

CITY COUNCIL WORKSHOP

December 6, 2011  
5:30 P.M.

MINUTES

City of



"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](http://www.ci.bonney-lake.wa.us)*

**Location:** Bonney Lake Justice Center, 9002 Main Street East, Bonney Lake, Washington.

**I. CALL TO ORDER** – Deputy Mayor Dan Swatman called the workshop to order at 5:35 p.m.

**II. ROLL CALL:**

Administrative Services Director/City Clerk Harwood Edvalson called the roll. In addition to Deputy Mayor Swatman, elected officials attending were Councilmember Laurie Carter, Councilmember Dan Decker, Councilmember Mark Hamilton, Councilmember Donn Lewis, Councilmember Randy McKibbin, and Councilmember Jim Rackley. Mayor Neil Johnson, Jr. was absent.

Staff members in attendance were City Administrator Don Morrison, Public Works Director Dan Grigsby, Community Development Director John Vodopich, Interim Police Chief Dana Powers, Administrative Services Director/City Clerk Harwood Edvalson, City Attorney Jim Dionne, and Records & Information Specialist Susan Duis, and Facilities & Special Projects Manager Gary Leaf.

**III. AGENDA ITEMS:**

**A. Public Hearing:** AB11-145 – CUGA Comprehensive Plan Amendment. *Continued from the November 1, 2011 Workshop.*

**Deputy Mayor Swatman re-opened the public hearing at 5:35 p.m. Seeing no one coming forward to speak, the public hearing was closed at 5:35 p.m.**

**B. Presentation:** Stream Team – Water Sample Results – 6 Year Period.

Facilities & Special Projects Manager Gary Leaf provided copies of the report to Councilmembers and audience members. He said volunteers have been collecting data from Lake Bonney and Lake Debra Jane for the past six years. The Stream Team provided a report on the lakes' health three years ago, and used the new data to update the report. He introduced Stream Team Assistant Isabel Ragland to explain the report.

Ms. Ragland said volunteers have collected data from May to October each year since 2004. She said the information on the report can help the City manage the lakes, and educate residents in the watershed about how they can help protect the lakes. She explained how volunteers tested for oxygen levels, water clarity, phosphorus, chlorophyll, TSI rating, and algae.

Ms. Ragland said Lake Bonney has become somewhat clearer in the past three years, which normally indicates there is less algae in the water. She noted that Lake Bonney has been treated for aquatic weeds. Meanwhile, water clarity in Lake Debra Jane has become slightly lower. She said some algae in the lake have the potential to produce toxins, and she feels it is important to continue the water sampling program to educate residents on the health of the lake. She said Pierce County has an algae watch program, and

recommended that anyone interested in the welfare of area lakes subscribe to the program's email list. She said residents can also contact the Health Department to report algae blooms. She said homeowners can help protect area lakes by testing their soil before using fertilizer, leaving natural vegetation along the lakeshore, and keeping an eye on filters and storm drains that go into the lakes.

Councilmember Rackley noted that the program does not test for nitrates; Ms. Ragland said this test could be added. Councilmember Hamilton asked whether the treatments on Lake Bonney have been helpful. Ms. Ragland said the treatments have probably helped water clarity and chlorophyll levels, but she urged caution in removing plants, other than noxious weeds, from the lakes.

Ms. Ragland said volunteers spend about 45 minutes to an hour for each test, and they go into the deepest part of the lake to collect water samples. The Council thanked Ms. Ragland for the report.

Councilmember Hamilton asked if the City does any testing on Fennel Creek. Mr. Leaf said the City does not do tests on Fennel Creek, although the Puyallup River Watershed Council is considering whether include testing on Fennel Creek as part of a larger watershed survey.

Councilmember Carter thanked Mr. Leaf for his work and to the volunteers for their commitment to protecting the watershed. Councilmembers discussed the future budget for continued water sampling. City Administrator Morrison confirmed that the program was shifted from the Community Services budget to the Stormwater budget in 2011, and he would check and report back on the program's budget status. Councilmembers Rackley and Lewis expressed support for continuing the water testing program. Mr. Leaf said the actual tests cost about \$3,000, while the Stream Team study report cost about \$5,000.

