

CITY COUNCIL MEETING

April 10, 2012
7:00 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

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

I. **CALL TO ORDER** – Mayor Neil Johnson, Jr. called the meeting to order at 7:00 p.m.

A. Flag Salute: Mayor Johnson led the audience in the Pledge of Allegiance.

B. Roll Call: Administrative Services Director/City Clerk Harwood Edvalson called the roll. In addition to Mayor Johnson, elected officials attending were Deputy Mayor Dan Swatman, Councilmember Mark Hamilton, Councilmember Randy McKibbin, Councilmember Katrina Minton-Davis, Councilmember Jim Rackley, and Councilmember Tom Watson.

Councilmember Rackley moved to excuse Councilmember Lewis. Councilmember Watson seconded the motion.

Motion to excuse Councilmember Lewis approved 6 – 0.

Staff members in attendance were City Administrator Don Morrison, Public Works Director Dan Grigsby, Community Development Director John Vodopich, Chief Financial Officer Al Juarez, Police Sergeant Tom Longtine, Administrative Services Director/City Clerk Harwood Edvalson, City Attorney Jim Dionne, and Records & Information Specialist Susan Duis.

C. Announcements, Appointments and Presentations:

1. Announcements:

a. **Proclamation:** Arbor Day.

Mayor Johnson proclaimed Saturday, April 21, 2012 as Arbor Day in the City of Bonney Lake and encouraged citizens to participate in events and plant trees.

b. **Proclamation:** Parks Appreciation Day.

Mayor Johnson proclaimed Saturday, April 21, 2012 as Parks Appreciation Day in the City of Bonney Lake. He said citizens can participate in clean-up events at area parks and public spaces. Councilmember Hamilton said the City of Bonney Lake's park clean-up event will be at the WSU Forest entrance again this year and all are welcome to attend.

2. Appointments:

a. **AB12-50** – A Motion Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Confirming The Mayor's Reappointment Of Planning Commissioners Brandon Frederick (#4), Richards Rawlings (#5), And Grant

Sulham (#1) With Terms Expiring April 6, 2015; And Design Commissioners Raymond Bunk, III (#7), David Colbeth (#5), And Paul Webber (#6) With Terms Also Expiring April 6, 2015.

Mayor Johnson said that although he can appoint commission and board members without Council approval, he traditionally brings a motion forward for the Council to confirm his appointments.

Councilmember Rackley moved to approve motion AB12-50. Deputy Mayor Swatman seconded the motion.

Mayor Johnson said all the members being reappointed are still interested in taking part and it is good to have returning members on these commissions.

Motion approved 6 – 0.

3. Presentations: None.

D. Agenda Modifications: None.

II. PUBLIC HEARINGS, CITIZEN COMMENTS & CORRESPONDENCE:

A. Public Hearings:

1. **AB12-38** – A Public Hearing Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Regarding Proposed Resolution 2196 (AB12-39), Authorizing The Mayor To Surplus City Utility Items And A City Utility Vehicle In Accordance With The Provisions Outlined In BLMC 2.70.100.

Mayor Johnson opened the public hearing at 7:09 p.m. Seeing no one coming forward to speak the hearing was closed at 7:10 p.m.

B. Citizen Comments:

Lora Butterfield, Bonney Lake Chamber of Commerce, thanked the City for hosting the annual Easter Egg Hunt again this year. She reminded the Council of the upcoming Family Fun Fest on May 5th, which is sponsored by the Chamber and the City, along with the Sumner School District. She provided Councilmembers with information on the Chamber's 'Get Fit Bonney Lake' events which are scheduled throughout the year.

Ms. Butterfield said the Chamber of Commerce supports the proposed fee reduction ordinances on the agenda. She said they feel these reductions will be good for businesses and appreciate the Council's support to get these items on the agenda.

