

CITY COUNCIL MEETING

**August 23, 2016
6:00 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.
www.ci.bonney-lake.wa.us*

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

I. CALL TO ORDER –Mayor Neil Johnson, Jr. called the Meeting to order at 6:02 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 Randy McKibbin, Councilmember Justin Evans, Councilmember Katrina Minton-Davis, Councilmember James Rackley, Councilmember Dan Swatman, and Councilmember Tom Watson. Councilmember Donn Lewis was absent.

Councilmember Rackley moved to excuse Councilmember Lewis. Deputy Mayor McKibbin seconded the motion.

Motion approved 6 – 0.

Staff members in attendance were City Administrator Don Morrison, Administrative Services Director/City Clerk Harwood Edvalson, City Attorney Kathleen Haggard, Chief Financial Officer Cherie Gibson, Human Resources Manager Jenna Richardson, Public Services Director John Vodopich, Police Chief Dana Powers, and Administrative Specialist II Renee Cameron.

- C. Agenda Modifications: None.
- D. Announcements, Appointments and Presentations:
 - 1. Announcements: None.
 - 2. Appointments: None.
 - 3. Presentations:

- a. Recognize Bonney Lake Little League 11U Softball State Champions.

This presentation was tabled to the September 6, 2016 Workshop to allow more of the players to be present for the presentation.

II. PUBLIC HEARINGS, CITIZEN COMMENTS & CORRESPONDENCE:

- A. Public Hearings: None.

- B. Citizen Comments: None.
- C. Correspondence: None.

III. COUNCIL COMMITTEE REPORTS:

- A. Finance Committee: Deputy Mayor McKibbin said the Committee met at 5:00 p.m. earlier in the evening and discussed three new issues: the utility tax ordinance, a sewer development charge study, and the draft legislation budget.
- B. Community Development Committee: Councilmember Swatman said the Committee met on August 16, 2016 and forwarded one item (AB16-89 - Resolution 2544) to the Council meeting for action this evening.
- C. Economic Development Committee: Councilmember Minton-Davis said the Committee has not met since the last Council Meeting.
- D. Public Safety Committee: Councilmember Watson said the Committee has not met since the last Council Meeting.
- E. Other Reports: None.

IV. CONSENT AGENDA:

- A. **Approval of Minutes**: July 14, 2016 Special Meeting, July 19, 2016 Council Workshop, and July 26, 2016 Council Meeting.
- B. **Approval of Accounts Payable and Utility Refund Checks/Vouchers**:
Accounts Payable checks/vouchers Accounts Payable checks/vouchers #74408-74515 (including wire transfer number's 20160801, 20160802, 20160803, and 20160804) in the amount of \$226,531.55; Accounts Payable checks/vouchers #74517-74564 in the amount of \$179,700.49; Accounts Payable checks/vouchers #74565-74568 in the amount of \$3,698.93.

Accounts Payable wire transfer #8172016 in the amount of \$35,526.69 for p-card purchases.

VOIDS: Check #74222 – replaced with check #74516

- C. **Approval of Payroll**: August 1-15th, 2016 for checks #33105-33125 including Direct Deposits and Electronic Transfers is \$ 540,688.
- D. ~~AB16-28 Ordinance D16-28 Impact Fee Deferral Program An Ordinance Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Establishing An Impact Fee Deferral Program For Permits For Single Family Homes.~~ *Moved to Full Council Issues. Item B.*

Councilmember Swatman requested that Consent Agenda Item D – AB16-28 – Ordinance D16-28 be moved to Full Council Issues, Item B.

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

Consent Agenda approved 6 – 0.

V. FINANCE COMMITTEE ISSUES: None.

- A. **AB16-101** – A Motion Of The City Council Of The City of Bonney Lake, Pierce County, Washington To Authorize The Mayor To Offer The Maintenance Worker II/Facilities Up To The Top Of The Salary Range For Maintenance Worker II.

**Councilmember Watson moved to approve the Motion AB16-101.
Councilmember Swatman seconded the motion.**

Motion AB16-101 approved 6 – 0.

Deputy Mayor McKibbin advised that this issue was added to the Finance Committee Meeting agenda earlier today and the Committee fully discussed any concerns or issues it had. Councilmember Rackley asked for clarification of the motion and his concerns. Deputy Mayor McKibbin assured him his questions were addressed to staff and the Committee was confident in moving it to Full Council for action.

City Administrator Morrison clarified the intent of this motion. He advised that he supports the motion given the extent of experience and knowledge of the selected candidate for the Maintenance Worker II/Facilities position, and the City's preparation for succession when the Facilities and Special Projects Manager retires. He said this motion would authorize the City to offer up to the maximum of the salary range. Deputy Mayor McKibbin and Councilmember Watson advised that they thoroughly reviewed and discussed this issue at the Finance Committee, and the savings due to the knowledge and skill of the candidate who has been offered the position.

