

CITY COUNCIL MEETING

**December 22, 2009
7:00 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.

Website: www.ci.bonney-lake.wa.us

Audio Time Stamp ↓

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:

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.

[Staff members in attendance were City Administrator Don Morrison, Chief Financial Officer Al Juarez, Public Works Director Dan Grigsby, Police Chief Mike Mitchell, Community Development Director John Vodopich, Community Services Director Gary Leaf, 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: None.

3. Presentations:

- a. **Recognition of Service:** Councilmember David Bowen (48 months) and Councilmember David King (97 months).

Mayor Johnson presented a plaque to Councilmember David Bowen for his service since 2006. The Mayor said he appreciated Councilmember Bowen's unique perspective and insight on the Council. Councilmember Bowen thanked the Mayor and said he will be back in the future to urge the Council to install public art spaces and to develop Eastown.

Mayor Johnson presented a plaque to Councilmember Dave King for his service on the Council since November 2001. Mayor Johnson thanked Councilmember King for his insight, attention to detail and oratory skill. Councilmember King said a lot has changed since he joined the Council in 2001. He expressed appreciation for input from concerned citizens and the hard work of City staff and Councilmembers. He said he would keep involved with the City through the Veteran's Memorial Committee. Deputy Mayor Swatman thanked Councilmembers Bowen and King for their contributions and said he hoped they would both stay involved.

D. Agenda Modifications: None.

7:12:34

II. PUBLIC HEARINGS, CITIZEN COMMENTS & CORRESPONDENCE:A. Public Hearings: None.B. Citizen Comments:

Fred Jacobsen, 9100 189th Ave E, Bonney Lake, thanked the Council for all the work they do at meetings and in their personal time. He reminded all that the Police Department's coffee fundraiser is still going on and is a good way to contribute after two officers were shot this week. He thanked the Police and Fire Departments for doing a great job.

Betsy Schultz, 12319 235th Ave Ext E, Buckley, thanked the Council for their hard work. She said she saw a new version of the WSU Development Agreement was available at the Council Meeting that she had not seen before, and asked whether people would have a chance to review and comment on it. She said the City should recalculate the value of the WSU property. She said there are many strings attached, including use of the City's land for storm water mitigation. She said the actual value of the land might be closer to \$1 million, not \$2 million as the developer suggests.

David Bowen, 22523 SR 410, Bonney Lake, said he drove through a Weyerhaeuser tree farm near Elma and thinks that Weyerhaeuser has been a good neighbor to area communities. He described various properties in Bonney Lake that were owned by Weyerhaeuser in the past, and reminded those attending that times change. He said he was speaking as a private citizen, and quoted a popular song lyric, "They paved paradise and put up a parking lot."

C. Correspondence: None.

7:19:49

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 continuation of the water conservation rebate program, false alarm management, and other year-end items.B. Community Development Committee: Councilmember Rackley said the committee has not met since the last Council meeting.C. Public Safety Committee: Councilmember King said the committee has not met since the last Council meeting.D. Other Reports:

Community Leader's Coffee: Mayor Johnson said he was unable to attend the most recent meeting with Superintendent Gil Mendoza. Councilmember Rackley attended and said it was a nice event with great musical performances.

Fire District: Mayor Johnson said he recently met with Sumner Mayor Dave Enslow, County Councilmember Shawn Bunney, and representatives of East Pierce Fire & Rescue. The group discussed East Pierce Fire & Rescue's (EPFR) concerns that the Auburn fire district is attempting to extend their service area south along Lake

Tapps, and to overlap the EPFR service area. He said EPFR plans to start an educational campaign for residents about the benefits of staying with their fire district, in response to information Auburn's fire district has been sending out.

Council Christmas Donations: Mayor Johnson said the Council will give donations to local charities instead of gifts to each other again this year. He thanked everyone for their contributions, including Councilmember-elect Randy McKibbin.

