

**CITY COUNCIL MEETING**

**April 14, 2009  
7:00 P.M.**

**AGENDA**



**"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)

**SIGN-UP TO SPEAK FOR SPECIFIC ACTION ITEMS ON THE AGENDA:** *If you have signed-up prior to the Council meeting to speak with respect to a particular ordinance or resolution appearing on the agenda, you will be recognized to address the Council for up to one minute before the Council takes action on that item. Those wishing to address such items on the "Consent Agenda" should do so during the "Citizen Comments" portion of the Agenda. If the Council chooses to discuss the item further after taking comments, they may restrict additional public comment before taking action. Please look for the sign-up sheets near the Council Chamber doorway. (See Item II B. for Citizen Comments on other items of City business.)*

**I. CALL TO ORDER – Mayor Neil Johnson, Jr.**

A. Flag Salute – Mayor Neil Johnson, Jr.

B. Roll Call:

Elected Officials: Mayor Neil Johnson, Jr., Deputy Mayor Dan Swatman, Councilmember David Bowen, Councilmember Laurie Carter, Councilmember Dan Decker, Councilmember Mark Hamilton, Councilmember Dave King and Councilmember Jim Rackley.

[Management Staff expected to be in attendance: City Administrator Don Morrison, Public Works Director Dan Grigsby, Police Chief Mike Mitchell, Community Development Director John Vodopich, Chief Financial Officer Al Juarez, Administrative Services Director Harwood Edvalson, Community Services Director Gary Leaf, and City Attorney Jim Dionne.]

C. Announcements, Appointments and Presentations:

1. Announcements:

2. Appointments:

3. Presentations: [A 1.2]

a. **Proclamation:** April 18<sup>th</sup> – Arbor Day in Bonney Lake.

b. **Proclamation:** April 18<sup>th</sup> – Parks Appreciation Day in Bonney Lake.

D. Agenda Modifications:

**II. PUBLIC HEARINGS, CITIZEN COMMENTS & CORRESPONDENCE:**

A. Public Hearings: None.

B. Citizen Comments:

*You may address the City Council on matters of City business for up to 5 minutes. Those commenting about ordinances or resolutions on the "Consent Agenda" should limit their comments to one minute per item. When recognized by the Mayor, please state your name and address for the official record. Designated representatives speaking on behalf of a group may take up to 10 minutes on matters of general City business.*

- C. Correspondence: [A 1.2]

### III. COUNCIL COMMITTEE REPORTS:

- A. Finance Committee
- B. Community Development Committee
- C. Public Safety Committee
- D. Other Reports

### IV. CONSENT AGENDA:

*The items listed below may be acted upon by a single motion and second of the City Council. By simple request to the Chair, any Councilmember may remove items from the Consent Agenda for separate consideration after the adoption of the remainder of the Consent Agenda items.*

- A. **Approval of Corrected Minutes:** [March 17, 2009 Council Workshop](#), [March 24, 2009 Council Meeting](#), and [March 28, 2009 Special Council Meeting](#).
- B. **Accounts Payable Checks/Vouchers:** Accounts Payable checks/vouchers #54940 thru 55015 in the amount of \$149,928.40; Accounts Payable checks/vouchers #54941 in the amount of \$50.00; Accounts Payable checks/vouchers #55016 in the amount of \$52.23 for utility account refund; Accounts Payable checks/vouchers #55017 thru 55091 in the amount of \$391,752.30; Accounts Payable checks/vouchers #55092 thru 55162 in the amount of \$591,552.95; Accounts Payable checks/vouchers #55163 thru 55199 in the amount of \$1,675.28 for utility account refunds.
- C. **Approval of Payroll:** Payroll for March 16-31, 2009 for checks 28112-28144 including Direct Deposits and Electronic Transfers in the amount of: \$ 547,884.43.
- D. **AB09-14 – Ordinance D09-14** – An Ordinance of the City of Bonney Lake, Pierce County, Washington, Adding a New Section to Bonney Lake Municipal Code Chapter 12.04 and Amending Public Works Design Standard 606.
- E. **AB09-59 – Ordinance D09-59** – An Ordinance of the City of Bonney Lake, Pierce County, Washington, Amending Section 5.17.010 of the Bonney Lake Municipal Code and Section 1 of Ordinance No. 1256 Relating to the Licensing and Regulation of Nightclub Establishments.
- F. **AB09-63 – Resolution 1934** – A Resolution of the City Council of the City of Bonney Lake, Pierce County, Washington, Authorizing a Contractor Agreement with Doolittle Construction, LLC for the 2009 Chip Seal Application.
- G. **AB09-65 – Resolution 1935** – A Resolution of the City Council of the City of Bonney Lake, Pierce County, Washington, Awarding the 82nd Street Court E Sanitary Sewer Contract to Big Mountain Enterprises.
- H. **AB09-55** – A Motion of the Bonney Lake City Council, Pierce County, Washington, Accepting As Complete The Public Works Prefabricated Modular Building Contract with Modern Building Systems, Inc.

### V. FINANCE COMMITTEE ISSUES:

- A. **AB09-67 – Resolution 1937** – A Resolution of the City Council of the City of Bonney Lake, Pierce County, Washington, Authorizing the Mayor to Accept a Donated Parcel of Land from the Crystal Meadows HOA.

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

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

**VIII. FULL COUNCIL ISSUES:**

- A. **AB09-64 – Ordinance D09-64** – An Ordinance of the City of Bonney Lake, Pierce County, Washington, Changing the Zoning Designation on Parcels 5640001864, 5640001865, 5640001866, and 5640001867 from Single Family Residential (R-1) to High Density Residential (R-3) Under the Name of Hulburt Under the File Number PLN-2009-01152 through a Site-Specific Rezone (BLMC 18.52.030).
- B. **AB09-61 – Ordinance D09-61** – An Ordinance of the City Council of the City of Bonney Lake, Pierce County, Washington, Amending Chapter 19.04.015 of the Bonney Lake Municipal Code Relating to a Temporary Traffic Impact Fee Rebate Program.
- C. **AB09-62 – Ordinance D09-62** – An Ordinance of the City Council of the City of Bonney Lake, Pierce County, Washington, Adding a New Chapter 3.70 to the Bonney Lake Municipal Code Relating to Temporary Incentives to Encourage Business Investment in Commercial Building.
- D. **AB09-69 – Ordinance D09-69** – 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 the Corresponding Portions of Ordinance Nos. 1230, 1123, and 984 Relating to Transportation Impact Fees.

**IX. EXECUTIVE SESSION:** Pursuant to RCW 42.30.110, the City Council may hold an executive session. The topic(s) and the session duration will be announced prior to the executive session.

**X. ADJOURNMENT**

**For citizens with disabilities requesting translators or adaptive equipment for communication purposes, the City requests notification as soon as possible of the type of service or equipment needed.**

**THE COUNCIL MAY ADD AND TAKE ACTION ON OTHER ITEMS NOT LISTED ON THIS AGENDA**



# Proclamation

**WHEREAS**, 2009 is the 137th anniversary of Arbor Day which is observed throughout the nation and the world; and

**WHEREAS**, Saturday April 18th has been set aside as the official Arbor Day in the City of Bonney Lake; and

**WHEREAS**, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce life-giving oxygen, and provide habitat for wildlife; and

**WHEREAS**, trees are a renewable resource giving us paper, wood for homes, and beauty to our community; and

**WHEREAS**, trees, wherever they are planted, are a source of joy and renewal.

**NOW, THEREFORE**, I, Neil Johnson, Jr., Mayor of the City of Bonney Lake, Washington, do hereby proclaim:

**Saturday April 18<sup>th</sup>, 2009**  
***Arbor Day in the City of Bonney Lake***

And urge all citizens and property owners to celebrate Arbor Day; and to support efforts to protect our trees and woodlands; and to plant trees to gladden the heart and promote the well-being of this and future generations.

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Mayor Neil Johnson

Date



## *Proclamation*

**WHEREAS**, Parks, playgrounds, nature trails, open spaces, community and cultural centers, and historic sites make a community attractive and desirable places to live, work, play, and visit and contribute to our ongoing economic vitality; and

**WHEREAS**, Parks are a place where people can reflect, exercise, play, socialize, and have fun; and

**WHEREAS**, public parks and open spaces help build a sense of community and are places where everyone is welcome; and

**WHEREAS**, numerous jurisdictions, cities and organizations, including Bonney Lake, have joined together to create an event that encourages citizens to celebrate the value and enhanced quality of life that parks bring to our communities; and

**WHEREAS**, Starbucks and many other businesses, benefactors, organizations and donors have provided sponsorships and donations to support this event that will bring citizens together to support their local parks; and

**WHEREAS**, thousands of citizens throughout Pierce County will volunteer their time to clean-up and beautify parks and open spaces on Saturday, April 18, 2009.

**NOW, THEREFORE**, I, Neil Johnson, Mayor of the City of Bonney Lake, Pierce County, Washington, proclaim April 18<sup>th</sup>, 2009 as:

## *Parks Appreciation Day!*

**And encourage all citizens to celebrate by participating in this event and assisting to clean up and beautify Bonney Lake's parks, trails, and open spaces.**

**Dated this 14<sup>th</sup> day of April, 2009**

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Mayor Neil Johnson

CITY COUNCIL WORKSHOP

City of

March 17, 2009  
5:30 p.m.



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.

MINUTES

"Where Dreams Can Soar"

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Audio Time Stamp ↓

**Call to Order:**

Mayor Neil Johnson, Jr. called the Workshop to order at 5:32 p.m.

**Roll Call:** [A13]

Records & Information Specialist Susan Duis 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 David King and Councilmember James Rackley. Councilmember David Bowen was absent.

**Councilmember Decker moved to excuse Councilmember Bowen's absence from the Workshop. Councilmember Carter seconded the motion.**

**Motion approved 6 – 0.**

[Staff Members in attendance were City Administrator Don Morrison, Chief Financial Officer Al Juarez, Community Development Director John Vodopich, Police Chief Mike Mitchell, Public Works Director Dan Grigsby, Building Official Jerry Hight, Community Services Director Gary Leaf, Deputy City Attorney Jeff Ganson and Records & Information Specialist Susan Duis.]

**Agenda Items:**

**Councilmember King moved to amend the agenda to add a presentation by local real estate agent Ken Freed as item 3 on the agenda. Councilmember Rackley seconded the motion.**

**Motion approved 6 – 0.**

5:35:44

1. **Action: AB09-45 – Ordinance 1312** – An Ordinance of the City of Bonney Lake, Pierce County, Washington, Relating to the Permit and Permit Application Extensions and Amending Section 15.04.081 of the Bonney Lake Municipal Code and the Corresponding Sections of Ordinances 1308, 1230, and 1035.

**Councilmember Rackley moved to approve Ordinance 1312. Councilmember Decker seconded the motion.**

One person signed up to speak on the proposed ordinance.

Louisa Smith, 20112 Church Lake Rd, Bonney Lake, said she wanted to provide some information about Councilmember Decker's building permit history, saying he does have a personal interest in the ordinance. She said many years ago, Mr. Decker got a building permit to build an accessory dwelling unit on his property, which would be

used as the main residence once it was finished. She said the permitting became complicated. She said her house is behind Mr. Decker's, and she has watched the house being built. She said the building has taken a very long time to complete. Ms. Smith said the revised permit ordinances are a good thing, but they will not change the situation with Mr. Decker's ongoing building permit. She said Mr. Decker should recuse himself from voting on the ordinance as he has a personal interest in this issue.

Councilmember Decker said the ordinance does not affect permits he already has, and the City Attorney previously confirmed that there is no conflict of interest in his voting on the original ordinance. He added that he has spoken to the Municipal Research Services Center about the ordinance and feels the ordinance may open the City up to lawsuits as it is written. Deputy City Attorney Ganson confirmed that the original and proposed ordinances are not quasi-judicial and there is no conflict of personal interest for councilmembers. He said his office has reviewed the proposed ordinance and found no legal issues, and has not received any information on any potential legal liability from Mr. Decker or MRSC.

City Administrator Morrison said this proposed ordinance only changes a small portion of Ordinance 1308, which Council passed on March 10, 2009. It revises the ordinance to ensure that permits expire after the maximum time period of four years. Deputy City Attorney Ganson said the intent of the new permit code is to benefit existing permit holders, not negatively affect them, and should not increase costs for permit holders. Building Official Jerry Hight said this revision ordinance ensures the maximum life of a permit will not be over four years, and if an existing permit is extended it could last four additional years. Deputy City Attorney said his reading of the ordinance is that all permits, including existing permits, may not remain active beyond four years total, which differs from the Building Official's interpretation. Mr. Ganson noted the draft ordinance now under consideration does not change the original ordinance related to the maximum life of existing permits.

Mayor Johnson asked the City Attorney and Building Official to review the language in the municipal code to ensure their interpretations of this chapter are in agreement. He said if additional amendments are needed to further clarify the language in the code, staff should bring proposed revisions to the ordinance to the Council.

**Motion approved 6 – 0.**

5:49:09

2. **Action: AB09-40 – Resolution 1921** – A Resolution of the City Council of the City of Bonney Lake, Pierce County, Washington, Authorizing a Contract with RH2 Engineering for the Design of the Leaky Water Main Replacement Project, Phase 2B.

**Councilmember Rackley moved to approve Resolution 1921. Councilmember Decker seconded the motion.**

Public Works Director Grigsby said the proposed contract includes costs for the design of 500' of sidewalks in the area where repairs would be done. The revised agenda bill shows how the cost for the project design and sidewalk design will be applied to the budget. Deputy Mayor Swatman noted that the larger area is listed in the Non-Motorized Transportation Plan as a future sidewalk project. However, that area is listed for 'moderate' need on the plan. He asked whether designing a small portion of the

sidewalk in this area would cost more or less to the City, and whether sidewalk construction for the area should be made a higher priority. Director Grigsby said staff included sidewalk design in the proposed project based on lessons learned in the Church Lake park stormwater construction, where there was a safety concern with people walking over the ditch. Councilmembers discussed the project's relation to the overall non-motorized transportation plan, safety concerns, and costs.

**Councilmember Rackley moved to amend the contract to remove sidewalk design from the scope of work and cost. Councilmember Decker seconded the motion.**

Director Grigsby confirmed that removing sidewalk design from the scope of work would reduce the cost for Resolution 1921 by about \$4,500. These funds could be applied to other sidewalk projects around in the City that have higher priority.

**Motion to amend  
approved 6 – 0.**

**Original main motion  
approved 6 – 0.**

6:01:06

3. **Presentation:** Real Estate Data from Ken Freed

The Council heard a brief presentation on residential housing data by real estate agent Ken Freed. He described the difference between short sales and bank-owned homes and provided data of the types of homes available for sale in Bonney Lake today. He said pending sales have gone up while the number of sales per month has slowed down. There are more short sales on record, and about 230 homes are currently listed as in pre-foreclosure or foreclosure status in the Bonney Lake zip code. He said real estate lists show about 200 homes available in Bonney Lake are currently vacant, some of which are new construction homes.

Councilmember Hamilton expressed concern about public safety related to abandoned and foreclosed homes. Mr. Freed said he could provide the Police Department with lists of vacant homes if they wanted. He said most banks hire companies to look over and secure vacant homes, and residents should report problems to the City, who can then notify whoever is responsible for the property. Councilmember King said banks are responsible for homes they have foreclosed on, and the City needs to communicate with banks, realtors and homeowner's associations to help monitor vacant homes.

Councilmembers thanked Mr. Freed. Deputy Mayor Swatman said the Finance Committee plans to schedule a special meeting for a full presentation from Mr. Freed.

6:24:02

4. **Council Open Discussion:**

Local Doctor Issue

Councilmember Rackley asked for an update on an issue regarding a local doctor. Mayor Johnson said he is reviewing a draft ordinance that should be available soon.

Youth Forum

Councilmember Rackley said he was impressed by the results of the Bonney Lake High

School Youth Forum. He said he has read many of these reports over the years and the City received a good 'grade.' Mayor Johnson said the students were engaged and offered great comments. Councilmember Carter suggested the Mayor share the report with the Chamber of Commerce, Park Board and other groups.

#### Water Rebate Program

Councilmember Carter said Cascade Water Alliance offers a rebate program for toilet replacements. She noted Bonney Lake is involved with the 'Washwise' rebate program for clothes washers and asked about this other program. Deputy Mayor Swatman said the Finance Committee will review this item. Councilmember Rackley noted that there are many newer homes in Bonney Lake that already have higher efficiency toilets.

#### Veteran's Memorial Roadway

Councilmember Carter said the naming of a Memorial Highway is on the draft agenda items for the Council Retreat on March 28, 2009. She said the Council should focus and make a commitment to this project, and to identify possible City-owned sites for a memorial. She said this will help the Greater Bonney Lake Veteran's Memorial Committee with fundraising and site selection. Mayor Johnson said the Council will discuss this item and view maps at the upcoming retreat.

#### Park and Facility Naming Ad Hoc Committee

Councilmember Carter asked for an update on the ad hoc committee. Deputy Mayor Swatman said the ad hoc committee is nearly done working on a draft ordinance.

#### 60<sup>th</sup> Anniversary Celebration

Councilmember Carter suggested a 60<sup>th</sup> Anniversary image be incorporated into the City logo this year for special events and signs. She suggested if councilmembers are interested, they could purchase commemorative pins to hand out at events.

#### Eminent Domain

Mayor Johnson said he traveled to Olympia on March 13, 2009 to testify against proposed House Bill #1332, which would grant eminent domain powers to entities like Cascade Water Alliance inside city limits. He attended with Pierce County Councilmember Shawn Bunney and others from the Farm Bureau and the Lake Tapps HOA. He said CWA has pushed for such a bill for several years, and local representatives are working to stop the bill from moving forward. He said the parties had agreed not to testify or push the bill but CWA took an active role, so he went to testify as well. Councilmember Hamilton said an agreement must be put in place soon, and the County has not stepped up to do their job. Councilmember King said local and city officials need to keep state and national representatives aware and informed of the impacts of their actions. He expressed concern with the lack of support for cities from state and federal government.

6:45:50

5. **Review of Council Minutes:** March 3, 2009 Council Workshop and March 10, 2009 Council Meeting.

Councilmember Carter noted there is an incomplete sentence on p. 4 of the March 3, 2009 minutes. Consensus was to move the minutes forward to the March 24, 2009 Meeting with corrections.

6:44:38

6. **Discussion:** March 28<sup>th</sup> Council Retreat Topics and Location.

Councilmembers discussed items on a draft agenda list. Council consensus was to forward the following items from the retreat agenda to a future workshop for discussion: Bonney Lake Municipal Code revisions, code enforcement issues, and Interim Justice Center updates. The draft agenda items for the retreat are budget contingency planning, CUGA discussion, long-range park and recreation goals, council vision and goal setting and open discussion. Mayor Johnson said the location of the retreat would be confirmed in the coming week.

7. **Executive Session:** None.

6:57:51

8. **Adjournment:**

**At 6:57 p.m., Councilmember Rackley moved to adjourn the workshop. Councilmember Carter seconded the motion.**

**Motion approved 6 – 0.**

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Harwood T. Edvalson, CMC  
City Clerk

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Neil Johnson, Jr.  
Mayor

Items submitted to the Council Workshop of March 17, 2009:

- ♦ Bonney Lake Citizen – *Bonney Lake Real Estate Data* – Ken Freed.

CITY COUNCIL MEETING

March 24, 2009  
7:00 P.M.

MINUTES



"Where Dreams Can Soar"

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Audio Time  
Stamp ↓

I. **CALL TO ORDER** – Mayor Neil Johnson 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: [A 1.3]

City Clerk Edvalson called the roll. In addition to Mayor Johnson, 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, Deputy City Attorney Jeff Ganson, Chief Financial Officer Al Juarez, Community Development Director John Vodopich, Police Chief Mike Mitchell, Public Works Director Dan Grigsby, Community Services Director Gary Leaf, Administrative Services Director/ City Clerk Harwood Edvalson and Records & Information Specialist Susan Duis.]

C. Announcements, Appointments and Presentations: [A 3.6.9]

1. Announcements:

Mayor Johnson announced that the City was awarded with a 'Well City Award' for the second year in a row. He congratulated Human Resources Officer Jenna Young and the staff on the Wellness Committee for their great work.

The Mayor also announced that Maintenance Worker H.D. Messinger received his arborist certification recently.

2. Appointments: None.

3. Presentations:

a. **Proclamation in Support of the 2010 Federal Census.**

Mayor Johnson read the proclamation aloud. City Administrator Morrison noted that census workers will be going door to door in town during the first week in April.

D. Agenda Modifications:

Councilmember King said an issue was discussed during the Finance Committee meeting that will be addressed in an executive session at the end of the Council Meeting. He said a possible action item may come out of the executive session.

**Councilmember King moved to allow for an action item to be placed on the agenda after the Executive Session if necessary. Councilmember Decker seconded the motion.**

Motion approved 7 – 0.

7:06:20

**II. PUBLIC HEARINGS, CITIZEN COMMENTS & CORRESPONDENCE:**

- A. Public Hearings: None. [A 3.6.12]
- B. Citizen Comments: [A 1.5]

Andy Gomen, 19006 Bonney Lake Blvd., Bonney Lake, said he has lived in Bonney Lake three years. He said he really likes the community and feels like this is where he wants to spend the rest of his life. His only concern is traffic congestion on 410 and growth in the area. He asked if the City has plans or is doing studies to keep it from becoming like Meridian Ave in Puyallup. Public Works Director Grigsby said the City is doing what it can. He listed various methods, including limiting access points along the highway, creating a double-left-turn lane at Old Sumner Buckley Hwy, adding traffic signals installing sidewalks, and WSDOT's plans to widen 410.

- C. Correspondence: None. [A 1.2]

7:09:06

**III. COUNCIL COMMITTEE REPORTS:** [A 3.6.4]

- A. Finance Committee: Deputy Mayor Swatman said the committee met at 5:30 p.m. earlier in the evening, and discussed personnel updates, third-party utility billing for multi-family units; low-flow appliance rebates; and options and issues regarding utility billing liens. He said H.D. Messinger's arborist certification saves money as the City will not have to contract out for all of those services.
- B. Community Development Committee: Councilmember Rackley said the committee met on March 16, 2009 and forwarded several items to the Consent Agenda.
- C. Public Safety Committee: Councilmember King said the committee has not met since the last Council Meeting. The next scheduled meeting is April 6, 2009.
- D. Other Reports:

Rainier Cable Commission

Councilmember Rackley attended the Rainier Cable Commission meeting on March 18, 2009 and heard various reports. He said the City of Bonney Lake's franchise agreement with Comcast has expired, and he provided the City Attorney with a draft renewal contract created with input from RCC member cities.

7:12:44

**IV. CONSENT AGENDA:** [A 3.6]

- A. Approval of Corrected Minutes: March 3, 2009 Council Workshop and March 10, 2009 Council Meeting.
- B. Accounts Payable Checks/Vouchers: Accounts Payable checks/vouchers #54796 thru #54845 (including wire transfer # 2262009) in the amount of \$686,845.11. Accounts Payable checks/vouchers #54846 in the amount of \$95.29 for utility

account refunds. Accounts Payable checks/vouchers #54847 thru 54852 in the amount of \$311.21 for utility account refunds. Accounts Payable checks/vouchers #54853 thru 54939 (including wire transfer # 4492468) in the amount of \$143,341.91.

- C. **Approval of Payroll:** Payroll for March 1-15th, 2009 for checks 28082-28111 including Direct Deposits and Electronic Transfers in the amount of: \$ 387,580.83.
- D. **AB09-27 – Resolution 1916** – A Resolution of the City Council of the City of Bonney Lake, Pierce County, Washington, Authorizing a Renewed Contract for Access to County GIS Systems with Pierce County for a Term of 5 Years Starting January 1st 2009 Ending on December 31st 2013.
- E. **AB09-28 – Resolution 1917** – A Resolution of the City Council of the City of Bonney Lake, Pierce County, Washington, Authorizing a Renewed Subscription Agreement for Digital Orthophotography with Pierce County in the Amount of a Yearly Maintenance Fee of \$7,500.00 Per Year for a Term of Three Years.
- F. ~~**AB09-39 – Resolution 1920** – A Resolution of the City Council of the City of Bonney Lake, Pierce County, Washington, Authorizing an Agreement with Bonney Lake Food Bank to Operate the Concession Stand at Allan Yorke Park for May 2009 until April 2010. Moved to Finance Committee Issues, Item A.~~
- G. **AB09-47 – Resolution 1925** – A Resolution of the City Council of the City of Bonney Lake, Pierce County, Washington, Authorizing a Construction Services Agreement with CTI Inc. to Remove Excess Dirt from the Future Public Works Maintenance Facility off of 96th Street East.
- H. **AB09-50 – Resolution 1926** – A Resolution of the City Council of the City of Bonney Lake, Pierce County, Washington, Authorizing a Professional Services Agreement with Stripe Rite, Inc. for the 2009 Street Striping Project.
- I. **AB09-52 – Resolution 1927** – A Resolution of the City Council of the City of Bonney Lake, Pierce County, Washington, Authorizing a Water Developer Extension Agreement with Lakeland East LLC for the Lakeland Planning Area 16 Developments.
- J. **AB09-53 – Resolution 1928** – A Resolution of the City Council of the City of Bonney Lake, Pierce County, Washington, Authorizing a Water Developer Extension Agreement with Lakeland East LLC for the Lakeland Planning Area 7 Development.
- K. **AB09-54 – Resolution 1930** – A Resolution of the City Council of the City of Bonney Lake, Pierce County, Washington, Authorizing a Water and Sewer Developer Extension Agreement with Mr. Bart Tracy for the Tracy Long Plat.

Deputy Mayor Swatman asked that Item F., Resolution 1920, be moved to Finance Committee Issues, Item A., for discussion.

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

**Consent Agenda approved  
as modified 7 – 0.**

**V. FINANCE COMMITTEE ISSUES:**

- A. **AB09-39 – Resolution 1920** – A Resolution of the City Council of the City of Bonney Lake, Pierce County, Washington, Authorizing an Agreement with Bonney Lake Food Bank to Operate the Concession Stand at Allan Yorke Park for May 2009 until April 2010.

Deputy Mayor Swatman said the Finance Committee had requested additional information that is now available, regarding the City's cost to maintain the concession stand. He said the City pays about \$500 per year for utilities expenses (at about \$100 per month for five months each year). Deputy Mayor Swatman said the costs are well worth the investment to have a summer lunch program in the community.

Councilmember King agreed and noted that several items on the previously passed consent agenda also show how the City is saving money whenever possible. He noted the dirt removal contract and striping services bid in particular. He said the concession stand has been run effectively and benefits kids who need a free lunch option in the summer months.

**Motion approved 7 – 0.**

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

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

7:17:39

**VIII. FULL COUNCIL ISSUES:**

- A. **AB09-38 – Ordinance 1313** – An Ordinance of the City of Bonney Lake, Pierce County, Washington, Amending Section 19.04.050 of the Bonney Lake Municipal Code Relating to the Annual Adjustment of Transportation Impact Fees.

**Councilmember Rackley moved to approve Ordinance 1313. Councilmember Decker seconded the motion.**

Kathey Fewins, 1302 Puyallup St, Sumner, spoke as a representative of Investco and thanked the City for working to attract investors to the community. She said any reductions in fees are appreciated and urged the Council to support the ordinance.

Councilmember Rackley said the Council is looking at other incentive options to include midtown in a sales tax rebate. Councilmember Hamilton said he would not support the proposed ordinance. He said the City's road infrastructure has been neglected and the Council should not target Traffic Impact Fees alone. He noted that Bonney Lake's system development charges (SDCs) for sewer and water are much higher than other cities in the area. He suggested the Council review options to reduce all fees and charges comprehensively. He said he did not feel that reducing

the TIF will make a difference for larger restaurant chains, and expressed concern that the Council is backing away from the TIF.

Mayor Johnson said he voted for Traffic Impact Fees in the past and does not want to eliminate them. He said the CCI adjustment for 2009 was very high and bids today are coming in far below engineer's estimates, so the rate is not realistic. He agreed that the City should continue to look for other ways to encourage businesses to locate in Bonney Lake.

Councilmembers Decker and Rackley spoke in support of the proposed ordinance. Councilmember Rackley said the City should not eliminate the TIF, but said the costs used to calculate the 2009 rate adjustment were based on \$200 per barrel oil and other costs that no longer exist. He said the next rate adjustment for 2010 will likely adjust the TIF rates back down. Deputy Mayor Swatman agreed with Councilmember Hamilton, and said the Council fought hard to implement a TIF for the City. He spoke in favor of an ordinance that targets specific types of businesses, rather than benefiting all types of businesses. He said this proposed ordinance is likely to pass with a majority vote, and he would not vote in favor of it.

**Motion approved 5 – 2.  
Deputy Mayor Swatman  
and Councilmember  
Hamilton voted no.**

- B. **AB09-49 – Resolution 1929** – A Resolution of the City Council of the City of Bonney Lake, Pierce County, Washington, Adopting the Street Tree Master Plan as Complete.