**C. Presentation: DM Disposal – Recycling Program Status & Customer Service.**

Facilities & Special Projects Manager Leaf said the City renewed its contract with D.M. Disposal in 2009 for five years, and that contract included a customer service report mid-way through the contract. He introduced D.M. Disposal District Manager Keith Kovalenko and Operations Manager Mark Gingrich, who provided an overview of customer service history and future plans. They discussed customer service response times, a 'secret shopper' program, customer advocacy, employee recognition, and safety programs. He said D.M. is converting to co-mingled recycling for businesses and apartments. He said they plan to focus on recycling programs in 2012, including outreach to businesses and apartments that do not have recycling service currently, encouraging residential customers to recycle, reducing recycling contamination, route enhancements, and improving communication with cities.

Councilmember Rackley said he has been pleased with the customer service response he received from D.M. in the past. Councilmember Hamilton noted that 40% of commercial customers in City limits do not participate in recycling. Mr. Gingrich said 90% or more residential customers participate in recycling, but only about 60% of the total weight collected is recyclable, which is similar to county average. Councilmember Hamilton said he sometimes sees trash on the streets on trash day. Mr. Kovalenko said the trucks use an automated arm to dump the bins, so there is a potential for some items to fall out. He said

drivers are trained to pick up garbage, and asked residents to call if they notice a problem with garbage along the street.

Deputy Mayor Swatman said he has heard complaints about early morning garbage pick-up at commercial sites that are adjacent to residential homes. He said D.M. has been responsive to these issues and asked them to keep this in mind when considering route changes. Councilmember Hamilton suggested that D.M. work with the Chamber of Commerce to inform business owners about the commercial recycling program. Councilmembers thanked Mr. Kovalenko and Mr. Gingrich for their presentation.

**D. Council Open Discussion:**

Midtown Sidewalks: Deputy Mayor Swatman said he appreciates the new span of sidewalk along SR 410 in Midtown. He said it provides a new piece of connectivity, and he has seen more people walking along the area since it was constructed. Councilmember Lewis said high school students use the route to get to school and really appreciate it.

Holiday Gathering: Deputy Mayor Swatman said there will be an informal holiday gathering for Councilmembers, Board and Commission members, and others at the Midtown Grill at 6:00 p.m. on December 14<sup>th</sup>. Councilmember Lewis noted that the Sumner School District is hosting an open house the same evening.

**E. Review of Council Minutes:** November 15, 2011 Council Workshop and November 22, 2011 Council Meeting.

Councilmember Carter requested that the November 15<sup>th</sup> minutes be amended to capitalize the words “Downtown” and “Midtown”, and that the November 22<sup>nd</sup> minutes be amended on p. 3, to read, “Councilmember Carter said councilmembers and directors have pledged to match up to \$800 ~~\$500~~”. The corrected minutes were forwarded to the December 13, 2011 Meeting for action.

**F. Discussion:** AB11-160 – Resolution 2173 – Withdrawing from Rainier Cable Commission.

Councilmember Rackley said he feels the City should withdraw from the Rainier Communications Commission (RCC), unless the Council would like to use their services to televise meetings. He said the City pays \$24,000 per year to be a part of the RCC, and the City must send a withdrawal letter 6 months before leaving the commission. He said if the Mayor sends a letter by December 31<sup>st</sup> the City will save \$12,000 on the 2012 budget and remove this cost in future years. He said as the city’s population grows the cost of participation grows, and the membership fee does not include extra costs for televising meetings. Deputy Mayor Swatman agreed that withdrawing from the commission is a good cost savings for the city.

Councilmember Hamilton asked whether other cities are considering withdrawing from the RCC. Councilmember Rackley said the cities that remain on the commission are those who televise their meetings and a few smaller communities. Councilmember Lewis said the city could always rejoin the commission later if it wants to utilize their services. Councilmember Hamilton asked if withdrawal would affect future cable TV franchise agreement negotiations with Comcast. He said he wanted to be sure customers would not incur future higher costs if the City leaves the RCC. City Administrator Morrison said the RCC provides member cities with a template franchise agreement, but withdrawal should

not negatively impact Bonney Lake residents with higher fees. By Council consensus the item was forwarded to the December 13<sup>th</sup> Meeting for action.