7:25:16

IV. CONSENT AGENDA:

- A. **Approval of Corrected Minutes:** November 24, 2009 Meeting, December 1, 2009 Workshop, December 5, 2009 Special Meeting and December 8, 2009 Meeting.
- B. **Accounts Payable Checks/Vouchers:** Accounts Payable checks/vouchers #57384 thru 57465 (including wire #'s 5229160 & 12042009) in the amount of \$556,914.15; Accounts Payable checks/vouchers #57466 thru 57510 for Utility Refunds in the amount of \$4,278.19; Accounts Payable checks/vouchers #57511 thru 57558 (including wire #'s 5315532, 11022009, 12022009 & 12092009) in the amount of \$879,414.51; Accounts Payable checks/vouchers #57559 thru 57568 for Utility Refunds in the amount of \$948.63.

**Councilmember Rackley made a motion to approve the Consent Agenda.
Councilmember Bowen seconded the motion.**

Motion approved 7 – 0.

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

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

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

7:25:42

VIII. FULL COUNCIL ISSUES:

- A. **AB09-170 – Ordinance D09-170 – An Ordinance of the City Council of the City of Bonney Lake, Pierce County, Washington, Amending the Comprehensive Plan Land Use Designation of the Woodyard Property, Parcel No. 4910000330.**

**Councilmember Hamilton moved to approve Ordinance D09-170.
Councilmember Decker seconded the motion.**

Councilmember Carter asked how the City's plans to develop the intersection at 192nd Ave E in the future might affect this property. Public Works Director Grigsby said the project design shows this property would have new curb, gutter and sidewalk installed as part of the project, but did not believe that the City would need to acquire right-of-way on this property to complete the project. He said he could not be certain unless he could view the final plans and maps, however.

Councilmember Decker moved to table proposed Ordinance D09-170 to January 2010. Councilmember Bowen seconded the motion.

**Motion failed 2 – 5.
Deputy Mayor Swatman and
Councilmembers Carter, Hamilton,
King and Rackley voted no.**

Councilmember Hamilton said he does not support the proposed ordinance. He said if adjacent property owners came forward as a group with a Comprehensive Plan amendment, he would be more in favor of the change. Councilmember Decker agreed and said he was not in favor of a single-property rezone.

Motion failed 0 – 7.

- B. AB09-171 – Ordinance 1341 – An Ordinance of the City Council of the City of Bonney Lake, Pierce County, Washington, Adopting the 2009 Comprehensive Sewer Plan, the 2008 Comprehensive Water Plan, and Amending the Utilities Element of the Comprehensive Plan Referencing these Plans.**

Councilmember Rackley moved to approve Ordinance 1341. Councilmember Decker seconded the motion.

Deputy Mayor Swatman said the revised plans are needed, but cautioned the Council that the data used reflects past economic conditions, not current conditions. He said the Council needs to consider the current economy when making decisions about any future projects. Director Grigsby said both plans have undergone extensive review and public discussion through 2008 and 2009. He said the previous versions are from 2004-05, and these updates provide an important roadmap for staff.

Motion approved 7 – 0.

- C. 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 Johnson thanked staff and Council for their hard work and effort to review and revise the proposed agreement. He said this is probably one of the biggest decisions the Council has ever made. He said the citizens and Council have identified various needs, including a recreation center, medical services, parks and open space. He said his goal is for the City to gain control of at least part of the forest and provide value to the citizens. He said the forest has been closed to the public for several years and it is impossible to predict what might happen in the future. He added that the City also needs to provide high densities on the SR 410 corridor. He said he would fully support whatever the Council decides on this issue.

Councilmember Rackley moved to approve Resolution 1991. Councilmember Decker seconded the motion.

City Attorney Dionne said his office revised the proposed agreement based on input from the Public Hearing comments and Council discussions. He said negotiations with Quadrant have continued through the week. He provided the Council with copies of a revised agreement dated December 22, 2009, and summary of the proposed amendments it includes. He said all the proposed amendments were previously discussed by the Council, and he feels at least six of the seven proposed amendments benefit the City. He suggested that the Council consider a motion to add these amendments to the development agreement prior to voting on it.