**Councilmember King moved to approve Resolution 1929. Councilmember Carter seconded the motion.**

Councilmember King thanked staff, including H.D. Messinger and Gary Leaf, who have taken on additional projects like this one that benefit the City. Councilmember Rackley asked that the Street Tree plan be forwarded to the high school.

**Motion approved 7 – 0.**

## **IX. EXECUTIVE SESSION:**

Pursuant to RCW 42.30.110(1)(b) and RCW 42.30.110(1)(i) the City Council adjourned to an Executive Session with the City Attorney at 7:35 p.m. to discuss current litigation for five minutes. He said the Council might take action after the Executive Session. The Meeting reconvened at 7:41 p.m. and the following item was added to the agenda as an action item:

- A. **AB09-58 – Resolution 1933** – A Resolution of the City of Bonney Lake, Pierce County, Washington, Authorizing a Settlement Agreement Between the City of Bonney Lake and Anne and Brian Barton in the Amount of \$5,000.

**Councilmember Decker moved to approve Resolution 1933. Deputy Mayor Swatman seconded the motion.**

Mayor Johnson thanked the City Attorney's office and WCIA for their work to bring this item to a conclusion.

**Motion approved 7 – 0.**

7:43:01

**X. ADJOURNMENT:**

**At 7:43 p.m. Councilmember Decker moved to adjourn the meeting. Deputy Mayor Swatman seconded the motion.**

**Motion approved 7 – 0.**

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Harwood Edvalson, CMC  
City Clerk

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Neil Johnson  
Mayor

*No items were submitted to the Council Meeting of March 24, 2009.*

**SPECIAL CITY COUNCIL  
MEETING - RETREAT**

**March 28, 2009  
8:30 A.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](http://www.ci.bonney-lake.wa.us)*

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**LOCATION: Windermere Conference Room, 18008 SR 410 E., Bonney Lake**

Audio Time  
Stamp ↓

**I. CALL TO ORDER** – Mayor Neil Johnson called the meeting to order at 8:32 a.m.

**Roll Call:**

Records & Information Specialist Susan Duis called the roll. In addition to Mayor Johnson, 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, Community Development Director John Vodopich, Police Chief Mike Mitchell, Public Works Director Dan Grigsby, Community Services Director Gary Leaf, Court Administrator Kathy Seymour and Records & Information Specialist Susan Duis.]

**II. DISCUSSION TOPICS**

8:33 a.m.

**1. Council Visioning and Goal Setting**

- A. Review/Update Council Vision Statements
- B. Review/Update Council Goals

City Administrator Don Morrison facilitated the Retreat discussions. The Councilmembers began by discussing both Council vision statements and goals concurrently, and by proposing various revisions.

*Growth Vision & Goals:* Topics discussed included areas for potential annexation or utility services lying to the north, east and south of the City. Councilmembers added a goal to "Develop a tri-city agreement with Sumner and Auburn and encourage Pierce County to include urbanized areas in the Urban Growth Area."

*Economic Development Vision & Goals:* Councilmembers discussed special events, formation of an economic development committee, and local employment opportunities. The first goal was revised to read, "Develop a closer relationship with the Chamber, including involvement in Bonney Lake Days, beautification projects, and farmer's/flea markets."

*Parks and Community Center Vision & Goals:* Councilmembers discussed opportunities for a community center, YMCA or Boys & Girls Club, regional parks and recreation options, potential land acquisition and costs, etc. The first goal was revised to read "Pursue opportunities for a YMCA, Boys & Girls Club, community center, etc."

*Water Resources Vision & Goals:* Topics discussed included water supplies, sewer treatment plant options, and current and future service demands. The following goal was added: "Research all other water sources available."

**The Retreat was recessed for a short break at 9:54 a.m. and resumed at 10:06 a.m.**

*Town Center / New Civic Center Vision & Goals:* The Council discussed implementing the downtown plan in phases, and required property acquisitions in the Civic Center area. Community Development Director Vodopich noted that the plans for the Interim Justice Center building have been through the Design Commission and the City expects to go out to bid for construction in May or June of 2009. The goals were revised to refer to continuing, rather than beginning, land acquisition, IJC, and Downtown identity. The goal to "Prioritize new street signs" was removed. A new goal was added to "Upgrade public/private utilities infrastructure in the Downtown."

*Transportation Vision & Goals:* Topics discussed were crossings over and under 410, upcoming projects, and funding options. Councilmember Bowen suggested buses could be rerouted across 410 at Main St to provide safer passenger access. The first transportation goal was revised to read "Pursue ~~Increase~~ increase funding options sources to implement ..." The last goal was revised to "Continue street resurfacing (overlays and chip seals) according to plan."

*Staff Development and Retention Vision & Goals:* Councilmembers discussed education and training incentives, certification pay and personnel updates. Two goals were added: "Develop departmental succession planning strategies," and "Continue to focus on individual development."

*Community Outreach Vision & Goals:* Items discussed included the City's cable franchise agreement, neighborhood meetings, and options for televised meetings through Rainier Cable Commission. The second goal was revised to include review of a cable franchise agreement.

*Public Safety Vision & Goals:* Councilmembers discussed animal services and emergency preparedness. The first goal was revised to "Retain space for a possible future ~~Develop~~ a Bonney Lake Animal Shelter." The following goal was added: "Update the City's emergency plan including extended response capability (7-10 days) for water, sewer and public safety."

C. Goal Prioritization (5 dot exercise)

Each councilmember reviewed the list of goals and marked their top five priorities. City Administrator Morrison said this information would be used to help in future planning.

**The Retreat was recessed for a short break at 11:25 a.m. and resumed at 11:33 a.m.**

11:33 a.m.

2. **Council Strategy Session: Budget Contingency Plans**

Councilmembers reviewed the projected expenditures and revenues for the current biennium through 2014. Deputy Mayor Swatman asked about the projected growth in the budget models and other variables that could affect the budget. City Administrator Morrison said the

projections are based on past performance and conservative estimates. He said the Council should consider how much of the fund balance they would be willing to spend down. Councilmembers discussed contingency planning, including item freezes, employee hour reduction, furloughs, etc. Councilmember Carter said she does not support freezing funding for the Stream Team. The Council also discussed additional budget reductions that could be triggered if revenues do not meet a minimum level by mid-year. Department directors described various cost-saving measures taken by City staff. Councilmembers asked to be provided with regular updates on expenditure reductions. They also encouraged the Mayor to let the public know about how specific employees are taking steps to save City funds.

**Mayor Johnson recessed for lunch at 1:00 p.m. The Retreat resumed at 1:20 p.m.**

1:20 p.m.

3. **Council Strategy Session: CUGA Annexation, including sewer considerations**

Director Vodopich provided a summary of the draft annexation study provided by AHBL consultants. Councilmembers discussed possible annexation areas and options, costs to provide services to annexed areas, and long-term residential and commercial development considerations. Councilmembers suggested the City should begin talking with residents of annexation areas to the South of the City limits to determine the level of interest. After initial discussions the City can begin pre-annexation work with the County and consider options for an election in 2010 or later. Councilmembers discussed concerns of maintaining service levels throughout the City after annexation. Councilmembers also stressed that residents in annexation areas should expect a higher level of service after annexation, but infrastructure and other improvements will develop over time and not happen immediately.

Councilmembers continued discussions regarding the Southern and Northern sewer service areas. Considerations included infrastructure needs, membrane plant (MBR) options, Cascadia's sewer treatment plant, coordination with the County and area cities, etc. Director Vodopich said he would work to schedule a presentation by AHBL of the annexation study to the Council and Planning Commission at a future workshop.

2:45 p.m.

4. **Council Strategy Sessions: Long Range Park and Recreation Goals**

A. Community Center/YMCA

Mayor Johnson said the proposed plan from YMCA is for two locations: one in Sumner and one in Bonney Lake. He said any actual project for either city is dependent on locating a site and finding funding sources. He said Sumner's plans may be delayed as they negotiate for land. Mayor Johnson said he is working to identify potential sites in Bonney Lake, but fundraising could begin any time.

B. Center, Park and Trail Funding

Mayor Johnson said the City has applied for grants, stimulus funds and earmarks for projects including the Fennel Creek trail, pedestrian crossings, etc. The City will continue to work to identify potential funding.

3 00 p.m.

5. **BLMC Assessment Briefing**

City Administrator Morrison said the department directors continue to review the BLMC to identify needed revisions. He said once the review is complete it will be brought to a joint

Council and Planning Commission meeting or workshop for review and implementation of a 3-5 year plan for systematic revisions.

3:15 p.m.

6. **Code Enforcement Task Force Briefing**

City Administrator Morrison said the Task Force has met twice to discuss code enforcement issues and policies at other cities. They have focused on staffing, organization, and ways to expedite the enforcement process. Councilmembers discussed how the need for services will grow as the City grows, and ways to make enforcement policies hold more weight.

3:42 p.m.

7. **Open Discussion**

Memorial Drive

Councilmembers discussed potential locations for a memorial for the Greater Bonney Lake Veteran's Memorial Committee, including downtown storm water ponds and right-of-way on SR 410. GBLVMC member and Park Board member David Colbeth was in attendance, and he described the committee's hopes to name part of Old Sumner Buckley Highway as a Memorial Drive and install a memorial. The Mayor said staff would look into the potential use of a small piece of land on SR 410 at Main St., which is currently owned by the DOT.

3:58 p.m.

8. **Adjournment**

Councilmembers discussed whether to continue the Retreat as planned with a working dinner at Al Lago restaurant. As all the business items on the agenda had been discussed, Councilmembers spoke in favor of removing this item from the agenda and forgoing the expense of a dinner meeting. Councilmembers thanked the various department heads for attending the retreat and providing excellent informational resources for the discussions.

Mayor Johnson adjourned the Council Retreat at 3:58 p.m.

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Harwood Edvalson, CMC  
City Clerk

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Neil Johnson  
Mayor

**ACCOUNTS PAYABLE AND  
UTILITY REFUND CHECKS/VOUCHERS**

4/14/2009

Accounts Payable checks/vouchers #54940 thru 55015 in the amount of \$149,928.40.

Accounts Payable checks/vouchers #54941 in the amount of \$50.00.

Accounts Payable checks/vouchers #55016 in the amount of \$52.23 for utility account refund.

Accounts Payable checks/vouchers #55017 thru 55091 in the amount of \$391,752.30.

Accounts Payable checks/vouchers #55092 thru 55162 in the amount of \$591,552.95.

Accounts Payable checks/vouchers #55163 thru 55199 in the amount of \$1,675.28 for utility account refunds.

## **PAYROLL CERTIFICATION**

Payroll for March 16-31, 2009 for checks **28112-28144** including Direct Deposits and Electronic Transfers in the amount of: **\$ 547,884.43.**

**City of Bonney Lake, Washington  
Council Agenda Bill (C.A.B.) Approval Form**

<b>Department/Staff Contact:</b> John Woodcock – City Engineer	<b>Council/Wkshp Meeting Date:</b> April 14, 2009	<b>Agenda Item Number</b> AB09-14
<b>Ordinance Number:</b> D09-14	<b>Resolution Number:</b>	<b>Councilmember Sponsor:</b>

BUDGET INFORMATON

<u>2009 Budget Amount</u>	<u>Required Expenditure</u>	<u>Impact</u>	<u>Remaining Balance</u>
NA			

Explanation:

**Agenda Subject:** Proposed ordinance additions to the existing BLMC: 12.04 Municipal Public Works Construction Standard, and 2008 Development Policies and Public Works Design Standards, 606 Street Frontage Improvements, for implementing a sidewalk banking program by establishing a frontage improvement charge that will affect 2 and 3 lot short plats.

**Administrative Recommendation:**

**Background Summary:** This Ordinance is designed to address the issue of full frontage improvements for 2 and 3 lot short-subdivisions where we do not have existing curb, gutter, and sidewalk. Our current standards and codes state that frontage improvements for short plats include curb, gutter, and sidewalk. For this scenario, the requirement to construct sidewalk, curb, & gutter is usually incompatible with the existing stormwater runoff and creates “island stretches” of sidewalk. Another approach to handle frontage improvements for these short plats is to create a “Sidewalk Banking Program” where the developer of 2 & 3 lot plats pays a Frontage Improvement Charge to the city in lieu of constructing the frontage improvements. The result will create a budget to support the City’s effort to construct sidewalks throughout the city.

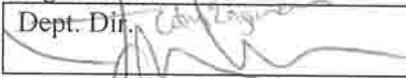
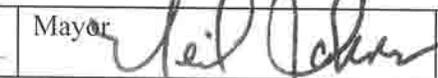
Attachments: Draft Ordinance D-09, Letter from State Dept. ,Schedule of costs

<b>Council Committee Dates:</b>	<b>Commission Dates:</b>	<b>Board/Hearing Examiner Dates:</b>
Finance Committee:  Public Safety Committee: Community Development & Planning Committee: 05/04/2007, 05/19/2008 08/04/2008, 01/05/2009 04/06/2009 Council Workshop: 01/13/09	Planning Commission:  Civil Service Commission:	Park Board:  Hearing Examiner:

**Council Action:**

Council Call for Hearing:	Council Hearings Date:
Council Referred Back to:	Workshop:                      Committee
Council Tabled Until:	Council Meeting Dates: 04/14/09

**Signatures:**

Dept. Dir. 	Mayor 	Date City Attorney reviewed
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COMMUNITY DEVELOPMENT COMMITTEE

Action Item #1

DATE: April 6, 2009

ORIGINATOR: John Woodcock

TITLE: City Engineer

SUBJECT: Proposed ordinance additions to the existing BLMC: 12.04 Municipal Public Works Construction Standard, and 2008 Development Policies and Public Works Design Standards, 606 Street Frontage Improvements, for implementing a sidewalk banking program by establishing a frontage improvement charge that will affect 2 and 3 lot short plats.

This Ordinance is designed to address the issue of full frontage improvements for 2 and 3 lot short-subdivisions where we do not have existing curb, gutter, and sidewalk. Our current standards and codes state that frontage improvements for short plats include curb, gutter, and sidewalk. For this scenario, the requirement to construct sidewalk, curb, & gutter is usually incompatible with the existing stormwater runoff and creates "island stretches" of sidewalk. Another approach to handle frontage improvements for these short plats is to create a "Sidewalk Banking Program" where the developer of 2 & 3 lot plats pays a Frontage Improvement Charge to the city in lieu of constructing the frontage improvements. The result will create a budget to support the City's effort to construct sidewalks throughout the city.

ORDINANCE/RESOLUTION: D09-14

REQUEST OR RECOMMENDATION BY ORIGINATOR:

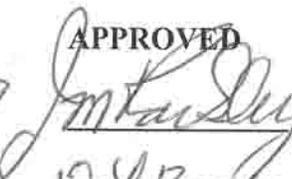
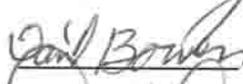
ISSUE AND DOCUMENTS HAVE BEEN REVIEWED AND APPROVED BY THE FINANCE DIRECTOR \_\_\_\_\_

CITY ATTORNEY \_\_\_\_\_

<u>2008 Budget Amount</u>	<u>Current Balance</u>	<u>Required Expenditure</u>	<u>Remaining Balance</u>
N/A			

Explanation:

COMMITTEE ACTION: RECOMMEND APPROVAL TO COUNCIL

	<u>DATE</u>	<u>APPROVED</u>	<u>DISAPPROVED</u>
James Rackley, Chairman	<u>4-6-09</u>		_____
David Bowen	<u>4-6-09</u>		_____
Dan Decker	<u>4-6-09</u>		_____

COMMITTEE COMMENTS: \_\_\_\_\_

COMMITTEE'S RECOMMENDATION TO FORWARD TO:

CITY CLERK

CITY ATTORNEY

Please schedule for City Council Meeting date of: April 14, 2008

Consent Agenda:  Yes  No

ORDINANCE NO. D09-14

**An Ordinance Of The City Of Bonney Lake, Pierce County, Washington,  
Adding A New Section To Bonney Lake Municipal Code Chapter 12.04 And  
Amending Public Works Design Standard 606.**

WHEREAS, the Bonney Lake Municipal Code incorporates by reference the Public Works Design Standards (PWDS); and

WHEREAS, the PWDS require developers of all subdivisions, including infill short plats, to contribute street frontage improvements at the time of construction, including curb, gutter, sidewalk and drainage facilities; and

WHEREAS, many developers of infill subdivisions consisting of three lots or fewer have requested they be exempt from this requirement, and instead pay a fee to the City, for use in constructing sidewalks where most needed elsewhere in the City limits; and

WHEREAS, the Council agrees that the existing PWDS requirement has resulted in scattered sidewalk sections being constructed in older residential neighborhoods, and that it is desirable to remedy this problem by enabling some developers to pay a fee in lieu of constructing a sidewalk.

NOW THEREFORE, the City Council of the City of Bonney Lake do ordain as follows:

Section 1. A new Section, BLMC 12.04.030, shall be added to the Bonney Lake Municipal Code to read as follows:

**12.04.030 Definitions.**

A. "Frontage" or "Street Frontage" is defined as that portion of the property that abuts City Right-Of-Way.

B. "Frontage Improvement Charge or FIC" means the amount the developer may elect to pay in lieu of physical improvements.

Section 2. A new Section, BLMC 12.04.040, shall be added to the Bonney Lake Municipal Code to read as follows:

**12.04.040 2 and 3 lot short plats.**

A. Curb, gutter, pavement walkways and storm drainage facilities shall be required for all streets which access four or more lots.

B. Short subdivisions with division of land into 3 lots or less shall be required to

1. To pay a one time Frontage Improvement Charge (FIC) to the city in the amount of \$45 per linear foot of property that abuts City Right-Of-Way.

a. Frontage Improvement Charges shall be paid prior to the time when the plat is finalized.

- b. Beginning January 1, 2010, and for every year thereafter, the FIC listed in this section shall be adjusted by the annual change in the most recent WSDOT Construction Cost Index Report. The adjusted rate shall be available for public inspection in the office of the City Clerk.
  - c. The City Administrator or his/her designee shall calculate the FIC as set forth in this chapter.
  - d. The method of calculating the FIC shall incorporate, among other things, the amount of frontage length to public roads.
  - e. The City Administrator may adjust the standard fee at the time the fee is imposed to consider unusual circumstances in specific cases to ensure that the FIC is calculated fairly.
2. The City Official designated by the Mayor to administer this program shall have the authority to require the developer to construct frontage improvements, in-lieu of the Frontage Improvement Charge, along the public right-of-way in conformance to city standards where it is determined that the frontage improvements are part of a known project identified within the City's current Non-motorized Transportation Plan.

Section 3. A new Section, BLMC 12.04.045, shall be added to the Bonney Lake Municipal Code to read as follows:

**12.04.045 Frontage Improvement Charge Funded Projects.**

- A. Frontage Improvement Charges (FIC) shall be placed in appropriate deposit accounts within the Street Capital Improvement fund.
- B. The FIC shall be held and disbursed as follows:
  - 1. The FIC shall be used for costs incurred within City Capital Improvement Projects (CIP) that are subject to the design or construction of sidewalk, curb and gutter within city right-of-way and for projects identified within the City's current Non-motorized Transportation Plan.
  - 2. When the City Council appropriates FIC funds for a project in the street CIP, FIC held within such fund may be used in accordance with the street CIP.
  - 3. All interest earned on frontage improvement charges paid shall be retained in the account and expended for the purpose or purposes for which the fees were imposed.
- C. The City shall prepare an annual report on the FIC showing the source and amount of all moneys collected, earned or received and projects that were financed in whole or in part by charges.

Section 4. Public Works Design Standard 606 is hereby amended to read as follows:

**606 STREET FRONTAGE IMPROVEMENTS**

- 1. All commercial and residential development, plats, and short plats shall install street frontage improvements at the time of construction as required by the City. Such improvements may include curb and gutter, sidewalk, street storm drainage, street lighting system, utility relocation, landscaping and irrigation, and street widening all

per these Standards. Plans shall be prepared and signed by a licensed civil engineer currently registered in the State of Washington.

2. All frontage improvements shall be made across full frontage of the property.

3. Exceptions: When the City deems that the above improvements should not be constructed at the time of development, a recorded agreement on forms provided by the City shall be completed which provide for these improvements to be installed at a later date. Funds shall be provided for the required improvements at the time of development or guaranteed by the applicant or by the applicant's signing of a waiver of protest in a Local Improvement District (LID), or Utility Local Improvement District (ULID). An estimate of the funds necessary to complete the required improvements is subject to review and must be approved by the City. In addition, developers of short plats consisting of three or fewer new lots shall be required to pay to the City a Frontage Improvement Charge in lieu of constructing curb, gutter, and sidewalk and enclosed storm system for the length of the property frontage.

Section 5. This ordinance shall take effect thirty (30) days after its passage, approval, and publication as required by law.

PASSED by the City Council and approved by the Mayor this \_\_\_\_ day of April, 2009.

\_\_\_\_\_  
Neil Johnson, Mayor

ATTEST:

\_\_\_\_\_  
Harwood T. Edvalson, CMC, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
James J. Dionne, City Attorney

Passed:  
Valid:  
Published:  
Effective Date:



## Memo

**Date** : April 1, 2009  
**To** : Community Development Community  
**From** : **Doug Budzynski, Public Works**  
**Re** : Sidewalk Banking Program: Public Works Response to Letter from Department of Community, Trade and Economic Development.

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The following is the City of Bonney Lake - Public Work's response to the letter from Department of Community, Trade, and economic Development, Anne Aurelia Fritzel, regarding the City's draft proposal for the sidewalk banking program. The attached draft ordinance reflects the responses given.

### Letter's Issues:

1. Sidewalk construction would be distributed differently.
  - a. PW response: PW believes the opposite to be true when you look at the approach of 'useable sidewalk'. Currently, the City has a re-occurring (annual) line item in their CIP program for the construction of sidewalks. Currently, this Capital Improvement Project (CIP) CIP receives its money from City Operated Revenue(COR). Available money is limited, thus limiting us to the size and number of projects we can construct. The proposed fee under this program would be used to help generate revenue for this CIP program thus generating more sidewalk projects.
  
2. May not address statutory requirements to provide sidewalks in short subdivision.
  - a. PW response: We understand that it is important to insure the improvements be included in areas near schools. However, it is not our recommendation to include additional improvements outside the frontage of the 2 and 3 lot short plats. This could make the short plat economically unfeasible. Also, we do recommend that the PW Director should have the final say as to when the short plat developer may

choose between constructing the frontage improvements or paying the frontage improvements charge as part of the final plat condition.

3. Proposed fund may not build the highest priority sidewalks.
  - a. PW response: The City's non-motorized transportation plan is a plan that the City uses to help improve the non-motorized element within the City. The non-motorized plan identifies particular sidewalk projects that have a higher priority because of their priority index rating (given in the non-motorized plan). This proposed plan will help the City with constructing those sidewalk projects identified in the non-motorized plan that are identified as high priority. However, the City would not want to lock in funds for sidewalk improvements based upon the project's priority index rating. If there is an opportunity to take advantage of using the funds to include sidewalk as part of a larger project even though the site is not high on the priority list, the City should have the opportunity to so.
  
4. The in-lieu fee may not cover the cost of construction of the needed facility.
  - a. PW response: PW's data for cost of constructing frontage improvements in Bonney Lake does not show to be equal to what is cited by this letter for Seattle's costs. Also the original intent of this frontage improvement charge is not to discourage the infill development by 2 and 3 lot short plat developers, but to collect the funds from the development and use the funds in areas where sidewalk has a higher priority. Often times, developers can have construction costs lower than the City's costs (The City is required to pay prevailing wages), therefore we do not want to make the charge a fee greater than what it would cost the developer to do the project on his own.
  
5. Consider low impact development.
  - a. PW response: This is a different issue.
  
6. Clear authority for managing charges.
  - a. PW response: No comment.



STATE OF WASHINGTON

DEPARTMENT OF COMMUNITY, TRADE AND ECONOMIC DEVELOPMENT

128 - 10<sup>th</sup> Avenue SW • PO Box 42525 • Olympia, Washington 98504-2525 • (360) 725-4000

March 3, 2009

The Honorable Neil Johnson  
Mayor of Bonney Lake  
Post Office Box 7380  
Bonney Lake, Washington 98390-0944

RE: Proposed ordinance adding a new section to the municipal code Chapter 12.04 and amending Public Works Design Standard 606

Dear Mayor Johnson:

Thank you for sending the proposed amendments to Bonney Lake's development regulations related to sidewalk requirements for short plats. These materials were received on January 13, 2009, and processed with the Material ID No. 13948.

The proposal would provide developers of short plats the option to pay a fee-in-lieu charge (FIC) instead of constructing sidewalk improvements on public street frontages. The fees collected under this program are proposed to be applied to the sidewalk portions of projects in the capital improvement budget. We would like to suggest some modifications to ensure that these fees are sufficient, and are used to install high priority sidewalks within the City of Bonney Lake.

The Growth Management Act was amended in 2005 to require that communities include a bicycle and pedestrian element in the transportation element of the comprehensive plan. We appreciate that Bonney Lake has adopted a non-motorized plan for the community, and think this proposal offers an opportunity to implement the plan if carefully administered. Bicycle and pedestrian facilities are important ways to provide transportation services for those who are too young or too old to drive, for low-income residents who cannot afford to own a personal automobile, and for others who may choose not to. Sidewalks are also important to support users of the transit system. As you may know, the rising obesity epidemic has highlighted the importance of walking and bicycling as key ways to maintain health. It is up to local government to plan for the infrastructure for these activities and ensure their implementation. Our specific comments are listed below.

**1) Sidewalks construction would be distributed differently**

As proposed, this program would place frontage improvement charges in an account within the Street Capital Improvement Program (CIP) to be disbursed for projects that are subject to the design or construction of sidewalk, curbs, and gutter within the city right of way. If the developer chooses the fee-in-lieu option, sidewalks would not be in front of new residences where even short segments can be used by children to practice bicycling or wait for a school bus. Instead, the fee-in-lieu charges would be used to fund sidewalk portions of projects within the CIP which are already required to include sidewalk, curb, gutter, and storm water management. It would appear that the result is that fewer sidewalk segments would

be built on residential streets, and the funds would supplement street construction or reconstruction projects and provide for sidewalks.

**2) May not address statutory requirements to provide sidewalks in short subdivisions**

Washington's subdivision statute, Section RCW 58.17.060, requires cities and towns to include in their short plat regulations provisions for considering sidewalks and other planning provisions that assure safe walking conditions for students who only walk to and from school. In our state, school buses are generally not funded within 1 mile of elementary schools and within 2 miles of high schools - so provision of sidewalks within these areas is especially important. Some cities, such as Redmond and Olympia, require developers to provide a sidewalk or pathway between new residences and existing sidewalks within walkshed of area schools. We understand that safe route to school planning is currently taking place in Bonney Lake, and we encourage you to take this planning into consideration as this ordinance is refined, adopted, and implemented.

The non-motorized transportation plan recommends on page 6-2 that all development be required to construct needed frontage improvements. While this proposal will provide some funds for missing links, we recommend that this program be carefully applied to ensure that opportunities to construct needed links are not missed at the most opportune time – which is at the development stage. After development has occurred, many communities have found themselves challenged to gather the political support for local improvement districts, and need to identify city or grant funds to construct missing sidewalks.

**3) Proposed fund may not build the highest priority sidewalks**

We are concerned that if these funds are used to pay for sidewalk components of CIP projects, these may be prioritized for motor vehicle needs and may not necessarily be highest priority for pedestrian access such as around schools or public transit stops. We suggest that Section 12.04.020(B) of the Bonney Lake Municipal Code (BLMC) be modified to define intent, for example, to promote connectivity of sidewalks on a city-wide basis and to help avoid the piecemeal installation of frontage improvements that provide no connectivity to other pedestrian facilities. We also suggest that Section 12.04.045 of the BLMC be revised to be consistent with the third finding of the ordinance which indicates that the fees will be “for use in constructing sidewalks where most needed elsewhere in City limits.” This will codify the intent of this amendment to guide staff and other readers of the code as exemptions are considered in the future.

A suggested approach is to allow the fee-in-lieu option only for properties where frontage improvements are not priorities in the *Bonney Lake Non-Motorized Transportation Plan*, and funds collected using this option are dedicated to fund the highest priority sidewalk segments in the non-motorized plan. We understand this plan may not be current, so in advance of adopting this ordinance, we recommend you create a map that indicates all high priority pedestrian routes such as walking routes to schools, the town center, access to parks, the transit system and the Fennel Creek Trail system. This map should then be used to determine which properties may be eligible for the optional fee in lieu, and which ones would be required to build the pedestrian street improvements. This map may also be used to prioritize spending from the FIC account. We recommend that amendments to BLMC 12.04.020(B) and Section 3 of the Public Works Design Standard 606 include language clarifying where this option will be provided. For example, these sections might say, “A payment in lieu of construction of required frontage improvements including curb, gutter, and sidewalk may be allowed if the subdivision does not abut or provide connections to existing or planned schools, parks, bus stops, shopping, large employment sites or other frontage improvements, and is not included as a priority of the *Bonney Lake Non-Motorized Plan*.”

