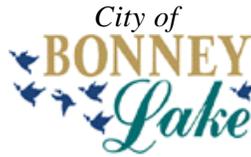


CITY COUNCIL MEETING

September 22, 2009
7:00 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.

AGENDA

"Where Dreams Can Soar"

Website: 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 items appearing 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 speaker 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

A. Flag Salute

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, Community Services Director Gary Leaf, Administrative Services Director/City Clerk Harwood Edvalson, and City Attorney Jim Dionne.

C. Announcements, Appointments and Presentations:

1. Announcements:

2. Appointments:

3. Presentations:

D. Agenda Modifications:

II. PUBLIC HEARINGS, CITIZEN COMMENTS & CORRESPONDENCE:

A. Public Hearings:

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:

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 Minutes: September 1, 2009 Workshop and September 8, 2009 Meeting.
- B. Accounts Payable Checks/Vouchers: Accounts Payable checks/vouchers #56740 thru 56779 in the amount of \$192,268.43. Accounts Payable checks/vouchers #56780 thru 56781 for A/R refunds in the amount of \$955.14. Accounts Payable checks/vouchers #56782 for a Utility refund in the amount of \$185.60.
- C. AB09-120 - Ordinance D09-120 - An Ordinance of the City of Bonney Lake, Pierce County, Washington, Amending Chapters 13.12.010, 13.12.100, and 13.12.105 of the Bonney Lake Municipal Code and Ordinance Nos. 1230; 1221; 1207; 1094; 1083; 968; 919; 787; 571c; and 561 Relating to the Calculation of Sewer System Development Charges.
- D. AB09-137 - Resolution 1963 - A Resolution of the City Council of the City of Bonney Lake, Pierce County, Washington, Authorizing the Mayor to Sign the Appropriate Paperwork Securing the Grant Monies from the State of Washington Pedestrian and Bicycle Safety Grant Program.
- E. AB09-139 - Resolution 1965 - A Resolution of the City Council of the City of Bonney Lake, Pierce County, Washington, Authorizing an Agreement with Qwest in the Amount of \$253.80 per Month and One-Time Install Fee in the Amount of \$680.00 for a Minimum Subscriber Service Term of 36 Months with Term Beginning on Date of Service Installation October 1st, 2009.
- F. AB09-140 - Resolution 1966 - A Resolution of the City Council of the City of Bonney Lake, Pierce County, Washington, Authorizing an Agreement with Netversant to Install 6-Strand Single Mode Fiber Optical Cable from City Hall to the Public Safety Building and 6-Strange Single Mode Fiber Optical Cable from City Hall to the Allan Yorke Park Public Radio Shelter for \$52,127.27.
- G. AB09-142 - A Motion of the Bonney Lake City Council Adopting the Proposed Technical Corrections to the 2008 and 2009 City Council Minutes.

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.

- H. AB09-147 - A Motion of the Bonney Lake City Council Authorizing the City to Submit an Application for a Puget Sound Energy and/or Energy Efficiency Community Block Grant.

V. FINANCE COMMITTEE ISSUES:

- A. AB09-149 - Resolution 1971 - A Resolution of the City Council of the City of Bonney Lake, Pierce County, Washington, Authorizing the Mayor to Sign an Interlocal Agreement with the City of Sumner for Temporary Project Management/Inspection Services.
- B. AB09-152 - Resolution 1973 - A Resolution of the City of Bonney Lake, Pierce County, Washington, Authorizing Mayor Johnson to Sign a Memorandum of Understanding Between the City of Bonney Lake and the AFSCME Local #120 Union.

VI. COMMUNITY DEVELOPMENT COMMITTEE ISSUES:

VII. PUBLIC SAFETY COMMITTEE ISSUES:

VIII. FULL COUNCIL ISSUES:

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.

CITY COUNCIL WORKSHOP

**September 1, 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"

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

Audio Time Stamp ↓

I. Call to Order:

Mayor Neil Johnson, Jr. called the Workshop to order at 5:31 p.m.

II. Roll Call: [A1.3]

Administrative Services Director/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 David King and Councilmember James Rackley.

[Staff Members in attendance were City Administrator Don Morrison, Chief Financial Officer Al Juarez, Planning Manager Heather Stinson, 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.]

III. Agenda Items:

5:31:59

A. Council Open Discussion:

Tacoma Rainiers Bonney Lake Night: Mayor Johnson thanked citizens, councilmembers, commissioners, board members and staff for attending 'Bonney Lake Night' at the Tacoma Rainiers baseball game on August 31, 2009. He said he got to throw the first pitch, Planning Manager Stinson sang the national anthem and over 80 tickets were sold through the City fundraiser. He said they are working on next year's event, considering charities and whether to do the game in early summer so students can do fundraising before the school year ends.

Flood Control Issues: Councilmember Rackley said the Courier Herald newspaper reported that Sumner is holding a public meeting regarding construction of a flood wall around the wastewater treatment facility there. He said he is upset that Sumner has set up a meeting for citizen comments while the City of Bonney Lake has been unable to receive a scheduled time to meet with them. He said the cities have an agreement to hold quarterly meetings and they are past due for another meeting. He said the City might consider withholding its sewer payments to Sumner until a meeting is scheduled. Councilmember Decker noted that the Sumner public meeting was scheduled at the same time as the Workshop, making it difficult for a representative from Bonney Lake to attend. Councilmember Hamilton asked if the City is talking with other sewer providers about options. Mayor Johnson said the City has contacted several other agencies and there is some interest; he said he would give a full report to Council once more information was available.

Councilmember Carter said she attended a Puyallup River Watershed meeting on August 26, 2009 and had provided councilmembers with a handout provided at

the meeting. She said there was another meeting on August 28 but she was unable to attend and is unsure of the result of that meeting. She said flooding is an issue for wild lands as well as developed areas, and the group is discussing options to repair or move levies, purchase farmland for flood overflow, etc. They hope to develop a plan with the Corps of Engineers that would be paid by all the cities affected. She said someone from Bonney Lake should be participating in these meetings to be sure the City has a voice.

Councilmember Hamilton said the flooding issues are a federal concern and the Corps of Engineers should be responsible for flood management, not individual cities or counties. Councilmember Carter said the County is organizing meetings with all concerned groups, and is looking at the entire Puyallup River, not just the lower end. Councilmember King said clear criteria should be created to determine how much each city or agency pays for new flood control efforts. He said Bonney Lake has observed the watershed protection laws and does not contribute to flooding, and asked what portion of the costs the City would be asked to pay. Deputy Mayor Swatman agreed, and said he moved to the plateau in part to not worry about flooding, and asked why he should be billed for those who have chosen to live or locate businesses in the valley. He suggested that Bonney Lake work with other cities on the plateau to discuss resources they can provide, including emergency management services. Mayor Johnson said he would find someone to attend future meetings on behalf of Bonney Lake.

Employee Furloughs: Councilmember Decker said he hopes the City will not allow law enforcement staff to participate in the furlough option if it is approved. He said if an employee took a furlough day, another would have to take the shift with overtime pay. Mayor Johnson said he made it clear in previous discussions that public safety staff will be exempt from the proposed furlough plan.

Tree Cutting and Steep Slopes: Councilmember Carter said she knows of three recent cases of illegal tree cuttings in critical areas in her ward, and asked whether the City needs to strengthen its tree ordinance. She said Code Enforcement does not usually act until after the trees are cut, and residents often cut trees on the weekend when staff is not available. City Administrator Morrison said he is working on an information sheet to help Police Officers and other staff to respond to calls when the Code Enforcement Officer is unavailable. The City Administrator has asked GIS Analyst Al Catanzaro to create a map showing areas where permits are required to clear land or cut trees, which will make it easier for staff to identify issues. Councilmember Hamilton said he thinks many citizens do not realize they are required to apply for a permit, and only learn after they have already cut their trees. Councilmember King asked for future updates on the illegal cuttings Councilmember Carter had mentioned, which are located on Myers Road, Old Sumner Buckley Hwy and Angeline Road. Mayor Johnson said the City will work to provide more education to citizens, staff and tree cutting services, and consider other options as well.

6:05:41

B. **Review of Council Minutes:** August 18, 2009 Council Workshop & August 25, 2009 Council Meeting.

Councilmember Carter asked that more information be included on the record for the August 18, 2009 minutes, discussion item E., p. 4, to include: "However,

Councilmembers noted the system at Falling Water has failed. Councilmember Carter pointed out that one of the ‘cons’ on Director Grigsby’s list was that black water could be damaging to the headwaters of Fennel Creek in Eastown.” Councilmember Carter noted an error in the August 25, 2009 Minutes, where the first speaker during Citizen Comments was Dean Ogle, not Steve Boerstler.

The minutes were moved forward, with corrections, to the September 8, 2009 Meeting for action.