Shawn Hoey, Master Builders Association of Pierce County, spoke on behalf of the MBA and thanked the Council for considering proposed Ordinance D12-45 to temporarily reduce Traffic Impact Fees. He suggested the ordinance be amended to sunset on a specific calendar date, rather than after a certain number of new permits. He said if the Council opts to use the number of permits to sunset the ordinance, the MBA suggests this threshold be raised from 200 permits to higher amount, such as 600. He noted that the City has about 700 empty lots in standing inventory currently.

Councilmember Rackley said it might be too costly to give the rate reduction to a large number of permits, and he feels it is advisable to limit the number of permits eligible for the proposed reduction. Mr. Hoey noted that another issue is that a big developer could potentially buy up all 200 permits before others have a chance to apply.

Dan Decker, 20401 70th St E, Bonney Lake, wished Councilmember Rackley a happy birthday. He read an excerpt from a memo dated February 2, 2012 suggesting that Councilmember Minton-Davis be a sponsor of an agenda item that would benefit her neighborhood. He said the Council ward system has been dissolved and this sounds like ward favoritism. He said the entire City should be considered as a whole and not separated into sections or neighborhoods.

Mayor Johnson remarked on Ms. Butterfield's comments about the Easter Egg Hunt. He thanked staff members David Wells and Gary Leaf and Councilmembers Swatman and Watson for helping at the event on April 7th. He said 18,000 eggs were placed at the park for kids to find, and they had a great turnout and great weather.

- C. Correspondence: None.

III. COUNCIL COMMITTEE REPORTS

- A. Finance Committee: Deputy Mayor Swatman said the committee met at 5:30 p.m. earlier in the evening. They discussed personnel updates, and noted that the City received over 175 applications for the Administrative Specialist II position in the Administrative Services department. Human Resources Officer Jenna Richardson plans to return to part-time duties on April 25th. The Committee discussed its meeting notes and had a lengthy discussion on sewer fund revenues, expenditures, and operations and maintenance costs. He said staff will look at options to raise sewer rates over a period of several years to bring revenues from sewer rates up to cover actual O&M costs. The Chief Financial Officer provided information on a recreation tax that could impact boat launch fees. He said a customer has requested a refund of System Development Charges (SDCs) from a permit originally pulled in 2007.
- B. Community Development Committee: Councilmember McKibbin said the committee met on April 3rd and forwarded two items to the current agenda under Consent Agenda items and CDC Issues.
- C. Public Safety Committee: Councilmember Hamilton said the committee met on April 2nd with no staff in attendance. The committee discussed options for a Police vehicle access road through the WSU Forest. Municipal Court Judge Ron Heslop discussed options for structure community service commitments for defendants based on the defendant's occupation and skills. Councilmember Rackley said this sounds like a good idea, but supervision and safety could be an issue. Mayor Johnson said the committee should keep the City Clerk involved for risk management considerations, but he thinks it is a great idea to get the most out of the community service commitments.
- D. Other Reports:
- Pierce County Executive's Office: Mayor Johnson said he met with Keri Rooney from Pierce County Executive Pat McCarthy's office. He said they discussed the flood district, 9-1-1 communications and city tower lease options, homeless issues, and joint planning

with the County. He has invited the County Executive to attend a future City Council Meeting.

CUGA Annexation: Councilmember Rackley said the Council received a letter from Tarragon, who requested that they be included in any conversations between the City and County on the CUGA annexation process. He said it seems to him that they are no longer planning to fight annexation in relation to their Plateau 465 project. Mayor Johnson said prior to the City's last annexation attempt, staff tried to set up meetings with Tarragon several times but Tarragon did not respond. He said Community Development Director Vodopich has already replied to their letter. Director Vodopich said the pre-annexation zoning for the CUGA includes a planned unit development (PUD) designation, which was specifically aimed at Plateau 465. He said he related this information in his response to Tarragon.

Sumner and Auburn: Mayor Johnson said he met with Sumner Mayor Dave Enslow and Auburn Mayor Pete Lewis. The group discussed transit issues and planning for the area east of Lake Tapps in Pierce County. The mayors want to work together and Mayor Johnson said he is drafting a letter to Pierce County requesting the three cities be included in any planning for this area. He said they plan to contact Buckley Mayor Pat Johnson to ask if she wants her city to be included, as well.