**4) The in-lieu fee may not cover the cost of construction of the needed facility**

It is proposed that the in-lieu fee start at \$45 per linear foot and be indexed from there through the years, however, it is very likely the true cost of this facility is much higher. Bonney Lake's 2006 Transportation Element estimates the cost of a sidewalk is \$72 per linear foot, and the cost of curb and gutter is \$54 per linear foot, for a total cost estimate of \$126 per linear foot of sidewalk, curb and gutter. The estimated costs in the *2006 Non Motorized Transportation Plan* were \$36 per linear foot for sidewalk only, \$175 for sidewalk, curb and gutter and \$275 for sidewalk, curb, gutter and drainage. Seattle's sidewalk brochure lists example costs starting at \$80 per linear foot.<sup>1</sup> In fact, if sidewalks are installed outside of the time of development, additional costs such as acquiring right of way and public consultation may be incurred, and the final cost could approach \$300 per linear foot. We suggest this fee be carefully evaluated to ensure that in-lieu funds can actually construct equal amounts of sidewalk elsewhere in the community. In order to provide a nimble way to account for changing costs we also suggest that a fee be established on Bonney Lake's general fee schedule which can be adjusted as the real cost of materials and labor changes. We also suggest that consideration is given to whether there is sufficient right of way for future sidewalks in cases where the fee-in-lieu option is chosen as short plats are approved.

If you intend to impose a minimal fee to encourage developers to use this option, we recommend that you consider applying the fee-in-lieu option to single lot development in Bonney Lake as well. The City of Shelton, for example, considered a fee-in-lieu program for single lots in order to fund an area-wide sidewalk program of higher priority sidewalks.

**5) Consider low impact development standards**

Another option is suggested in the *Non-Motorized Transportation Plan*, which is to allow the use of separated walkways such as Seattle's SEA streets which limit impervious surface on the street and separate the sidewalk from the road with stormwater treatment swales. This type of treatment would be consistent with Bonney Lake's desire to remain a very visually green community. This approach is generally less costly to the developer by requiring less stormwater treatment and fewer materials. A developer may choose to install a SEA-type street rather than pay a fee in-lieu – or install its equivalent in sidewalk, curb, gutter and stormwater management. Information on this type of street is available on the Seattle Public Utilities SEA Street Program Web site which includes images of the street after development.<sup>2</sup>

This approach is also included in the *Pierce County Stormwater Management and Site Development Manual*, Volume VI - Low Impact Development, adopted August 2008, and effective March 1, 2009.<sup>3</sup> Another source of information is the *Low Impact Development Technical Guidance Manual for Puget Sound*.<sup>4</sup>

**6) Clear authority for managing charges**

We also suggest that the ordinance reference authorizing statutes so it is clear what kind of program this is, and what rules guides collection and disbursement of the funds. You may wish to check with your attorney as this program is developed.

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<sup>1</sup> <http://seattle.gov/mayor/issues/pdf/sidewalk092603.pdf>.

<sup>2</sup> [www.seattle.gov/util/About\\_SPU/Drainage\\_&\\_Sewer\\_System/Natural\\_Drainage\\_Systems/Street\\_Edge\\_Alternatives/](http://www.seattle.gov/util/About_SPU/Drainage_&_Sewer_System/Natural_Drainage_Systems/Street_Edge_Alternatives/)

<sup>3</sup> This is on the Internet at: [www.piercecountywa.org/swm-stakeholders](http://www.piercecountywa.org/swm-stakeholders).

<sup>4</sup> This is on the Internet at: [www.psp.wa.gov/downloads/LID/LID\\_manual2005.pdf](http://www.psp.wa.gov/downloads/LID/LID_manual2005.pdf).

The Honorable Neil Johnson  
March 3, 2009  
Page 4

Thank you again, for submitting the proposed amendment, and for the opportunity to provide comments. If you have any questions or concerns about our comments or any other growth management issues, please call me at 360.725.3064. We extend our continued support to the City of Bonney Lake in achieving the goals of growth management.

Sincerely,



Anne Aurelia Fritz, AICP  
Senior Planner  
Growth Management Services

AF:bv

cc: Heather Stinson, Planning Manager, City of Bonney Lake  
Doug Budzinski, Public Works, City of Bonney Lake  
Leonard Bauer, AICP, Managing Director, Growth Management Services  
David Andersen, AICP, Plan Review and Technical Assistance Manager, Growth Management Services

Date: February 3, 2009

**Sidewalk Bank Program - Frontage Improvement Charge**

**Calculation of Charges**

	Item	Average from Bids						Avg.	New Units	Cost
		Units	75th Street	183rd Street	B.L. Blvd	Locust				
1	5 feet wide concrete sidewalk	SY	\$ 30.00	\$ 35.00	\$ 33.00	\$ 36.00	\$ 33.50	LF	\$ 18.61	
2	Curb and Gutter	LF	\$ 16.00	\$ 15.00	\$ 14.00	\$ 19.00	\$ 16.00	LF	\$ 16.00	
3	Crushed surfacing subgrade	TN	\$ 31.00	\$ 32.00	\$ 31.00	\$ 34.00	\$ 32.00	LF	\$ 3.65	
4	PVC Pipe	LF	\$ 47.00	\$ 48.00	\$ 47.00	-	\$ 47.33	LF	\$ 47.33	
5	Storm Inlet (every 300 feet)	EA	\$ 1,021.00	\$ 1,354.00	\$ 1,039.00	\$ 1,194.00	\$ 1,152.00	LF	\$ 3.84	
			<b>TOTAL</b>						LF	\$ 89.44
			Incentive						%	50%
			<b>FIC</b>						LF	<b>\$ 44.72</b>



ORDINANCE NO. D09-59

AN ORDINANCE OF THE CITY OF BONNEY LAKE, WASHINGTON  
AMENDING SECTION 5.17.010 OF THE BONNEY LAKE MUNICIPAL CODE  
AND SECTION 1 OF ORDINANCE NO. 1256 RELATING TO THE LICENSING  
AND REGULATION OF NIGHTCLUB ESTABLISHMENTS.

WHEREAS, the City's current Nightclub ordinance defines a nightclub as an establishment which, in part, receives more than 50% of its revenue through liquor sales; and

WHEREAS, neither the WA Department of Revenue, nor the WA Liquor Control Board currently maintain statistics differentiating liquor sales from food sales, making the 50% rule very difficult to ascertain; and

WHEREAS, the City Council desires to amend the definition of a Nightclub to address this issue;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BONNEY LAKE, WASHINGTON DO ORDAIN AS FOLLOWS:

Section 1. BLMC 5.17.010 and the corresponding portion of Ord. No. 1256 are hereby amended to read as follows:

**5.17.010 Definitions.**

A. "City Administrator" means the City Administrator or his/her designee.

B. "Nightclub" means any for-profit business open to the public;

1. in which at any time between the hours of 10:00 p.m. and 12:00 p.m. ~~6:00 a.m.~~ liquor is sold to the public; and

~~2. whose total revenue from liquor sales represents fifty percent (50%) or more of its total revenues; and~~

~~3.~~ 2. has any assembly space on the premises with a maximum occupancy of thirty (30) ~~fifty (50)~~ or more persons as provided in a Certificate of Occupancy issued by the City.

B. "Liquor" means all beverages defined in RCW 66.04.010.

C. "Person" means one or more natural persons of either sex, firms, copartnerships and corporations, whether acting by themselves or by servant, agent or employee.

Section 2. If any one or more section, subsection, or sentence of this ordinance is held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this ordinance and the same shall remain in full force effect.

Section 3. This Ordinance shall take effect thirty (30) days after its passage, subject to prior approval by the Mayor and prior publication for five days as required by law.

PASSED by the City Council and approved by the Mayor this \_\_\_\_ day of \_\_\_\_\_, 2009.

\_\_\_\_\_  
Neil Johnson, Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
James J. Dionne, City Attorney

Passed:  
Valid:  
Published:  
Effective Date:



# Action Item #3

## COMMUNITY DEVELOPMENT COMMITTEE

DATE: April 6, 2009

ORIGINATOR: Charlie Simpson

TITLE: Assistant Public Works Director

SUBJECT: Contract with Doolittle Construction, LLC for the 2009 Chip Seal Application

The City opened bids on March 25, 2009 and received 1 bid from Doolittle Construction LLC for \$201,760. The City is recommending awarding Doolittle Construction LLC, for the chip sealing of the City streets, since they did a good job last year with the program.

ORDINANCE/RESOLUTION: 1934

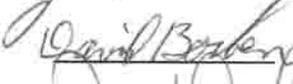
REQUEST OR RECOMMENDATION BY ORIGINATOR:

ISSUE AND DOCUMENTS HAVE BEEN REVIEWED AND APPROVED BY THE  
FINANCE DIRECTOR \_\_\_\_\_  
CITY ATTORNEY \_\_\_\_\_

<u>2008 Budget Amount</u>	<u>Required Expenditure</u>	<u>Impact</u>	<u>Remaining Balance</u>
\$300,000	\$ 201,760 (Chip Seal) \$4,483 (Seal Coat) (Duncan Asphalt)	\$206,243	\$ 93,757

Explanation  
001.000.042.542.30.41.97

COMMITTEE ACTION: RECOMMEND APPROVAL TO COUNCIL

	DATE	APPROVED	DISAPPROVED
James Rackley, Chairman	4-6-09		_____
David Bowen	4-6-09		_____
Dan Decker	4-6-09		_____

COMMITTEE COMMENTS: \_\_\_\_\_

COMMITTEE'S RECOMMENDATION TO FORWARD TO:  
CITY CLERK  
CITY ATTORNEY

Please schedule for City Council Meeting date of: April 14, 2009

Consent Agenda:  Yes  No

**RESOLUTION NO. 1934**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BONNEY LAKE,  
PIERCE COUNTY, WASHINGTON, AUTHORIZING A CONTRACTOR  
AGREEMENT WITH DOOLITTLE CONSTRUCTION, LLC FOR THE 2009 CHIP  
SEAL APPLICATION.**

**Whereas**, the City of Bonney Lake solicited Formal Bids for the 2009 Chip Seal Application on March 25, 2009; and

**Whereas**, the City has received 1 Bid for the 2009 Chip Seal Application and has selected to award Doolittle Construction in the amount of \$201,760; and

**Whereas**, the City Council adopted this annual project in the Street Operations budget; and

**Whereas**, the City Council finds that it is in the public interest that this project be carried out at this time;

**Now therefore, be it resolved;**

that the City Council of the City of Bonney Lake, Washington, does hereby authorize the Mayor to sign the attached agreement to award this contract to Doolittle Construction in the amount of \$201,760.

**PASSED** by the City Council this 14<sup>th</sup> day of April, 2009.

\_\_\_\_\_  
Neil Johnson Jr., Mayor

ATTEST:

\_\_\_\_\_  
Harwood T. Edvalson, CMC  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
James Dionne, City Attorney

**City of Bonney Lake**  
**Bid for: 2009 Chip Seal Project**  
**Date: 3/25/09 10:00 am**

Name	Non-Collusion Certificate						Bidders Qualification Cert				Bid Bond Form/Bid Deposit		Subcontractors List		Schedule A		Total Bid	
	NA	NA	NA	NA	NA	NA	X	X	X	NA	NA	\$	\$	201,760.00	\$	201,760.00		
1 Doolittle Construction	NA	NA	NA	NA	NA	NA	X	X	X	NA	NA	\$	\$	201,760.00	\$	201,760.00		
2	NA	NA	NA	NA	NA	NA				NA	NA				\$	-		
3	NA	NA	NA	NA	NA	NA				NA	NA				\$	-		
4	NA	NA	NA	NA	NA	NA				NA	NA				\$	-		
5	NA	NA	NA	NA	NA	NA				NA	NA				\$	-		
6	NA	NA	NA	NA	NA	NA				NA	NA				\$	-		
7	NA	NA	NA	NA	NA	NA				NA	NA				\$	-		
8	NA	NA	NA	NA	NA	NA				NA	NA				\$	-		
9	NA	NA	NA	NA	NA	NA				NA	NA				\$	-		
10	NA	NA	NA	NA	NA	NA				NA	NA				\$	-		
11	NA	NA	NA	NA	NA	NA				NA	NA				\$	-		
12	NA	NA	NA	NA	NA	NA				NA	NA				\$	-		
13	NA	NA	NA	NA	NA	NA				NA	NA				\$	-		
14	NA	NA	NA	NA	NA	NA				NA	NA				\$	-		
15	NA	NA	NA	NA	NA	NA				NA	NA				\$	-		
16	NA	NA	NA	NA	NA	NA				NA	NA				\$	-		
<b>Staff Members Present</b>																		
Steve Willadson																		Engineer Estimate
Triss Weber																		\$240,000 - \$280,00

**PROPOSAL**

Contractor: Doolittle Construction LLC

City: Belleuve, State: WA

Date: March 25<sup>th</sup>, in the year of 2009

The Honorable City Council  
City of Bonney Lake  
PO Box 7380  
19306 Bonney Lake Boulevard.  
Bonney Lake, WA 98391

Pursuant to and in compliance with your invitation for bids and all other documents relating thereto, the undersigned bidder, having familiarized himself with the terms of the contract, the local conditions affecting the performance of the contract, the cost of the work at the place where the work is to be done, proposes and agrees to perform, within the time stipulated, the contract, if this project is accepted, including all its component parts and everything required to be performed, and to provide and furnish any and all labor, materials, tools, expendable equipment, an all utility and transportation services necessary to perform the contract, complete, in a workmanlike manner, of all the work covered by the contract in connection with the City of Bonney Lake's project designated as *2009 Chip Seal* and as required by and in strict conformance with the specifications, contract plans and the standard plans for the following unit prices.

**Note:** Unit prices of all items; all extensions and total amount of bid must be shown. Show unit prices in both words and figures and, where conflict occurs, the written or typed words prevail.

**All bidders shall sign the proposal in the space provided.**

The successful bidder shall execute and furnish the attached (no substitution allowed) performance bond and Agreement within ten (10) calendar days after the date of award of contract unless a written extension is granted by City of Bonney Lake.

The contractor agrees to perform the complete contract work as specified, including corrections, finish and cleanup within 20 consecutive working days, beginning the date given in the notice to proceed by City of Bonney Lake.

The proposal, together with the Agreement, Contract Documents, Standard Specifications, Special Provisions, Addenda and Plans, when endorsed by City of Bonney Lake shall become a contract binding on both parties thereto, whereby the contractor agrees to perform the complete contract work, as specified, and City of Bonney Lake agrees to make payment to the contractor, as specified, for said completed and accepted work.

Dated this 25<sup>th</sup> day of March, in the year of 2009.

Contractor Doolittle Construction LLC

Address 1900 118th Ave. S.E.  
Bellevue, WA 98005

Telephone (425) 455-1150 Washington State License No. DOOLITTLE 960 CO

By:  Tom Doolittle

Title: CEO

Attest: (If Corporation)

Witness: (If Individual or Partnership)



**Acknowledgement of Receipt of Addenda:**

No. \_\_\_\_\_ Date \_\_\_\_\_ Initials \_\_\_\_\_



**City of Bonney Lake  
2009 Chip Seal  
Prevailing Wages are required to be paid**

Date: March 11, 2009

**Project Title: 2009 Chip Seal Application**

**Scope of Work:**

Apply a chip seal to approximately 64,000 square yards of paved surface at an application rate of .04.

- Chip Seal application must conform to DOT specifications, (Attachment A, pgs 5&6).
- Traffic control will be provided by the contractor.
- Contractor will notify the City 30 days in advance of starting work.
- Chip seal will be applied to the following approximate square yards (see attached "Street Improvements 2009").
- City crews will prepare all surfaces prior to the chip seal application.
- **This work must be commenced and completed July 1, 2009 to August 30, 2009.**

Please see enclosed: Bid sheet, "Chip Seal Specifications", 2009 Street Improvements, Chip Seal & Seal Coat Map, and the contractor agreement.

**Date Sealed Bids Requested: 10:00 am, Wednesday, March 25, 2009.**

*City of Bonney Lake*  
*Chip Seal*  
*Specifications:*

Contractor agrees to apply a Class D bituminous surface treatment on approximately 70,000 square yards of City streets, with the City offering support as described below. Materials will be applied with computerized rates; liquid asphalt emulsion CRS-2P applied at 0.4 gallons per square yard, and 3/8"-#10 crushed rock will be spread at 30 lb. per square yard. All work to be accomplished according to WSDOT standard specifications. (See page 5 & 6)

This Contractors price includes the following:

- All traffic control
- Clean-up sweeping (the day after chip sealing, swept 98% clean; then again before the fog seal)
- Provide Advance notification to the city a minimum of 30 days prior to when work begins.
- Protect & then uncover street hardware.
- Temporary raised pavement markers where needed.

This price is based on the City providing the following support;

- Provide a water source.
- Provide a stockpile site, tanker & equipment parking.
- Place public notification sign prior to the chip seal.
- Following the project, the City will install permanent pavement markings & striping as needed.

### PRE-CONSTRUCTION CONFERENCE

Approximately two weeks after award of the bid a pre-construction conference will be held at the City of Bonney Lake Public Works Annex Building located at 8720 184<sup>th</sup> Ave. E; 98391. Meeting will be held in the conference room. The successful bidder will be notified of the exact timing of this meeting a minimum of 48 hours in advance.

At the time of the pre-construction conference, the Contractor shall provide to the Engineer the following for approval:

1. Test results from an independent certified material testing laboratory verifying that the chip seal material to be used, on the Project, meets all of the material specifications contained in this document.
2. The name and 24 hour contact phone number of a full time supervisor that will be available on-site throughout the duration of the project work. The supervisor must be available for consultation with the Engineer and have the authority to represent the Contractor.
3. A written preliminary work schedule. The work schedule shall include an outline of the order in which the streets will be chipsealed and an estimated starting date for each.
4. Designation of a traffic control plan that will be used for each group of roadway sections. As per Section 1-10.2(2) of the Washington State Standard Specifications, a typical traffic control plan is provided in the contract plans to show a method of handling traffic.
5. A Temporary Water Pollution Control Plan. The Plan shall describe how the Contractor will protect the existing storm drainage system from job related contamination, along with a contingency plan for cleanup of the drainage system, if an incident occurs.
6. All contract documents including Certificate of Insurance, Contract Bond and the signed Contract.

### PUBLIC NOTIFICATION

The Contractor shall provide a work schedule to the city a minimum of 30 days prior to beginning the Chip Seal application:

The City of Bonney Lake will notify all affected agencies and services at least two working days prior to any road closure.

The City of Bonney Lake will place "This Street Will Be Chip Sealed Next Week" signs a week prior to the actual chip seal and "This Street Will Be Chip Sealed Tomorrow" 24 hours prior to the chip seal date.

The Contractor shall provide, place and maintain "No Parking" signs on both sides of the road at approximately 200 foot intervals throughout all scheduled work areas. The signs shall be in place a minimum of forty-eight hours prior to beginning work. The Signs shall clearly state the date and hours of restricted parking.

The Contractor shall be responsible to notify the owners of parked vehicles that conflict with the work zone. The Engineer will be responsible for the removal of parked vehicles that conflict with the work area. The Engineer will notify the vehicles' owners in writing of the location of the impound yard or storage area where the vehicles were moved. The Contractor is responsible for sealing the entire roadway including areas covered by illegally parked vehicles. The Contractor shall make allowances for parked vehicles as necessary in order to complete the project to the satisfaction of the Engineer. All costs and expense in providing and completing the work described under "Public Notification" shall be included in the unit contract price per square yard for Item No. 1 -" Chip Seal of Paved City Road".

#### PREPARATION

The City of Bonney Lake shall provide an initial sweeping of the road surface to remove all heavy accumulations of built-up debris.

The Contractor shall clean the surfaces to be Chip Sealed to insure that all dirt, oil, grease and debris are removed before applying the Chip Seal treatment. All material removed from the roadway by the Contractor shall become the property of the Contractor.

The Contractor shall protect and keep free of Chip Seal material, all manhole lids, catch basin grates, water and gas valves, survey monuments, or other street appurtenances. The protection shall allow the Chip Seal application without adverse effect to the final finish. All protective material shall be removed and disposed of by the contractor before opening the roadway to traffic.

All costs and expense in providing and completing the work described under "Preparation" shall be included in the unit contract price per square yard for Item No.1 -" Chip Seal of Paved City Road".

#### TRAFFIC CONTROL AND SIGNING

The Contractor shall provide all material and labor needed to control traffic in accordance with his approved traffic control plan. The Contractor shall supply, place and maintain all personnel, signs, barricades, pedestals, flashers, delineators and other necessary facilities for the protection of the motoring public and the finished Chip Sealed areas, within the limits of the construction area. Roadways that cannot be closed to traffic and must be used as one way traffic will require certified flaggers and compliance with MUTCD, Part VI.

**Work Zone:**

The Contractor shall plan work zone size and number of work sites based on the following:

The distance that residents must walk to reach their homes, not to exceed 800 feet.

All costs and expense in providing and completing the work described under "Traffic Control and Signing" shall be included in the unit contract price per square yard for the appropriate chip seal item.

**RIGHT-OF-WAY**

The Contractor shall conduct all of its activities and operations within the rights of way provided by the City or within the confines of public thoroughfares. The Contractor shall not allow his employees to use private property for eating, coffee breaks, or any other reason or use water or electricity from such property without written permission from the owner.

**QUALITY CONTROL**

The Contractor shall provide the Engineer with certified test results and manufacturer certifications confirming that all the conditions listed under "Materials Specifications" have been met, as specified Under Pre-Construction Conference-Item 1. Additional random samples of sealer material will be taken on the job site by the City and tested to verify the sealer material meets the physical property and material specifications. The Engineer may reject the Chip Sealed areas represented by any failed samples, and at his discretion, require the Contractor to reseal said areas at no additional cost to the City of Bonney Lake. Our City Engineer reserves the right to except or reject any materials.

The Contractor is solely responsible for the finished work product. Any blemish, defections, tire marks or other irregularities shall be repaired by the Contractor, at no additional cost to the City of Bonney Lake. The Contractor shall exercise care to prevent Chip Seal material from being deposited on other than specified surfaces and shall remove Chip Seal material from surfaces not designated to be sealed.

The Contractor shall provide a finished surface that is uniformly covered by the product, with no exposed or uncoated surface coverage that is uniform and neat in appearance with no overlap onto abutting driveways, curbing or other appurtenances.

All costs and expense in providing and completing the work described under "Quality Control" shall be included in the unit contract price per square yard for Item No.1 -" Chip Seal of Paved City Road".

**MATERIAL SPECIFICATIONS**

**Item No.1 - "Chip Seal of Paved City Road"**

This Chip Seal material shall consist of refined asphalt emulsion, select granular fillers, fibers and polymer additive and meet the following specifications:

**Standard Specifications:**

**9-03.4 Aggregate for Bituminous Surface Treatment**

**9-03.4 (1) General Requirements**

Aggregate for bituminous surface treatment shall be manufactures from ledge rock, talus, or gravel, in accordance with Section 3-01, which meets the follow test requirements:

Los Angeles Wear, 500 Rev.	35% max.
Degradation Factor	30% min.

**9-03.4(2) Grading and Quality**

Aggregate for bituminous surface treatment shall conform to the requirement in the table below for grading and quality. The particular type or grading to be used shall be as shown in the Plans. All percentages are by weight.

The material shall meet the requirements for grading and quality when placed in hauling vehicles for delivery to the roadway, or during manufacture and placement into a temporary stockpile. The exact point of acceptance will be determined by the Engineer.

	Crushed Cover Stone			Crushed Screening		No. 4-0"
	Percent Passing	3/4"-1/2"	5/8"-No. 4	1/2"-No. 4	3/8"-#10	
1" square		100				
3/4" square	100	95-100	100	---	---	---
5/8" square	95-100	---	95-100	100	---	---
1/2" square	---	0-20	---	95-100	100	---
3/8" square	---	0-5	---	---	90-100	100
U.S. No. 4	20-45	---	0-10	0-15	30-56	76-100
U.S. No. 10	---	---	0-3	0-3	0-10	30-60
U.S. No. 200	0-7.5	0-1.5	0-1.5	0-1.5	0-1.5	0-10.0
% fracture, by Weight, min.	75	75	75	75	75	75
Sand equivalent Min.	40					
Static Stripping Test	Pass	Pass	Pass	Pass	Pass	Pass

All percentages are by weight.

The fracture requirement shall be at least one fractured face and will apply to materials retained on each specification sieve size No. 10 and above if that sieve retains more than 5 percent of the total sample.

The finished product shall be clean, uniform in quality, and free from wood, bark, roots, and other deleterious materials.

City Engineer reserves the right to except or reject any materials.

**9-02.1(6) Cationic Emulsified Asphalt**

**9-02.1(6) A Polymerized Cationic Emulsified Asphalt CRS-2P**

The asphalt CRS-2P shall be a polymerized cationic emulsified asphalt. The polymer shall be milled into the asphalt or emulsion during the manufacturing of the emulsion.

The asphalt CRS-2P shall meet the following specifications:

	AASHTO Test		Specifications
	Method	Minimum	Maximum
Viscosity @122°F, SFS	T59	100	400
Storage Stability 1 day %	T59	---	1
Demulsibility 35 ml. 0.8% Dioctyl Sodium Sulfosuccinate	T59	40	---
Particle Charge	T59	positive	---
Sieve Test %	T59	---	0.30
Distillation			
Oil distillate by Vol. of emulsion %	T59 <sup>note 1</sup>	0	3
Residue	T59	65	---
<b>Test on the Residue From Distillation</b>			
Penetration @ 77°F	T49	100	250
Torsional Recovery %	note 2	18	---
Or			
Toughness/Tenacity in-lbs	note 3	50/25	---

note 1

Distillation modified to use 300 grams of emulsion heated to 350°F ± 9°F and maintained for 20 minutes.

note 2

The Torsional Recovery test shall be conducted according to the California Department of Transportation Test Method No. 332

note 3

Benson method of toughness and tenacity; Scott tester, inch-pounds at 77°F, 20 in. per minute pull. Tension head 7/8 in. diameter

At the option of the supplier the Benson Toughness/Tenacity test can be used in lieu of Torsional Recovery based on type of modifier used. If the Benson Toughness/Tenacity method is used for acceptance the supplier must all test data verifying specification conformance.

**9-02.1(7) Asphalt for Sub-Sealing**

Asphalt for sub-sealing shall conform to the requirements of AASHTO M 238 except that the minimum softening point shall be 170°F.

## CITY OF BONNEY LAKE CONTRACTOR AGREEMENT

THIS AGREEMENT, is made and entered into this 14th day of April 2009 by and between the CITY OF BONNEY LAKE, a Washington municipal corporation, hereinafter referred to as the "CITY" and Doolittle Construction LLC, hereinafter referred to as the "CONTRACTOR."

WITNESSETH:

WHEREAS, the CITY desires to have certain work, services and/or tasks performed as set forth below requiring specialized skills and other supportive capabilities; and

WHEREAS, sufficient CITY resources are not available to provide such work; and

WHEREAS, the CONTRACTOR represents that the CONTRACTOR is qualified and possesses sufficient skills and the necessary capabilities, including technical and professional expertise, where required, to perform the work, services and/or tasks set forth in this Agreement.

NOW, THEREFORE, in consideration of the terms, conditions, covenants, and performance contained herein, the parties hereto agree as follows:

### 1. SCOPE OF WORK.

The CONTRACTOR shall perform such work and accomplish such tasks, including the furnishing of all materials and equipment necessary for full performance thereof, as are identified and designated as CONTRACTOR responsibilities throughout this Agreement and as detailed in Exhibit "A" attached hereto and incorporated herein (the "Project").

### 2. TERM.

The Project shall begin no earlier than Refer to Notice to Proceed and shall be completed no later than Refer to Notice to Proceed, unless sooner terminated according to the provisions herein.

### 3. COMPENSATION AND METHOD OF PAYMENT.

A. Payments for work provided hereunder shall be made following the performance of such work, unless otherwise permitted by law and approved in writing by the CITY.

B. No payment shall be made for any work rendered by the CONTRACTOR except for work identified and set forth in this Agreement.

C. The CITY shall pay the CONTRACTOR for work performed under this Agreement pursuant to accepted bid proposal attached hereto as Exhibit "B" and by this reference incorporated herein.

D. The CONTRACTOR shall submit to the CITY Clerk-Treasurer on forms approved by the Clerk-Treasurer, a voucher or invoice for services rendered during the pay period. The CITY shall initiate authorization for payment after receipt of said approved voucher or invoice and shall make payment to the CONTRACTOR within approximately thirty (30) days thereafter.