6:07:09

C. **Discussion:** Ordinance D09-134 Rezone of Thompson & Chase Properties (2-parcel Conversion from R-1 to R-2).

Planning Manager Heather Stinson said the proposed rezone ordinance is for two residential lots on 84th St E. off Locust Ave. The properties are currently zoned R-1 (single-family residential), while the Land Use Designation in the Comprehensive Plan is R-2 (medium-density residential). The proposed rezone aligns the zoning of these lots with the Comprehensive Plan. Councilmember Decker noted the parcels are adjacent to R-3 zoning and suggested they be rezoned as high-density residential. Planning Manager Stinson said the zoning must conform to the Land Use Designation, so Council would have to approve a change of the land use designation to high-density residential first. Mayor Johnson said if there was Council interest in this option it would be a separate discussion and ordinance, and should not affect the ordinance currently under review. Proposed ordinance D09-134 was moved forward to the September 8, 2009 Meeting for action.

IV. **Executive Session:** None.

6:09:50

V. **Adjournment:**

At 6:09 p.m., Councilmember Rackley moved to adjourn the workshop. Councilmember Bowen seconded the motion.

Councilmember King said he is unable to attend the September 8, 2009 Meeting.

Motion approved 7 – 0.

Harwood T. Edvalson, CMC
City Clerk

Neil Johnson, Jr.
Mayor

Items submitted to the Council Workshop of September 1, 2009: None.

CITY COUNCIL MEETING

**September 8, 2009
7:00 P.M.**

MINUTES



“Where Dreams Can Soar”

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

Audio Time Stamp ↓

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

A. Flag Salute – Boy Scout Troop #595 led the audience in the Pledge of Allegiance.

B. Roll Call:

City Clerk Harwood 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 and Councilmember Jim Rackley. Councilmembers Mark Hamilton and Dave King were absent.

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

Councilmember Rackley moved to excuse Councilmembers Hamilton and King from the Meeting. Councilmember Carter seconded the motion.

Motion approved 5 – 0.

C. Announcements, Appointments and Presentations:

1. Announcements: None.

2. Appointments: None.

3. Presentations:

a. **Proclamation** – Beautify Bonney Lake Day – September 19, 2009.

Mayor Johnson read the proclamation aloud and invited residents to take part in the event on September 19th. BBL board members Randy McKibben and Fred Jacobsen accepted the proclamation.

D. Agenda Modifications:

Councilmember Carter asked that Consent Agenda item D., Ordinance D09-79 be moved to Full Council Issues for discussion. Councilmember Decker asked that all items on the Consent Agenda be moved to Full Council Issues as items A. through J.

7:04:25

II. PUBLIC HEARINGS, CITIZEN COMMENTS & CORRESPONDENCE:

A. Public Hearings: None.

B. Citizen Comments:

Winona Jacobsen, 9100 189th Ave Ct E, Bonney Lake, said the Historical Society and the City of Bonney Lake have worked together to erect 10 historic site markers, which will be dedicated at a ceremony on Saturday, September 12, 2009 at 11:00 a.m. at Allan Yorke Park. She invited all to attend and check out the markers, which are being installed this week. She said the Historical Society still has some 2010 calendars available for sale, but they expect to sell out soon.

Fred Jacobsen, 9100 189th Ave Ct E, Bonney Lake, said the calendars are available for anyone to purchase, including citizens. Councilmember Decker said the calendars are very nice and he hopes everyone purchases some.

C. Correspondence: None.

7:06:26

III. **COUNCIL COMMITTEE REPORTS:**

- A. Finance Committee: Deputy Mayor Swatman said the committee met at 5:30 p.m. earlier in the evening. Councilmember King was not in attendance. The committee reviewed the proposed Park Board ordinance (D09-79), grant applications for sidewalks on SR 410, an agreement with Qwest for 800 MHz communications circuits, and an agreement with NetVersant for fiber optic cable installation between City Hall and the Public Safety Building.
- B. Community Development Committee: Councilmember Rackley said the committee has not met since the last Council meeting.
- C. Public Safety Committee: Councilmember Carter said their meeting was rescheduled to September 14, 2009 due to the Labor Day holiday. She said the committee plans to discuss animal control, towing contracts, housing density and fire concerns, municipal code review, 800 MHz project updates, and a proclamation for Domestic Violence month in October. She said she has placed a stack of publications from Al-Anon regarding alcoholism at City Hall. The pamphlet includes information on area meetings and resources.
- D. Other Reports: None.

7:08:12

IV. **CONSENT AGENDA:**

- A. **Approval of Minutes:** ~~August 18, 2009 Council Workshop and August 25, 2009 Council Meeting.~~
- B. **Approval of Payroll:** ~~Payroll for August 1-15th, 2009 for checks 28409-28441 including Direct Deposits and Electronic Transfers in the amount of \$ 399,108.59; Payroll for August 16-31, 2009 for checks 28442-28478 including Direct Deposits and Electronic Transfers in the amount of \$ 562,416.94.~~
- C. **Approval of Accounts Payable Checks/Vouchers:** ~~Accounts Payable checks/vouchers (wire transfer # 8172009) in the amount of \$381.11. Accounts~~

Payable checks/vouchers #56647 thru 56739 (including wire transfer #'s 190640, 3152009, 4921439, 5152009, 6152009, 7152009, 8152009 & 9042009) in the amount of \$752,253.94.

- D. ~~AB09-79—Ordinance D09-79—An Ordinance of the City Of Bonney Lake, Pierce County, Washington, Amending Chapter 12.12 of the Bonney Lake Municipal Code and the Corresponding Portions of Ordinance Nos. 1232, 1150, 1037, 1015, 826, 669, 661, and 454 Relating to Park Regulations.~~
- E. ~~AB09-123—Ordinance D09-123—An Ordinance of the City Council of the City of Bonney Lake, Pierce County, Washington, Establishing Temporary Benefit Policies and/or Exceptions to Benefit Policies Due to the Current Recession and Accompanying Reductions in City Revenues.~~
- F. ~~AB09-134—Ordinance D09-134—An Ordinance of the City of Bonney Lake, Pierce County, Washington, Changing the Zoning Designation of Parcels 5640000230 and 5640000192 from Single Family Residential (R-1) to Medium Density Residential (R-2).~~
- G. ~~AB09-138—Resolution 1964—A Resolution of the City Council of the City of Bonney Lake, Pierce County, Washington, Awarding the City of Bonney Lake Interim Justice Center Project Contract to M.J. Takisaki, Inc.~~
- H. ~~AB09-132—A Motion of the Bonney Lake City Council Authorizing the City to Submit an Application for a Transportation Investment Generating Economic Recovery (TIGER) Grant from the United States Department of Transportation (USDOT) and for the City to Hold a Public Hearing on October 27, 2009 at 7:00 p.m.~~
- I. ~~AB09-133—A Motion of the Bonney Lake City Council Authorizing the Mayor to Sign the 2009-2011 Local Records Grant Program Application.~~
- J. ~~AB09-135—A Motion of the Bonney Lake City Council Authorizing Out of State Travel for Streets & Stormwater Crew Lead Brent Hoff to Attend Training in Eugene, Oregon.~~

All items from the Consent Agenda were moved to Full Council Issues, Items A. through J., for discussion during Agenda Modifications.

V. FINANCE COMMITTEE ISSUES: None.

VI. COMMUNITY DEVELOPMENT COMMITTEE ISSUES: None.

VII. PUBLIC SAFETY COMMITTEE ISSUES: None.

VIII. FULL COUNCIL ISSUES:

- A. **Approval of Minutes:** August 18, 2009 Council Workshop and August 25, 2009 Council Meeting.

7:08:15

Councilmember Decker moved to approve the minutes. Deputy Mayor Swatman seconded the motion.

Motion approved 5 – 0.

- B. **Approval of Payroll:** Payroll for August 1-15th, 2009 for checks 28409-28441 including Direct Deposits and Electronic Transfers in the amount of \$ 399,108.59; Payroll for August 16-31, 2009 for checks 28442-28478 including Direct Deposits and Electronic Transfers in the amount of \$ 562,416.94.

Councilmember Decker moved to approve Payroll. Deputy Mayor Swatman seconded the motion.

Motion approved 5 – 0.

- C. **Approval of Accounts Payable Checks/Vouchers:** Accounts Payable checks/vouchers (wire transfer # 8172009) in the amount of \$381.11. Accounts Payable checks/vouchers #56647 thru 56739 (including wire transfer #'s 190640, 3152009, 4921439, 5152009, 6152009, 7152009, 8152009 & 9042009) in the amount of \$752,253.94.

Councilmember Decker moved to approve the Accounts Payable Checks/Vouchers. Councilmember Carter seconded the motion.

Motion approved 5 – 0.