Parks Summit: Mayor Johnson said staff are planning a first-ever Parks Summit on May 7th, 2012 to gather information from the community on the future of parks and recreation in the City. He said Park Board members will attend and facilitate breakout sessions, and asked which Councilmembers plan to attend and whether the event needs to be posted as a special meeting. Councilmembers Rackley and Watson said they plan to attend the Summit, and Councilmember Hamilton said either he or Councilmember Lewis would likely attend, but there would not be more than three councilmembers in attendance.

School District: Mayor Johnson met with Marilee Hill-Anderson from the Sumner School District to discuss issues including transportation and homelessness. He thanked staff and councilmembers for their participation in the recent Community Summit.

IV. CONSENT AGENDA:

- A. **Approval of Council Minutes:** March 20, 2012 Workshop.
- B. **Approval of Accounts Payable and Utility Refund Checks/Vouchers:** Accounts Payable checks/vouchers #63223-63265 in the amount of \$89,794.94.
Account Payable wire #20120317 in the amount of \$32,955.63.
Accounts Payable check/vouchers #63266 -63325 in the amount of \$173,391.74.
Accounts Payable wire # 9029606 in the amount of \$38,977.42; #20120314 in the amount of \$2,389.90; #20123015 in the amount of \$1,410.95.
Utilities Refund check/voucher #63326 in the amount of \$25.00.
- C. **Approval of Payroll:** Payroll for March 16-31st for checks 30376-30407 including Direct Deposits and Electronic Transfers in the amount of \$ 653,112.90.
- D. **AB12-30 – Resolution 2189 –** A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing The Mayor To Sign A Lease Agreement With Anderson Dairy For The Dairy's Use Of Pasture Located On City-Owned Property.

- E. **AB12-40 – Resolution 2197** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing The Mayor To Surplus Property In Accordance With The Provisions Outlined In BLMC 2.70.100.
- F. **AB12-46 – Ordinance 1421 [D12-46]** – An Ordinance Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, To Approve The Revisions To The Development Policies & Public Works Design Standards.

Councilmember Rackley moved to approve the Consent Agenda. Councilmember Watson seconded the motion.

Consent Agenda approved 6 – 0.

V. FINANCE COMMITTEE ISSUES: None.

VI. COMMUNITY DEVELOPMENT ISSUES:

- A. **AB12-48 – Ordinance 1422 [D12-48]** – An Ordinance Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Repealing Chapter 8.36 And Amending Chapter 8.08 Of The Bonney Lake Municipal Code Related To Handbills.

Deputy Mayor Swatman moved to approve Ordinance 1422. Councilmember Watson seconded the motion.

Community Development Director Vodopich said this ordinance was drafted based on recommendations from legal staff to consolidate two chapters of the code that both addressed handbills, and to address recent case law.

Councilmembers discussed complaints from citizens about advertising circulars from the News Tribune (also known as ‘Yes’ pink bag flyers). Director Vodopich said residents must call the News Tribune subscription line and ask that these advertisements not be delivered, or post ‘no solicitation’ signs on their property. Councilmember Watson said these advertisements have piled up at some residences and it is unsightly. City Clerk Edvalson said he called and requested they stop delivery, but has continued to receive the flyers at his residence. City Attorney Jim Dionne said if residents do not pick up newspapers from their property, it could be considered a nuisance.

The City Attorney said the proposed handbill ordinance does not address the ‘Yes’ advertising flyers directly. He said the City’s code states that advertisements must be placed on the residence itself (i.e. on the door of the house). Newspapers, on the other hand, can be left in the driveway. He said if the advertising circulars are not being placed on the residence itself it could be a violation of the code and the City could prosecute.