#### 4. REPORTS AND INSPECTIONS.

A. The CONTRACTOR at such times and in such forms as the CITY may require, shall furnish to the CITY such statements, records, reports, data, and information as the CITY may request pertaining to matters covered by this Agreement. All of the reports, information data, and other related materials, prepared or assembled by the CONTRACTOR under this Agreement and any information relating to personal, medical and financial data will be treated as confidential insofar as is allowed by Washington State laws regarding disclosure of public information, Chapter 42.17, R.C.W. Generally, Chapter 42.17, R.C.W. requires disclosure of all but the most personal and sensitive information in CITY hands.

B. The CONTRACTOR shall at any time during normal business hours and as often as the CITY or State Examiner may deem necessary, make available for examination all of its records and data with respect to all matters covered, directly or indirectly, by this Agreement and shall permit the CITY or its designated authorized representative to audit and inspect other data relating to all matters covered by this Agreement. The CITY shall receive a copy of all audit reports made by the agency or firm as to the CONTRACTOR'S activities. The CITY may, at its discretion, conduct an audit at its expense, using its own or outside auditors, of the CONTRACTOR'S activities which relate, directly or indirectly, to this Agreement.

#### 5. INDEPENDENT CONTRACTOR RELATIONSHIP.

A. The parties intend that an independent CONTRACTOR/CITY relationship will be created by this Agreement. The CITY is interested primarily in the results to be achieved; subject to paragraphs herein, the implementation of work and/or services will lie solely with the discretion of the CONTRACTOR. No agent, employee, servant or representative of the CONTRACTOR shall be deemed to be an employee, agent, servant or representative of the CITY for any purpose, and the employees of the CONTRACTOR are not entitled to any of the benefits the CITY provides for its employees. The CONTRACTOR will be solely and entirely responsible for its acts and for the acts of its agents, employees, servants, subcontractors or representatives during the performance of this Agreement.

B. In the performance of the work herein contemplated the CONTRACTOR is an independent contractor with the authority to control and direct the performance of the details of the work, however, the results of the work contemplated herein must meet the approval of the CITY and shall be subject to the CITY'S general rights of inspection and review to secure the satisfactory completion thereof.

## 6. CONTRACTOR EMPLOYEES/AGENTS

The CITY may in its sole discretion require the CONTRACTOR to remove an employee(s), agent(s) or servant(s) from employment on this Project. The CONTRACTOR may however employ that (those) individual(s) on other non-CITY related projects.

## 7. HOLD HARMLESS INDEMNIFICATION.

A. The CONTRACTOR shall indemnify and hold the CITY and its agents, employees, and/or officers, harmless from and shall process and defend at its own expense any and all claims, demands, suits, at law or equity, actions, penalties, losses, damages, or costs, of whatsoever kind or nature, brought against the CITY arising out of, in connection with, or incident to the execution of this Agreement and/or the CONTRACTOR'S performance or failure to perform any aspect of this Agreement; provided, however, that if such claims are caused by or result from the concurrent negligence of the CITY, its agents, employees, and/or officers, this indemnity provision shall be valid and enforceable only to the extent of the negligence of the CONTRACTOR; and provided further, that nothing herein shall require the CONTRACTOR to hold harmless or defend the CITY, its agents, employees and/or officers from any claims arising from the sole negligence of the CITY, its agents, employees, and/or officers. The CONTRACTOR expressly agrees that the indemnification provided herein constitutes the CONTRACTOR'S waiver of immunity under Title 51 RCW, for the purposes of this Agreement. This waiver has been mutually negotiated by the parties. The provisions of this section shall survive the expiration or termination of this Agreement.

B. No liability shall attach to the CITY by reason of entering into this Agreement except as expressly provided herein.

## 8. INSURANCE.

The CONTRACTOR shall procure and maintain for the duration of the Agreement insurance against claims for injuries to persons or damage to property which may arise from or in connection with the performance of the work hereunder by the CONTRACTOR, its agents, representatives, employees or subcontractors.

### A. Minimum Scope of Insurance

The CONTRACTOR shall obtain insurance of the types described below:

1. Automobile Liability insurance covering all owned non-owned, hired and leased vehicles. Coverage shall be written on Insurance Services Office (ISO) form CA 00 01 or a substitute form providing equivalent liability coverage. If necessary, the policy shall be endorsed to provide contractual liability coverage.
2. Commercial General Liability insurance shall be written on ISO occurrence form CG 00 01 and shall cover liability arising from premises, operations, independent contractors and personal injury and advertising injury. The City shall be named as an

insured under the Consultant's Commercial General Liability insurance policy with respect to the work performed for the City.

3. Worker's Compensation coverage as required by the Industrial Insurance laws of the State of Washington.
4. Professional Liability insurance appropriate to the Consultant's profession.

B. Minimum Amounts of Insurance

CONTRACTOR shall maintain the following insurance limits:

1. Automobile Liability insurance with a minimum combined single limit for bodily injury and property damage of \$1,000,000 per accident.
2. Commercial General Liability insurance shall be written with limits no less than \$1,000,000 each occurrence, \$2,000,000 general aggregate.
3. Professional Liability insurance shall be written with limits no less than \$1,000,000 per claim and \$1,000,000 policy aggregate limit.

B. Other Insurance Provisions

The insurance policies are to contain, or be endorsed to contain, the following provisions for Automobile Liability, Professional Liability and Commercial General Liability insurance:

1. The Contractor's insurance coverage shall be primary insurance as respect to the City. Any insurance, self-insurance, or insurance pool coverage maintained by the City shall be excess of the Contractor's insurance and not contribute with it.
2. The Contractor's insurance shall be endorsed to state that coverage shall not be cancelled by either party, except after thirty (30) days prior written notice by certified mail, return receipt requested, has been given to the City.
3. Insurance is to be placed with insurers with a current A.M. Best rating of not less than A:VII.
4. Contractor shall furnish the City with original certificates and a copy of the amendatory endorsements, including, but not limited to, the additional insured endorsement, evidencing the insurance requirements of the Contractor before commencement of the work.

The CONTRACTOR'S insurance shall contain a clause stating that coverage shall apply separately to each insured against whom claim is made or suit is brought, except with respects to the limits of the insurer's liability.

Any payment of deductible or self-insured retention shall be the sole responsibility of the CONTRACTOR.

The CONTRACTOR'S insurance shall be primary insurance as respects the CITY and the CITY shall be given thirty (30) days prior written notice of any cancellation, suspension or material change in coverage.

#### 9. TREATMENT OF ASSETS.

Title to all property furnished by the CITY shall remain in the name of the CITY and the CITY shall become the owner of the work product and other documents, if any, prepared by the CONTRACTOR pursuant to this Agreement.

#### 10. COMPLIANCE WITH LAWS.

A. The CONTRACTOR, in the performance of this Agreement, shall comply with all applicable federal, state or local laws and ordinances, including regulations for licensing, certification and operation of facilities, programs and accreditation, and licensing of individuals, and any other standards or criteria as described in this Agreement to assure quality of services.

B. The CONTRACTOR specifically agrees to pay any applicable business and occupation (B & O) taxes which may be due on account of this Agreement.

C. The CONTRACTOR shall fully satisfy, and shall require any subcontractors to fully satisfy, any obligation to make industrial insurance premium payments related to the Project and required under RCW 51.12.050 and/or RCW 51.12.070. Specified retainage relating to the Project will be withheld until receipt by the City of evidence that CONTRACTOR and all of its subcontractors have fully satisfied any obligation to make industrial insurance premium payments related to the Project and required under RCW 51.12.050 and/or RCW 51.12.070.

#### 11. NONDISCRIMINATION AND LEGAL COMPLIANCE.

A. The CITY is an equal opportunity employer.

B. Nondiscrimination in Employment. In the performance of this Agreement, the CONTRACTOR agrees not to discriminate against any client, employee or applicant for employment or for services because of race, creed, color, national origin, marital status, gender, age or handicap except for a bona fide occupational qualification with regard to, but not limited to, the following: employment upgrading; demotion or transfer; recruitment or any recruitment advertising; layoff or termination; rates of pay or other forms of compensation; selection for

training; and rendition of services. Contractor understands and agrees that if it violates this section, this Agreement may be terminated by the City, and that Contractor shall be barred from performing any services for the City in the future unless and until a showing is made satisfactory to the City that discriminatory practices have terminated and that recurrence of such action is unlikely.

C. Nondiscrimination in Services. The CONTRACTOR will not discriminate against any recipient of any services or benefits provided for in this Agreement on the grounds of race, creed, color, national origin, sex, marital status, age or the presence of any sensory, mental or physical handicap.

D. If any assignment and/or subcontracting has been authorized by the CITY, said assignment or subcontract shall include appropriate safeguards against discrimination. The CONTRACTOR shall take such action as may be required to ensure full compliance with the provisions in the immediately preceding paragraphs herein.

E. The contractor represents and warrants that it is in compliance with and agrees that it will remain in compliance with the provisions of the Immigration Reform and Control Act of 1986, including but not limited to the provisions of the Act prohibiting the hiring and continued employment of unauthorized aliens and requiring verification and record keeping with respect to the status of each of its employees' eligibility for employment. The contractor shall include a provision substantially the same as this section in any and all contracts with subcontractors performing work required of the contractor under this contract. The contractor agrees to indemnify and hold the City harmless from any and all liability, including liability for interest and penalties, the City may incur as a result of the contractor failing to comply with any provisions of the Immigration Reform and Control Act of 1986.

## 12. ASSIGNMENT/SUBCONTRACTING.

A. The CONTRACTOR shall not assign its performance under this Agreement or any portion of this Agreement without the written consent of the CITY, and it is further agreed that said consent must be sought in writing by the CONTRACTOR not less than thirty (30) days prior to the date of any proposed assignment. The CITY reserves the right to reject without cause any such assignment.

B. Any work or services assigned hereunder shall be subject to each provision of this Agreement and proper bidding procedures where applicable as set forth in local, state and/or federal statutes, ordinances and guidelines.

C. Any technical/professional service subcontract not listed in this Agreement, must have express advance approval by the CITY.

### 13. CHANGES.

Either party may request changes to the scope of services and performance to be provided hereunder, however, no change or addition to this Agreement shall be valid or binding upon the CITY unless such change or addition be in writing and signed by both parties. Such amendments shall be attached to and made part of this Agreement.

The CITY will have the right to make changes to the work provided for hereunder, within its general scope, and the contract time and for contract amount will be equitably adjusted to reflect the change. The CONTRACTOR will promptly commence and continue to perform the work as changed notwithstanding disagreement over the equitable adjustment owing therefore.

### 14. MAINTENANCE AND INSPECTION OF RECORDS.

A. The CONTRACTOR shall maintain books, records and documents, which sufficiently and properly reflect all direct and indirect costs related to the performance of this Agreement and shall maintain such accounting procedures and practices as may be necessary to assure proper accounting of all funds paid pursuant to this Agreement. These records shall be subject at all reasonable times to inspection, review, or audit, by the CITY, its authorized representative, the State Auditor, or other governmental officials authorized by law to monitor this Agreement.

B. The CONTRACTOR shall retain all books, records, documents and other material relevant to this agreement, for six (6) years after its expiration. The CONTRACTOR agrees that the CITY or its designee shall have full access and right to examine any of said materials at all reasonable times during said period.

### 15. POLITICAL ACTIVITY PROHIBITED.

None of the funds, materials, property or services provided directly or indirectly under the Agreement shall be used for any partisan political activity, or to further the election or defeat of any candidate for public office.

### 16. PROHIBITED INTEREST.

No member, officer, or employee of the CITY shall have any interest, direct or indirect, in this Agreement or the proceeds thereof

### 17. RETAINAGE.

Notwithstanding any other provision of this Agreement, in accordance with Ch. 60.28 RCW, the CITY shall retain from the monies earned by CONTRACTOR hereunder, five percent as a trust fund for the protection and payment of any person or persons, mechanic, subcontractor or materialman who shall perform any labor or furnish any supplies related to the Project, and the state with respect to taxes imposed pursuant to Title 82 RCW which may be due from

CONTRACTOR. Said retainage shall be reserved in a CITY fund until thirty days following final acceptance of the Project as completed, and shall not be released to CONTRACTOR until the CITY has received certification from the Washington State Department of Revenue that all taxes, increases and penalties due from CONTRACTOR, and all taxes due and to become due with respect to the Project, have been paid in full or are readily collectible without recourse to the state's lien on the retainage, and until the requirements of section 10(C) have been satisfied.

#### 18. PERFORMANCE BOND.

In accordance with Ch. 39.08 RCW, CONTRACTOR shall furnish to the CITY a bond, with a surety company licensed as a surety in Washington as surety, conditioned that CONTRACTOR shall faithfully perform all provisions of this Agreement and pay all laborers, mechanics, subcontractors and materialmen, and all persons who supply such person or persons, or subcontractors, with provisions and supplies for carrying out the Project. Said bond shall be in the amount of the total amount of this Agreement.

#### 19. PREVAILING WAGE.

CONTRACTOR shall pay all laborers, workers, or mechanics performing work under this Agreement prevailing wages as required by Ch. 39.12 RCW, and shall satisfy all other requirements of that chapter, including without limitation requiring that all subcontractors performing work related to the project comply with the requirements of that chapter. The hourly minimum rate of wage which may be paid to laborers, workers, or mechanics for work related to the Project is shown on Exhibit C, attached hereto and incorporated herein by this reference. Prior to the CITY making any payment to CONTRACTOR under this Agreement, CONTRACTOR and each subcontractor shall submit to the CITY a Statement of Intent to Pay Prevailing Wages approved by the industrial statistician of the Washington State Department of Labor and Industries and complying with the requirements of RCW 39.12.040. Prior to release of the sums retained pursuant to section 17 of this Agreement ["Retainage"], CONTRACTOR and each subcontractor shall submit to the City an Affidavit of Wages Paid approved by the industrial statistician of the Washington State Department of Labor and Industries and complying with the requirements of RCW 39.12.040.

#### 20. TERMINATION.

A. Termination for Convenience. The CITY may terminate this Agreement, in whole or in part, at any time, by written notice to the CONTRACTOR. In the event of termination for the convenience of the CITY, the CONTRACTOR shall be paid its costs, including contract close-out costs, and profit on work performed up to the time of termination. The CONTRACTOR shall promptly submit a termination claim to the CITY. If the CONTRACTOR has any property in its possession belonging to the CITY, the CONTRACTOR will account for the same, and dispose of it in the manner directed by the CITY.

B. Termination for Cause. If the CONTRACTOR fails to perform in the manner called for in this Agreement, or if the CONTRACTOR fails to comply with any other provisions of the Agreement and fails to correct such noncompliance within five (5) days written notice thereof, the CITY may terminate this Agreement for cause. Termination shall be effected by serving a notice of termination on the CONTRACTOR setting forth the manner in which the CONTRACTOR is in default. The CONTRACTOR will only be paid for services performed in accordance with the manner of performance set forth in this Agreement.

## 21. NOTICE.

Notice provided for in this Agreement shall be sent by certified mail to the addresses designated for the parties on the last page of this Agreement.

## 22. ATTORNEYS FEES AND COSTS.

If any legal proceeding is brought for the enforcement of this Agreement, or because of a dispute, breach, default, or misrepresentation in connection with any of the provisions of this Agreement, the prevailing party shall be entitled to recover from the other party, in addition to any other relief to which such party may be entitled, reasonable attorney's fees and other costs incurred in that action or proceeding.

## 23. JURISDICTION AND VENUE.

A. This Agreement has been and shall be construed as having been made and delivered with the State of Washington and it is agreed by each party hereto that this Agreement shall be governed by laws of the State of Washington, both as to interpretation and performance.

B. Any action of law, suit in equity, or judicial proceeding for the enforcement of this Agreement or any provisions thereof shall be instituted and maintained only in any of the courts of competent jurisdiction in Pierce County, Washington.

## 24. SEVERABILITY.

A. If, for any reason, any part, term or provision of this Agreement is held by a court of the United States to be illegal, void or unenforceable, the validity of the remaining provisions shall not be affected, and the rights and obligations of the parties shall be construed and enforced as if the Agreement did not contain the particular provision held to be invalid.

B. If it should appear that any provision hereof is in conflict with any statutory provision of the State of Washington, said provision which may conflict therewith shall be deemed inoperative and null and void insofar as it may be in conflict therewith, and shall be deemed modified to conform to such statutory provisions.

25. ENTIRE AGREEMENT.

The parties agree that this Agreement is the complete expression of the terms hereto and any oral representations or understandings not incorporated herein are excluded. Further, any modification of this Agreement shall be in writing and signed by both parties. Failure to comply with any of the provisions stated herein shall constitute material breach of contract and cause for termination. Both parties recognize time is of the essence in the performance of the provisions of this Agreement. It is also agreed by the parties that the forgiveness of the nonperformance of any provision of this Agreement does not constitute a waiver of the provisions of this Agreement.

IN WITNESS WHEREOF the parties hereto have caused this Agreement to be executed the day and year first hereinabove written.

CITY OF BONNEY LAKE

CONTRACTOR: Doolittle Construction LLC

\_\_\_\_\_  
Neil Johnson Jr., Mayor

 CEO  
Tom Doolittle  
UBI Number 602 351 934  
Date: 3-25-09

Date: \_\_\_\_\_

- EXHIBIT "A" (Project Work)
- EXHIBIT "B" (Bid Proposal)
- EXHIBIT "C" (Prevailing Wage Rates)

**EXHIBIT "A"**  
**Scope of Work**

See the attached Project Work.

Exhibit "A"



**City of Bonney Lake  
2009 Chip Seal  
Prevailing Wages are required to be paid**

Date: March 11, 2009

**Project Title: 2009 Chip Seal Application**

**Scope of Work:**

Apply a chip seal to approximately 64,000 square yards of paved surface at an application rate of .04.

- Chip Seal application must conform to DOT specifications, (Attachment A, pgs 5&6).
- Traffic control will be provided by the contractor.
- Contractor will notify the City 30 days in advance of starting work.
- Chip seal will be applied to the following approximate square yards (see attached "Street Improvements 2009").
- City crews will prepare all surfaces prior to the chip seal application.
- **This work must be commenced and completed July 1, 2009 to August 30, 2009.**

Please see enclosed: Bid sheet, "Chip Seal Specifications", 2009 Street Improvements, Chip Seal & Seal Coat Map, and the contractor agreement.

**Date Sealed Bids Requested: 10:00 am, Wednesday, March 25, 2009.**

**Street Improvements 2009:**

Sec- <b>Chip Seal</b>		(See 'Chip Seal & Seal Coat' map for Locations)			
Item	STREET Name/Number	Width	Length	Sq Yards	Scope of Work
<i>Cedar View</i>					
507	210TH AVE E	20	1750	3889	
508	94TH ST EAST	21	724	1689	
516	205TH AVE E (5)	21	1035	2415	
<i>Fir View</i>					
523	97TH ST E	21	1188	2772	
524	202ND AVE EAST	21	170	397	
<i>Church Lake</i>					
133	VANDERMARK ROAD	21	3630	8470	
135	CHURCH LAKE DR.	21	5111	11926	
138	71st ST E	21	1466	3421	
141	208th AVE E (1)	18	341	682	
<i>Kelly Glenn</i>					
131	206th AVE CT E	28	108	336	
132	83rd ST CT E	28	513	1596	
<i>Lake Jane</i>					
214	68TH ST EAST	21	3621	8449	
<i>Lake Bonney</i>					
352	75th ST EAST	21	212	495	
<i>Bonnie Bras</i>					
320	192ND AVE E	21	3013	7030	
325	77TH STREET E	21	691	1612	
<i>Rose Heights</i>					
332	191ST AVE EAST	16	726	1291	
333	82ND ST E (3)	16	1205	2142	
334	188TH AVE EAST	20	651	1447	
335	189TH AVE E	18	657	1168	
<i>Myers Road</i>					
350	77TH ST E	21	1171	2732	
Total Chip Seal Length		Miles	5.3	63958	Sq Yards

**EXHIBIT "B"**  
**Bid Proposal**

See the attached Project Bid Sheet.

# Exhibit "B"

## City of Bonney Lake 2009 Chip Seal Bid Sheet

Company Name: Doolittle Construction LLC  
 Address: 1900 118th Ave. S.E.  
Bellevue, WA 98005  
 Phone Number: (425) 455-1150  
 Fax Number: 425 455 6782  
 Contact Name: Tom Doolittle

**Project Title: 2009 Chip Seal Application**

Having carefully examined all documents enclosed herein, the Contractor proposes to perform all work in strict compliance with all documents, for the amount set forth below.

Schedule: Work shall be completed within 60 calendar days after the indicated starting date appearing in an official "Notice to Proceed" issued by Bonney Lake. Liquidated damages shall be imposed as specified in the contract documents for each day Contractor fails to meet the completion date.

Item	Description	Qty (Approx.)	Unit	Unit Price	Extended Price
1	Chip Seal Application (Rate of Application .4)	64,000	Square Yards	\$ 2. <sup>84</sup>	\$ 181,760. <sup>-</sup>
2	Chip Seal Application (Rate of Application .5)	0	Square Yards	\$ 3. <sup>09</sup>	\$ 0.
3	Fog Seal Application	0	Square Yards	\$ 0. <sup>45</sup>	\$ 0.
4	Mobilization	1	Lump Sum	\$ 20,000.	\$ 20,000. <sup>-</sup>
5				\$	\$
6				\$	\$
	Total Bid				\$ 201,760. <sup>00</sup>

**EXHIBIT "C"**  
**Prevailing Wage Rates**

See the attached Prevailing Wage Rates.

# Exhibit "C"

**State of Washington**  
**DEPARTMENT OF LABOR AND INDUSTRIES**  
 Prevailing Wage Section - Telephone (360) 902-5335  
 PO Box 44540, Olympia, WA 98504-4540

## Washington State Prevailing Wage Rates For Public Works Contracts

The PREVAILING WAGES listed here include both the hourly wage rate and the hourly rate of fringe benefits. On public works projects, workers' wage and benefit rates must add to not less than this total. A brief description of overtime calculation requirements is provided on the Benefit Code Key.

### PIERCE COUNTY EFFECTIVE 03-04-2009

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Classification	PREVAILING WAGE	Over Time Code	Holiday Code	Note Code
(See Benefit Code Key)				
<b>ASBESTOS ABATEMENT WORKERS</b>				
JOURNEY LEVEL	\$38.12	1H	5D	
<b>BOILERMAKERS</b>				
JOURNEY LEVEL	\$53.37	1C	5N	
<b>BRICK AND MARBLE MASONS</b>				
JOURNEY LEVEL	\$45.05	1M	5A	
<b>CABINET MAKERS (IN SHOP)</b>				
JOURNEY LEVEL	\$24.76	1		
<b>CARPENTERS</b>				
ACOUSTICAL WORKER	\$46.32	1M	5D	
BRIDGE, DOCK AND WARP CARPENTERS	\$46.16	1M	5D	
CARPENTER	\$46.16	1M	5D	
CREOSOTED MATERIAL	\$46.26	1M	5D	
DRYWALL APPLICATOR	\$46.42	1M	5D	
FLOOR FINISHER	\$46.16	1M	5D	
FLOOR LAYER	\$46.16	1M	5D	
FLOOR SANDER	\$46.16	1M	5D	
MILLWRIGHT AND MACHINE ERECTORS	\$47.16	1M	5D	
PILEDRIVERS, DRIVING, PULLING, PLACING COLLARS AND WELDING	\$46.36	1M	5D	
SAWFILER	\$46.16	1M	5D	
SHINGLER	\$46.16	1M	5D	
STATIONARY POWER SAW OPERATOR	\$46.16	1M	5D	
STATIONARY WOODWORKING TOOLS	\$46.16	1M	5D	
<b>CEMENT MASONS</b>				
JOURNEY LEVEL	\$46.81	1M	5D	
<b>DIVERS &amp; TENDERS</b>				
DIVER	\$96.81	1M	5D	8A
DIVER ON STANDBY	\$54.19	1M	5D	
DIVER TENDER	\$49.84	1M	5D	
<b>DREDGE WORKERS</b>				
ASSISTANT ENGINEER	\$47.09	1T	5D	8L
ASSISTANT MATE (DECKHAND)	\$46.58	1T	5D	8L
BOATMEN	\$47.09	1T	5D	8L
ENGINEER WELDER	\$47.14	1T	5D	8L
LEVERMAN, HYDRAULIC	\$48.71	1T	5D	8L
MAINTENANCE	\$46.58	1T	5D	8L
MATES	\$47.09	1T	5D	8L
OILER	\$46.71	1T	5D	8L
<b>DRYWALL TAPERS</b>				
JOURNEY LEVEL	\$46.34	1E	5P	
<b>ELECTRICAL FIXTURE MAINTENANCE WORKERS</b>				
JOURNEY LEVEL	\$17.76	1		

**PIERCE COUNTY  
EFFECTIVE 03-04-2009**

\*\*\*\*\*

(See Benefit Code Key)

Classification	PREVAILING WAGE	Over		
		Time Code	Holiday Code	Note Code
<b>ELECTRICIANS - INSIDE</b>				
CABLE SPLICER	\$54.64	1G	5C	
JOURNEY LEVEL	\$50.99	1G	5C	
LEAD COVERED CABLE SPLICER	\$58.25	1G	5C	
WELDER	\$54.64	1G	5C	
<b>ELECTRICIANS - MOTOR SHOP</b>				
CRAFTSMAN	\$15.37	2A	6C	
JOURNEY LEVEL	\$14.69	2A	6C	
<b>ELECTRICIANS - POWERLINE CONSTRUCTION</b>				
CABLE SPLICER	\$58.36	4A	5A	
CERTIFIED LINE WELDER	\$53.30	4A	5A	
GROUNDPERSON	\$38.14	4A	5A	
HEAD GROUNDPERSON	\$40.25	4A	5A	
HEAVY LINE EQUIPMENT OPERATOR	\$53.30	4A	5A	
JACKHAMMER OPERATOR	\$40.25	4A	5A	
JOURNEY LEVEL LINEPERSON	\$53.30	4A	5A	
LINE EQUIPMENT OPERATOR	\$45.14	4A	5A	
POLE SPRAYER	\$53.30	4A	5A	
POWDERPERSON	\$40.25	4A	5A	
<b>ELECTRONIC TECHNICIANS</b>				
ELECTRONIC TECHNICIANS JOURNEY LEVEL	\$32.39	1		
<b>ELEVATOR CONSTRUCTORS</b>				
MECHANIC	\$64.81	4A	6Q	
MECHANIC IN CHARGE	\$70.60	4A	6Q	
<b>FABRICATED PRECAST CONCRETE PRODUCTS</b>				
ALL CLASSIFICATIONS	\$9.28	1		
<b>FENCE ERECTORS</b>				
FENCE ERECTOR	\$16.57	1		
<b>FLAGGERS</b>				
JOURNEY LEVEL	\$32.47	1H	5D	
<b>GLAZIERS</b>				
JOURNEY LEVEL	\$45.25	1Y	5G	
<b>HEAT &amp; FROST INSULATORS AND ASBESTOS WORKERS</b>				
MECHANIC	\$48.28	1S	5J	
<b>HEATING EQUIPMENT MECHANICS</b>				
MECHANIC	\$18.45	1		
<b>HOD CARRIERS &amp; MASON TENDERS</b>				
JOURNEY LEVEL	\$39.31	1H	5D	
<b>INDUSTRIAL ENGINE AND MACHINE MECHANICS</b>				
MECHANIC	\$15.65	1		
<b>INDUSTRIAL POWER VACUUM CLEANER</b>				
JOURNEY LEVEL	\$9.24	1		
<b>INLAND BOATMEN</b>				
CAPTAIN	\$48.39	1K	5B	
COOK	\$45.36	1K	5B	
DECKHAND	\$45.36	1K	5B	
ENGINEER/DECKHAND	\$46.25	1K	5B	
MATE, LAUNCH OPERATOR	\$47.35	1K	5B	
<b>INSPECTION/CLEANING/SEALING OF SEWER &amp; WATER SYSTEMS BY REMOTE CONTROL</b>				
CLEANER OPERATOR, FOAMER OPERATOR	\$9.73	1		
GROUT TRUCK OPERATOR	\$11.48	1		