G. **Discussion:** AB11-155 – Ordinance D11-155 – Amending the BLMC Relating To Miscellaneous Fees.

City Administrator Morrison said the proposed ordinance updates facility rental fees and makes minor changes to fingerprint scanning and paper scanning fees. He said in the current fee structure, the rate for non-profits to use City facilities was highly subsidized and did not even cover basic costs such as utilities. He said the new fees would apply to the Senior Center, the old City Hall chambers, and rooms in the Justice Center. He said staff felt it was important that a building monitor be present when a space is rented out, and that cost is built into the new fee schedule. He said if an approved City employee volunteers to serve as the building monitor, the rate can be reduced.

Councilmember Decker asked for an update on the Crossley property purchase negotiations (located at 18585 Sumner-Buckley Hwy). City Administrator Morrison said the City Attorney's office is still negotiating with the property owner on an agreement.

Councilmember Carter asked for clarification on the listed fees for paper copies. Administrative Services Director/City Clerk Edvalson said the State provides a standard copy charge, and the City would have to do its own analysis to justify a higher rate. Councilmember Carter said the City's current facility rental costs are very reasonable compared to other facilities, and she feels the proposed changes are justified.

Councilmember McKibbin asked what constitutes as a local non-profit group for the rate structure. City Administrator Morrison said staff reviewed several options and did not want to limit the reduced rates only to registered non-profits inside City limits. He noted that many organizations like HOAs and sports clubs do not have 501(c)(3) non-profit status, but staff felt they should still receive the reduced rate. He said the rate used would be up to the discretion of the Senior Services Manager, who manages facility rentals.

Deputy Mayor Swatman asked whether a Councilmember or Planning Commissioner would be considered as an 'employee' to serve as a building monitor; the City Administrator said they would be since they are paid staff. Deputy Mayor Swatman said he wants to encourage more use of public buildings, and asked organizations to let the Council know if they have any issues with the new fees or facilities.

City Administrator Morrison added that the City of Dupont is considering a program to provide facility use credits to community groups who participate in public service projects. He said if and when Dupont approves the program he will provide more information to Council to see if it could be implemented for Bonney Lake. By Council consensus, the proposed fee ordinance was forwarded to the December 13<sup>th</sup> Meeting on the Consent Agenda for action.

H. **Discussion:** AB11-147 – Ordinance D11-147 – Mid-Biennial Budget Adjustment.

Deputy Mayor Swatman said he is concerned that the proposed 2012 budget would have the City spending more than expected revenues. He provided the Councilmembers with a modified Revenues and Expenditures model (Schedule A) for consideration. He said based on his minor amendments, the City would have a \$200,000 budget shortfall in 2012. He said he feels the administration should further reduce expenditures by \$200,000

to balance the budget, instead of using reserve funds. He said the administration should be allowed to decide where further cuts can be made.

Deputy Mayor Swatman said other programs should be taken into account on the budget, such as potential cost-sharing for the 800 MHz communications system, and the possible continuation of the City's TIF credit program, which he supports. City Administrator Morrison said with the recent passage of the county-wide 9-1-1 system, Pierce County may decide to partner with Bonney Lake to use the City's existing communications towers. He added that it is an open question when or if this might happen, or how it might affect the budget. Councilmember Carter said the City may also be able to partner with the Washington State Patrol, which also plans to switch to the 800 MHz system.

The City Administrator reminded the Council that the original 2011-2012 budget provided reserve funds, but staff reduced expenditures and has not used any reserves in 2011. Councilmember Rackley said the administration already saved \$400,000 in 2011 and he does not want to further reduce the 2012 budget. He said the economy is starting to improve and the Council should wait to start a zero-based budget until 2013. Deputy Mayor Swatman disagreed and reiterated his desire for a balanced 2012 budget.

City Administrator Morrison said the administration's preference is to carry forward the fund balance for 2012, as Councilmember Rackley suggested. He said staff would continue a careful review of budget items with the Finance Committee next year, which will help in the development of the 2013-2014 biennial budget.

Councilmember Hamilton said he is concerned about potential cuts at the State level, including potential changes to liquor tax revenues. He said the Council has not given the administration a target number for the budget since he joined the Council, though he said he was interested in the Deputy Mayor's proposal. Councilmember Lewis said it seems too rushed to make a decision in December, and there are many issues that could affect the budget. He agreed that the budget should be zeroed out but feels the fund balance should be left as-is, and give staff time to look for additional cost savings.

