Ronald Blain.
- Bonney Lake Citizen – *E-mail re: WSU Demonstration Forest* – Ruth Landers.
- Bonney Lake Citizen – *E-mail re: WSU Demonstration Forest* – Matthew E. Goecks, SPC.
- Bonney Lake Citizen – *E-mail re: WSU land behind Albertsons* – Mike Falk.
- Bonney Lake Citizen – *E-mail re: Action Needed: Support for fields!* – Linda Lawless & Paul LaStayo.
- Bonney Lake Citizen – *E-mail re: WSU Forest* – Andy Seppi.
- Bonney Lake Citizen – *E-mail re: land re-zoning* – Daren Davis.
- Bonney Lake Citizen – *E-mail re: Sports Complex* – Andrea Maiuri.
- Bonney Lake Citizen – *E-mail re: WSU forest* – Bob and Sherry Lestiko.
- Bonney Lake Citizen – *E-mail re: WSU Demonstration Forest* – Paul King.
- Emerald Properties – *Proposed Ordinance D09-168 and Proposed Resolution 1991* – Larry Ingraham, CCIM, Managing Member.