**PIERCE COUNTY**  
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(See Benefit Code Key)

Classification	PREVAILING WAGE	Over Time Code	Holiday Code	Note Code
HEAD OPERATOR	\$12.78	1		
TECHNICIAN	\$8.55	1		
TV TRUCK OPERATOR	\$10.53	1		
<b>INSULATION APPLICATORS</b>				
JOURNEY LEVEL	\$20.08	1		
<b>IRONWORKERS</b>				
JOURNEY LEVEL	\$51.01	10	5A	
<b>LABORERS</b>				
ASPHALT RAKER	\$38.83	1H	5D	
BALLAST REGULATOR MACHINE	\$38.12	1H	5D	
BATCH WEIGHMAN	\$32.47	1H	5D	
BRUSH CUTTER	\$38.12	1H	5D	
BRUSH HOG FEEDER	\$38.12	1H	5D	
BURNERS	\$38.12	1H	5D	
CARPENTER TENDER	\$38.12	1H	5D	
CASSION WORKER	\$39.31	1H	5D	
CEMENT DUMPER/PAVING	\$38.83	1H	5D	
CEMENT FINISHER TENDER	\$38.12	1H	5D	
CHANGE-HOUSE MAN OR DRY SHACKMAN	\$38.12	1H	5D	
CHIPPING GUN (OVER 30 LBS)	\$38.83	1H	5D	
CHIPPING GUN (UNDER 30 LBS)	\$38.12	1H	5D	
CHOKER SETTER	\$38.12	1H	5D	
CHUCK TENDER	\$38.12	1H	5D	
CLEAN-UP LABORER	\$38.12	1H	5D	
CONCRETE DUMPER/CHUTE OPERATOR	\$38.83	1H	5D	
CONCRETE FORM STRIPPER	\$38.12	1H	5D	
CONCRETE SAW OPERATOR	\$38.83	1H	5D	
CRUSHER FEEDER	\$32.47	1H	5D	
CURING LABORER	\$38.12	1H	5D	
DEMOLITION, WRECKING & MOVING (INCLUDING CHARRED MATERIALS)	\$38.12	1H	5D	
DITCH DIGGER	\$38.12	1H	5D	
DIVER	\$39.31	1H	5D	
DRILL OPERATOR (HYDRAULIC, DIAMOND)	\$38.83	1H	5D	
DRILL OPERATOR, AIRTRAC	\$39.31	1H	5D	
DUMPMAN	\$38.12	1H	5D	
EPOXY TECHNICIAN	\$38.12	1H	5D	
EROSION CONTROL WORKER	\$38.12	1H	5D	
FALLER/BUCKER, CHAIN SAW	\$38.83	1H	5D	
FINAL DETAIL CLEANUP (i.e., dusting, vacuuming, window cleaning; NOT construction debris cleanup)	\$29.65	1H	5D	
FINE GRADERS	\$38.12	1H	5D	
FIRE WATCH	\$32.47	1H	5D	
FORM SETTER	\$38.12	1H	5D	
GABION BASKET BUILDER	\$38.12	1H	5D	
GENERAL LABORER	\$38.12	1H	5D	
GRADE CHECKER & TRANSIT PERSON	\$38.83	1H	5D	
GRINDERS	\$38.12	1H	5D	
GROUT MACHINE TENDER	\$38.12	1H	5D	
GUARDRAIL ERECTOR	\$38.12	1H	5D	
HAZARDOUS WASTE WORKER LEVEL A	\$39.31	1H	5D	
HAZARDOUS WASTE WORKER LEVEL B	\$38.83	1H	5D	
HAZARDOUS WASTE WORKER LEVEL C	\$38.12	1H	5D	

**PIERCE COUNTY**  
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(See Benefit Code Key)

Classification	PREVAILING WAGE	Over		Note Code
		Time Code	Holiday Code	
HIGH SCALER	\$39.31	1H	5D	
HOD CARRIER/MORTARMAN	\$38.83	1H	5D	
JACKHAMMER	\$38.83	1H	5D	
LASER BEAM OPERATOR	\$38.83	1H	5D	
MANHOLE BUILDER-MUDMAN	\$38.83	1H	5D	
MATERIAL YARDMAN	\$38.12	1H	5D	
MINER	\$39.31	1H	5D	
NOZZLEMAN, CONCRETE PUMP, GREEN CUTTER WHEN USING HIGH PRESSURE AIR & WATER ON CONCRETE & ROCK, SANDBLAST, GUNITE, SHOTCRETE, WATER BLASTER	\$38.83	1H	5D	
PAVEMENT BREAKER	\$38.83	1H	5D	
PILOT CAR	\$32.47	1H	5D	
PIPE POT TENDER	\$38.83	1H	5D	
PIPE RELINER (NOT INSERT TYPE)	\$38.83	1H	5D	
PIPELAYER & CAULKER	\$38.83	1H	5D	
PIPELAYER & CAULKER (LEAD)	\$39.31	1H	5D	
PIPEWRAPPER	\$38.83	1H	5D	
POT TENDER	\$38.12	1H	5D	
POWDERMAN	\$39.31	1H	5D	
POWDERMAN HELPER	\$38.12	1H	5D	
POWERJACKS	\$38.83	1H	5D	
RAILROAD SPIKE PULLER (POWER)	\$38.83	1H	5D	
RE-TIMBERMAN	\$39.31	1H	5D	
RIPRAP MAN	\$38.12	1H	5D	
RODDER	\$38.83	1H	5D	
SCAFFOLD ERECTOR	\$38.12	1H	5D	
SCALE PERSON	\$38.12	1H	5D	
SIGNALMAN	\$38.12	1H	5D	
SLOPER (OVER 20")	\$38.83	1H	5D	
SLOPER SPRAYMAN	\$38.12	1H	5D	
SPREADER (CLARY POWER OR SIMILAR TYPES)	\$38.83	1H	5D	
SPREADER (CONCRETE)	\$38.83	1H	5D	
STAKE HOPPER	\$38.12	1H	5D	
STOCKPILER	\$38.12	1H	5D	
TAMPER & SIMILAR ELECTRIC, AIR & GAS	\$38.83	1H	5D	
TAMPER (MULTIPLE & SELF PROPELLED)	\$38.83	1H	5D	
TOOLROOM MAN (AT JOB SITE)	\$38.12	1H	5D	
TOPPER-TAILER	\$38.12	1H	5D	
TRACK LABORER	\$38.12	1H	5D	
TRACK LINER (POWER)	\$38.83	1H	5D	
TRUCK SPOTTER	\$38.12	1H	5D	
TUGGER OPERATOR	\$38.83	1H	5D	
VIBRATING SCREED (AIR, GAS, OR ELECTRIC)	\$38.12	1H	5D	
VIBRATOR	\$38.83	1H	5D	
VINYL SEAMER	\$38.12	1H	5D	
WELDER	\$38.12	1H	5D	
WELL-POINT LABORER	\$38.83	1H	5D	
<b>LABORERS - UNDERGROUND SEWER &amp; WATER</b>				
GENERAL LABORER	\$38.12	1H	5D	
PIPE LAYER	\$38.83	1H	5D	
<b>LANDSCAPE CONSTRUCTION</b>				
IRRIGATION OR LAWN SPRINKLER INSTALLERS	\$17.07	1		

**PIERCE COUNTY  
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Classification	PREVAILING WAGE	(See Benefit Code Key)		
		Over Time Code	Holiday Code	Note Code
LANDSCAPE EQUIPMENT OPERATORS OR TRUCK DRIVERS	\$14.55	1		
LANDSCAPING OR PLANTING LABORERS	\$17.07	1		
<b>LATHERS</b>				
JOURNEY LEVEL	\$46.42	1M	5D	
<b>METAL FABRICATION (IN SHOP)</b>				
FITTER	\$15.25	1		
LABORER	\$10.32	1		
MACHINE OPERATOR	\$13.98	1		
WELDER	\$13.98	1		
<b>PAINTERS</b>				
JOURNEY LEVEL	\$34.87	2B	6Z	
<b>PLASTERERS</b>				
JOURNEY LEVEL	\$44.83	1R	5B	
<b>PLAYGROUND &amp; PARK EQUIPMENT INSTALLERS</b>				
JOURNEY LEVEL	\$9.73	1		
<b>PLUMBERS &amp; PIPEFITTERS</b>				
JOURNEY LEVEL	\$54.07	1G	5A	
<b>POWER EQUIPMENT OPERATORS</b>				
ASSISTANT ENGINEERS	\$44.64	1T	5D	8P
BACKHOE, EXCAVATOR SHOVEL, OVER 50 METRIC TONS TO 90 METRIC TONS	\$48.46	1T	5D	8P
BACKHOE, EXCAVATOR SHOVEL, OVER 90 METRIC TONS	\$49.03	1T	5D	8P
BACKHOE, EXCAVATOR, SHOVEL (OVER 3 YD & UNDER 6 YD)	\$47.91	1T	5D	8P
BACKHOE, EXCAVATOR, SHOVEL, OVER 30 METRIC TONS TO 50 METRIC TONS	\$47.91	1T	5D	8P
BACKHOE, EXCAVATOR, SHOVEL, TRACTORS UNDER 15 METRIC TONS	\$47.00	1T	5D	8P
BACKHOE, EXCAVATOR, SHOVEL, TRACTORS: 15 TO 30 METRIC TONS	\$47.42	1T	5D	8P
BACKHOES, (75 HP & UNDER)	\$47.00	1T	5D	8P
BARRIER MACHINE (ZIPPER)	\$47.42	1T	5D	8P
BATCH PLANT OPERATOR, CONCRETE	\$47.42	1T	5D	8P
BELT LOADERS (ELEVATING TYPE )	\$47.00	1T	5D	8P
BOBCAT (SKID STEER)	\$44.64	1T	5D	8P
BROKK-REMOTE DEMOLITION EQUIPMENT	\$44.64	1T	5D	8P
BROOMS	\$44.64	1T	5D	8P
BUMP CUTTER	\$47.42	1T	5D	8P
CABLEWAYS	\$47.91	1T	5D	8P
CHIPPER	\$47.42	1T	5D	8P
COMPRESSORS	\$44.64	1T	5D	8P
CONCRETE FINISH MACHINE - LASER SCREED	\$44.64	1T	5D	8P
CONCRETE PUMPS	\$47.00	1T	5D	8P
CONCRETE PUMP-TRUCK MOUNT WITH BOOM ATTACHMENT	\$47.42	1T	5D	8P
CONVEYORS	\$47.00	1T	5D	8P
CRANE, FRICTION 100 TONS THROUGH 199 TONS	\$49.03	1T	5D	8P
CRANE, FRICTION OVER 200 TONS	\$48.29	1T	5D	8P
CRANES, THRU 19 TONS, WITH ATTACHMENTS	\$47.00	1T	5D	8P
CRANES, 20 - 44 TONS, WITH ATTACHMENTS	\$47.42	1T	5D	8P
CRANES, 45 TONS - 99 TONS, UNDER 150 FT OF BOOM (INCLUDING JIB WITH ATTACHMENTS)	\$47.91	1T	5D	8P
CRANES, 100 TONS - 199 TONS, OR 150 FT OF BOOM (INCLUDING JIB WITH ATTACHMENTS)	\$48.46	1T	5D	8P
CRANES, 200 TONS TO 300 TONS, OR 250 FT OF BOOM (INCLUDING JIB WITH ATTACHMENTS)	\$49.03	1T	5D	8P
CRANES, A-FRAME, 10 TON AND UNDER	\$44.64	1T	5D	8P

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(See Benefit Code Key)

Classification	PREVAILING WAGE	Over		
		Time Code	Holiday Code	Note Code
CRANES, A-FRAME, OVER 10 TON	\$47.00	1T	5D	8P
CRANES, OVER 300 TONS, OR 300' OF BOOM INCLUDING JIB WITH ATTACHMENTS	\$48.29	1T	5D	8P
CRANES, OVERHEAD, BRIDGE TYPE ( 20 - 44 TONS)	\$47.42	1T	5D	8P
CRANES, OVERHEAD, BRIDGE TYPE ( 45 - 99 TONS)	\$47.91	1T	5D	8P
CRANES, OVERHEAD, BRIDGE TYPE (100 TONS & OVER)	\$48.46	1T	5D	8P
CRANES, TOWER CRANE UP TO 175' IN HEIGHT, BASE TO BOOM	\$48.46	1T	5D	8P
CRANES, TOWER CRANE OVER 175' IN HEIGHT, BASE TO BOOM	\$49.03	1T	5D	8P
CRUSHERS	\$47.42	1T	5D	8P
DECK ENGINEER/DECK WINCHES (POWER)	\$47.42	1T	5D	8P
DERRICK, BUILDING	\$47.91	1T	5D	8P
DOZERS, D-9 & UNDER	\$47.00	1T	5D	8P
DRILL OILERS - AUGER TYPE, TRUCK OR CRANE MOUNT	\$47.00	1T	5D	8P
DRILLING MACHINE	\$47.42	1T	5D	8P
ELEVATOR AND MANLIFT, PERMANENT AND SHAFT-TYPE	\$44.64	1T	5D	8P
EQUIPMENT SERVICE ENGINEER (OILER)	\$47.00	1T	5D	8P
FINISHING MACHINE/BIDWELL GAMACO AND SIMILAR EQUIP	\$47.42	1T	5D	8P
FORK LIFTS, (3000 LBS AND OVER)	\$47.00	1T	5D	8P
FORK LIFTS, (UNDER 3000 LBS)	\$44.64	1T	5D	8P
GRADECHECKER AND STAKEMAN	\$44.64	1T	5D	8P
GUARDRAIL PUNCH	\$47.42	1T	5D	8P
HOISTS, OUTSIDE (ELEVATORS AND MANLIFTS), AIR TUGGERS	\$47.00	1T	5D	8P
HORIZONTAL/DIRECTIONAL DRILL LOCATOR	\$47.00	1T	5D	8P
HORIZONTAL/DIRECTIONAL DRILL OPERATOR	\$47.42	1T	5D	8P
HYDRALIFTS/BOOM TRUCKS (10 TON & UNDER)	\$44.64	1T	5D	8P
HYDRALIFTS/BOOM TRUCKS (OVER 10 TON)	\$47.00	1T	5D	8P
LOADERS, OVERHEAD (6 YD UP TO 8 YD)	\$47.91	1T	5D	8P
LOADERS, OVERHEAD (8 YD & OVER)	\$48.46	1T	5D	8P
LOADERS, OVERHEAD (UNDER 6 YD), PLANT FEED	\$47.42	1T	5D	8P
LOCOMOTIVES, ALL	\$47.42	1T	5D	8P
MECHANICS, ALL	\$48.46	1T	5D	8P
MIXERS, ASPHALT PLANT	\$47.42	1T	5D	8P
MOTOR PATROL GRADER (FINISHING)	\$47.91	1T	5D	8P
MOTOR PATROL GRADER (NON-FINISHING)	\$47.00	1T	5D	8P
MUCKING MACHINE, MOLE, TUNNEL DRILL AND/OR SHIELD	\$47.91	1T	5D	8P
OIL DISTRIBUTORS, BLOWER DISTRIBUTION AND MULCH SEEDING OPERATOR	\$44.64	1T	5D	8P
PAVEMENT BREAKER	\$44.64	1T	5D	8P
PILEDRIVER (OTHER THAN CRANE MOUNT)	\$47.42	1T	5D	8P
PLANT OILER (ASPHALT, CRUSHER)	\$47.00	1T	5D	8P
POSTHOLE DIGGER, MECHANICAL	\$44.64	1T	5D	8P
POWER PLANT	\$44.64	1T	5D	8P
PUMPS, WATER	\$44.64	1T	5D	8P
QUAD 9, D-10, AND HD-41	\$47.91	1T	5D	8P
QUICK TOWER-NO CAB, UNDER 100 FEET IN HEIGHT BASED TO BOOM	\$44.64	1T	5D	8P
REMOTE CONTROL OPERATOR ON RUBBER TIERED EARTH MOVING EQUIP	\$47.91	1T	5D	8P
RIGGER AND BELLMAN	\$44.64	1T	5D	8P
ROLLAGON	\$47.91	1T	5D	8P
ROLLER, OTHER THAN PLANT ROAD MIX	\$44.64	1T	5D	8P
ROLLERS, PLANTMIX OR MULTILIFT MATERIALS	\$47.00	1T	5D	8P
ROTO-MILL, ROTO-GRINDER	\$47.42	1T	5D	8P
SAWS, CONCRETE	\$47.00	1T	5D	8P

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(See Benefit Code Key)

Classification	PREVAILING WAGE	Over		
		Time Code	Holiday Code	Note Code
SCRAPERS - SELF PROPELLED, HARD TAIL END DUMP, ARTICULATING OFF-ROAD EQUIPMENT (45 YD AND OVER)	\$47.91	1T	5D	8P
SCRAPERS, CONCRETE AND CARRY ALL	\$47.00	1T	5D	8P
SCREED MAN	\$47.42	1T	5D	8P
SHOTCRETE GUNITE	\$44.64	1T	5D	8P
SLIPFORM PAVERS	\$47.91	1T	5D	8P
SPREADER, TOPSIDER & SCREEDMAN	\$47.91	1T	5D	8P
SUBGRADE TRIMMER	\$47.42	1T	5D	8P
TOWER BUCKET ELEVATORS	\$47.00	1T	5D	8P
TRACTORS, (75 HP & UNDER )	\$47.00	1T	5D	8P
TRACTORS, (OVER 75 HP)	\$47.42	1T	5D	8P
TRANSFER MATERIAL SERVICE MACHINE	\$47.42	1T	5D	8P
TRANSPORTERS, ALL TRACK OR TRUCK TYPE	\$47.91	1T	5D	8P
TRENCHING MACHINES	\$47.00	1T	5D	8P
TRUCK CRANE OILER/DRIVER ( UNDER 100 TON)	\$47.00	1T	5D	8P
TRUCK CRANE OILER/DRIVER (100 TON & OVER)	\$47.42	1T	5D	8P
TRUCK MOUNT PORTABLE CONVEYER	\$47.42	1T	5D	8P
WHEEL TRACTORS, FARMALL TYPE	\$44.64	1T	5D	8P
YO YO PAY DOZER	\$47.42	1T	5D	8P
<b>POWER EQUIPMENT OPERATORS- UNDERGROUND SEWER &amp; WATER</b> (SEE POWER EQUIPMENT OPERATORS)				
<b>POWER LINE CLEARANCE TREE TRIMMERS</b>				
JOURNEY LEVEL IN CHARGE	\$39.29	4A	5A	
SPRAY PERSON	\$37.21	4A	5A	
TREE EQUIPMENT OPERATOR	\$37.81	4A	5A	
TREE TRIMMER	\$35.18	4A	5A	
TREE TRIMMER GROUNDPERSON	\$26.55	4A	5A	
<b>REFRIGERATION &amp; AIR CONDITIONING MECHANICS</b> MECHANIC	\$53.36	1G	5A	
<b>RESIDENTIAL BRICK &amp; MARBLE MASONS</b> JOURNEY LEVEL	\$22.67	1		
<b>RESIDENTIAL CARPENTERS</b> JOURNEY LEVEL	\$20.25	1		
<b>RESIDENTIAL CEMENT MASONS</b> JOURNEY LEVEL	\$46.81	1M	5D	
<b>RESIDENTIAL DRYWALL TAPERS</b> JOURNEY LEVEL	\$46.34	1E	5P	
<b>RESIDENTIAL ELECTRICIANS</b> JOURNEY LEVEL	\$18.96	1		
<b>RESIDENTIAL GLAZIERS</b> JOURNEY LEVEL	\$33.29	1H	5G	
<b>RESIDENTIAL INSULATION APPLICATORS</b> JOURNEY LEVEL	\$18.70	1		
<b>RESIDENTIAL LABORERS</b> JOURNEY LEVEL	\$13.83	1		
<b>RESIDENTIAL PAINTERS</b> JOURNEY LEVEL	\$12.00	1		
<b>RESIDENTIAL PLUMBERS &amp; PIPEFITTERS</b> JOURNEY LEVEL	\$25.61	1		
<b>RESIDENTIAL REFRIGERATION &amp; AIR CONDITIONING MECHANICS</b> JOURNEY LEVEL	\$30.96	1G	5A	

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Classification	PREVAILING WAGE	Over Time Code	Holiday Code	Note Code
<b>RESIDENTIAL SHEET METAL WORKERS</b>				
JOURNEY LEVEL (FIELD OR SHOP)	\$34.14	1I	6L	
<b>RESIDENTIAL SOFT FLOOR LAYERS</b>				
JOURNEY LEVEL	\$36.95	1B	5A	
<b>RESIDENTIAL SPRINKLER FITTERS (FIRE PROTECTION)</b>				
JOURNEY LEVEL	\$32.56	2R	5C	
<b>RESIDENTIAL TERRAZZO/TILE FINISHERS</b>				
JOURNEY LEVEL	\$30.26	1		
<b>ROOFERS</b>				
JOURNEY LEVEL	\$37.54	2O	5A	
USING IRRITABLE BITUMINOUS MATERIALS	\$40.54	2O	5A	
<b>SHEET METAL WORKERS</b>				
JOURNEY LEVEL (FIELD OR SHOP)	\$55.27	1E	6L	
<b>SHIPBUILDING &amp; SHIP REPAIR</b>				
BOILERMAKER	\$32.56	1H	6W	
CARPENTER	\$31.89	1B	6E	
ELECTRICIAN	\$31.89	1B	6E	
HEAT & FROST INSULATOR	\$48.28	1S	5J	
LABORER	\$19.10	1		
MACHINIST	\$31.89	1B	6E	
OPERATOR	\$31.89	1B	6E	
PAINTER	\$30.68	1R	6A	
PIPEFITTER	\$31.89	1B	6E	
RIGGER	\$15.77	1		
SANDBLASTER	\$30.68	1R	6A	
SHEET METAL	\$35.83	1J	6L	
SHIPFITTER	\$31.89	1B	6E	
TRUCKER	\$15.75	1		
WAREHOUSE	\$13.75	1B	6X	
WELDER/BURNER	\$31.89	1B	6E	
<b>SIGN MAKERS &amp; INSTALLERS (ELECTRICAL)</b>				
SIGN INSTALLER	\$26.17	1		
SIGN MAKER	\$20.33	1		
<b>SIGN MAKERS &amp; INSTALLERS (NON-ELECTRICAL)</b>				
SIGN INSTALLER	\$33.43	1		
SIGN MAKER	\$22.79	1		
<b>SOFT FLOOR LAYERS</b>				
JOURNEY LEVEL	\$36.95	1B	5A	
<b>SOLAR CONTROLS FOR WINDOWS</b>				
JOURNEY LEVEL	\$10.31	1B	5O	
<b>SPRINKLER FITTERS (FIRE PROTECTION)</b>				
JOURNEY LEVEL	\$59.74	1X	5C	
<b>STAGE RIGGING MECHANICS (NON STRUCTURAL)</b>				
JOURNEY LEVEL	\$13.23	1		
<b>SURVEYORS</b>				
CHAIN PERSON	\$9.35	1		
INSTRUMENT PERSON	\$11.40	1		
PARTY CHIEF	\$13.40	1		
<b>TELECOMMUNICATION TECHNICIANS</b>				
TELECOMMUNICATION TECHNICIANS JOURNEY LEVEL	\$28.29	1		
<b>TELEPHONE LINE CONSTRUCTION - OUTSIDE</b>				
CABLE SPLICER	\$31.46	2B	5A	

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Classification	PREVAILING WAGE	Over		Note Code
		Time Code	Holiday Code	
HOLE DIGGER/GROUND PERSON	\$17.58	2B	5A	
INSTALLER (REPAIRER)	\$30.17	2B	5A	
JOURNEY LEVEL TELEPHONE LINEPERSON	\$29.26	2B	5A	
SPECIAL APPARATUS INSTALLER I	\$31.46	2B	5A	
SPECIAL APPARATUS INSTALLER II	\$30.82	2B	5A	
TELEPHONE EQUIPMENT OPERATOR (HEAVY)	\$31.46	2B	5A	
TELEPHONE EQUIPMENT OPERATOR (LIGHT)	\$29.26	2B	5A	
TELEVISION GROUND PERSON	\$16.67	2B	5A	
TELEVISION LINEPERSON/INSTALLER	\$22.19	2B	5A	
TELEVISION SYSTEM TECHNICIAN	\$26.42	2B	5A	
TELEVISION TECHNICIAN	\$23.76	2B	5A	
TREE TRIMMER	\$29.26	2B	5A	
<b>TERRAZZO WORKERS &amp; TILE SETTERS</b>				
JOURNEY LEVEL	\$43.61	1M	5A	
<b>TILE, MARBLE &amp; TERRAZZO FINISHERS</b>				
FINISHER	\$37.44	1B	5A	
<b>TRAFFIC CONTROL STRIPERS</b>				
JOURNEY LEVEL	\$37.90	1K	5A	
<b>TRUCK DRIVERS</b>				
ASPHALT MIX	\$22.49	1		
DUMP TRUCK	\$22.56	1		
DUMP TRUCK & TRAILER	\$22.56	1		
OTHER TRUCKS	\$30.20	1		
TRANSIT MIXER	\$28.65	2H	6I	
<b>WELL DRILLERS &amp; IRRIGATION PUMP INSTALLERS</b>				
IRRIGATION PUMP INSTALLER	\$16.09	1		
OILER	\$15.39	1		
WELL DRILLER	\$18.30	1		

# Chip Seal & Seal Coat 2009

-  Chip Seal
-  Seal Coat
-  Public Roads (edges)
-  Private Roads (edges)
-  Botney Lake UGA
-  Outside City Limits



**City of Bonney Lake, Washington  
Council Agenda Bill (C.A.B.) Approval Form**

<b>Department/Staff Contact:</b> City Engineer John Woodcock	<b>Council/Wkshp Meeting Date:</b> April 14, 2009	<b>Agenda Item Number</b> AB09-65
<b>Ordinance Number:</b>	<b>Resolution Number:</b> 1935	<b>Councilmember Sponsor:</b>
<b>BUDGET INFORMATON</b>		
<b>2009 Budget Amount</b>	<b>Required Expenditure</b>	<b>Impact</b>
Sewer CIP \$257,000.00	Sewer CIP \$156,827.02	\$180,351.07
Design \$36,401.93	Contingency (10%) \$15,682.70	Remaining Balance \$40,247.00
	Construction Eng. (5%) \$7,841.35	
<b>Explanation:</b> 402.043.035.595.30.63.04 Septic Reduction (Sewer CIP)		
<b>Agenda Subject:</b> Award the 82 <sup>nd</sup> Street Court E. Sanitary Sewer Project to Big Mountain Enterprises.		

**Administrative Recommendation:**

**Background Summary:** As part of the septic reduction program the City will be installing 875 lineal ft. of 8 inch diameter sewer main and 725 ft. of 6 inch diameter side sewers.

The City opened bids on March 27, 2009. The City received 21 bids and Big Mountain Enterprises was the low bidder with a bid of \$156,827.02. The Engineer's Estimate was \$237,118.80. After meeting the contractor, public works staff has determined that their bid proposal is consistent with the requirements of the contract and bid specifications.

Resolution 1935 requests authorization from the City Council for the Mayor to award the contract to Big Mountain Enterprises. This request includes 10% of the bid (\$15,682.70) for contingencies, and 5% (\$7,841.35) for construction engineering.

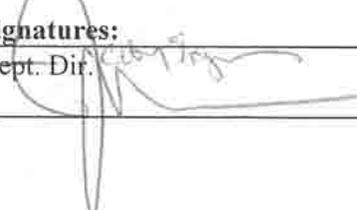
Attachments: Resolution 1935, Bid Result Sheet, Contract, Map.

<b>Council Committee Dates:</b>	<b>Commission Dates:</b>	<b>Board/Hearing Examiner Dates:</b>
Finance Committee: Public Safety Committee:  Community Development & Planning Committee:  Council Workshop:	Planning Commission:  Civil Service Commission:	Park Board:  Hearing Examiner:

**Council Action:**

Council Call for Hearing:	Council Hearings Date:
Council Referred Back to:	Workshop: Committee
Council Tabled Until:	Council Meeting Dates:

**Signatures:**

Dept. Dir. 	Mayor 	Date City Attorney reviewed
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COMMUNITY DEVELOPMENT COMMITTEE

Action Item #2

DATE: April 6, 2009

ORIGINATOR: John Woodcock

TITLE: City Engineer

SUBJECT: Award the 82<sup>nd</sup> Street Court E. Sanitary Sewer Project to Big Mountain Enterprises.

As part of the septic reduction program the City will be installing 875 lineal ft. of 8 inch diameter sewer main and 725 ft. of 6 inch diameter side sewers.

The City opened bids on March 27, 2009. The City received 21 bids and Big Mountain Enterprises was the low bidder with a bid of \$156,827.02. The Engineer's Estimate was \$237,118.80. After meeting the contractor, public works staff has determined that their bid proposal is consistent with the requirements of the contract and bid specifications.

Resolution 1935 requests authorization from the City Council for the Mayor to award the contract to Big Mountain Enterprises. This request includes 10% of the bid (\$15,682.70) for contingencies, and 5% (\$7,841.35) for construction engineering.