- D. **AB09-79 – Ordinance D09-79 –** An Ordinance of the City Of Bonney Lake, Pierce County, Washington, Amending Chapter 12.12 of the Bonney Lake Municipal Code and the Corresponding Portions of Ordinance Nos. 1232, 1150, 1037, 1015, 826, 669, 661, and 454 Relating to Park Regulations.

Councilmember Rackley moved to approve Ordinance D09-79. Deputy Mayor Swatman seconded the motion.

Councilmember Carter asked for a summary of the changes from the Park Board. Community Services Director Gary Leaf said most of the changes were simply clarifications on policies. Councilmember Carter said the proposed ordinance changes the monetary penalties for infractions in parks and refers to the Revised Code of Washington (RCW). She asked whether these changes would make enforcement more cumbersome for police officers to respond to violations. Director Leaf said these changes were suggested by the City Attorney's office to clarify the code, which references fees and portions of the RCWs in various sections. City Attorney Dionne suggested the item be tabled if the Council has more questions about enforcement and fees.

Councilmember Carter moved to table Ordinance D09-79 and forward it to the Public Safety Committee for review. Councilmember Bowen seconded the motion.

Motion to table approved 5 – 0.

- E. **AB09-123 – Ordinance 1331** – An Ordinance of the City Council of the City of Bonney Lake, Pierce County, Washington, Establishing Temporary Benefit Policies and/or Exceptions to Benefit Policies Due to the Current Recession and Accompanying Reductions in City Revenues.

Councilmember Rackley moved to adopt Ordinance 1331. Councilmember Decker seconded the motion.

Councilmember Decker said the ordinance does not specifically state that law enforcement staff are not allowed to take furloughs, and asked how this would be addressed. Mayor Johnson said the Police Department would be exempt from mandatory furloughs if they were put in place. He said Police Department staff can participate in the voluntary furloughs if they choose. Police Chief Mitchell said he has discussed with staff. He assured the Council that if any staff took voluntary furloughs it would be controlled to ensure there were not issues of other staff working overtime to cover shifts. He said he did not think many of his staff were planning to take voluntary furloughs besides himself.

Motion approved 5 – 0.

- F. **AB09-134 – Ordinance 1332** – An Ordinance of the City of Bonney Lake, Pierce County, Washington, Changing the Zoning Designation of Parcels 5640000230 and 5640000192 from Single Family Residential (R-1) to Medium Density Residential (R-2).

Councilmember Decker moved to adopt Ordinance 1332. Councilmember Rackley seconded the motion.

Motion approved 5 – 0.

- G. **AB09-138 - Resolution 1964** - A Resolution of the City Council of the City of Bonney Lake, Pierce County, Washington, Awarding the City of Bonney Lake Interim Justice Center Project Contract to M. J. Takisaki, Inc.

Councilmember Rackley moved to approve Resolution 1964. Deputy Mayor Swatman seconded the motion.

Councilmember Rackley noted that because the original apparent low bidder, Sierra Construction, asked to withdraw their bid, and M. J. Takisaki was originally the second-lowest apparent bidder. He said this appears to be a good bid and he thinks Council should approve it. Community Development Director Vodopich confirmed that Sierra Construction asked to withdraw their bid several days after the bid opening. He said the company found several errors in their base bid calculations. Director Vodopich said that he reviewed the issue with the City Attorney and City Administrator and agreed to grant their request. The second-lowest bidder is therefore being awarded the construction contract.

**Motion approved 4 – 0 – 1.
Councilmember Decker abstained.**

- H. **AB09-132** – A Motion of the Bonney Lake City Council Authorizing the City to Submit an Application for a Transportation Investment Generating Economic Recovery (TIGER) Grant from the United States Department of Transportation (USDOT) and for the City to Hold a Public Hearing on October 27, 2009 at 7:00 p.m.

Councilmember Rackley moved to approve motion AB09-132. Councilmember Decker seconded the motion.

Executive Assistant Brian Hartsell said he worked closely with Public Works Director Grigsby and his staff to prepare the grant, which is funded by the American Recover & Reinvestment Act. The grant would provide funds for intersection improvements and relieve traffic issues at SR 410 and Old Sumner Buckley Highway. Councilmember Carter thanked Mr. Hartsell for his hard work on this and other grants. Councilmember Decker thanked him for attending Community Development Committee meetings to keep councilmembers updated on these grants.

Motion approved 5 – 0.

- I. **AB09-133** - A Motion of the Bonney Lake City Council Authorizing the Mayor to Sign the 2009-2011 Local Records Grant Program Application.

Councilmember Rackley moved to approve motion AB09-133. Councilmember Decker seconded the motion.

Motion approved 5 – 0.

- J. **AB09-135** - A Motion of the Bonney Lake City Council Authorizing Out-of-State Travel for Streets & Stormwater Crew Lead Brent Hoff to Attend Training in Eugene, Oregon.

Councilmember Rackley moved to approve motion AB09-135. Councilmember Decker seconded the motion.

Public Works Director Grigsby said Brent Hoff was recently promoted to Streets and Stormwater Lead, and needs formal training. This course is normally offered in Washington every other year, but in 2010 it will be held in Montana instead. The Oregon course will be a less expensive way for him to get the required certificates to meet his conditions for employment.

Motion approved 5 – 0.

IX. EXECUTIVE SESSION: None.

7:25:38

X. ADJOURNMENT:

At 7:25 p.m. Councilmember Carter moved to adjourn the meeting. Councilmember Rackley seconded the motion.

Motion approved 5 – 0.

Harwood Edvalson, CMC
City Clerk

Neil Johnson
Mayor

Items submitted to the Council Meeting of September 8, 2009: None.

ORDINANCE NO. D09-120

AN ORDINANCE OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON, AMENDING CHAPTERS 13.12.010, 13.12.100, AND 13.12.105 OF THE BONNEY LAKE MUNICIPAL CODE AND ORDINANCE NOS. 1230; 1221; 1207; 1094; 1083; 968; 919; 787; 571C; AND 561 RELATING TO THE CALCULATION OF SEWER SYSTEM DEVELOPMENT CHARGES.

WHEREAS, the City has determined that sewer system development charges (“sewer SDCs”) are in need of adjustment so that new users connecting to the system will pay their equitable share of the cost of the system and in order to accommodate future development and build the capital projects needed to sustain and improve upon current levels of service; and

WHEREAS, the City has determined that Schedule A, used to calculate the sewer SDCs for non-residential establishments, needs to be updated; and

WHEREAS, a recent SDC study done by FCS Group, a consulting firm specializing in utility financing, concluded that a sewer SDC as high as \$10,366 per residential equivalent (RE) would constitute a reasonable and appropriate charge for Bonney Lake; and

WHEREAS, the City Council finds that it is less costly to develop and replace sewer system facilities serving multi-family development than a comparative number of dwelling units in a single family residential development; and

WHEREAS, the City Council finds that multi-family dwelling units place less demand on the sewer collection and treatment systems of the City than do single family dwelling units; and

WHEREAS, the City Council desires to establish equitable sewer system development charges for multi-family residential developments that reflect the reduced demands on the sewer system and lower replacement costs of sewer facilities serving multi-family developments; and

WHEREAS, the City Council finds it fair and equitable to base SDC charges for three bedroom multi-family apartment building units on a percentage of an RE per dwelling unit and to establish 80% as the standard acceptable for equitable comparisons to single family residential charges;

Whereas, the City Council further finds it fair and equitable to reduce SDC charges for multi-family apartment units having less than three bedrooms by equal percentages that reduce the average rate for multi-family apartment units to an equitable SDC rate of approximately 65% compared to single family residence;

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

Section 1. BLMC section 13.12.010 and the corresponding portions of Ordinance No, 571C § 4 are hereby amended to read as follows:

13.12.010 Definitions.

0. “Bed/Bonus Room” means any bedroom or other room such as a bonus room, den, or office in a multi-family dwelling that, in the opinion of the Building Official, could reasonably be converted to a bedroom.

30. “Residential Equivalent (RE)” means the equivalent of one residential unit for purposes of computing connection charges and service rates. Each “residential unit” shall be one residential equivalent. “Residential equivalent” is defined as flow of 280 gallons/day with BOD not exceeding 0.56 pounds/day and total suspended solids not exceeding 0.56 pounds/day means a system specific unit of measure used to express the amount of water and sewer consumed by a typical full-time single family residence and is equivalent to one residential dwelling unit for purposes of computing connection charges and service rates. For the purposes of sewer usage, one RE shall be defined as a flow of 275 gallons per day with an average biological oxygen demand (BOD) of 246 mg/l and an average total suspended solids (TSS) of 269 mg/l.

44. “Unit of base flow,” for the purpose of this code, shall be based upon a base sewerage flow of 280 gallons per 250 mg/l of BOD and 250 mg/l of suspended solids.

