

COUNCIL WORKSHOP

**November 16, 2010
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.

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

Audio Time Stamp ↓

Location: City Hall Council Chambers, 19306 Bonney Lake Blvd, Bonney Lake.

I. Call to Order: Mayor Neil Johnson, Jr. called the Workshop to order at 5:34p.m.

II. Roll Call: [A1.3]

Administrative Services Director/City Clerk Harwood Edvalson called the roll. In addition to Mayor Johnson, elected officials attending were Deputy Mayor Dan Swatman, Councilmember Laurie Carter, Councilmember Dan Decker, Councilmember Mark Hamilton, Councilmember Donn Lewis, Councilmember Randy McKibbin and Councilmember James 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, Planning Manager Heather Stinson, Code Enforcement Officer Denney Bryan, Community Services Director Gary Leaf, Assistant City Attorney Kathleen Haggard, Assistant City Attorney Sarah Hale, Administrative Services Director/City Clerk Harwood Edvalson, and Administrative Specialist Shawn Campbell.]

III. Agenda Items:

5:35:24

A. Presentation: Fennel Creek – WSDOT Restoration/Mitigation Project
Carl Ward and Marylou Nebergall from WSDOT Olympic Region presented an overview of the SR 410 widening mitigation site. Mr. Ward shared how WSDOT chose the 20.17 acre Fennel Creek Mitigation Site, which is adjacent to two other mitigation sites. He explained this is an out-of-kind resource tradeoff; which replaces an affected wetland with habitats or ecosystems other than wetlands. In this case, they have added .23 acres of flood storage, riparian enhancement, upland buffer enhancement, and 1,150 linear feet of stream enhancement, with addition of large woody material and planting. Mr. Ward shared problems that have been identified in the basin and how the mitigation will help offset those concerns, through plantings woody materials, and wildlife habitat. He stated when WSDOT applied for permits to do the project they added allowances for the Fennel Creek Trail to be added through the mitigation site. He concluded the presentation with the plan for site maintenance and monitoring. Mr. Ward said after the contractor finished the project, citizen assistance would be appreciated at the site. Councilmember Rackley asked if the mitigation site is for collecting storm water. Mr. Ward said the site is to offset the damage done by the road construction. Councilmembers thanked Mr. Ward and Ms. Nebergall for their time.

6:12:33

B. Public Hearing: 2011-2012 Biennial Budget

Mayor Johnson opened the public hearing at 6:12 p.m. Seeing no speakers, the public hearing was closed at 6:13 p.m.

6:13:18

C. **Council Open Discussion:**

Bonney Lake Food Bank: Councilmember Carter reminded Council about her challenge to bring peanut butter for the Bonney Lake Food Bank. She will match each jar brought in. She encouraged everyone to donate to the Food Bank during the holiday season.

Fire Suppression Systems: Councilmember Rackley passed around a sample piece of fire retardant siding and a DVD showing how manufactured homes are currently assembled. He said these homes come from the manufacturer with the fire retardant siding as a standard feature. He said if the City required fire proof exteriors the requirement of fire sprinklers in the home could be amended. Councilmember Hamilton asked about the cost of retrofitting a manufactured home opposed to the sprinkler system being installed at the time of manufacturing. He asked about permitting requirements for manufactured homes that were built before the ordinance was passed. Deputy Mayor Swatman said that no one has died in a home with a working fire sprinkler system. He said 75% of deaths from smoke inhalation were in homes with working fire alarms. Councilmember Carter said the siding would not help the occupants inside the home or the contents of the home in case of a fire. Councilmember Rackley said it would keep the fire from spreading from one home to another in areas where the homes are placed close together. He questioned if the City is over protecting the citizens, and said there is one death every 7 years from a fire. Councilmember Decker asked about the number of house fires in the area. Councilmember Rackley said there were 72 structure fires last year with no deaths. Councilmember Rackley also mentioned additional insurance requirements for the citizens resulting from this ordinance.

Mt. View Youth Summit: Mayor Johnson attended the summit this year. He said the biggest concern of students is drugs, mainly marijuana. The second biggest issue is the trail that runs between Mt. View Middle School and Bonney Lake High School. Parents and students in each group voiced concerns about being on the trail due to rowdy kids intimidating parents and a couple of assaults that have happened on the trail. The City is working on cleaning up their portion of the trail and is in contact with the County and the School District to maintain their section of the trail as well. Mayor Johnson said the City would respond immediately to this issue. He intends to report to the students on the progress and action taken on the trail. The students also expressed concern about tree clearing on the Corliss property, and said if a tree is cut down, a tree should be replanted. Mayor Johnson explained to the students the process that Corliss went through to be allowed to cut the trees on the ridge and that the City would like to see the trees replanted.

Victor Falls Elementary: Councilmember Lewis said the ribbon cutting ceremony will be Wednesday, November 17, 2010 at 4:30pm, and the dedication ceremony will begin at 6:00pm. He encouraged Councilmembers to attend.