ORDINANCE/RESOLUTION: 1935

REQUEST OR RECOMMENDATION BY ORIGINATOR:

ISSUE AND DOCUMENTS HAVE BEEN REVIEWED AND APPROVED BY THE

FINANCE DIRECTOR \_\_\_\_\_

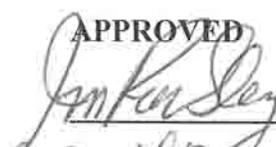
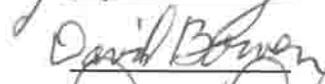
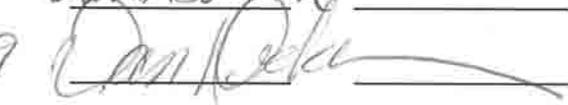
CITY ATTORNEY \_\_\_\_\_

<u>2009 Budget Amount</u>	<u>Current Balance</u>	<u>Required Expenditure</u>	<u>Remaining Balance</u>
Sewer CIP \$257,000.00	Sewer CIP \$156,827.02	\$180,351.07	\$40,247.00
Design \$36,401.93	Contingency (10%) \$15,682.70		
	Construction Eng. (5%) \$7,841.35		

Explanation:

402.043.035.595.30.63.04 Septic Reduction (Sewer CIP)

COMMITTEE ACTION: RECOMMEND APPROVAL TO COUNCIL

	DATE	APPROVED	DISAPPROVED
James Rackley, Chairman	4-6-09		_____
David Bowen	4-6-09		_____
Dan Decker	4-6-09		_____

COMMITTEE COMMENTS: \_\_\_\_\_

COMMITTEE'S RECOMMENDATION TO FORWARD TO:

CITY CLERK

CITY ATTORNEY

Please schedule for City Council Meeting date of: April 14, 2009

Consent Agenda:  Yes  No

## RESOLUTION NO. 1935

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON, AWARDED THE 82<sup>ND</sup> STREET COURT E. SANITARY SEWER CONTRACT TO BIG MOUNTAIN ENTERPRISES.**

**WHEREAS**, the City advertised the 82<sup>nd</sup> Street Court E. Sanitary Sewer Project and opened bids on March 27, 2009 and has determined the lowest responsible bid for this contract was received from Big Mountain Enterprises ; and

**WHEREAS**, the City Council adopted this project as part of the Septic System Reduction Program in the Sewer CIP budget for construction in 2009; and

**NOW, THEREFORE, BE IT RESOLVED** that the City of Bonney Lake Council does hereby authorize the Mayor to sign the attached contract with Big Mountain Enterprises in the amount of \$156,824.02, which includes tax.

**BE IT FURTHER RESOLVED** that the City of Bonney Lake Council does hereby authorize a 10% Construction Contingency (\$15,682.40) amount based on the contract bid amount as well as a 5% Construction Engineering(\$7,841.35) amount based on the contract bid.

**PASSED** and adopted by the City Council this 14th day of April 2009.

---

Neil Johnson , Mayor

ATTEST:

---

Harwood T. Edvalson, CMC  
City Clerk

APPROVED AS TO FORM:

---

James Dionne, City Attorney

**City of Bonney Lake**

**Bid for: 82nd Street Court E. Sanitary Sewer**

**Date: March 27, 2009 10:00 am**

Name	Proposal		Bid Deposit		Non-Collusion Certificate		Bidder's Qualification		Bid Bond Form & Bid Bond		Subcontractor's List		Schedule A		Schedule B		Total Bid
1 Big Mt. Enterprises														\$94,765.07	\$62,061.95	\$156,827.02	
2 Les Russell Const.														\$83,563.84	\$83,500.00	\$167,063.84	
3 Juhl Development*														\$105,312.96	\$65,470.00	\$170,782.96	
4 Shoreline Construction Co.														\$84,749.76	\$94,260.00	\$179,009.76	
5 Henderson Partners**														\$105,001.79	\$79,440.00	\$184,441.79	
6 Reed Trucking & Excavating*														\$118,219.36	\$67,413.40	\$185,632.76	
7 Hoffman Construction														\$122,213.41	\$77,915.00	\$200,128.41	
8 Washington Pipeline*														\$98,137.60	\$106,050.00	\$204,187.60	
9 Rodarte Construction*														\$134,514.88	\$69,870.00	\$204,384.88	
10 Parker Pacific														\$138,088.96	\$70,465.00	\$208,553.96	
11 Johansen Excavating														\$132,159.36	\$79,290.00	\$211,449.36	
12 R P & Co. Inc.														\$142,851.14	\$68,680.00	\$211,531.14	
13 Northwest Cascade Inc.														\$133,241.92	\$80,260.00	\$213,501.92	
14 McDonald & Company*														\$150,285.44	\$68,815.00	\$219,100.44	
15 R/S Construction														\$143,740.05	\$79,254.65	\$222,994.70	
16 Construct Co.**														\$149,773.54	\$77,680.00	\$227,453.54	
17 Durnford & Sons														\$169,978.24	\$77,165.00	\$247,143.24	
18 Nor Tec Construction*														\$157,915.04	\$94,460.00	\$252,375.04	
19 Road Const. Northwest														\$185,008.96	\$76,650.00	\$261,658.96	
20 C. A. Goodman**														\$192,373.54	\$72,376.72	\$264,750.26	
21 VLS Construction														\$213,318.72	\$86,410.00	\$299,728.72	
Engineer's Estimate														\$159,908.80	\$77,210.00	\$237,118.80	

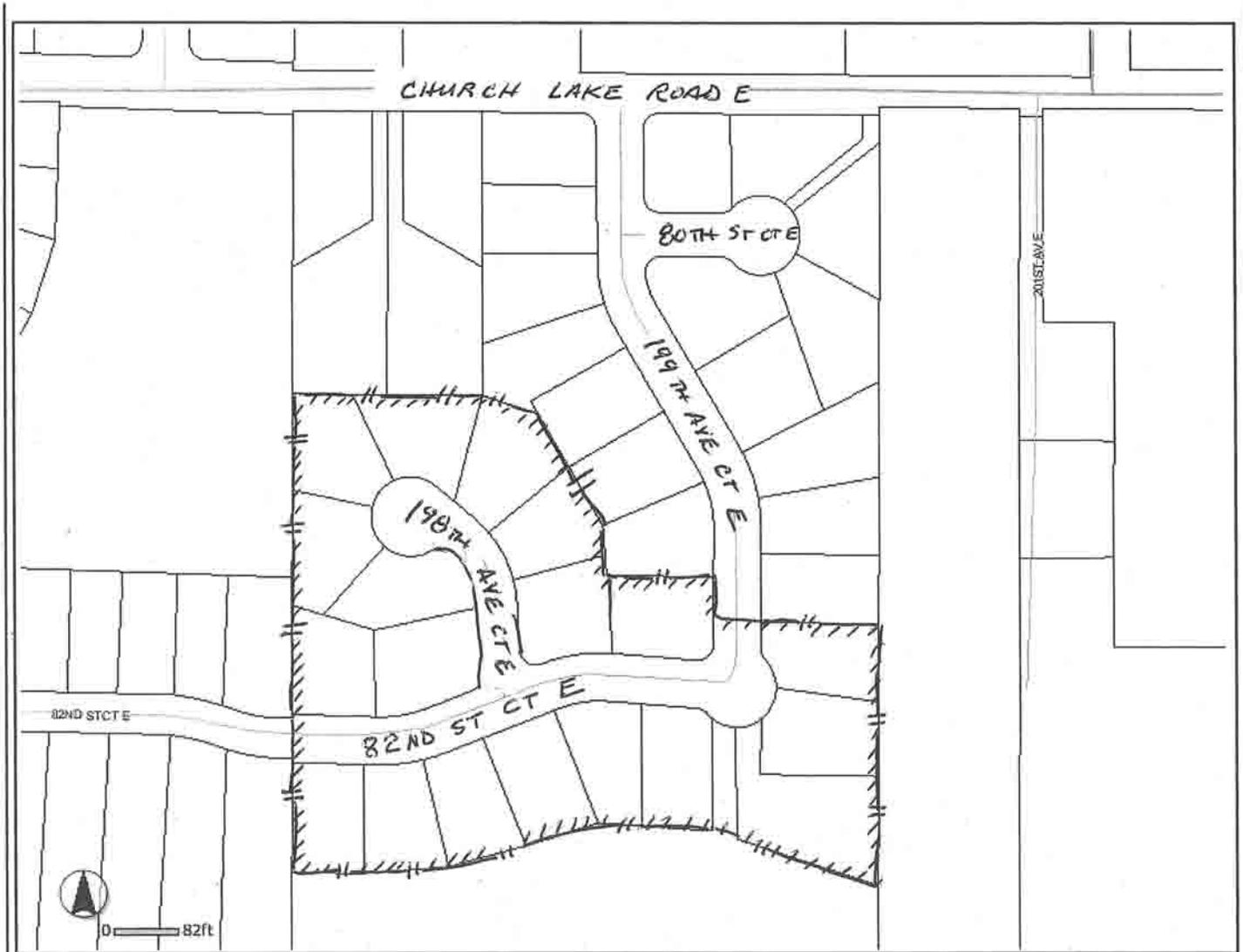
\* = Irregular bid, no written words for unit bid prices.

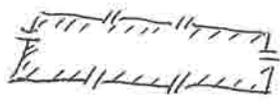
\*\* = Irregular bid, math errors.

82<sup>nd</sup> Street Ct. E. Sanitary Sewer Improvements

AB09-65

NW ¼, NW ¼, Section 34, T. 20 N., R. 5 E.



 = Project Area

**CONTRACT**

State of Washington )  
                                  ) SS  
County of Pierce        )

THIS CONTRACT, made and entered into this 2nd day of April,  
2009, in the year of 2009, by and between City of Bonney Lake, Washington, a  
municipal corporation, hereinafter designated as the "Owner," and Big Mountain  
Enterprises, LLC hereinafter designated as the "Contractor,"

WITNESSETH:

That WHEREAS the Owner has heretofore caused to be prepared certain plans and  
specifications described as the 82<sup>nd</sup> Street Court East Sanitary Sewer Improvements and the  
Contractor did on the 27<sup>th</sup> day of March, 2009, file with the Owner  
a proposal to construct said work and agreed to accept as payment therefore the sum fully stated  
and set forth in the proposal, and

WHEREAS, the said Contract Documents fully and accurately described the terms and  
conditions upon which the Contractor proposes to furnish said equipment, labor, materials, and  
appurtenances and perform said work, together with the manner and time of furnishing same;

IT IS THEREFORE AGREED, first, that a copy of said General Conditions and other  
Contract Documents filed with the Owner, as aforesaid, do, in all particulars, become a part of  
the Agreement and Contract by and between the parties hereto in all matters and things therein  
set forth and described; and further, that the Owner and the Contractor hereby accept and agree  
to the terms and conditions of said Contract Documents as filed as completely as if said terms  
and conditions and plans were herein set out in full.

IN FAITH WHEREOF, witness the hands and seals of both parties hereto on the day and  
year in this Agreement first above written.

Contractor Big Mountain Enterprises, LLC  
By Shane E. Pettit  
Title member

Attest (If Corporation)

Witness (If Individual or Partnership)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**City of Bonney Lake**

By \_\_\_\_\_  
Title \_\_\_\_\_



**City of Bonney Lake, Washington  
Council Agenda Bill (C.A.B.) Approval Form**

<b>Department/Staff Contact:</b> John Woodcock- City Engineer	<b>Council/Wkshp Meeting Date:</b> April 14, 2009	<b>Agenda Item Number</b> AB09-55
<b>Ordinance Number:</b>	<b>Resolution Number:</b> N/A	<b>Councilmember Sponsor:</b>
<b><u>BUDGET INFORMATON</u></b>		
<b>2008 Budget Amount</b>	<b>Required Expenditure</b>	<b>Impact</b> N/A
		<b>Remaining Balance</b>
<b>Explanation:</b> Retainage release of \$5,830.50 once contract closeout documents/requirements are met.		
<b>Agenda Subject:</b> Motion to accept as complete for the <b>Public Works Prefabricated Modular Building Contract with Modern Building Systems.</b>		

**Administrative Recommendation:**

**Background Summary:** Request Council accepts the PW Prefabricated Modular Building Contract with Modular Building Systems as complete.  
 Resolution 1861, dated October 14, 2008 awarded the construction contract to Modular Building Contract in the amount of \$124,674.00. This project was to purchase an interim Public Works building to be placed on site at the City Public Works shops. This prefabricated modular building will serve as interim overflow office, meeting room, rest room and break room space for new and existing employees until the new maintenance facility can be constructed.  
Project Total Costs:  
 Purchase & Construction costs = \$126,871.68  
 Construction Inspections/surveying/field engineering = done by Public Works project manager  
  
 Actual total costs for construction including construction inspections= \$126,871.68  
 Budget total for construction including 10% contingency cost = \$148,659.13  
**Under Budget- \$21,787.45**  
  
 Total contract amount paid to Modern Building Systems, Inc. was \$121,041.18 with \$5,830.50 retainage withheld with final pay estimate on February 27, 2009.  
 As a matter of housekeeping, this project has been reconciled, accepted by the City Engineer and project close out documents are nearing completion. The Department of Revenue and L&I have been notified and we are awaiting confirmation from these two organizations that there are no unpaid taxes or wages.  
Attachments:  
 Res #1861, Original Agenda Bill AB08-139, Notice of Completion of Public Works Contract to Dept of Revenue, Four photos of project under construction

<b>Council Committee Dates:</b>	<b>Commission Dates:</b>	<b>Board/Hearing Examiner Dates:</b>
Finance Committee:	Planning Commission:	Park Board:
Public Safety Committee:	Civil Service Commission:	Hearing Examiner:
Community Development & Planning Committee: 4/6/09		
Council Workshop:		

**Council Action:**

Council Call for Hearing:	Council Hearings Date:
Council Referred Back to:	Workshop: _____ Committee
Council Tabled Until:	Council Meeting Dates:

**Signatures:**

Dept. Dir. 	Mayor 	Date City Attorney reviewed
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# Action Item #4

## COMMUNITY DEVELOPMENT COMMITTEE

DATE: April 6, 2009

ORIGINATOR: John Woodcock

TITLE: City Engineer

**SUBJECT:** Motion to accept as complete for the Public Works Prefabricated Modular Building Contract with Modern Building Systems

Request Council accepts the PW Prefabricated Modular Building Contract with Modular Building Systems as complete. Resolution 1861, dated October 14, 2008 awarded the construction contract to Modular Building Contract in the amount of \$124,674.00. This project was to purchase an interim Public Works building to be placed on site at the City Public Works shops. This prefabricated modular building will serve as interim overflow office, meeting room, rest room and break room space for new and existing employees until the new maintenance facility can be constructed.

Project Total Costs:

Purchase & Construction costs = \$126,871.68

Construction Inspections/surveying/field engineering = done by Public Works project manager

Actual total costs for construction including construction inspections= \$126,871.68

Budget total for construction including 10% contingency cost = \$148,659.13

**Under Budget- \$21,787.45**

Total contract amount paid to Modern Building Systems, Inc. was \$121,041.18 with \$5,830.50 retainage withheld with final pay estimate on February 27, 2009.

As a matter of housekeeping, this project has been reconciled, accepted by the City Engineer and project close out documents are nearing completion. The Department of Revenue and L&I have been notified and we are awaiting confirmation from these two organizations that there are no unpaid taxes or wages.

**ORDINANCE/RESOLUTION: N/A**

**REQUEST OR RECOMMENDATION BY ORIGINATOR:**

**ISSUE AND DOCUMENTS HAVE BEEN REVIEWED AND APPROVED BY THE FINANCE DIRECTOR** \_\_\_\_\_

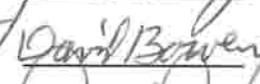
**CITY ATTORNEY** \_\_\_\_\_

2009 Budget Amount    Current Balance    Required Expenditure    Remaining Balance

N/A

Explanation:

**COMMITTEE ACTION: RECOMMEND APPROVAL TO COUNCIL**

	DATE	APPROVED	DISAPPROVED
James Rackley, Chairman	<u>4-6-09</u>		_____
David Bowen	<u>4-6-09</u>		_____
Dan Decker	<u>4-6-09</u>		_____

**COMMITTEE COMMENTS:** \_\_\_\_\_

**COMMITTEE'S RECOMMENDATION TO FORWARD TO:**

**CITY CLERK**

**CITY ATTORNEY**

Please schedule for City Council Meeting date of: April 14, 2009

Consent Agenda:  Yes     No

RESOLUTION NO. 1861

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON, AUTHORIZING A CONTRACTOR AGREEMENT WITH MODERN BUILDING SYSTEMS, INC. FOR A PREFABRICATED MODULAR BUILDING.**

**Whereas**, the City of Bonney Lake solicited and opened bids for a contract for a prefabricated modular building on October 2, 2008, and

**Whereas**, the City received five (5) bids and has determined the lowest responsible bid for this contract was received from Modern Building Systems, Inc. in the amount of one hundred twenty-four thousand six hundred and seventy-three dollars and 92 cents (\$124,673.92); and

**Whereas**, sufficient funds are available in the adopted biennial budget to fund the contract; and

**Whereas**, the City Council desires to proceed with the project;

**Now therefore, be it resolved;**

The City Council of the City of Bonney Lake, Washington does hereby authorize the Mayor to sign the attached contract with Modern Building Systems, Inc. in the amount of \$124,673.92, which includes sales tax.

The City Council further authorizes a contingency of up to 10% of project costs, if needed, to cover any unanticipated needs or necessary change orders.

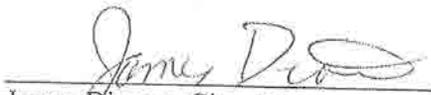
**PASSED** by the City Council this 14<sup>th</sup> day of October, 2008.

  
\_\_\_\_\_  
Neil Johnson, Mayor

ATTEST:

  
\_\_\_\_\_  
Harwood T. Edvalson, CMC  
City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
James Dionne, City Attorney

**City of Bonney Lake, Washington  
Council Agenda Bill (C.A.B.) Approval Form**

<b>Department/Staff Contact:</b> John Woodcock – City Engineer	<b>Council/Wkshp Meeting Date:</b> October 14, 2008	<b>Agenda Item Number</b> AB08-139
<b>Ordinance Number:</b>	<b>Resolution Number:</b> 1861	<b>Councilmember Sponsor:</b>

<b>BUDGET INFORMATON</b>			
<b>2008 Budget Amount</b>	<b>Current Balance</b>	<b>Required Expense</b>	<b>Remaining Balance</b>
		\$124,674	
<b>Explanation:</b> Funding to come from the public works facility project, as follows: Water Fund 401.999.594.06.065 - \$62,338; Sewer Fund 402.999.594.68.065 - \$52, 336; Stormwater Fund 415.999.594.45.065 - \$10,000			

**Agenda Subject:**  
Award the Prefabricated Modular Building contract to Modern Building Systems, Inc. in the amount of \$124,673.92.

**Administrative Recommendation:** Approve

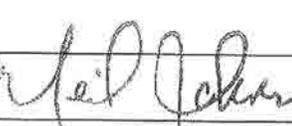
**Background Summary:** After comparing lease versus purchase options on an interim public works modular building, Council authorized the Administration to advertise for bids for the purchase of a modular building. The City subsequently solicited bid proposals for a 36 foot by 60 foot (36' x 60') prefabricated modular building to be placed on site at the City Public Works shops. This will serve as interim overflow office, meeting room, rest room, and break room space for new and existing employees until the new maintenance facility can be constructed at the water tank site. The City received 5 bids. The low bid was \$124,673.92, including sales tax. The company is considered to be a "responsible bidder". Therefore, it is recommended that Modern Building Systems, Inc. be awarded the bid. Completion is expected before the end of the year.

<b>Council Committee Dates:</b>	<b>Commission Dates:</b>	<b>Board/Hearing Examiner Dates:</b>
Finance Committee: 6/24/08	Planning Commission:	Park Board:
Public Safety Committee:	Civil Service Commission:	Hearing Examiner:
Community Development & Planning Committee:		
Council Workshop: 7/1/08 & 7/15/08		

**Council Action:**

Council Call for Hearing:	Council Hearings Date:
Council Referred Back to:	Workshop: Committee
Council Tabled Until:	Council Meeting Dates: 10/14/08

**Signatures:**

Dept. Dir. 	Mayor 	Date City Attorney reviewed N/A
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Contractor's Registration No. (UBI No.) 600 097 167

Date 3/16/09

## NOTICE OF COMPLETION OF PUBLIC WORKS CONTRACT

From:

Name & Address of Public Agency
City of Bonney Lake PO Box 7380 Bonney Lake, WA 98391

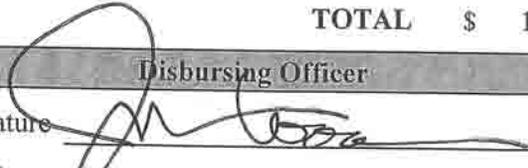
Department Use Only
Assigned To _____
Date Assigned _____

*Notice is hereby given relative to the completion of contract or project described below*

Description of Contract Public Works Prefabricate Modular Bldg Project		Contract Number
Contractor's Name Modern Building Systems, Inc.		Telephone Number 503-749-4949
Contractor's Address PO Box 110, Aumsville OR 97325		
Date Work Commenced 10/24/08	Date Work Completed 2/20/09	Date Work Accepted 2/20/09
Surety or Bonding Company Safeco Insurance Company of America		
Agent's Address 16505 SW 72 <sup>nd</sup> Ave., Bldg. F, Aumsville, OR 97325		

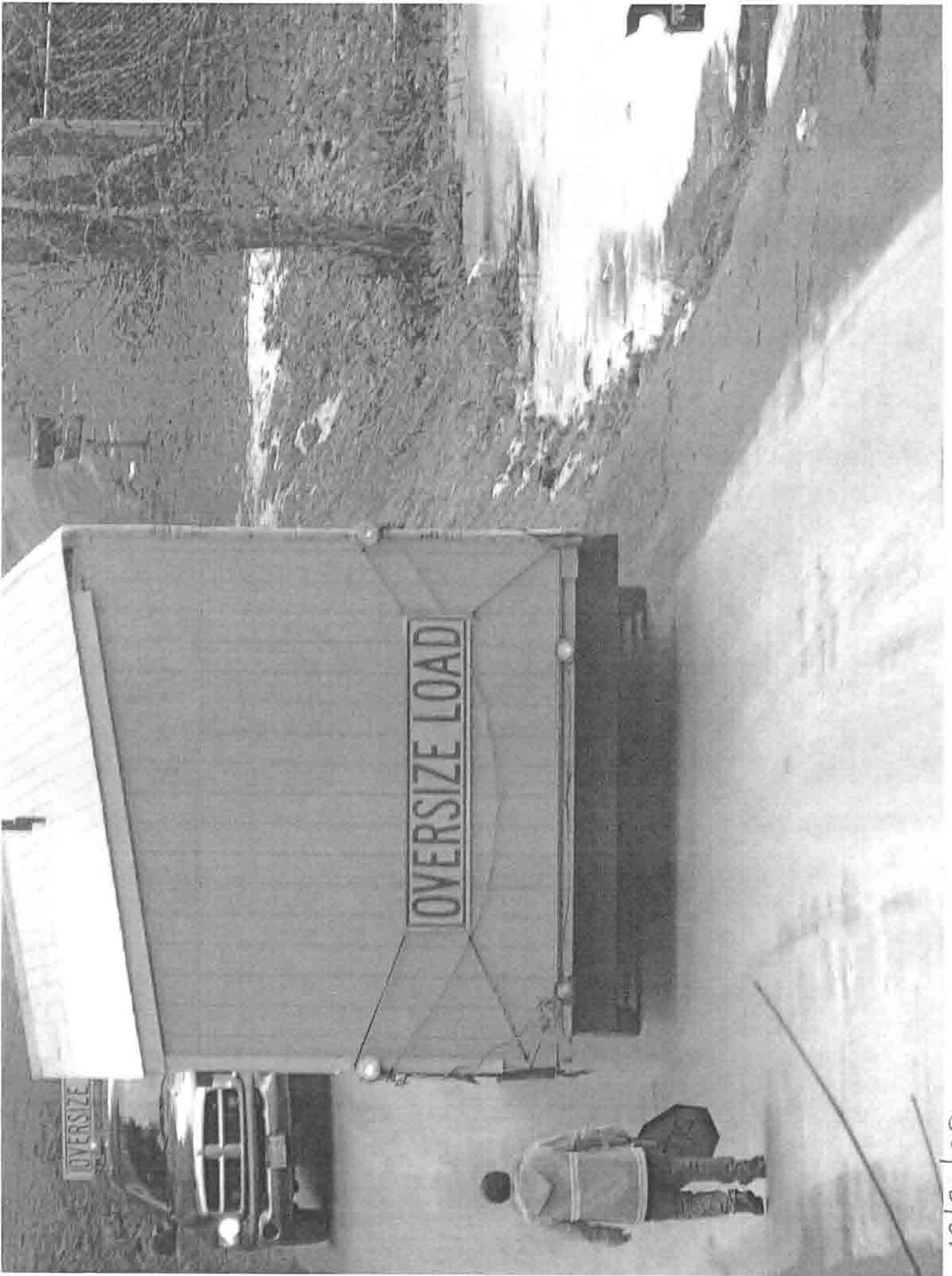
Contract Amount	\$	114,590.00			
Additions	\$ +	2,020.00		Liquidated Damages	\$
Reductions	\$ -				
<b>Sub-Total</b>	\$	116,610.00		Amount Disbursed	\$ 121,041.18
Amount of Sales Tax Paid at <u>8.8 %</u> <i>(If various rates apply, please send a breakdown.)</i>	\$	10,261.68		Amount Retained	\$ 5,830.50
<b>TOTAL</b>	\$	<b>126,871.68</b>		<b>TOTAL</b>	\$ <b>126,871.68</b>

Comments:

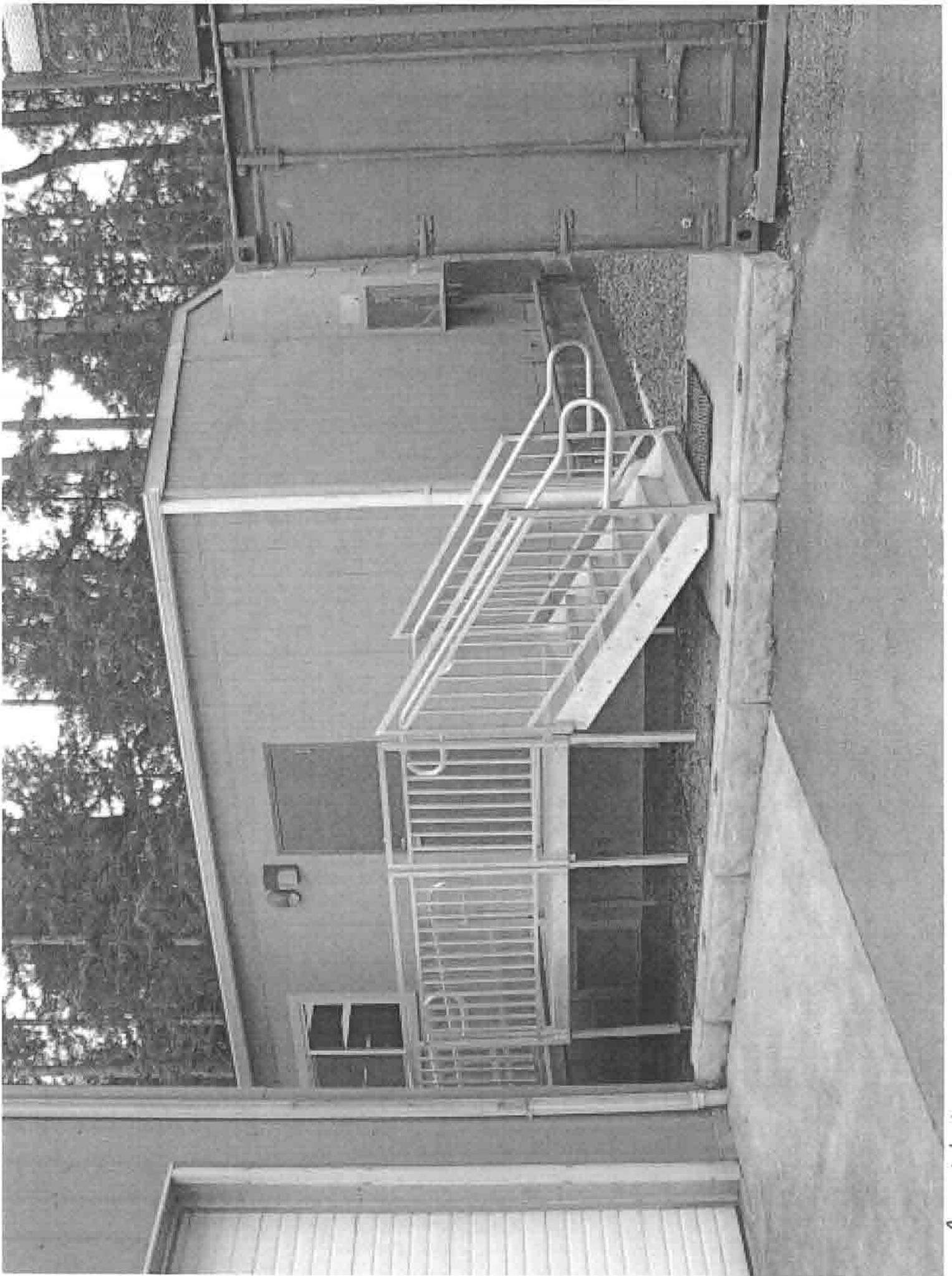
<b>Disbursing Officer</b>
Signature 
Type or Print Name <u>John Woodcook</u>
Phone Number <u>253-447-4336</u>

The Disbursing Officer must complete and mail **THREE** copies of this notice to the Department of Revenue, PO Box 47474, Olympia, WA 98504-7474, immediately after acceptance of the work done under this contract. **NO PAYMENT SHALL BE MADE FROM RETAINED FUNDS** until receipt of Department's certificate, and then only in accordance with said certificate.