City Attorney Dionne reviewed the proposed amendments, which included fire suppression, use restrictions, the proposed connector road, maximum residential densities, zoning overlay, tree preservation, and interim use of trails. The amendments require residential construction to comply with whatever fire codes are in effect at the time of permitting. An amendment to the connector road section refers to the 'SeaStreet' development method for low-impact infiltration techniques and removes eligibility for TIF credits. The amendments remove references to maximum density in the residential area, and specifies which areas are covered by the zoning overlay. In addition, the amendments state that the city's property would not be utilized for tree mitigation, and name mutually acceptable arborists. The amendments clarify that either party may terminate the interim use of trails, and that WSU and Weyerhaeuser are required to give 1 year notice prior to termination. City Attorney Dionne said the proposed amendments have been reviewed by and are acceptable to WSU and Weyerhaeuser.

Mayor Johnson said several citizens signed up to speak on the issue, each of whom have one minute to speak.

Betsy Schultz and Pete Lymberis had already spoken and waived their time to speak.

Larry Ingraham said the Council should consider whether the agreement is good for the City. He said there are many strings attached to the gift of land to the City. He said perhaps 50% of the city's land will be usable after tree mitigation and storm water management needs are met, and the City will pay future maintenance costs.

Fred Jacobsen, 9100 189th Ave Ct E, Bonney Lake, spoke in favor of using SeaStreet concepts in the City. He spoke against a zoning overlay, and said the City should create a new zoning type instead that includes high-rise residential units with low impact to the environment.

George Brown, 8410 Locust Ave E, Bonney Lake, asked to be shown where the forest area is on the City map.

Councilmembers discussed the proposed agreement and the amendments presented by the City Attorney. Councilmembers King and Rackley spoke in favor of the proposed agreement. Councilmember Bowen said he will not vote in favor of the agreement unless it includes language that there will be no traffic light at 204th St E. Councilmember King spoke about the current economic crisis and the City's long-term plans for parks, recreation and open space. He said citizens have spoken to the Council about saving the forest, as well as the need for more fields and a recreation center. He said the proposal is not perfect but it is the best that could be hoped for.

Councilmember Carter spoke against the proposed agreement. She said she is disappointed about tree mitigation requirements and that the property given to the City would not be big enough for the type of recreational uses citizens want. She also spoke against allowing a traffic light at 204th Ave E. She suggested the City phase the project with the medical center first, and the YMCA. She said Weyerhaeuser should help the City raise funds to build a YMCA as well. She said the proposal seems to benefit WSU and Weyerhaeuser more than the City, and it was driven by development, not by the City. She also expressed concern about the residential property setbacks, cutting the forest, sewer expansion, and how the agreement might affect development in Eastown.

Councilmember Hamilton thanked the Mayor and staff members for their hard work negotiating the agreement. He expressed concern about increased densities once the area is developed and traffic issues. He agreed with Councilmember King that the proposal is not perfect but overall it is a good plan, and if it is not approved the property would be outside the City's control, especially if it is sold to someone else.

Councilmember Decker moved to amend Resolution 1991 to include the City Attorney's recommended amendments. Councilmember Rackley seconded the motion.

Motion approved 7 – 0.

Mayor Johnson asked for a roll call vote on Resolution 1991.

**Councilmember Bowen voted no.
Councilmember Carter voted no.
Councilmember Decker voted no.
Councilmember Hamilton voted yes.
Councilmember King voted yes.
Councilmember Rackley voted yes.
Deputy Mayor Swatman voted no.
Motion failed 3 – 4.**

**At 8:24 p.m., Deputy Mayor Swatman moved for a 15-minute recess.
Councilmember Decker seconded the motion.**

Motion approved 7 – 0.

The meeting was brought back to order at 8:50 p.m. City Attorney Dionne said it is difficult to draft a development agreement, as staff must try to respond to public and Council comments and try to provide an agreement that the majority of the Council might approve. He said based on discussion prior to the vote, it appeared that Resolution 1991 would pass if the agreement included language that there will be no signal on 204th Ave E. He said if the Council chooses, they may make a motion to reconsider the previous vote and move to further amend Resolution 1991 to delete references to signal improvements from section 6.6.13, to delete Section 6.6.14 in its entirety, and replace the section with the following language: "The parties agree that

there will be no traffic signal at the 204th / 410 intersection. The parties agree to a right-in, right-out at this intersection.”