Councilmembers discussed whether the budget amendment ordinance could be delayed until 2012. City Administrator Morrison said the Council is required to complete a mid-biennial review of the budget, and can further amend the budget at any time during the year. He said the amendment may be required to be in compliance with the State Auditor's requirements. He encouraged the Council to take action on the proposed ordinance in 2011 and consider further amendments in 2012 if necessary.

Councilmember Hamilton said if the proposed amendment is not approved, the remaining fund balance will not be carried forward to 2012. City Administrator Morrison said the proposed budget amendment reduces the amount originally adopted from \$13.3 million to \$12.86 million.

Councilmember Lewis and Councilmember Rackley spoke in favor of approving the proposed budget amendment as presented by the administration. Deputy Mayor Swatman said the Council should receive more information in time for the December 13<sup>th</sup> Meeting, and can decide at that time whether to take action or to table a portion, or all, of the proposed ordinance. The proposed ordinance was forwarded to the December 13<sup>th</sup> Meeting for action.

**At 7:30 p.m., Councilmember Rackley moved for a 10-minute break. Councilmember Decker seconded the motion.**

**Motion approved 7 – 0.**

The workshop reconvened at 7:41 p.m.

**I. Discussion:**

- **2011 Comprehensive Plan Amendments:**
  - **AB11-130 – Ordinance D11-130** – Eastown Subarea.
  - **AB11-132 – Ordinance D11-132** – CUGA Comprehensive Plan Amendment and Zoning.
  - **AB11-133 – Ordinance D11-133** – Midtown Plan.
  - **AB11-135 – Ordinance D11-135** – Midtown Land Use.
  - **AB11-136 – Ordinance D11-136** – Park Element.
  - **AB11-137 – Ordinance D11-137** – Cultural Resources Comp Plan amendment.
- Amendments to the BLMC:
  - **AB11-131 – Ordinance D11-131** – Eastown Design Standards.
  - **AB11-134 – Ordinance D11-134** – Midtown Design Standards.
  - **AB11-151 – Ordinance D11-151** – Midtown Zoning.
  - **AB11-152 – Ordinance D11-152** – Land Use Matrix.

Deputy Mayor Swatman said staff presented the Council with a final version of each amendment for the Council to ensure they are accurate and ready to move forward.

Councilmember Hamilton said he previously requested additional language for the Eastown Plan which has not been inserted. He said the plan needs to include language about the City's plan to expand and annex land north of the current city limits in Eastown. He said this language is important to let developers and others know the City's ultimate goal is to annex these areas and the roadway to be part of the City limits. City Administrator Morrison noted that having this language in the comprehensive plan would also help with future requests to Pierce County to amend the Urban Growth Area. Councilmember Lewis agreed that language regarding future plans for annexation should be added to the first chapter of the Eastown Subarea plan.

Councilmember Carter said the Planning Commission is currently reviewing issues related to landscape buffers and minimum setbacks, which relate to the Midtown Plan and are still under review.

By consensus of the Council, the proposed amendments were forwarded to the December 13<sup>th</sup> Meeting for consideration as Full Council Issues.

**IV. EXECUTIVE SESSION:**

Pursuant to RCW 42.30.110(1)(i), the Council adjourned to an executive session with the City Attorney at 7:52 p.m. for 15 minutes to discuss potential litigation. The executive session was extended 10 minutes at 8:11 p.m., and for 5 minutes at 8:22 p.m. The Council returned to chambers at 8:27 p.m.

V. **ADJOURNMENT:**

**At 8:27 p.m., Councilmember Rackley moved to adjourn the Council Meeting.  
Councilmember Lewis seconded the motion.**

**Motion to adjourn approved 7 – 0.**

  
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Harwood Edvalson, CMC  
City Clerk

  
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Neil Johnson, Jr.  
Mayor

Items presented to Council at the December 6, 2011 Workshop:

- Keith Kovalenko & Mark Gingrich – *Bonney Lake City Council Update* – D.M. Disposal.
- Deputy Mayor Dan Swatman – *Schedule A, Total Revenues & Expenditures* – City Council.