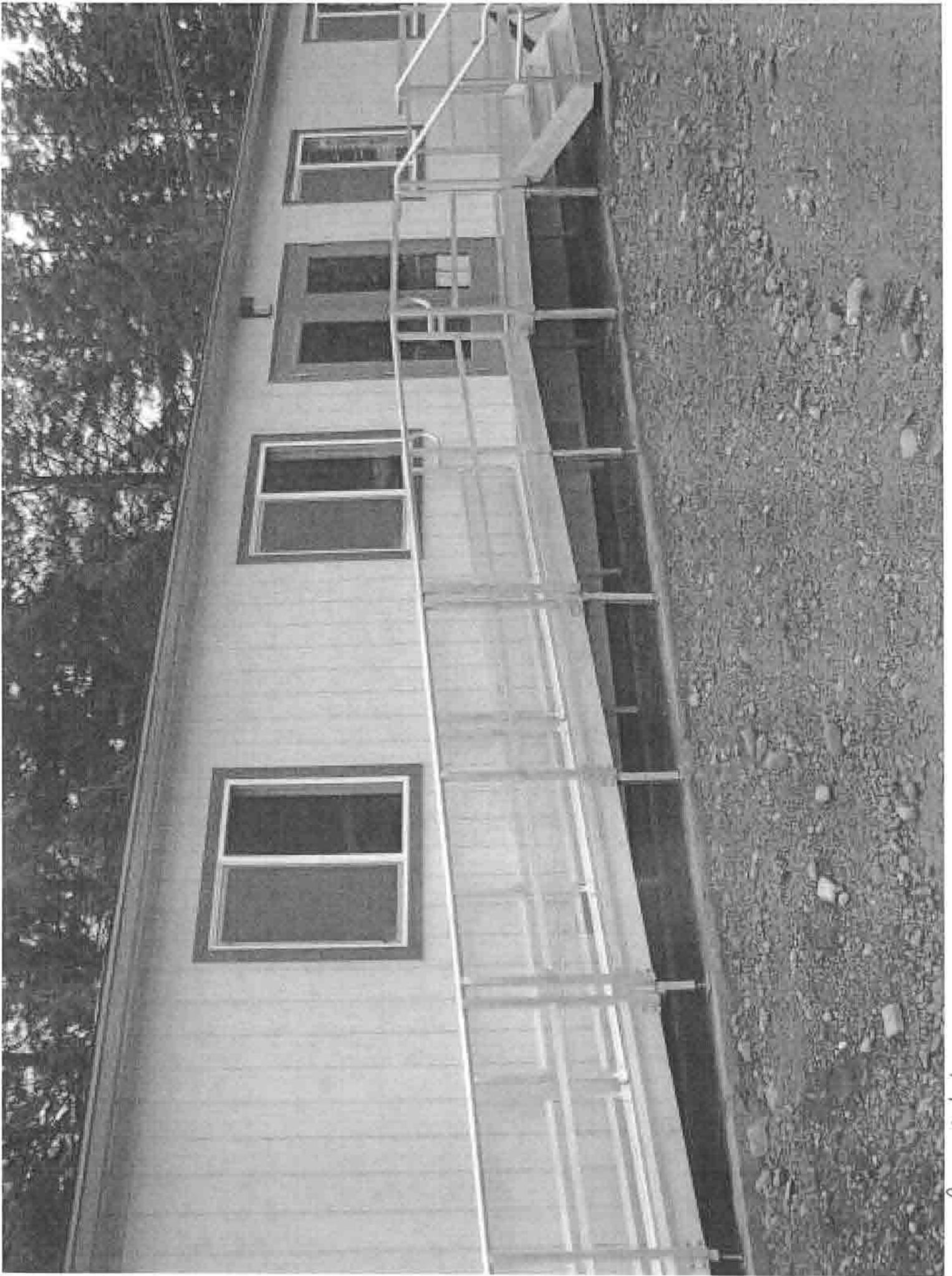
To inquire about the availability of this document in an alternate format for the visually impaired, please call (360) 753-3217. Teletype (TTY) users please call (800) 451-7985. You may also access tax information on our Internet home page at <http://dor.wa.gov>.



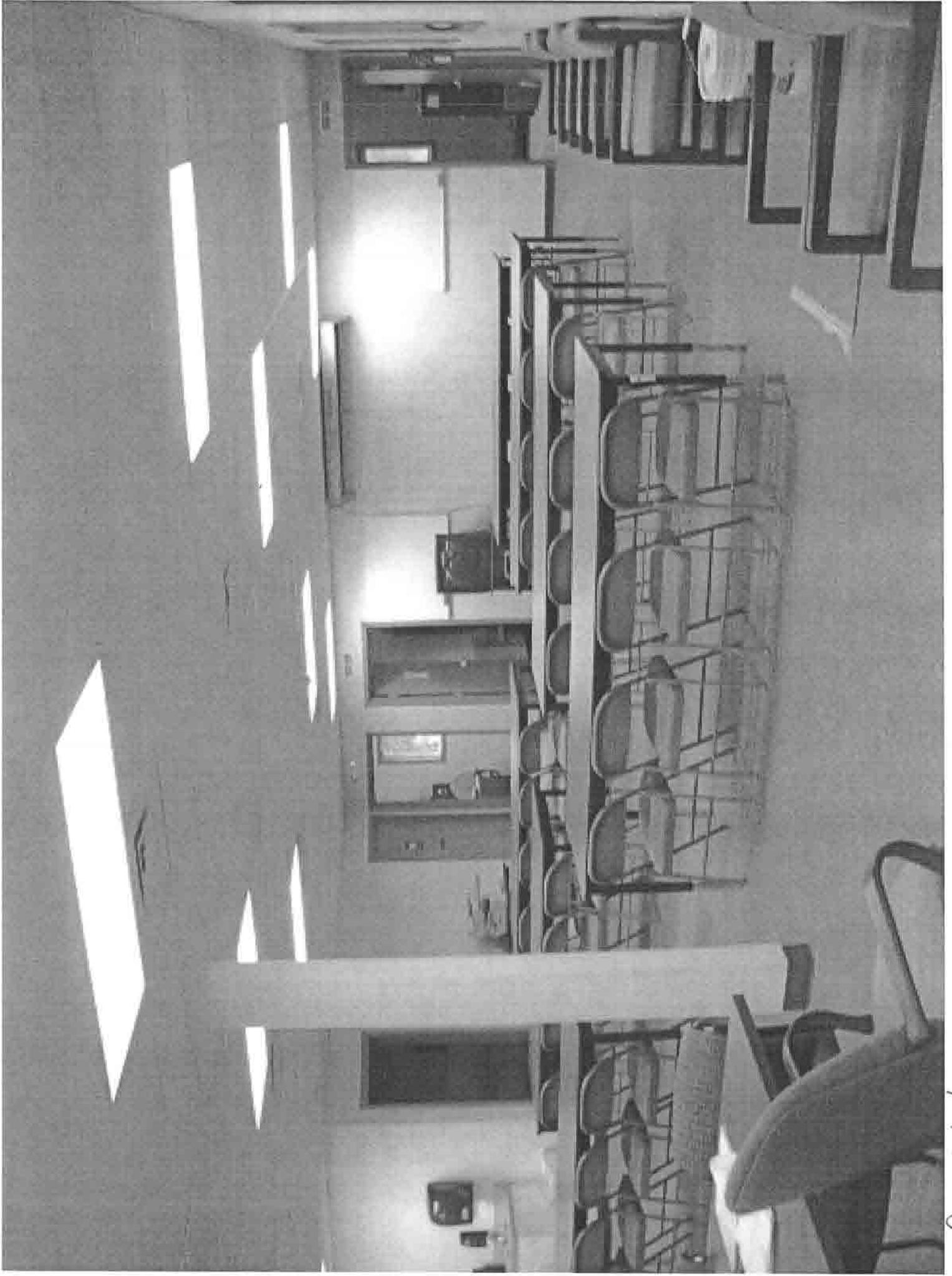
12/30/08



Completed



Completed



Completed

**City of Bonney Lake, Washington  
Council Agenda Bill (C.A.B.) Approval Form**

<b>Department/Staff Contact:</b> Gary Leaf, Comm. Svcs. Dir.	<b>Council/Wrkshp Mtg Date:</b> April 14, 2009	<b>Agenda Bill Number:</b> AB09-67
<b>Ordinance Number:</b>	<b>Resolution Number:</b> 1937	<b>Councilmember Sponsor:</b>

<b>BUDGET INFORMATON</b>			
<b>2009 Budget Amount</b>	<b>Required Expenditure</b>	<b>Impact</b>	<b>Remaining Balance</b>
\$-0-	\$-0-	\$-0-	\$-0-

**Explanation:**  
This is a parcel offered for donation to the City of Bonney Lake

**Agenda Subject:** A resolution of the City Council of the City of Bonney Lake, Pierce County, Washington, authorizing the Mayor to accept a donated parcel of land from Crystal Meadows HOA.

**Administrative Recommendation:** Approve

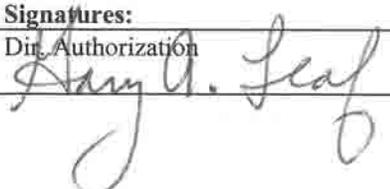
**Background Summary:** In November 2007 staff prepared a summary of potential future land acquisitions for the Fennel Creek Trail. One extra feature of the Fennel Creek Trail that was discussed in November 2007 was an off-shoot trail that could feature exercise stations. The parcel we are acquiring is part of the land that would be needed for this off-shoot exercise trail. There is one additional parcel that the Crystal Meadows HOA has that would be needed. It is a small strip of land that would connect the subject parcel (a one-acre wetland) to the Fennel Creek Trail; Crystal Meadows HOA indicates that they would be interested in donating that piece also. Staff will work with them to acquire the latter, although the Willowbrook HOA is currently not interested in donating the wetland to the trail system, which would increase the size of the exercise station trail. Staff will continue to work with the HOA in hoping of acquiring this piece as well.

<b>Council Committee Dates:</b>	<b>Commission Dates:</b>	<b>Board/Hearing Examiner Dates:</b>
Finance Committee: 4/14/09	Planning Commission:	Park Board:
Public Safety Committee:	Civil Service Commission:	Hearing Examiner:
Community Development & Planning Committee:		
Council Workshops:		

**Council Action:**

Council Call for Hearing:	Council Hearings Date:
Council Referred Back to:	Workshop: 2/17/07,11/20/07      Committee:
Council Tabled Until:	Council Meeting Dates: 7/24/07

**Signatures:**

Dir. Authorization 	Mayor 	Date City Attorney Reviewed: Standard City Contract
---	--	--

**RESOLUTION NO. 1937**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
BONNEY LAKE, PIERCE COUNTY, WASHINGTON,  
AUTHORIZING THE MAYOR TO ACCEPT A DONATED  
PARCEL OF LAND FROM THE CRYSTAL MEADOWS HOA**

The City Council of the City of Bonney Lake, Washington, does hereby resolve that the Mayor is authorized to accept a donated parcel of land from Crystal Meadows HOA as indicated on the attached parcel map.

**PASSED** by the City Council this 14<sup>th</sup> day of April, 2009.

---

Neil Johnson, Jr., Mayor

ATTEST:

---

Harwood T. Edvalson, CMC  
City Clerk

APPROVED AS TO FORM:

---

James Dionne, City Attorney



**City of Bonney Lake, Washington  
Council Agenda Bill (C.A.B.) Approval Form**

<b>Department/Staff Contact:</b> Community Development/ John P. Vodopich, AICP	<b>Council Meeting Date:</b> April 14, 2009	<b>Agenda Item Number</b> AB 09-64
<b>Ordinance Number:</b> D09-64	<b>Resolution Number:</b>	<b>Councilmember Sponsor:</b>

**BUDGET INFORMATON**

<b><u>2009 Budget Amount</u></b>	<b><u>Required Expenditure</u></b>	<b><u>Impact</u></b>	<b><u>Remaining Balance</u></b>
\$0	\$0	none	N/A

**Explanation:**

**Agenda Subject:** Site-specific rezone of four short-platted parcels from R-1 to R-3.

**Administrative Recommendation:** Staff recommends that the City Council adopt the Hearing Examiner's Findings and approve the rezone.

**Background Summary:**

A comprehensive plan amendment was approved in December, 2008 (Ordinance 1293) which changed the comprehensive plan designation of this site from single family to high density residential.

The Hearing Examiner conducted a public hearing on March 6, 2009 on the requested rezone and issued a recommendation for approval on March 25, 2009.

Pursuant to BLMC 14.80.090 Council decision, the City Council shall revise the Hearing Examiner's findings if necessary and decide on the proposal accordingly.

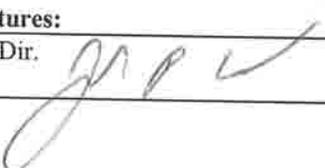
Attachments: Draft Ordinance D 09-64; Hearing Examiner Report and Recommendation dated March 25, 2009

<b>Council Committee Dates:</b>	<b>Agency/Commission Dates:</b>	<b>Board/Hearing Examiner Dates:</b>
Finance Committee:	Planning Agency : N/A	Park Board: N/A
Public Safety Committee:	Design Commission: N/A	Hearing Examiner: March 6, 2009
Community Development & Planning Committee:	Civil Service Commission: N/A	
Council Workshop:		

**Council Action:**

Council Call for Hearing:	Council Hearings Date:
Council Referred Back to:	Workshop:
Council Tabled Until:	Council Meeting Dates: April 14, 2009

**Signatures:**

Dept. Dir. 	Mayor 	Date City Attorney reviewed 3/27/2009
--	---	--

ORDINANCE NO.  D 09-64

AN ORDINANCE OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON, CHANGING THE ZONING DESIGNATION ON PARCELS 5640001864, 5640001865, 5640001866, AND 5640001867 FROM SINGLE FAMILY RESIDENTIAL (R-1) TO HIGH DENSITY RESIDENTIAL (R-3) UNDER THE NAME OF HULBURT UNDER THE FILE NUMBER PLN-2009-01152 THROUGH A SITE-SPECIFIC REZONE (BLMC 18.52.030)

WHEREAS, on January 12, 2009, Josh Hulburt applied for a site-specific rezone of his property located at located at 9202 184<sup>th</sup> Ave E, Bonney Lake, Pierce County, Washington from single-family residential (R-1) to high-density residential (R-3); and

WHEREAS, the State Environmental Policy Act was complied with through the adoption of the comprehensive plan's threshold determination of non-significance (DNS) on January 29, 2009; and

WHEREAS, the City amended its comprehensive plan map in December, 2008, under Ordinance 1293 that changed the lots' designation from Single Family Residential to High Density Residential; and

WHEREAS, the proposed rezone is consistent with the Comprehensive Plan Land Use Designation map; and

WHEREAS, the proposed rezone is in conformance with the decision criteria of BLMC 18.52.030; and

WHEREAS, the Hearing Examiner conducted a public hearing on March 6, 2009, and issued a recommendation to approve this site-specific request on March 25, 2009;

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF BONNEY LAKE, WASHINGTON DO ORDAIN AS FOLLOWS:

Section 1. The findings and recommendation of the Hearing Examiner submitted to the City of Bonney Lake on March 25, 2009, are accepted as written for the 0.9264 acre area (Parcel Numbers 5640001864, 5640001865, 5640001866, and 5640001867), located at 9202 184<sup>th</sup> Ave E, Bonney Lake, Pierce County, Washington identified in the attached Exhibit A. The parcels are to be rezoned from "R-1 Residential" to "R-3 High Density Residential" on the Official Zoning Map for the City of Bonney Lake.

Section 2. Additions to the existing single family residential home on Lot 1 of the short plat and any future improvements shall meet the setback requirements of the R-3 zone classification in effect now or as subsequently amended.

**Section 3.** If any portion of this Ordinance shall be invalidated by a court of competent jurisdiction, the remainder shall remain in full force and effect.

**Section 4.** This Ordinance shall take effect thirty (30) days after its passage, subject to prior approval by the Mayor and prior publication for five days as required by law.

PASSED by the City Council and approved by the Mayor this \_\_\_\_\_ day of \_\_\_\_\_, 2009

\_\_\_\_\_  
Neil Johnson, Mayor

ATTEST:

\_\_\_\_\_  
Harwood T. Edvalson, CMC, City Clerk

APPROVED AS TO FORM:

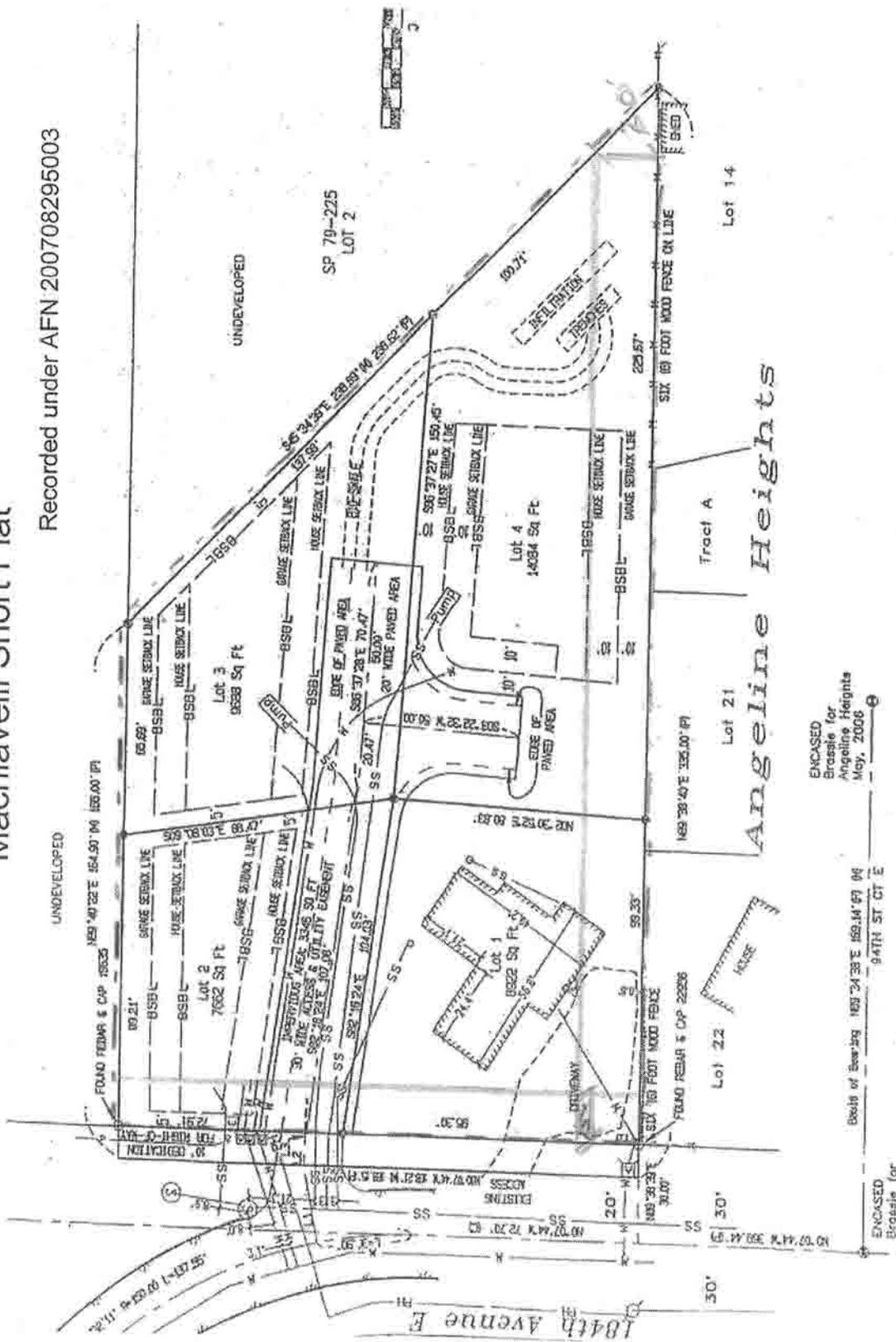
\_\_\_\_\_  
James J. Dionne, City Attorney

Passed:  
Valid:  
Published:  
Effective Date:

# Exhibit A

## Machiavelli Short Plat

Recorded under AFN 200708295003



## Angeline Heights

ENCASED  
Broasie for  
Angeline Heights  
May, 2008

Depth of Easement 163' 24.38" E 163.14' (4)

ENCASED  
Broasie for



**Planning & Community Development Department**

March 25, 2009

RECEIVED

MAR 27 2009

Bonney Lake  
Permit Center

Joshua Hulburt  
P.O. Box 2186  
Sumner, WA 98390

**RE: HULBURT REZONE, CASE NO. PLN2009-01152**

Dear Applicant:

Transmitted herewith is the Report and Recommendation of the City of Bonney Lake Hearing Examiner relating to the above-entitled matter.

Very truly yours,

**STEPHEN K. CAUSSEAU, JR.**  
**Hearing Examiner**

SKC/ca

cc: Parties of Record  
City of Bonney Lake

**OFFICE OF THE HEARING EXAMINER**

**CITY OF BONNEY LAKE**

**REPORT AND RECOMMENDATION**

**CASE NO.:** HULBURT REZONE, CASE NO. PLN2009-01152

**APPLICANT:** Joshua Hulburt  
P.O. Box 2186  
Sumner, WA 98390

**SUMMARY OF REQUEST:**

The applicant is requesting a zone reclassification for four parcels from R1 to R3 on .9 acres at 9202 184<sup>th</sup> Avenue E., Bonney Lake.

**SUMMARY OF RECOMMENDATION:**

It is hereby recommended that the Bonney Lake City Council approve the request for a zone reclassification from Single Family Residential (R1) to High Density Residential (R3) for four parcels located at 9202 184<sup>th</sup> Avenue E. within the City of Bonney Lake subject to one condition.

**PUBLIC HEARING:**

After reviewing Planning and Community Development Staff Report and examining available information on file with the application, the Examiner conducted a public hearing on the request as follows:

The hearing was opened on March 6, 2009, at 9:00 a.m.

Parties wishing to testify were sworn in by the Examiner.

The following exhibits were submitted and made a part of the record as follows:

**EXHIBIT "1" - Planning and Community Development Staff Report and Attachments**

KATHY JAMES appeared, presented the Planning and Community Development Department Staff Report and a powerpoint presentation. The parcel consists of a 2007 approved short plat containing 40,354 square feet. The setbacks shown on the short plat conflict with those required by the R3 zoning. She recommended a condition of approval to

address the issue. Staff received no comments regarding the application.

JOSH HULBURT, applicant, appeared and testified that he purchased the property in 2004 or 2005 and processed the short plat application. He also initiated the zone reclassification and has had a lot of different ideas. His intent now is to improve the parcel with senior housing and he has retained an architect to design a project. He presently intends to remove the existing house and has no certain plans as to the construction of the project. In his opinion the 20 foot zoning code setback would override the setbacks approved in the short plat.

STEVE BOERSTLER appeared and testified that he represents the Angeline Heights Homeowners Association and that their subdivision abuts the south property line of the short plat. He also knows people on the other side of 185<sup>th</sup> and that they have the same concerns. The homeowners association has worked with Josh and reached agreements with him. These agreements include the association having review authority of whatever is constructed on the site. They have also agreed as to the number of stories permitted on the structures. He questioned what would happen if the City increased the height limit in the R3 zone. An assisted living facility is an ideal use for the property. He questioned whether an addition to the existing house would have a five foot wide setback or would it also have the 20 foot setback.

JOHN BLANCHARD, attorney at law, appeared on behalf of Mr. Hulburt and testified that the applicant has worked with the neighbors and will continue to do so. They have an informal working understanding. However, the applicant has made no agreement that would limit what he could do with the property.

MR. HULBURT reappeared and testified that he does not want the association to box him into a corner. His intent is that the house would recognize the 20 foot setback.

MR. BOERSTLER reappeared and testified that the homeowners association was proposed to object to the comprehensive plan change, but based upon Mr. Hulburt's agreement, elected not to do so.

MR. JOHN VODOPICH, Community Development Department Director, appeared and testified that the Bonney Lake City Attorney agrees with the Examiner that the City cannot enforce private covenants or a private agreement between this applicant and a homeowners association. Such an agreement cannot override the City's Design Standards.

No one spoke further in this matter and so the Examiner took the request under advisement and the hearing was concluded at 9:35 a.m.

**NOTE:** A complete record of this hearing is available in the City of Bonney Lake Planning and Community Development.

## FINDINGS, CONCLUSIONS AND DECISION:

### FINDINGS:

1. The Hearing Examiner has admitted documentary evidence into the record, viewed the property, heard testimony, and taken this matter under advisement.
2. A Determination of Nonsignificance (DNS) was issued July 28, 2008, following SEPA review. No appeals were filed.
3. Appropriate notice was provided pursuant to the Bonney Lake Municipal Code (BLMC).
4. The applicant has a possessory ownership interest in a four lot short subdivision that abuts the east side of 184<sup>th</sup> Avenue E. The lots are located south and west of SR-410 and east of Sky Island Drive within the City of Bonney Lake. The lots vary in size between 7,952 square feet and 14,084 square feet and together have a total size of 40,354 square feet or .93 acres. The applicant requests a zone reclassification from the present zoning of R1 (Low Density) to R3 (High Density Residential).
5. Improvements on the site include a single family residential home located in the southwest corner of the short plat on lot one. The balance of the short plat remains undeveloped, although the internal short subdivision roads have been constructed to provide access to all lots. The short subdivision contains potential landslide hazard areas to the east, but has no other critical areas such as wetlands, floodplains, or their buffers.
6. Abutting uses include vacant, commercial zoned property to the north, the single family residential subdivision of Angeline Heights to the south, and single family residential homes and Pierce Transit across 184<sup>th</sup> Avenue E. and Sky Island Drive to the west. Lots 14, 21, 22, and Tract A of the Angeline Heights subdivision abut the south property line of the short subdivision.
7. Pursuant to Ordinance No. 1293 approved on December 9, 2008, the Bonney Lake City Council amended the City of Bonney Lake Comprehensive Plan Future Land Use Map by revising the designation of the short subdivision lots to "high density residential". No one appealed the Council's action. The City Council made the following findings in Ordinance 1293:

WHEREAS, the criteria for amending the comprehensive plan set forth in BLMC §14.140.090 are: 1) the amendments are consistent with the goals and policies of the Comprehensive Plan, 2) the comprehensive plan would remain internally consistent, 3) the amendments are consistent with the Countywide Planning Policies,

4) the amendments are consistent with the Growth Management Act, and 5) the amendments advance the public health, safety, or welfare and are in the best interest of the residents of Bonney Lake....

WHEREAS, Policy 4-3a of the City's Comprehensive Plan is to continue zoning at least as much land for apartments, manufactured housing, duplexes, small-lot developments, and accessory dwelling units as the city does currently and the proposal has the potential to advance this policy; and

WHEREAS, Policy 4-3c of the City's Comprehensive Plan encourages mixed-use development wherever businesses and residences can complement each other and this site would serve as a transition between potential commercial development along SR-410 and the single family residential located to the south; and

WHEREAS, Policy 3-1a of the City's Comprehensive Plan calls for allowing for a range of development, densities, and intensities, including small-lot residential development, and the proposed amendment has more potential for meeting this policy than the current land use designation and zoning; and

WHEREAS, Policy 3-1b of the City's Comprehensive Plan encourages compatible infill development and redevelopment in established areas, and the proposed amendment would be characterized as infill....

The above findings made by the City Council show that changing the designation of the parcels from R1 to R3 would not cause the City's Comprehensive Plan to become inconsistent with the area.

8. The applicant now requests a zone reclassification from R1 to R3 consistent with the City Council's action in amending the comprehensive plan. Following the Council's action, adjacent comprehensive plan designations include Mixed (a commercial designation) to the north; Public Facilities to the west; High Density Residential to the east; and Single Family Residential to the south. Zoning of said areas includes R1 to the south and west, Public Facilities to the northwest, and Downtown Mixed Use to the east and north.
9. The bulk regulations for the R1 classification are found in Chapter 18.14 BLMC, and the bulk regulations for the R3 classification are found in Chapter 18.18 BLMC. The general intent of the R1 district as set forth in BLMC 18.14.010 is to protect single family residential neighborhoods from incompatible land uses and allow housing at densities of four to five dwelling units per net acre. The general intent of the R3

classification is to provide appropriate areas for multi-family living at densities of up to 20 units per acre. Residential uses in the R1 classification are limited to detached single family homes, but the R3 classification allows apartments, townhomes, nursing homes, and group homes. The chart set forth on Pages 3 and 4 of the staff report provides a comparison of the bulk requirements between the two zone classifications.