44. “Single-family residence”, for the purposes of water and sewer utilities, means a structure maintained and used as a single dwelling unit. Notwithstanding that a dwelling unit shares one or more wall with another dwelling unit, it shall be deemed a single family residence if it has direct access to a street and shares neither heating facilities nor hot water equipment, nor any other essential facility or service, with any other dwelling unit.

61. System Development Charge or “SDC” means a fee charged to connect to the public sewer system, which represents the user’s equitable share of the cost of the system, pursuant to RCW 35.92.025.

Section 2. Bonney Lake Municipal Code Section 13.12.100 and the corresponding portions of Ordinance Nos. 1230, 1221, 1207, 1094, 1083, 968, 919, 787, 571C, and 561 are hereby amended to read as follows:

13.12.100 System development charges.

A. The fees for connection to the city’s sewer utility shall be due and payable at the time of building permit issuance, as follows:

1. The fee for a single-family residence (new construction) shall be ~~\$8,000~~ \$9,099; ~~payable at the time of building permitting.~~
2. The fee for an existing single-family residence served by an on-site septic disposal system shall be ~~\$8,000~~ \$9,099.
3. The fee for ~~multifamily residential units and~~ duplexes shall be ~~\$8,000~~ \$9,099, per dwelling unit, ~~payable at the time of building permit application.~~

4. The fee for multifamily residential buildings with more than two units shall be as follows:

- A. 80% of \$9,099 per dwelling unit for 3 or more bed/bonus room units.
- B. 70% of \$9,099 per dwelling unit for 2 bed/bonus room units;
- C. 60% of \$9,099 per dwelling unit for 1 bed/bonus room units;
- D. 50% of \$9,099 per dwelling unit for studio/efficiency units;

5. CCI Adjustment. Beginning January 1, ~~2006~~ 2010, and for every year thereafter, the SDCs shall be adjusted by the annual change in the most recent Engineering News Record (ENR) Construction Cost (CCI) for the Seattle area, using a November through November annual measure to establish revised fee schedules effective January 1st of each year.

B. SDCs shall be due and payable at the time of building permit issuance, and shall be charged at the rate in effect at the time of application for sewer service. An application for sewer service will only be accepted if a complete building permit application is submitted concurrently or is already on file, or from an applicant with an existing residence served by a septic system and that also has sewer available. If the building permit expires through suspension or abandonment under BLMC 15.04.081, the SDC shall be refunded at the request of the applicant; provided, that if the applicant chooses to leave the SDC on deposit with the City and re-applies for a new building permit pursuant to BLMC 15.04.081, the SDC shall be re-calculated at current rates and the amount of the SDC already paid and not refunded may be credited toward the new SDC.

C. The charges set out in this section shall not be applicable to an accessory dwelling unit permitted pursuant to BLMC 18.22.090, so long as a second connection to the city's sewer system is not required by applicable codes or requested by the owner. Should the property upon which an accessory dwelling unit is located be sold, platted or otherwise segregated from the property upon which the primary residence is located, and, because of the exemption provided for in this subsection, the owner of the accessory dwelling unit did not previously pay a full, separate sewer connection charge for the accessory dwelling unit, then the following shall apply:

1. If no additional connection charge was paid for the accessory dwelling unit, the owner of the segregated accessory dwelling unit shall be required to pay a connection charge in the amount provided for in this section at the time of segregation.

2. If a reduced connection charge was paid for the accessory dwelling unit, the owner of the segregated accessory dwelling unit shall be required to pay the difference between that reduced charge and the amount of the connection charge provided for in this section at the time of segregation.

D. When connection to the sewer system for an existing residence becomes mandatory due to a failed septic system, septic design flaw, or other reason, and the home is not being sold contemporaneously with the mandatory sewer application, a homeowner may apply to the city to pay the connection fee on an installment payment plan. The application shall state that paying the connection fee poses a financial hardship. The city may permit the applicant to pay the fee in monthly or annual installments (not both) for a period of not more than 10 years. A reasonable interest rate, as determined by the city's chief financial officer, will be charged on the balance owing to the city. The entire remaining balance of the connection fee plus interest shall be due and payable at the time of sale of the home. Any past-due installments and any remaining balance that is not paid at the sale of the home will become a lien on the property pursuant to BLMC 13.12.110. (Ord. 1230 § 21, 2007; Ord. 1221 § 4, 2007; Ord. 1207 § 1, 2006; Ord. 1094 §

2, 2005; Ord. 1083 § 2, 2004; Ord. 968 § 2, 2002; Ord. 919 § 2, 2001; Ord. 787 §§ 1, 2, 1998; Ord. 571C § 1, 1992; Ord. 561 Art. VIII § 3, 1985).

Section 3. Bonney Lake Municipal Code Section 13.12.105 and the corresponding portions of Ordinance Nos. 1230; Ord. 1221; Ord. 1207; Ord. 1094; Ord. 1083; Ord. 968; Ord. 919; Ord. 787; Ord. 571C; and Ord. 561 are hereby amended to read as follows:

13.12.105 Calculation of ~~commercial and industrial~~ non-residential sewer connection and monthly charges.

A. System Development Charges (SDCs) shall be levied for each new sewer service connection to the city sewer system and for service upgrades generating additional flow or loading.

AB. ~~Commercial and Industrial Non-Residential~~ Connections – Existing Buildings.

1. SDCs for existing ~~commercial and industrial~~ non-residential customers who convert from septic to sewer shall be based on the most recent twelve months of water use records. The following formula shall be used to determine the number of REs an existing building is equivalent to: ~~The average daily water use shall be divided by 280 gallons and the resulting number shall then be multiplied by the cost per “unit of base flow.”~~ (Average daily water use +113 gallons per day) divided by 275 gallons per day.

BC. ~~Commercial and Industrial Non-Residential~~ Connections – Future New Buildings.

1. Connection fees for ~~commercial and industrial construction buildings built in the future~~ shall be calculated based on the “Sewer Flow Factors” contained on Schedule A dated March 31, 1986, and using the formula described above. ~~Schedule A is attached to the ordinance codified in this section and incorporated by reference herein.~~ Sewer System Development Charges for all new non-residential construction buildings shall be the calculated Residential Equivalents based on the Residential Equivalent Value given in Schedule A- Non-Residential Sewer Equivalents, which is hereby incorporated by reference as now or hereafter amended.

2. SDCs for ~~commercial and industrial non-residential construction buildings~~ applicants which do not fall into the categories listed in Schedule A (~~Sewer Flow Factors~~) shall be charged based on the developer’s engineer’s certified estimate of flow and shall be reviewed for adjusted fees after one year of water use data. The formula described ~~above~~ in BLMC 13.12.105(B)(1) will apply in each case and the calculated SDC shall be subject to approval by the Public Works Director. If one year of water use data shows that the SDC requires adjustment, the City will adjust the SDC up or down and either refund the difference or include an additional charge on the customer’s sewer bill. (Ord. 571C § 4, 1992).

D. Non-Residential Connections – Tenant Improvement.

1. Sewer System Development Charges for all new tenant improvements shall be the calculated Residential Equivalents based on the Residential Equivalent Value listed on Schedule A. If a former tenant or building owner paid an SDC for the space a new tenant is occupying, the new tenant shall be charged that portion of the SDC which reflects the increased use over the previous tenant, based upon the business types of the new and previous tenant found in Schedule A.

E. The calculation of Residential Equivalents given in Schedule A - Non-Residential Sewer Equivalents, and attached to the ordinance codified in this section, shall be updated annually as needed.

F. SDCs shall be due and payable at the time of issuance of the building permit for the structure to be served by the sewer connection, and shall be charged at the rate in effect at the time of application for sewer service. An application for sewer service will only be accepted along if a complete building permit application is submitted concurrently or is already on file, or from an applicant with an existing building served by a septic system and that also has sewer available. If the building permit expires through suspension or abandonment under BLMC 15.04.081, the SDC shall be refunded at the request of the applicant; provided, that if the applicant chooses to leave the SDC on deposit with the City and re-applies for a new building permit pursuant to BLMC 15.04.081, the SDC shall be re-calculated at current rates and the amount of the SDC already paid and not refunded may be credited toward the new SDC.

Section 5. 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 be retroactive to May 1, 2009. The ordinance 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 22nd day of September, 2009.

Neil Johnson, Jr., Mayor

ATTEST:

Harwood T. Edvalson, CMC, City Clerk

APPROVED AS TO FORM:

James J. Dionne, City Attorney

Passed:
Valid:
Published:
Effective Date:

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

<u>Department / Staff Contact:</u> PW / John Woodcock	<u>Workshop / Meeting Date:</u> 22 Sep 2009	<u>Agenda Bill Number:</u> AB09-137
<u>Ordinance Number:</u>	<u>Resolution Number:</u> 1963	<u>Councilmember Sponsor:</u>

Agenda Subject: WSDOT Agreements for the State Route 410 Sidewalk Grant

Proposed Motion: A Resolution of the City Council of the City of Bonney Lake, Pierce County, Washington, Authorizing the Mayor to Sign the Appropriate Paperwork Securing the Grant Monies from the State of Washington Pedestrian and Bicycle Safety Grant Program.