Councilmembers discussed the council rules on reconsidering a motion at the same meeting. City Attorney Dionne confirmed that the item can only be reconsidered at the same meeting, and debate is limited to the reasons for reconsideration.

Deputy Mayor Swatman moved to reconsider Resolution 1991. Councilmember Rackley seconded the motion.

Deputy Mayor Swatman said the City Attorney accurately pointed out that he and Councilmember Bowen have specific concerns about the proposed light on SR 410.

**Motion to reconsider approved 6 – 1.
Councilmember Bowen voted no.**

Councilmember Hamilton moved to amend Resolution 1991 by deleting “and signal improvements” from Section 6.6.13, and replacing all language in Section 6.6.14 with the following: “The parties agree that there will be no traffic signal at the 204th / 410 intersection. The parties agree to a right-in, right-out at this intersection.” Councilmember Rackley seconded the motion.

Councilmember Hamilton said this amendment offers a definitive decision for concerns some Councilmembers have. Councilmembers Bowen and Decker said they would approve the resolution with this amendment in place. Councilmembers allowed Pete Lymberis from Quadrant to speak.

Pete Lymberis said as a representative for WSU and Weyerhaeuser, he would need to present the proposed amendment to them for a final decision. He warned that the right-in, right-out access would prohibit the use for the length of the agreement. He said if the City did not support a traffic signal, DOT would not approve it, and recommended the Council leave this language more open. Councilmember Hamilton pointed out that the development agreement could be amended in the future if all parties agreed, so it is not completely inflexible.

Councilmember Decker confirmed with Mr. Lymberis that the residential portion of the WSU forest will not be logged until Quadrant or another builder has gone through the development process.

Motion to amend approved 7 – 0.

Mayor Johnson asked for a roll call vote on the amended main motion.

**Councilmember Carter voted no.
Councilmember Decker voted yes.
Councilmember Hamilton voted yes.
Councilmember King voted yes.
Councilmember Rackley voted yes.
Deputy Mayor Swatman voted yes.
Councilmember Bowen voted yes.**

Motion approved 6 – 1.

Mayor Johnson said the City will wait to receive a signed copy of the amended agreement before he signs the final document.

- D. AB09-168 – Ordinance 1340** – 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.

Councilmember Rackley moved to approve Ordinance 1340. Councilmember Decker seconded the motion.

Deputy Mayor Swatman asked about the language related to the Resolution 1991 agreement. City Attorney Dionne said the proposed ordinance will not go into effect until all parties have signed the development agreement. If all parties do not execute the agreement by December 31, 2009, the ordinance is void.

Councilmember Hamilton said he would vote in favor of the ordinance, though he knows some citizens are disappointed by the outcome. He said he feels the changes are in the long-term best interest of the City, and citizens will have a say on what happens to the City’s portion of the property in the future.

**Motion approved 5 – 1 – 1.
Councilmember Carter voted no.
Councilmember Decker abstained.**

IX. EXECUTIVE SESSION: None.

9:12:14

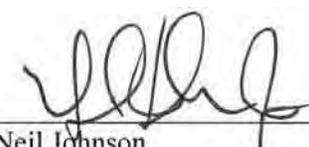
X. ADJOURNMENT:

At 9:12 p.m. Councilmember Rackley moved to adjourn the meeting. Deputy Mayor Swatman seconded the motion.

Motion approved 7 – 0.



 Harwood Edvalson, CMC
 City Clerk



 Neil Johnson
 Mayor

Items submitted to the Council Meeting of December 22, 2009:

- City of Bonney Lake – *WSU Development Agreement – City Attorney’s Recommended Amendments* – Assistant City Attorney Kathleen Haggard.
- City of Bonney Lake – *WSU Development Agreement (dated 12-22-2009)* – Assistant City Attorney Kathleen Haggard.