Pierce County DUI Victim's Impact Panel: Councilmember Rackley said he would be attending the annual candlelight vigil on Friday November 19, 2010. He said

Bonney Lake Police Officer Rob Hoag has been selected to receive an award for his dedication and effort in working to curb impaired driving.

6:31:17

- D. **Review of Council Minutes:** November 2, 2010 Council Workshop and November 16, 2010 Council Meeting.

Councilmember Carter said the November 2nd minutes, page 3, should be revised to reflect that the Veteran’s Monument Dedication was Sunday not Thursday; the Chamber of Commerce held a “decorating contest” and asked that page 4, be revised to say “Wall Street Journal article”. She noted a spelling error in the November 9th minutes page 1.

The corrected minutes were moved forward to the November 23, 2010 Meeting for Council action.

6:33:09

- E. **Discussion: Amendments to Nuisance Code**

Councilmember Hamilton stated the Public Safety Committee is looking at the nuisance code for ways to make it more effective and easier to enforce. He thanked Assistant City Attorney Sarah Hale and Code Enforcement Officer Denney Bryan for their effort with this. Ms. Hale shared codes from two other cities with the Council. She stated the Bonney Lake Municipal Code only allows for a criminal penalty if a citizen does not rectify the code violation voluntarily, while other cities’ codes allow for civil penalties as well. She said this would give the code enforcement officer more discretion and would cut the time for violators to respond. She said the burden of proof is much higher in criminal court, as opposed to civil court. Mr. Bryan thanked the Public Safety Committee for allowing him to have input during this process. He said it is hard for citizens to respond when the only alternative is a large fine. He stated in most cases citizens comply with the code at the first notice of violation. Only about 4 to 5 percent of the cases are troublesome, and they either will not comply or are habitual violators. In those cases it would be helpful to have another option. Ms. Hale stated the code could be written to allow for cost recovery from the person failing to follow through with the code. She said they are updating the code to ensure that it complies with all State laws.

Councilmember Hamilton stated that the abatement does not have to be done by paid City staff. The City could work with the court to have the work done by people doing community service as part of their sentence. Councilmember Carter shared that the City of Bothell code allows the city to recover costs for abatement as well as legal and professional fees.

At 6:50 p.m., Councilmember Rackley moved for a ten-minute break. Mayor Johnson reconvened the Workshop at 7:02 p.m.

7:02:31

- F. **Discussion: AB10-150 – Ordinance D10-150 – An Ordinance Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Updating R-1 Zoning To Allow Accessory Dwelling Units As A Conditional Use.**

Planning Manager Heather Stinson said this ordinance was put on the Planning Commission’s Work Plan after Inlet Island and Church Lake were down zoned from R-2 to R-1. Homeowners were concerned about losing ability to have an Accessory

Dwelling Unit. The Planning Commission suggested that ADU's be allowed as a conditional use in R-1 zoning. This would allow property owners to get more value out of the property and the opportunity for rental units. She said concerns are parking and crowding in the area. She said having ADU's only allowed as a conditional use would require the property owner to go before the Hearing Examiner, which would allow the City to require special conditions for parking and any other concerns.

Councilmember McKibbin asked about the cost of the Hearing Examiner. Deputy Mayor Swatman asked about public testimony at the Planning Commission level, and how citizens receive notice about Hearing Examiner hearings. He said he would like to have more public comment on this issue. He stated having ADU's in the different zones has merit. Councilmember Decker is supportive of ADU's in R-1 zoning. He asked about the definition of an ADU. Mrs. Stinson said the design requirements must be met for a structure to be considered as an ADU. Councilmember Carter asked about an ADU over a garage or a space in the backyard. Director Vodopich said the homeowner would need to meet the requirements for a conditional use permit and go before the Hearing Examiner.

Councilmember Hamilton asked about the purpose of ADU's in the City and if they affect the City's density calculations. Mrs. Stinson said ADU's provide a housing opportunity that is not currently available and an income source for homeowners. She said ADU's are not counted in the City's density numbers at this time, but the County does use ADU's for their density numbers. Councilmember Hamilton expressed concerns of allowing rental units in R-1 zones, and asked about water and sewer connection requirements for an ADU. Public Works Director Grigsby said if the homeowner requires an additional connection they would be required to pay a Sewer Development Charge. If the homeowner could tie into their existing sewer then they would not have to pay additional fees. Councilmember Decker suggested requiring ADU's to tie into City sewer. Mrs. Stinson stated that having the ADU's approved by a conditional use permit allows for the hearing examiner to require property owners to hook up to City sewer or any other requirement that the City feels is necessary. Councilmember Carter asked about notification to surrounding property owners if a homeowner applies for a conditional use permit. Director Vodopich stated notice must be mailed to any property owner within 600 feet. By consensus Council forwarded the ordinance to the November 23, 2010 Council Meeting for action.

7:33:30

- G. **Discussion: AB10-172 – Ordinance D10-172** — An Ordinance Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Amending The Transportation Element Of The Comprehensive Plan.