Administrative Recommendation:

Background Summary: Resolution 1847 approved the application for this grant which the city has subsequently been awarded by WSDOT. This grant for \$841,000 is to construct sidewalks from 198th Ave E to 206th Ave E. This WSDOT Pedestrian & Bicycle Safety Grant requires paper work to be completed before acquisition of those funds are available for use.

Attachments:
Highways and Local Programs State Funding Agreement
Local Agency Federal Aid Project Prospectus
Vicinity Map

<u>BUDGET INFORMATION:</u>			
Budget Amount	Required Expenditure	Budget Impact	Budget Balance
\$0	\$290,000	\$290,000	-\$290,000
Budget Explanation: The grant was applied for without a corresponding funding source within our biennium budget. Funds need to be secured for this opportunity.			

COMMITTEE/BOARD REVIEW:

Subcommittee Review Date: Finance Committee - 08 Sep 2009
Commission/Board Review Date: -
Hearing Examiner Date:

COUNCIL ACTION:

Workshop Date(s):	Public Hearing Date(s):
Meeting Date(s):	Tabled To Date:

Signatures:

Director Authorization	Mayor	Date City Attorney Reviewed
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RESOLUTION NO. 1963

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON, AUTHORIZING THE MAYOR TO SIGN THE APPROPRIATE PAPERWORK SECURING THE GRANT MONIES FROM THE STATE OF WASHINGTON PEDESTRIAN AND BICYCLE SAFETY GRANT PROGRAM.

WHEREAS, the City of Bonney Lake has approved the proposal to submit for the funding through Resolution 1847, and;

WHEREAS, the City of Bonney Lake has secured approximately \$290,000 matching monies to complete this safety improvement, therefore;

The City Council of the City of Bonney Lake, Washington, does hereby resolve that the Mayor is authorized to sign the submitted documents from the State of Washington Department of Transportation to begin the Pedestrian and Bicycle Safety Grant Program, in an amount of approximately of \$841, 000.

PASSED by the City Council this 22nd day of September, 2009

Neil Johnson Jr., Mayor

ATTEST:

Harwood T. Edvalson, CMC
City Clerk

APPROVED AS TO FORM:

James Dionne, City Attorney

Highways and Local Programs State Funding Agreement Work by Public Agencies		Agency and Address City of Bonney Lake P.O. Box 7380 Bonney Lake, WA 98391
Agreement Number	Maximum Amount Authorized \$841,000.00	Location and Description of Work (See also Exhibit "A") SR 410 from M.P. 14.64 to 15.10. Install 10 foot sidewalk with curb, gutter, and drainage.
Participating Percentage 25.6	Project Number	

This AGREEMENT is made and entered into this _____ day of _____, _____, between the STATE OF WASHINGTON, Department of Transportation, acting by and through the Secretary of Transportation, hereinafter called the "STATE," and the above named organization, hereinafter called the "AGENCY."

WHEREAS, the AGENCY is planning the work shown above, and in connection therewith, the AGENCY has requested financial assistance for the project or program, and

WHEREAS, the AGENCY has requested funds for the above shown project or program, which has been selected by the STATE for funding assistance.

NOW THEREFORE, in consideration of the terms, conditions, covenants, and performances contained herein, or attached and incorporated and made a part hereof, IT IS MUTUALLY AGREED AS FOLLOWS:

Type of Work	Estimate of Funding		
	(1) Estimated Total Project Funds	(2) Estimated Agency Funds	(3) Estimated State Funds
PE	a. Agency	129,409.00	129,409.00
	b. Other Education	10,000.00	10,000.00
	c. Other		
	d. State	5,000.00	5,000.00
	e. Total PE Cost Estimate (a+b+c+d)	144,409.00	15,000.00
Right of Way	f. Agency		
	g. Other		
	h. Other		
	i. State		
	j. Total R/W Cost Estimate (f+g+h+i)		
Construction	k. Contract		
	l. Other Operations/Services		
	m. Other		
	n. Other		
	o. Agency		
	p. State		
	q. Total CN Cost Estimate (k+l+m+n+o+p)	0.00	0.00
r. Total Project Cost Estimate (e+j+q)	144,409.00	15,000.00	129,409.00

**I
General**

The AGENCY agrees to perform the above described work in accordance with the Project Application attached hereto as "Exhibit A" and made a part of this AGREEMENT.

Plans, specifications, and cost estimates shall be prepared by the AGENCY in accordance with the current State of Washington Standard Specifications for Road, Bridge, and Municipal Construction and adopted design standards, unless otherwise noted. The AGENCY will incorporate the plans and specifications into the AGENCY's project and thereafter advertise the resulting project for bid and, assuming bids are received and a contract is awarded, administer the contract, or if the project is of a size which the AGENCY is authorized to perform with its own forces under the laws of the State of Washington, the AGENCY may proceed with its own

All work performed under this AGREEMENT shall comply with the applicable provisions of state law.

**II
Payment**

The STATE, in consideration of the faithful performance of the work to be performed by the AGENCY, agrees to reimburse the AGENCY for the percentage of the actual direct and related indirect cost of the work shown above, up to the "MAXIMUM AMOUNT AUTHORIZED". The agency will comply with Governmental Accounting Auditing and Financial Reporting Standards and applicable state law and local regulations, policies and procedures. No payment will be made for work done prior to execution of this AGREEMENT.

Partial payments shall be made by the STATE, upon request of the AGENCY, to cover costs incurred. These payments are not to be more frequent than one (1) per month. It is agreed that any such partial payment will not constitute agreement as to the appropriateness of any item and that, at the time of the final audit, all required adjustments will be made and reflected in a final payment. The AGENCY agrees to submit a final bill to the STATE within forty-five (45) days after the AGENCY has

The AGENCY agrees that all costs in excess of the amount authorized and the AGENCY's matching funds shall be the responsibility of the AGENCY.

**III
Audit**

The AGENCY agrees that an audit may be conducted by the STATE.

During the progress of the work and for a period not less than three (3) years from the date of final payment to the AGENCY, the records and accounts pertaining to the work and accounting thereof are to be kept available for inspection and audit by the STATE and copies of all records, accounts, documents, or other data pertaining to the project will be furnished upon request. If any litigation, claim, or audit is commenced, the records and accounts along with supporting documentation shall be retained until all litigation, claim, or audit finding has been resolved even though such litigation, claim, or audit continues past the three-year

IN WITNESS WHEREOF, the parties hereto have executed this AGREEMENT on the day and year last written below.

AGENCY

By: _____

Title: _____

Date: _____

DOT Form 140-087 EF
Revised 9/00

**IV
Legal Relations**

No liability shall attach to the AGENCY or the STATE by reason of entering into this AGREEMENT except as expressly provided herein.

**V
Nondiscrimination**

The AGENCY agrees to comply with all applicable state and federal laws, rules, and regulations pertaining to nondiscrimination and agrees to require the same of all subcontractors providing services or performing any work using funds provided under this AGREEMENT.

**VI
Venue**

For the convenience of the parties to this AGREEMENT, it is agreed that any claims and/or causes of action which the AGENCY has against the STATE, growing out of this AGREEMENT or the project or program with which it is concerned, shall be brought only in the Superior Court for

**VII
Termination**

The Secretary of the Department of Transportation may terminate this AGREEMENT if the funding becomes unavailable or if the Secretary determines that it is in the best interest of the STATE.

**VIII
Final Report and Final Inspection**

Within ninety (90) days following the completion of the project and submission of the final billing for the project, a final report and/or final inspection shall be submitted to the Assistant Secretary for Highways & Local Programs containing the following information:

Non-Capital Projects

1. A description of the project or program.
2. A summary of actual costs of the project or program.
3. An evaluation of the project or program. This should address aspects such as transportation and/or other benefits to the public.

Capital Projects

1. A final inspection is required.

**IX
Supplement**

This agreement may be modified or supplemented only in writing by both parties.