Director Vodopich said the City’s Code Enforcement Officer has spoken with at least one delivery person about the flyers, and he sent a copy of the City’s press release to The News Tribune following resident complaints, but he has not heard back from them. Mayor Johnson said he will talk with staff about options and possibly coordinate with the Code Enforcement Officer to observe and address issues with the advertising flyers.

Ordinance 1422 approved 6 – 0.

VII. PUBLIC SAFETY COMMITTEE ISSUES: None.

VIII. FULL COUNCIL ISSUES:

- A. **AB12-44 – Ordinance D12-44** – An Ordinance Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Amending Chapter 13.12 Of The Bonney Lake Municipal Code, Section One Of Ordinance No. 1395, Section ~~Three Two~~ Of Ordinance No. 1333, And Section Five Of Ordinance No. 571c, Relating To Sewer Development Charges For Tenant Improvements

City Clerk Edvalson distributed a substitute ordinance, with the corrected title as above, for the Council's consideration.

Deputy Mayor Swatman moved to approve Ordinance D12-44. Councilmember Rackley seconded the motion.

Deputy Mayor Swatman said it is appropriate to simplify the Municipal Code to make it easier for businesses to move to a new location inside the City. Councilmember Watson said he hopes the ordinance will help empty spaces be occupied more quickly.

Councilmember Minton-Davis moved to table Ordinance D12-44. Councilmember McKibbin seconded the motion.

**Motion to table Ordinance D12-44 approved 4 – 2.
Councilmember Hamilton and
Deputy Mayor Swatman voted no.**

- B. **AB12-45 – Ordinance D12-45** – An Ordinance Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Amending Chapter 19.04 Of The Bonney Lake Municipal Code And Ordinance Nos. 984, 1282, 1316, And 1318 Relating To Traffic Impact Fees.

Councilmember Rackley moved to approve Ordinance D12-45. Deputy Mayor Swatman seconded the motion.

Deputy Mayor Swatman said it is appropriate to set a sunset date for the reduction ordinance, rather than basing its end on the number of permits received. City Attorney Dionne said allowing a limited number of permits might inspire people to act more quickly to take advantage of the program. City Administrator Morrison said an earlier version of the ordinance offered options to sunset the program by a date or by a number of permits.

Councilmember Watson said he feels the ordinance should apply to new housing developments as well as existing empty lots. He also spoke in favor of a higher reduction rate. City Attorney Dionne said if the ordinance was retroactive, someone could ask for a refund after pulling a permit. He said the Council could create a time limit window for when refunds can be requested. He said at present, anyone can withdraw existing permit, request a refund, and then reapply under the reduced fee. He said the City has allowed permits to be extended in the past, which is also an issue.

Councilmember Minton-Davis asked whether the City could require construction to begin within a specific time frame. She said the intention is not to let people buy up the available permits and then not build anything. Director Vodopich said permits expire after a period of time, but customers can reapply and pay a fee to keep the permit active. City Attorney Dionne said extending permits for years is a problem. He said an alternative would be to keep the rate as-is, but provide a refund for projects built within a specific period of time, such as within one year. He said it would be difficult to enforce builders to build by a certain date.

Councilmember Rackley moved to table Ordinance D12-45 to the April 17, 2012 Workshop for discussion. Councilmember Watson seconded the motion.

Councilmember Rackley said issues have come up with the proposed ordinance that need further consideration.

**Motion to table Ordinance D12-45 approved 5 – 1.
Deputy Mayor Swatman voted no.**

IX. EXECUTIVE SESSION: *None.*

X. ADJOURNMENT:

**At 8:03 p.m., Councilmember Rackley moved to adjourn the Council Meeting.
Councilmember Watson seconded the motion.**

Motion to adjourn approved 6 – 0.



Harwood Edvalson, CMC
City Clerk



Neil Johnson, Jr.
Mayor

Items presented to Council at the April 10, 2012 Meeting:

- City Clerk Harwood Edvalson – *Substitute Ordinance D12-44* – City of Bonney Lake.