VI. COMMUNITY DEVELOPMENT COMMITTEE ISSUES:

- A. **AB16-89 – Resolution 2544** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Awarding A Professional Services Agreement With Utility Services Associates, LLC For The 2016 Leak Detection Program. *(Tabled from July 23, 2016 Council Meeting).*

**Councilmember Swatman moved to approve Resolution 2544.
Councilmember Rackley seconded the motion.**

Resolution 2544 approved 6 – 0.

VII. ECONOMIC DEVELOPMENT COMMITTEE ISSUES: None.

VIII. PUBLIC SAFETY COMMITTEE ISSUES: None.

IX. FULL COUNCIL ISSUES:

- A. AB16-100 – Ordinance D16-100** – An Ordinance Of The City Of Bonney Lake, Washington, Authorizing The Issuance Of Water And Sewer Revenue Bonds In A Principal Amount Not To Exceed \$16,000,000 To Finance A Portion Of The Cost Of Constructing A New Public Works Building; Delegating Authority To The City Administrator And Chief Financial Officer To Complete The Sale Of The Bonds; And Providing The Terms And Conditions For Issuing Additional Water And Sewer Revenue Bonds On A Parity With The Bonds Authorized By This Ordinance.

This was the first reading of this proposed ordinance. There was no action taken. Council consensus was to move the item forward for the second reading and possible action.

- B. AB16-28 – Ordinance D16-28** – Impact Fee Deferral Program – An Ordinance Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Establishing An Impact Fee Deferral Program For Permits For Single-Family Homes. *Moved from Consent Agenda, Item D.*

Councilmember Watson moved to approve Ordinance D16-28, Councilmember Swatman seconded the motion.

Councilmember Swatman said he believes that this particular piece of legislation written by the state Legislature is unconstitutional under the Washington State Constitution, per Senate Bill 5923, approved in April 2015 to promote economic recovery in the construction industry. He referred to Section 1.3 which reads "Counties, cities, and towns collecting impact fees must, by September 1, 2016, adopt and maintain a system for the deferred collection of impact fees for single-family detached and attached residential construction."

Councilmember Swatman and other councilmembers said they believe the legislation conflicts with Article 8, Section 7 of the state Constitution, which states: "No county, city, town or other municipal corporation shall hereafter give any money, property, or loan its money, or credit to or in aid of any individual, association, company or corporation, except for the necessary support of the poor and infirm,"

City Attorney Haggard advised that she did not believe this bill and the city's ordinance an unconstitutional lending of credit. She said that not adopting this

ordinance could mean the city is out of compliance with the state, that the city will most likely be challenged by developers that want to defer their impact fees, and that she did not think it was feasible to refuse to comply with the state legislature. She said the City could try to argue that a deferment loses the city money and that if the city thinks they could be losing money that they could recapture it in an administrative fee.

Councilmember Rackley said he is concerned that the State will next require cities to enact a deferral program for sewer development charges. City Attorney Haggard said there is no indication that the state is moving in that direction.

Councilmember Minton-Davis said she was unsure how the state could control how cities collect these fees, while the bill doesn't affect the state in any way and asked whether or not developers would even use the deferment program, since it costs \$200 and takes time to apply.

Councilmember Minton-Davis asked Public Services Director Vodopich to have the Permit Center Lead include this fee in the building permit activity presentation during the next quarter report. Director Vodopich advised he would and also stated that the Association of Washington Cities was also opposed to this legislation.

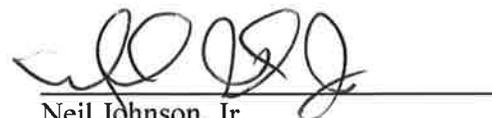
**Ordinance D16-28 Failed 2 – 4.
Councilmembers Evans, Rackley,
Swatman and Watson voted no.**

X. EXECUTIVE/CLOSED SESSION: None.

XI. ADJOURNMENT:

At 6:28 p.m. the Meeting was adjourned by common consent of the City Council.


Harwood Edvalson, MMC
City Clerk


Neil Johnson, Jr.
Mayor

Items presented to Council at the August 23, 2016 Meeting:

- City Administrator Don Morrison, *City of Bonney Lake PWC Water & Sewer Revenue Bonds, 2016 Schedule of Events (As of August 16, 2016).*

Note: Unless otherwise indicated, all documents submitted at City Council meetings and workshops are on file with the City Clerk. For detailed information on agenda items, please view the corresponding Agenda Packets, which are posted on the city website and on file with the City Clerk.