STATE

By: _____

Assistant Secretary for Highways and Local Programs

Date: _____

Prefix	Route	()	Date	8/26/2009
Federal Aid Project Number			Federal Employer Tax ID Number	91-0753552
Local Agency Project Number		(WSDOT Use Only)		

Agency City of Bonney Lake	Federal Program Title <input type="checkbox"/> 20.205 <input checked="" type="checkbox"/> Other State
Project Title State Route 410 Sidewalks	Start Latitude N 47.16944 Start Longitude W 122.16411 End Latitude N 47.16845 End Longitude W 122.15490
Project Termini From 198th Ave E	To 206th Ave E
From: 14.64 To: 15.10 Length of Project 0.46	Award Type <input checked="" type="checkbox"/> Local <input type="checkbox"/> Local Forces <input type="checkbox"/> State <input type="checkbox"/> Railroad
Federal Agency <input type="checkbox"/> FHWA <input checked="" type="checkbox"/> Others State	City Number 105 County Number 27 County Name Pierce WSDOT Region Olympic Region
Congressional District 8	Legislative Districts 31 Urban Area Number TMA / MPO / RTPO PSRC

Phase	Total Estimated Cost (Nearest Hundred Dollar)	Local Agency Funding (Nearest Hundred Dollar)	Federal Funds (Nearest Hundred Dollar)	Phase Start Date Month Year
P.E.	\$144,409	\$15,000	\$129,409	10 2009
R/W				
Const.	\$986,591	\$275,000	\$711,591	5 2010
Total	\$1,131,000	\$290,000	\$841,000	

Description of Existing Facility (Existing Design and Present Condition)

Roadway Width 84	Number of Lanes 4
SR 410 has 4 - 11 foot lanes, a 12 foot median with jersey barrier and 8 foot shoulders (x-section attached).	

Description of Proposed Work

Description of Proposed Work (Attach additional sheet(s) if necessary)
Install curb, gutter, drainage and a 10 foot sidewalk along the north side of SR 410. The pedestrian path will reduce the current shoulder width from 8 feet down to 4 feet in this improvement section.

Local Agency Contact Person John Woodcock	Title City Engineer	Phone 253-447-4336
Mailing Address PO Box 7380	City Bonney Lake	State WA
	Zip Code 98391	
By _____		Approving Authority _____
Project Prospectus Approval		Date _____
Title _____		

Agency City of Bonney Lake	Project Title State Route 410 Sidewalks	Date 8/26/2009
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Type of Proposed Work

Project Type (Check all that Apply)			Roadway Width	Number of Lanes
<input type="checkbox"/> New Construction	<input type="checkbox"/> Path / Trail	<input type="checkbox"/> 3-R	84	4
<input type="checkbox"/> Reconstruction	<input checked="" type="checkbox"/> Pedestrian / Facilities	<input type="checkbox"/> 2-R		
<input type="checkbox"/> Railroad	<input type="checkbox"/> Parking	<input type="checkbox"/> Other		
<input type="checkbox"/> Bridge				

Geometric Design Data

Description	Through Route	Crossroad
Federal Functional Classification	<input checked="" type="checkbox"/> Urban	<input checked="" type="checkbox"/> Urban
	<input type="checkbox"/> Rural	<input type="checkbox"/> Rural
	<input checked="" type="checkbox"/> Principal Arterial <input type="checkbox"/> Minor Arterial <input type="checkbox"/> Collector <input type="checkbox"/> Major Collector <input type="checkbox"/> Minor Collector <input type="checkbox"/> Access Street/Road	<input type="checkbox"/> Principal Arterial <input type="checkbox"/> Minor Arterial <input checked="" type="checkbox"/> Collector <input type="checkbox"/> Major Collector <input type="checkbox"/> Minor Collector <input type="checkbox"/> Access Street/Road
Terrain	<input type="checkbox"/> Flat <input checked="" type="checkbox"/> Roll <input type="checkbox"/> Mountain	<input type="checkbox"/> Flat <input checked="" type="checkbox"/> Roll <input type="checkbox"/> Mountain
Posted Speed	45	25
Design Speed		
Existing ADT		
Design Year ADT		
Design Year		
Design Hourly Volume (DHV)		

Performance of Work

Preliminary Engineering Will Be Performed By	Others	Agency
Contract	100 %	%
Construction Will Be Performed By	Contract	Agency
	%	%

Environmental Classification

<input type="checkbox"/> Final	<input type="checkbox"/> Preliminary
<input type="checkbox"/> Class I - Environmental Impact Statement (EIS)	<input checked="" type="checkbox"/> Class II - Categorical Excluded (CE)
<input type="checkbox"/> Project Involves NEPA/SEPA Section 404 Interagency Agreement	<input checked="" type="checkbox"/> Projects Requiring Documentation (Documented CE)
<input type="checkbox"/> Class III - Environmental Assessment (EA)	
<input type="checkbox"/> Project Involves NEPA/SEPA Section 404 Interagency Agreement	

Environmental Considerations
None that we are aware of.

Agency City of Bonney Lake	Project Title State Route 410 Sidewalks	Date 8/26/2009
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Right of Way

<input checked="" type="checkbox"/> No Right of Way Required * All construction required by the contract can be accomplished within the existing right of way.	<input type="checkbox"/> Right of Way Required <input type="checkbox"/> No Relocation	<input type="checkbox"/> Relocation Required
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Description of Utility Relocation or Adjustments and Existing Major Structures Involved in the Project

FAA Involvement
 Is any airport located within 3.2 kilometers (2 miles) of the proposed project? Yes No

Remarks

This project has been reviewed by the legislative body of the administration agency or agencies, or it's designee, and is not inconsistent with the agency's comprehensive plan for community development.

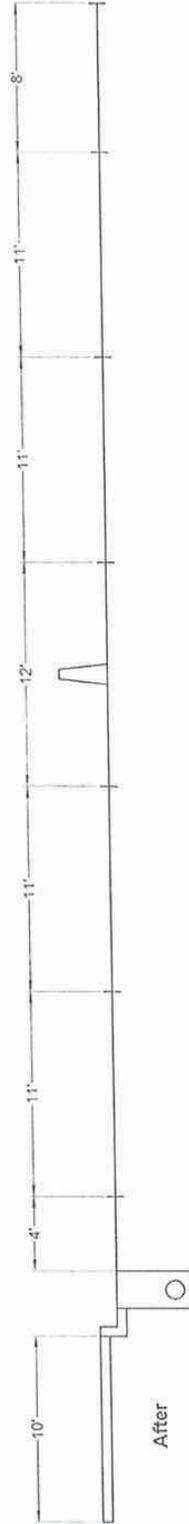
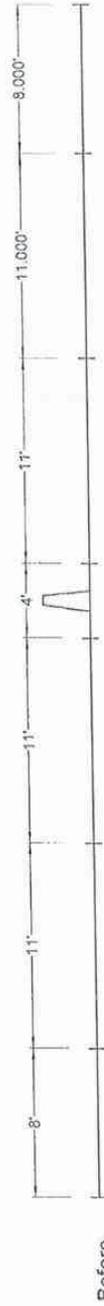
Agency _____

Date _____

By _____
 Mayor/Chairperson

State Route 410 Sidewalk Project

SR 410
MP 14.64 To 15.10



RESOLUTION NO. 1965

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON, AUTHORIZING AN AGREEMENT WITH QWEST IN THE AMOUNT OF \$253.80 PER MONTH AND ONE-TIME INSTALL FEE IN THE AMOUNT OF \$680.00 FOR A MINIMUM SUBSCRIBER SERVICE TERM OF 36 MONTHS WITH TERM BEGINNING ON DATE OF SERVICE INSTALLATION OCTOBER 1ST, 2009.

The City Council of the City of Bonney Lake, Washington, does hereby resolve that the Mayor is authorized to sign the agreement attached hereto and incorporated herein by this reference.

PASSED by the City Council this 22nd day of September, 2009.

Neil Johnson, Mayor

ATTEST:

Woody Edvalson, City Clerk

APPROVED AS TO FORM:

James Dionne, City Attorney

FINANCE COMMITTEE

DATE: 8-26-09

ORIGINATOR: Chuck McEwen TITLE: Information Services Coordinator

SUBJECT/DISCUSSION: 3-Year contract with Qwest at Bonney Lake for T-1 point to point communication circuit from the Police radio building at Allen Yorke Park to the Ponderosa Water Tank Police radio building.

RESOLUTION # 1965

REQUEST OR RECOMMENDATION BY ORIGINATOR: Recommend Approval

ISSUE AND DOCUMENTS HAVE BEEN REVIEWED AND APPROVED BY THE
MAYOR YES
FINANCE DIRECTOR YES
CITY ATTORNEY YES

BUDGET INFORMATION

BUDGETED ITEM: YES TOTAL COST: \$3,725.60

(Note: If budgeted item, attach copy of budget page and identify)

Table with 4 columns: 2009 Budget Amount, Required Expenditure, Impact, Remaining Balance. Values: \$4,000, \$1,441.40, \$1441.40, \$2,558.60

Explanation: New Install of a T-1 connection. Monthly cost is \$253.80 and an one-time installation charge of \$680.00

COMMITTEE ACTION: RECOMMEND APPROVAL TO COUNCIL

Table with columns: NAME, DATE, APPROVED, DISAPPROVED. Includes signatures and dates for Dan Swatman, David King, and James Rackley.