Director Vodopich said the Puget Sound Regional Council has not certified the Transportation Plan, and therefore, the City is not able to apply for federally funded grant programs. He said the ordinance proposes a minor amendment to the Transportation Element allowing the City to receive conditional certification. He added that if the City is successful in getting grant funds the complete update and internal consistency report would have to be completed prior to getting the grant approved. By consensus this ordinance will be forwarded to the December 14, 2010 Council Meeting for action.

7:35:25

- H. **Discussion: AB10-174 – Ordinance D10-174** – An Ordinance Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Amending The Easttown Subarea Element Of The Comprehensive Plan, Moving The Easttown Design Standards To The Municipal Code, And Amending The Commercial Parking Lot Landscaping Standards.

Assistant City Attorney Kathleen Haggard said the original proposed ordinance violated the single subject rule that applies to city ordinances, so it was broken up into three separate ordinances: a) changing the Easttown Subarea Element of the Comprehensive Plan; b) removing the Easttown Design Standards from the Comprehensive Plan and making them part of the Bonney Lake Municipal Code; c) amending the landscaping standards for parking lots in all commercial areas. She said the first ordinance needs to be adopted as part of the City's Comprehensive Plan amendments, but the other two do not. Deputy Mayor Swatman asked about the procedure of having legal review of new ordinances. Director Vodopich said the Planning Commission used a template from other Comprehensive Plan amendments. Councilmember Carter asked if the road changes will have sidewalks, curbs and gutters. Director Grigsby said they will be two lane roads with a sidewalk on one side, landscaping on the other, with curbs and gutters. By consensus, all three ordinances will be moved to the December 7, 2010 workshop for further discussion.

7:45:11

- I. **Discussion: AB10-169- Ordinance D10-169** – An Ordinance Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Adopting Ordinance No. D10-169, An Update To The City's Capital Facilities Element Of The Comprehensive Plan.

City Administrator Don Morrison said the Capital Facilities Element is mandatory under the Growth Management Act. He said when the City initially adopted the Capital Facilities Element it only met the minimum standards. This update is more in line with the intent of the GMA. This plan addresses general government facilities such as the Public Safety Building and the Senior Center, which have never been addressed in the Capital Facilities Element before. The plan starts with an inventory, and level of service, and looks at the space the City needs to operate now and in the future. He said this will help with planning for future growth. He said the plan includes strategies, goals and priorities that have been talked about over the years, but never put on paper. The last section addresses financing options the City can use to finance the plan. Councilmember Carter asked about the lease for the Snack Shack. She likes that the plan lays everything out. Councilmember Hamilton asked about the deficit in office space for the Justice Center. City Administrator Morrison said the deficit includes leasing a portion of the Justice Center, and if the City occupies the whole Justice Center, it would be very close. Councilmember McKibbin asked who had prepared the document. City Administrator Morrison said there were not budgeted funds available to hire a consultant so he volunteered to complete the project.

7:55:23

- J. **Discussion: (After Public Hearing Held 11/09/10) – AB10-177 – Ordinance D10-177** – Setting the Ad Valorem Tax Rate for Fiscal Year 2011.

Chief Financial Officer Juarez said the City is proposing a 1% increase in the Ad Valorem Tax Levy for 2011. Councilmember Rackley asked if due to the tax rate increase if property taxes would actually go down in 2011. City Administrator

Morrison said the new levy would approximately be 1.01% down from the current 1.116%, for a total decrease in individual property taxes. Deputy Mayor Swatman said in the future he would like to consider taking a proposition to the voters to raise the Ad Valorem rate to the maximum allowed for targeted programs.

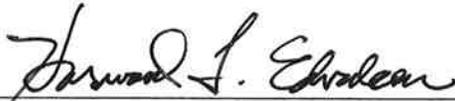
IV. Executive Session: None.

7:58:33

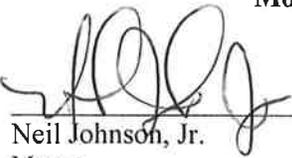
V. Adjournment:

At 7:58p.m. Councilmember Lewis moved to adjourn the Workshop. Councilmember Rackley seconded the motion.

Motion approved 7 – 0.



Harwood T. Edvalson, CMC
City Clerk



Neil Johnson, Jr.
Mayor

Items submitted to Council at the November 16, 2010 Workshop:

- WSDOT – *SR410 Widening - 214th Ave E to 234th Ave - Fennel Creek Mitigation Site* – Carl Ward, WSDOT.
- City of Bonney Lake – *Washington Administrative Code – List of Noxious Weeds* – Councilmember Laurie Carter
- City of Bonney Lake – *City of Bothell Municipal Code Chapter 8.24* – Councilmember Laurie Carter
- City of Bonney Lake – *City of Tacoma Municipal Code Chapter 8.23* – Councilmember Laurie Carter
- City of Bonney Lake – *Ordinance D10-174; a,b,c* – Assistant City Attorney Kathleen Haggard