10. Section 18.52.030 BLMC entitled "Rezoning and zoning of annexation areas" sets forth the criteria for amending "the zoning map to better implement the comprehensive plan". As found hereinabove, the proposed zone reclassification request implements the amendment to the City of Bonney Lake Comprehensive Plan adopted by the Bonney Lake City Council in Ordinance No. 1293.
11. Section 18.52.030(D) BLMC sets forth the persons or agencies that may initiate a rezone. Said section includes "anyone with ownership interest in the land". In the present case, the property owner initiated the rezone.
12. Section 18.52.030(E) BLMC provides:

The criterion for granting rezones shall be conformance to the comprehensive plan.

The Bonney Lake City Council amended the Future Land Use Map on December 9, 2008. The amendment designated the applicant's parcel as High Density Residential. The requested zone reclassification is from the present classification of Single Family Residential (R1) to High Density Residential (R3), consistent with the comprehensive plan. The requested zone reclassification satisfies all criteria set forth in BLMC 18.52.030.

13. Mr. Steve Boerstler, representing the Angeline Heights homeowners association, testified that the homeowners association had reached agreement with the applicant regarding the association having review authority of future buildings constructed on site and the number of stories permitted in such structure. He also questioned whether the existing house would meet the required 20 foot wide setback of the R3 zone classification or the five foot wide setback required by short plat approval. Mr. Boerstler presented no evidence of a restrictive covenant covering the applicant's parcels, but even if such covenant existed, our courts have consistently held that such covenants do not restrict legislative bodies from imposing zoning regulations. As set forth in Anderson, American Law of Zoning, 4<sup>th</sup> Edition, Section 3.04:

The existence of restrictive covenants does not reduce the power of local legislative bodies to impose zoning regulations on lands subject to such covenants, nor does the adoption of such ordinance destroy the effectiveness of such covenants.

Furthermore, in a recent Connecticut case cited by Anderson, supra, the court noted that "zoning provisions, unless incorporated either explicitly or implicitly, by reference are irrelevant to the interpretation and enforcement of the restrictive covenants" and that "restrictive covenants in a deed as to use of property are distinct from the provisions of a zoning law". Thus, any agreement reached by the homeowners association and the applicant is subject to the terms of that agreement. However, said agreement cannot alter the requirements of the City's design review standards nor can it impair the City's zoning authority. As to the setback issue, all parties agree that future expansions to the existing home (if any) and future improvements on the site must meet the required 20 foot wide structural setback from single family residential lots abutting the south property line.

**CONCLUSIONS:**

1. The Hearing Examiner has jurisdiction to consider and decide the issues presented by this request.
2. The request for a zone reclassification from R1 to R3 satisfies all criteria set forth in BLMC 18.52.030 and is in accordance with Ordinance 1293 adopted by the Bonney Lake City Council on December 9, 2008. Therefore, the zone reclassification should be approved subject to the following condition:

Additions to the existing single family residential home on lot one of the short plat and any future improvements shall meet the setback requirements of the R3 zone classification in effect now or as subsequently amended.

**RECOMMENDATION:**

It is hereby recommended that the Bonney Lake City Council approve the request for a zone reclassification from Single Family Residential (R1) to High Density Residential (R3) for four parcels located at 9202 184<sup>th</sup> Avenue E. within the City of Bonney Lake subject to the condition set forth above. The parcel numbers are 5640001864, 5640001865, 5640001866 & 5640001867.

**ORDERED** this 25<sup>th</sup> day of March, 2009.

  
\_\_\_\_\_  
**STEPHEN K. CAUSSEAU, JR.**  
Hearing Examiner

TRANSMITTED this 25<sup>th</sup> day of March, 2009, to the following:

**APPLICANT:** Joshua Hulburt  
P.O. Box 2186  
Sumner, WA 98390

**OTHERS:**

John Blanchard  
425 Pike Street #600  
Seattle, WA 98101

Steve Boerstler  
9301 185<sup>th</sup> Avenue Pl. E.  
Bonney Lake, WA 98391

CITY OF BONNEY LAKE  
Planning and Community Development Department  
P.O. BOX 7380  
19306 BONNEY LAKE BLVD.  
BONNEY LAKE, WA 98390-0944

CASE NO. HULBURT REZONE, CASE NO. PLN2009-01152

**NOTICE**

Pursuant to City of Bonney Lake, this decision becomes final and conclusive on **April 9, 2009**, unless:

1. **RECONSIDERATION**: Any aggrieved person feeling that the decision of the Examiner is based on errors of procedure or errors of misinterpretation of fact may make a written request for review by the Examiner in writing and filed not later than 5:00 p.m. on **April 3, 2008**, with the Planning and Community Development Department. This request shall set forth the alleged errors or misinterpretations, and the Examiner may, after review of the record, take such further action as he deems proper and may render a revised decision.

2. **APPEAL OF EXAMINER'S DECISION**: The final decision by the Examiner on any land use matter within his jurisdiction may be appealed to the City Council by the applicant, a department of the city or county, or other party of record or agency with jurisdiction. Said appeal procedure is as follows:

The appellant must file written notice of appeal with the Planning and Community Development Department in writing with an appeal fee as required by the Department no later than 5:00 p.m. on **April 9, 2009**.

**NOTE:** In an effort to avoid confusion at the time of filing a request for reconsideration or an appeal, please attach this page to the request or appeal.

RECEIVED  
APR 02 2009  
City of Monterey Planning  
Permit Center

CORRECTED NOTICE PROCEDURE PAGE

CASE NO. HULBURT REZONE, CASE NO. PLN2009-01152

NOTICE

1. **RECONSIDERATION**: Any aggrieved person feeling that the decision of the Examiner is based on errors of procedure or errors of misinterpretation of fact may make a written request for review by the Examiner in writing and filed not later than 5:00 p.m. on **April 3, 2008**, with the Planning and Community Development Department. This request shall set forth the alleged errors or misinterpretations, and the Examiner may, after review of the record, take such further action as he deems proper and may render a revised decision.

**NOTE:** In an effort to avoid confusion at the time of filing a request for reconsideration, please attach this page to the request or appeal.



**ORDINANCE NO. D09-61**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON, AMENDING CHAPTER 19.04.015 OF THE BONNEY LAKE MUNICIPAL CODE RELATING TO A TEMPORARY TRAFFIC IMPACT FEE REBATE PROGRAM.**

**WHEREAS**, the City desires to be able to more favorably compete with other cities in the region for businesses that are looking to locate in the area; and

**WHEREAS**, current economic conditions warrant greater incentives for businesses to invest in Bonney Lake;

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF BONNEY LAKE, WASHINGTON, DO ORDAIN AS FOLLOWS:**

**Section 1.** BLMC Section 19.04.015 is hereby amended to read as follows:

**19.04.150 Traffic Impact Fee (TIF) Funding Source Adjustments.**

A. Traffic Impact Fee Funding Source Adjustment Established - Purpose. The purpose of this policy is to encourage and facilitate certain businesses to locate in designated areas of the City where development is desired, and to recruit into the City those types of businesses deemed beneficial to the City and the community and/or which the City currently lacks in sufficient number or volume. Pursuant to RCW 82.02.060(2) and (4) there is hereby established a funding source adjustment from the traffic impact fee set forth in this Chapter for development activity which meets the criteria of subsection (C) of this section.

B. Application for Traffic Impact Fee Adjustment. Any developer applying for or receiving a building permit which meets the criteria set forth in subsection (C) of this section may apply to the Mayor or designee for an adjustment from the traffic impact fee established pursuant to this Chapter. Said application shall be on forms provided by the city and shall be accompanied by all information and data the city deems necessary to process the application. A full and complete application must be filed on or before the date of certificate of occupancy in order to be eligible for a potential adjustment to the TIF.

C. Funding Source Adjustment Criteria. To be eligible for the traffic impact fee adjustment established by this section, the applicant shall be a commercial retail business which locates ~~in either the Downtown Core or Downtown Mixed Use zones,~~ or establishes a commercial retail business that is not considered to be ineligible pursuant to BLMC § 19.04.150(C)(3). ~~in the Easttown Combined Retail Commercial, Warehousing and Light Manufacturing Zone.~~ Qualified applicants must meet each of the following criteria as applicable:

1. Downtown. The applicant must be a retail business, either new or existing, located within the Downtown Core (DC) or Downtown Mixed Use (DM) zoning district. Any permitted commercial uses in the DC or DM district are eligible to apply for the TIF Adjustment. In order to qualify for a TIF Adjustment in the Downtown, the retail applicant or underlying developer must redevelop a portion of the Downtown Core or Downtown Mixed Use zone. Said redevelopment shall include, at a minimum, the demolition of an existing structure on the site of

the proposed new construction, and the subsequent construction of a new structure of not less than ten thousand square feet (10,000 sf) in conformance with the downtown plan and accompanying design guidelines.

2. Eastown zone. The applicant must be a new retail business located within the Eastown Combined Retail-Commercial, Warehousing and Light Manufacturing Zone, and not considered to be an ineligible business under subsection (C)(34) of this Section. Based on similar store sales or other reliable data, as determined by the city, the applicant must demonstrate that it is likely to generate to the City of Bonney Lake average annual City of Bonney Lake portion sales and use tax revenue of at least twenty-five thousand dollars (\$25,000) per year over the three-year period commencing from date of certificate of occupancy.

3. Midtown and other Areas Outside Downtown or Eastown. The applicant must be a new retail business located within a C1, C2, or C3 zoning district, and not considered an ineligible business under subsection (C)(4) of this Section. Based on similar store sales or other reliable data, as determined by the city, the applicant must demonstrate that it is likely to generate to the City of Bonney Lake average annual City of Bonney Lake portion sales and use tax revenue of at least fifteen thousand dollars (\$15,000) per year over the three-year period commencing from date of certificate of occupancy.

4. Special Criteria for Sitdown Restaurants. The applicant must be a new otherwise eligible sitdown restaurant in which patrons are typically served by wait-staff and orders are not normally placed at a counter or drive through window, and which employs eighteen (18) or more full-time equivalent (FTE) employees, or which generates to the City of Bonney Lake average annual City of Bonney Lake portion sales and use tax revenue of at least twenty-five thousand dollars (\$25,000) per year over the three-year period commencing from date of certificate of occupancy.

35. Ineligible Businesses. The Council finds that there are several types of businesses which are either currently well represented in the City, or otherwise do not have a broad public purpose, and thus no TIF incentive is appropriate. The following business types are hereby expressly excluded from application for the TIF adjustment program in Eastown all areas outside of the Downtown: fast food restaurants, sandwich, teriyaki and other related eating establishments in which orders are normally placed at a counter or drive through window, with or without drive through windows; coffee stands; beauty, nail, or hair salons; adult entertainment establishments; kennels; salvage yards; antique shops; convenience stores; gas stations; bars and taverns; thrift shops; self storage units; second hand or antique stores.

D. Funding Source Adjustment Amount. 1-Eastown. Sitdown Restaurants and all Areas Outside Downtown. For any commercial retail business, including a qualified sitdown restaurant, which is deemed to qualify under the provisions of subsection (C)(2) or (C)(3) of this Section, there shall be an adjustment to the TIF equal to ~~50~~ 75 percent of the three-year City of Bonney Lake portion of sales and use tax revenue, but not to exceed ~~50~~ 75 percent of the traffic impact fees otherwise due pursuant to this Chapter. The amount of the TIF adjustment shall be refunded, without interest. The remainder of the funds deposited pursuant to subsection (F) of this section shall remain with the City. In those cases in which the applicant is not the business which had paid the traffic impact fee, the City will refund the TIF to the developer or building owner who paid the TIF, absent an assignment to the applicant.

2. Downtown. For any commercial retail business which is deemed to qualify under the provisions of subsection (C)(1) of this Section, there shall be an adjustment to the TIF equal to

100 percent of the three-year City of Bonney Lake portion of sales and use tax revenue, but not to exceed 100 percent of the traffic impact fees otherwise due pursuant to this Chapter. The amount of the TIF adjustment shall be refunded, without interest. The remainder of the funds deposited pursuant to subsection (E) of this section shall remain with the City. In those cases in which the applicant is not the business which had paid the traffic impact fee, the City will refund the TIF to the developer or building owner who paid the TIF, absent an assignment to the applicant.

E. Administration of Traffic Impact Fee Adjustment. 1. Upon acceptance of an application for adjustment from traffic impact fees pursuant to subsection (B) of this section, the applicant shall pay to the city the full amount of the traffic impact fees required pursuant to this Chapter. Following receipt of the traffic impact fees the city shall deposit and manage the fees as set forth in subsection (E) of this section. At the expiration of a three-year period commencing from the date of issuance of a certificate of occupancy, the Mayor's designee, with the assistance of the chief financial officer, shall determine the City of Bonney Lake portion of sales and use tax revenue received by the city during the three-year period commencing from the date of issuance of a certificate of occupancy.

2. For any commercial retail business which is deemed to qualify under the provisions of subsection (C) of this section, there shall be an adjustment to the TIF as provided in subsection (D).

F. Deposit and Management of Traffic Impact Fees. Traffic impact fees paid by an applicant pursuant to this section and the provisions of this Chapter shall be deposited by the city into Fund 136 (Transportation Impact). The city may at its option utilize said funds at any time for eligible and budgeted transportation purposes.

G. Appeals. Any applicant aggrieved by the determination of the Mayor or designee as to whether the criteria of subsection (C) of this section have been met, or regarding eligibility for an adjustment from this Chapter, or the amount of refund to which an applicant is entitled pursuant to subsection (D) of this section, may file a written appeal to the City's hearing examiner as established by Chapter 2.18 BLMC. The City hearing examiner is hereby specifically authorized to hear and decide such appeals and the decision of the hearing examiner shall be the final action of the City and subject to further appeal pursuant to BLMC § 2.18.180.

H. Application of Sales and Use Tax Revenue from Businesses Which Apply for and/or Receive an Adjustment or Partial Adjustment. An estimated amount of sales and use tax received by the city from applicants who apply for an adjustment or partial adjustment from the requirements of this title shall be placed in an appropriate account within the General Fund. Said account shall be established to pay traffic impact fees that otherwise would have been paid had an adjustment or partial adjustment not been granted. Said amounts shall be expended for purposes authorized by and in accordance with the provisions of this title and the provisions of the city's capital improvement plan for streets. All sales and use tax revenues in excess of the amount paid as traffic impact fees received by the city from the applicant shall be deposited in the city's general fund and may be expended for any lawful purpose as directed by the city council.

**Section 2.** This Ordinance shall take effect thirty (30) days after its passage, subject to prior approval by the Mayor and prior publication for five days as required by law, and shall expire and sunset December 31, 2011 unless extended by a subsequent ordinance of the City Council.

**PASSED** by the City Council and approved by the Mayor this \_\_\_<sup>th</sup> day of \_\_\_\_\_, 2009.

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Neil Johnson, Jr.  
Mayor

ATTEST:

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Harwood T. Edvalson  
City Clerk, CMC

APPROVED AS TO FORM:

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James Dionne  
City Attorney

Passed:  
Valid:  
Published:  
Effective Date:

**City of Bonney Lake, Washington  
Council Agenda Bill (C.A.B.) Approval Form**

<b><u>Department/Staff Contact:</u></b> Don Morrison	<b><u>Council/Wrkshp Mtg Date:</u></b> April 14, 2009	<b><u>Agenda Bill Number:</u></b> AB09-62
<b><u>Ordinance Number:</u></b> D09-62	<b><u>Resolution Number:</u></b>	<b><u>Councilmember Sponsor:</u></b>
<b><u>BUDGET INFORMATON</u></b>		
<b><u>2009 Budget Amount</u></b>	<b><u>Required Expenditure</u></b>	<b><u>Impact</u></b>
		<b><u>Remaining Balance</u></b>
<b><u>Explanation:</u></b>		
<b><u>Agenda Subject: Commercial Building Incentive Ordinance</u></b>		

**Administrative Recommendation:** Approve

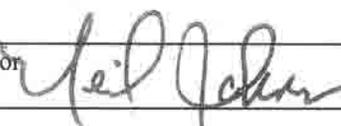
**Background Summary:** This ordinance creates a new section of code that would grant temporary commercial building stimulus incentives (to sunset December 31, 2011). Specifically, the ordinance would: 1) Waive 50% of certain land use fees; 2) Waive 50% of building and plan review fees; and 3) Grant a rebate of 75% of construction sales tax up to \$100K.

<b><u>Council Committee Dates:</u></b>	<b><u>Commission Dates:</u></b>	<b><u>Board/Hearing Examiner Dates:</u></b>
Finance Committee:	Planning Commission:	Park Board:
Public Safety Committee:	Civil Service Commission:	Hearing Examiner:
Community Development & Planning Committee:		
Council Workshops:		

**Council Action:**

Council Call for Hearing:	Council Hearings Date:
Council Referred Back to:	Workshop: Committee:
Council Tabled Until:	Council Meeting Dates:

**Signatures:**

Dir. Authorization	Mayor 	Date City Attorney Reviewed:
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**ORDINANCE NO. D09-62**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON, ADDING A NEW CHAPTER 3.70 TO THE BONNEY LAKE MUNICIPAL CODE RELATING TO TEMPORARY INCENTIVES TO ENCOURAGE BUSINESS INVESTMENT IN COMMERCIAL BUILDING.**

WHEREAS, Policy P 1.10 of the adopted Economic Development Element of the Comprehensive Plan provides that the City will review and update its zoning, impact fees, and incentives to better encourage prioritized economic development consistent with the adopted Economic Development Element; and

WHEREAS, in addition to the Traffic Impact Fee (TIF) funding source adjustment incentive provided in Chapter 19.04 of the Bonney Lake Municipal Code, the City Council finds it necessary to provide incentives to redevelop Downtown consistent with the adopted Downtown Plan and Design Guidelines, and the City's adopted Economic Development Element of the Comprehensive Plan; and

WHEREAS, the City Council desires to adopt temporary incentives to spur local economic development and investment in Bonney Lake during the current economic downturn;

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF BONNEY LAKE, WASHINGTON, DO ORDAIN AS FOLLOWS:**

**Section 1.** A new BLMC Chapter 3.70 is hereby established to read as follows:

**3.70.010 Development Incentives Authorized.** A. There are hereby established a variety of tax and fee waivers and rebates to serve as incentives to encourage business investment in the City of Bonney Lake and the construction of new or expanded commercial buildings in the City in conformance with the adopted plans and ordinance of the City. These incentives are in addition to the Traffic Impact Fee (TIF) funding source adjustment incentive provided in BLMC Chapter 19.04.

B. In order to qualify for the incentives provided in this chapter, the applicant must construct a new commercial building or expand an existing commercial building within any Downtown Core (DC), Downtown Mixed Use (DM), or Commercial (C1, C2, C3) zoning district. In the case of mixed use buildings, at least fifty percent (50%) of the building space shall be devoted to commercial use.

**3.70.020 Waiver of Land Use Fees.** For businesses qualifying under Section 3.70.010(B), fifty percent (50%) of the total City land use fees contained in Chapter 3.68.010 shall be waived at time of permit application.

**3.70.030 Waiver of Building Fees.** For businesses qualifying under Section 3.70.010(B), fifty percent (50%) of the total building permit fees contained in BLMC Chapter 15.04.072 shall be waived at time of permit application, along with fifty percent (50%) of the building plan review fees contained in BLMC Chapter 15.04.080.

**3.70.040 Construction Sales Tax Rebate.** A. For businesses qualifying under Section 3.70.010(B), the business shall be entitled to a rebate of seventy five percent (75%) of the City portion of the sales and use taxes collected by the City for the City portion of construction of the project, including construction materials, fixed equipment or machinery installation, up to a maximum rebate amount of one hundred thousand dollars (\$100,000). It shall be the responsibility of the applicant to document the total construction related sales tax paid on the project.

B. At the expiration of a six month period commencing from the date of issuance of a certificate of occupancy, the city shall determine the City of Bonney Lake portion of construction related sales and use tax revenue received by the city during the construction of the project. Construction sales taxes received by the City for the project pursuant to this section shall then be rebated to the applicant within sixty days.

**3.70.050 Application for Incentives.** Any developer or business applying for or receiving a building permit which meets the criteria set forth in section 3.70.010(B) may apply to the city for the incentives established pursuant to this Chapter. Said application shall be on forms provided by the city and shall be accompanied by all information and data the city deems necessary to process the application. To the extent it is authorized by law the city shall endeavor to keep all proprietary information submitted with said application confidential; provided, however, this section shall not create or establish a special duty to do so.

**3.70.060 Appeals.** Any applicant aggrieved by an action of the City concerning eligibility or computation of waivers or rebates under this chapter may file a written appeal to the City's hearing examiner as established by Chapter 2.18 BLMC. The city hearing examiner is hereby specifically authorized to hear and decide such appeals and the decision of the hearing examiner shall be the final action of the City and subject to further appeal pursuant to Chapter 2.18.180 BLMC.

**3.70.070 Administration.** The Mayor is here by authorized to develop and adopt such administrative policies, procedures, forms and interpretive guidelines deemed necessary to carry out the intent of this chapter.

**Section 2. Severability.** If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

**Section 3.** This Ordinance shall take effect thirty (30) days after its passage, subject to prior approval by the Mayor and prior publication for five days as required by law, and shall expire and sunset December 31, 2011 unless extended by a subsequent ordinance of the City Council.

**PASSED** by the City Council and approved by the Mayor this \_\_\_\_<sup>th</sup> day of \_\_\_\_\_, 2009.

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Neil Johnson, Jr.  
Mayor

ATTEST:

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Harwood T. Edvalson  
City Clerk, CMC

APPROVED AS TO FORM:

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James Dionne  
City Attorney

Passed:  
Valid:  
Published:  
Effective Date:



**ORDINANCE NO. D09-69**

**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 THE CORRESPONDING PORTIONS OF ORDINANCE NOS. 1230, 1123, AND 984 RELATING TO TRANSPORTATION IMPACT FEES.**

**WHEREAS**, RCW 82.02.060 provides that impact fee ordinances may provide an exemption for development activities with broad public purposes, “provided that the impact fees for such development activity shall be paid from public funds other than impact fee accounts”; and

**WHEREAS**, health care providers who treat primarily Medicare patients serve the broad public purpose of providing medical care for senior citizens; and

**WHEREAS**, health care providers serving senior citizens are needing to expand their practices as the “baby boom” generation ages; and

**WHEREAS**, granting a limited exemption from transportation impact fees for health care providers who enlarge and re-locate their practices would assist such health care providers in locating and remaining in the City of Bonney Lake.

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF BONNEY LAKE, WASHINGTON, DO ORDAIN AS FOLLOWS:**

**Section 1.** Bonney Lake Municipal Code § 19.04.015 and the corresponding portions of Ordinance Nos. 984 and 1282 are hereby amended to read as follows:

19.04.015 Definitions.

The following are definitions provided for administering the transportation impact fee. The mayor or mayor’s designee shall have the authority to resolve questions of interpretation or conflicts between definitions.

A. “Adequate level of transportation service” means a system of transportation facilities which have the capacity to serve development without decreasing levels of service below the city’s established minimum (see Chapter 19.02 BLMC).

B. “Capacity” means the maximum sustainable flow rate at which vehicles or persons can be expected to traverse a point or uniform segment of a lane or roadway during a specified time period, usually expressed as vehicles per hour, passengers per hour, or persons per hour.

C. “Development activity” means any construction or expansion of a building, or structure, or use, or any changes in the use of land, that creates additional demand and need for public facilities. For the purposes of this chapter, the minor remodel of existing buildings where the permit valuation is less than \$15,000 shall not be considered development activity.

D. “Director” means the director of the department of public works of the city of Bonney Lake or his/her designee.

E. "Chief financial officer" means the chief financial officer of the city of Bonney Lake or his/her designee.

F. "Health care provider" means a licensed physician, chiropractic physician, optometrist, dentist, dental hygienist, or nurse practitioner, or a clinic providing one or more of these services.

FG. "Impact fee" or "transportation impact fee" means a payment of money imposed upon development approval to pay for public streets and roads needed to serve new growth and development, and that is reasonably related to the new development that creates additional demand and need for public streets and roads, that is a proportionate share of the cost of the public streets and roads, and that is used for public streets and roads that reasonably benefit the new development. "Impact fee" does not include a reasonable permit or application fee otherwise established by city council resolution.

GH. "Jurisdiction" means a municipality or county.

HI. "New commercial retail business" means a new retail business which sells retail goods and services which are subject to retail sales tax and which applies for a building permit, and which has not operated nor been licensed to operate in the city of Bonney Lake within 12 months previous to the date of opening the business in Bonney Lake. For the purposes of this definition, an additional location of an existing business shall qualify as a new business provided all other business locations are maintained throughout the source adjustment period as defined in BLMC 19.04.150.

IJ. "Off-site transportation road improvement" means improvement, except a frontage improvement, to an existing or proposed city road or street outside the boundaries of a development, which improvement is required or recommended in accordance with this title.

JK. "Project improvements" means site improvements and facilities that are planned and designed to provide service for a particular development project that are necessary for the use and convenience of the occupants or users of the project, and are not system improvements. No improvement or facility included in the capital facilities plan approved by the city council shall be considered a project improvement.

KL. "Service area" means a geographic area defined by ordinance or intergovernmental agreement in which a defined set of public streets and roads provide service to the development within the area.

LM. "Six-year transportation improvement program (TIP)" means a subset of projects contained in the city's capital improvement program. The TIP is a set of comprehensive street programs/projects which after a public hearing is annually adopted by the city council for the purpose of advancing plans for not less than six years as a guide for carrying out the coordinated transportation/street construction program. The six-year TIP shall contain a small group of capacity projects which will be considered reasonably funded for determining transportation concurrency and impact fees. The adoption of the six-year TIP will obligate the city to actively pursue funds to implement the capacity component of the transportation improvement program as best possible with the available resources.

MN. "System improvements" means public facilities that are included in the capital facilities plan and are designed to provide service areas within the community at large, in contrast to project improvements. (Ord. 1282 § 1, 2008; Ord. 984 § 1, 2003).

**Section 2.** BLMC § 19.04.040 and the corresponding portions of Ordinance Nos. 984 and 1282 are hereby amended to read as follows:

19.04.040 Imposition of transportation impact fees.

A. The director is hereby authorized to impose transportation impact fees on new development according to the provisions of this chapter. Pursuant to BLMC 19.04.070, impact fees are due at the time of building permit issuance. When a development used to exist on a parcel, and the owner applies for a permit to build a comparable or replacement development within five years of the previous development's demolition, destruction or removal, and the director determines that the new development will not substantially increase the impact upon transportation facilities, no impact fee will be charged.

B. Transportation impact fees:

1. Shall only be imposed for system improvements that are reasonably related to the new development;
2. Shall not exceed a proportionate share of the costs of system improvements that are reasonably related to the new development;
3. Shall be used for system improvements that will reasonably benefit the new development;
4. May be collected and spent only for system improvements which are addressed by the Bonney Lake comprehensive plan, identifying:
  - a. Deficiencies in public facilities serving existing development and the means by which existing deficiencies will be eliminated within a reasonable period of time;
  - b. Additional demands placed on existing public facilities by new developments;and
  - c. Additional public facility improvements required to serve new development;
5. Shall not be imposed to mitigate the same off-site transportation facility impacts that are mitigated pursuant to any other law;
6. Shall not be collected for improvements to state transportation facilities outside the city boundaries unless the state requests such improvements and an agreement to collect such fees has been executed between the state/county and the city;
7. Shall not be collected for improvements to transportation facilities in other jurisdictions unless the affected jurisdiction requests such improvement and an interlocal agreement has been executed between the city and the affected jurisdiction for the collection of such fees;
8. Shall be collected only once for each building permit, unless changes or modifications to the building permit are proposed which result in greater direct impacts on transportation facilities than were considered when the building permit was first approved; and
9. Shall not be collected from any new or expanded city facilities, post offices or libraries; and
10. Shall not be collected from any health care provider who supplies to the City documentation proving that at least 51% of his or her patients are covered by Medicare, provided that the impact fees for such development activity shall be paid from public funds other than impact fee accounts.

**Section 3.** This Ordinance shall take effect thirty (30) days after its passage, subject to prior approval by the Mayor and prior publication for five days as required by law.

**PASSED** by the City Council and approved by the Mayor this \_\_\_<sup>th</sup> day of \_\_\_\_\_, 2009.

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Neil Johnson, Jr.  
Mayor

ATTEST:

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Harwood T. Edvalson  
City Clerk, CMC

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