COMMITTEE COMMENTS:

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

Please schedule for Council Meeting date of: September 22nd 2009

Qwest Communications Company, (LLC)

CITY OF BONNEY LAKE	
Quote Type:	In-Region DS1 Private Line
Quote ID:	50003239

LOCATION INFORMATION		
Location A	Intrastate	Location Z
Customer Premise	Site Type	Customer Premise
253862	NPANXX	253862
No	SHARP Protection	No

PRICING									
(An additional surcharge may be assessed for these services if connecting to certain customer equipment)									
Qty	Loc	Element	Mo to Mo	12 Mo	24 Mo	36 Mo	60 Mo	NRC	
1	A	Channel Termination	\$150.00	\$141.00	\$133.95	\$126.90	\$109.98	\$340.00	
1	Z	Channel Termination	\$150.00	\$141.00	\$133.95	\$126.90	\$109.98	\$340.00	
Totals: Monthly			\$300.00	\$282.00	\$267.90	\$253.80	\$219.96	\$0.00	
NRC			\$680.00	\$680.00	\$680.00	\$680.00	\$680.00	\$0.00	

Terms and Conditions

These rates are valid for 45 days from the 'Orig. Quote Date' found in the footer of this document and all quotes will be verified by Qwest order entry at the time a Service Order is submitted.

These prices for Service are provided solely under the Rates and Charges of Interstate Access Tariff FCC No. 1. In the event of a conflict between this pricing and/or the Tariff, the Tariff prevails.

Customer Signature

Qwest Rep. Signature

Date Signed

Quote ID:50003239 Quote Orig. Date: 8/19/2009

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

<u>Department / Staff Contact:</u> ASD / Chuck McEwen	<u>Workshop / Meeting Date:</u> 22 Sep 2009	<u>Agenda Bill Number:</u> AB09-140
<u>Ordinance Number:</u>	<u>Resolution Number:</u> 1966	<u>Councilmember Sponsor:</u>

Agenda Subject: Contract with NetVersant for installation of Fiber Optic Cable between City Hall and Public Safety Building

Proposed Motion: A Resolution of the City Council of the City of Bonney Lake, Pierce County, Washington, Authorizing an Agreement with Netversant to Install 6-Strand Single Mode Fiber Optical Cable from City Hall to the Public Safety Building and 6-Strange Single Mode Fiber Optical Cable from City Hall to the Allan Yorke Park Public Radio Shelter for \$52,127.27.

Administrative Recommendation:

Background Summary: Late last year and early this year finance committee discussed the bandwidth between the City Hall and PSB/Annex. The MOE 10Mbps circuit from Qwest was not an attractive option due to its high 5 year contract cost (total 5 year cost was \$86,400.00). The finance committee asked that Chuck look into wireless and other options. Chuck spoke to numerous wireless vendors (Motorola, Day Wireless, NoWyr, etc) , and more importantly installers and he doesn't believe wireless is the way to go for a dedicated backhaul between the two buildings for two reasons:

1st there isn't a clear line of sight path even with utilizing the new Police cellular tower height (per Motorola's link diagramming tool). Therefore we would need an intermediary wireless hop from City Hall to Ponderosa Tank to PSB. Motorola's Link diagramming tool cannot guarantee a five "9"s reliability for this two hop path, which is standard for a primary backhaul path. This would also require double the wireless devices and the extra hop would add a bit of latency.

The 2nd reason is cost, as you can see from the below option breakdown it will actually be cheaper, faster, and less in ongoing maintenance to run our own fiber. As part of the undergrounding of utilities along Main Street and Old Buckley Highway the city has engineered in a Fiber path from the Public Safety Building to the Annex and Interim Justice Center. Running fiber optic cable between these building will be a separate project however we will need to do something to connect the CJC to the city network..

City Hall – PSB/Annex/CJC network connection options:

- 1) Do Nothing: Cost same single T-1 from Qwest yearly cost \$5,040.00+tax
- 2) Add an additional T-1 allows 3Mbps bandwidth from Qwest yearly cost \$10,080.00 (+additional hardware)
- 3) MOE Circuit from Qwest 10 Mbps yearly cost \$17,280.00+tax
- 4) Wireless from City Hall to PSB best case scenario \$40,000 install
- 5) Wireless from City Hall to Ponderosa tank to PSB best case scenario \$71,500
- 6) Run 6 single mode fiber optic allows 3 separate 1 Gbps network connections from City Hall to PSB on state contract price \$52,127.27 (includes running fiber to police radio shelter at Allen Yorke Park). (running 12 single mode strands would add \$600.00 to the material cost.) If we went with this option I would highly suggest running the 12 strands; this could be added as a change order to this contract if approved.

NOTE: Option 4 isn't really an option as we are not able to achieve clear line of sight.

The proposed contract follows option 6. The equipment and labor pricing reflects Washington State contract prices under Master Agreement Number T05-MST-008.

Other costs not included in the contract as as follows:
 The city will trench and install conduit from the City Hall pole to the building (equipment cost for this is projected \$750, and includes two J boxes and 3" conduit).
 Puget Sound Energy requires a application fee of \$27.50 per pole to determine if placement is acceptable. Contract will coordinate with PSE however the \$27.50/pole will be paid by the city. There are around 50 poles between City Hall and PSB which will equate to approximately \$1375.00 in application fees to PSE.
 PSE may require make ready work on any number of transmission poles. This make ready work can not be estimated until the PSE's review however NetVersant will submit a path based on their careful physical review of the transmission poles to reduce any make ready work. PSE will not charge an annual pole lease as long as the City uses the fiber optic cables for it's internal use only.

<u>BUDGET INFORMATION:</u>			
Budget Amount	Required Expenditure	Budget Impact	Budget Balance
	52,127.27		
Budget Explanation:			

<u>COMMITTEE/BOARD REVIEW:</u>
Subcommittee Review Date: -
Commission/Board Review Date: -
Hearing Examiner Date:

<u>COUNCIL ACTION:</u>	
Workshop Date(s):	Public Hearing Date(s):
Meeting Date(s):	Tabled To Date:

Signatures:

Director Authorization	Mayor	Date City Attorney Reviewed
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WA General Contractor Reg. No. NETVEAI915DF

549 S. Dawson St.
Seattle, Washington 98108-2253
(206) 774-7100
Fax (206) 774-8138

August 5, 2009

Chuck McEwen
Information Technology Coordinator
City of Bonney Lake
19306 Bonney Lake Blvd
P.O. Box 7380
Bonney Lake, WA 98390-0944
253.447.4301 Fax 253.862.8538

Dear Mr. McEwen:

Thank you for allowing NetVersant Solutions, LLC the opportunity to provide the following quotation for **City Hall to the Police Station 6SMFO** project located at **Bonney Lake, WA**.

The proposed work will be performed per the terms and conditions of the Washington State Department of Information Services **Master Agreement Number T05-MST-008**. A purchase order referencing the Master Agreement Number, DIS fee (there will be a one half of one percent, .005 DIS Administration fee added to your invoice for the use of the Master Agreement) and your DIS Customer Number is required prior to project commencement. If you do not have a Customer Number with DIS, please contact the DIS Contracts and Legal Affairs Office at (360) 902-3551.

Scope of Work: Pole Attachment Engineering and Application

- Netversant Solutions, LLC will provide Engineering services and CAD drawings that indicate the existing pole attachments and the proposed attachment height for the fiber to be placed on **Puget Sound Energy** poles along the proposed route.
- NetVersant Solutions, LLC will submit the above, obtained information and assist in obtaining a pole attachment agreement between **Puget Sound Energy**, and **The City of Bonney Lake** for the proposed aerial route between the above locations.
- NetVersant Solutions, LLC will submit the above, obtained information and assist in obtaining permits from City, County, and State agencies as required.

Scope of Work: 6 SMFO Construction Police Station to City Hall

- Provide and install 1 each ¼" Messenger from the 1st pole outside of City Hall to the Bonney Lake Police Station.
- Provide and install 1 each 1" Black Smoothwall Innerduct on above messenger.
- Provide and install 1 each 6 Strand SM Fiber Cable from the City Hall MDF to the MDF of the Police Station.
- Install above fiber in above innerduct along Aerial route and into new pathway to the City Hall.

- Install above 6 SM fibers in existing 2" conduit to the Police Station entrance room then across the basement to the MDF using existing EMT conduit.
- Provide and install 1 each Corning Wallmount Patch Panel in the Police Station MDF.
- Provide Slack loops for future splicing at prime locations along path. Store on messenger using Fiber Optic Storage Loops.
- Provide and install 1 each Corning Patch Panel in City Hall Rack.
- Terminate the first 4 strands at each end of above fibers using SC Connectors.
- Provide 1 each Cisco SFP modules for the switches at each end.
- Provide 2 each 3 meter SC-LC duplex jumper, 1 for each end.

Scope of Work: 6 SMFO Construction City Hall to New Tower Building

- Provide and install 1 each ¼" Messenger from the 1st pole outside of City Hall to the new Tower Building.
- Provide and install 1 each 1" Black Smoothwall Innerduct on above messenger.
- Provide and install 1 each 6 Strand SM Fiber Cable from the City Hall MDF to the New Tower Building.
- Install above fiber in above innerduct along Aerial route and into new pathway to the New Tower Building.
- Provide and install 1 each Corning Wallmount Patch Panel in the New Tower Building.
- Terminate the first 4 strands at each end of above fibers using SC Connectors in above Patch Panel and in Patch Panel installed on City Hall to Police Station.
- Provide 1 each Cisco SFP modules for the switches at each end.
- Provide 2 each 3 meter SC-LC duplex jumper, 1 for each end.

Assumptions of Scope:

- All cable pathways will be easily accessible and free and clear from any obstruction.
- OTDR testing is available at the request of the City of Bonney Lake through an approved change order.
- All work will be performed during normal business hours, Monday through Friday.
- Work performed during hours other than normal business hours will be billed at premium rates. Such work must be approved in writing by the City of Bonney Lake and NetVersant Solutions, LLC authorized personnel.
- Access will be provided in a timely manner to all facilities where work is requested. Delays and/or interruptions resulting from lack of access may result in additional charges.
- NetVersant Solutions, LLC will not be responsible for delays caused by unavailability of materials from our distributors and manufacturers.

Exempt From Scope:

- PSE Application Review Fees.
- Right of Way/Street Use Fees.
- Washington State Sales Tax.
- The Administration fee (.005) per the Master Agreement.
- OTDR testing.
- Removal of abandoned wire or cable.
- Unforeseen circumstances or conditions not readily apparent.

Pricing:

Materials	\$ 24,840.39
Installation	\$ <u>27,286.88</u>
Total	\$ 52,127.27

Testing and Documentation (Single Mode Fiber Optic Cable):

- In addition to individual connector and dB loss testing, NetVersant Solutions, LLC will perform end-to-end insertion loss testing of single mode fibers at 1310 nm and 1550 nm from both directions for each terminated span.
- NetVersant Solutions, LLC will provide final test documentation with fiber labeling.

Terms and Conditions:

- Schedule: Pricing is based upon performing all work in one continuous phase.
- Project Completion: A Standard of Performance Acceptance Sheet is to be signed upon completion and acceptance of project (see attached).
- Payment Terms: Material and mobilization fee and will be invoiced upon acceptance of proposal. Progress installation invoices will be submitted monthly with final invoice upon completion and acceptance. Net 30 days. The Administration fee (.005) will be added to your invoice per the Master Agreement.
- Change Order: If changes are required during the course of this project, a change order will be provided and work will continue upon approval of such change order.
- Warranty: NetVersant Solutions, LLC warrants each installation performed by NetVersant Solutions, LLC against defects in materials and workmanship for a period of 2 years for copper and 5 years for fiber from the date of completion.
- Asbestos Policy: The work will be done subject to the attached Asbestos Policy.
- These prices are good for a period of 30 days.

- Confidential Information: This bid information is confidential and proprietary, for use only by the City of Bonney Lake.

Thank you for considering NetVersant Solutions, LLC for your cabling needs. If you have any questions, please contact me at (206) 774-7124.

Thank you,

**Pete Brooks
Project Manager**

Acceptance of Proposal: 6 SMFO City Hall to Police Station

Signature

Date

Print Name/Title

Purchase Order No.

**549 s. Dawson St.
Seattle, WA 98108-2253
(206) 774-7124 Fax (206) 774-8124**

CERTIFICATION OF PERFORMANCE ACCEPTANCE

Customer Name: _____ Job Name: _____

Customer PO Number: _____ NVNW Job Number: _____

NVNW Project Mgr: _____

NetVersant Solutions, LLC completed Scope of Work on _____.
(Date)

All cable installation and termination was performed in accordance with the State of Washington Telecommunications Architectural Standards and the **Master Agreement No. T05-MST-008**.

Scope of Work:

Materials	\$ _____
Labor	_____
Total	\$ _____

Acceptance:

The Scope of Work has been completed and is accepted.

Signature

Date

Print Name/Title

Department

Asbestos Policy – 3/10/97

NetVersant Solutions, LLC has established this policy to protect its employees from possible exposure to friable asbestos and to adhere to all current governing regulations.

NetVersant Solutions, LLC will not participate in installations where the use of protective clothing is needed to avoid asbestos contamination.

The Puget Sound Air Pollution Control Agency (PSAPCA) standards revision of 1995 requires that prior to renovation the property owner is responsible for having an asbestos survey conducted by an EPA AHERA trained building inspector. The results are to then be communicated to all contractors on the site, and the survey findings posted. This survey is performed to identify any suspect asbestos containing material that may be disturbed during the project.

OSHA has identified four categories of work in the asbestos regulations. NetVersant Solutions, LLC is categorized as a Class 4 contractor. NetVersant Solutions, LLC participates in projects where only contact (no intended disturbance) with asbestos-containing materials is necessary to perform the work.

In the event that an employee detects asbestos in any form, the employee and their co-workers are directed to discontinue the project in that location and notify their supervisor of the situation. The asbestos-containing material must then be either contained or abated before NetVersant Solutions, LLC will continue the project work in that area.

NOTICE TO CUSTOMER

This Contractor, NetVersant Solutions, LLC, Inc. is registered with the State of Washington, Registration No. NETVENI990JQ, and has posted with the State a bond or cash deposit of \$12,000.00 for the purpose of satisfying claims against the Contractor for breach of contract including negligent or improper work in the conduct of the Contractor's business. The expiration date to this contractor's registration is March 1st, 2002 and every two years after that date.

THIS BOND OR DEPOSIT MIGHT NOT BE SUFFICIENT TO COVER A CLAIM THAT MIGHT ARISE FROM THE WORK DONE UNDER YOUR CONTRACT.

This bond or deposit is not for your exclusive use because it covers all work performed by this contractor. The bond or deposit is intended to pay valid claims up to \$12,000.00 that you and other customers, suppliers, subcontractors, or taxing authorities may have.

FOR GREATER PROTECTION YOU MAY WITHHOLD A PERCENTAGE OF YOUR CONTRACT.

You may withhold a contractually defined percentage of your construction contract as retainage for a stated period of time to provide protection to you and help insure that your project will be completed as required by your contract.

YOUR PROPERTY MAY BE LIENED.

If a supplier of materials used in your construction project or an employee or subcontractor of your contractor or subcontractors is not paid, your property may be liened to force payment and you could pay twice for the same work.

FOR ADDITIONAL PROTECTION, YOU MAY REQUEST THE CONTRACTOR TO PROVIDE YOU WITH ORIGINAL "LIEN RELEASE" DOCUMENTS FROM EACH SUPPLIER OR SUBCONTRACTOR ON YOUR PROJECT.

The contractor is required to provide you with further information about lien release documents if you request it. General information is also available from the state Department of Labor and Industries.

RESOLUTION NO. 1966

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON, AUTHORIZING AN AGREEMENT WITH NETVERSANT TO INSTALL 6-STRAND SINGLE MODE FIBER OPTICAL CABLE FROM CITY HALL TO THE PUBLIC SAFETY BUILDING AND 6-STRAND SINGLE MODE FIBER OPTICAL CABLE FROM CITY HALL TO THE ALLAN YORKE PARK PUBLIC RADIO SHELTER FOR \$52,127.27.

The City Council of the City of Bonney Lake, Washington, does hereby resolve that the Mayor is authorized to sign the agreement attached hereto and incorporated herein by this reference.

PASSED by the City Council this 22nd day of September, 2009.

Neil Johnson, Mayor

ATTEST:

Woody Edvalson, City Clerk

APPROVED AS TO FORM:

James Dionne, City Attorney

FINANCE COMMITTEE

DATE: 8-26-09

ORIGINATOR: Chuck McEwen

TITLE: Information Services Coordinator

SUBJECT/DISCUSSION: Contract with NetVersant to install 6 single mode fiber optic cable between City Hall and Public Safety Building and 6 single mode fiber optic cable between City Hall and Allan Yorke Radio Shelter.

RESOLUTION # 1966

REQUEST OR RECOMMENDATION BY ORIGINATOR: Recommend Approval

ISSUE AND DOCUMENTS HAVE BEEN REVIEWED AND APPROVED BY THE

MAYOR YES
FINANCE DIRECTOR YES
CITY ATTORNEY YES

BUDGET INFORMATON

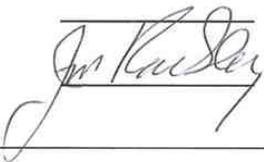
BUDGETED ITEM: YES **TOTAL COST:** \$52,127.27

(Note: If budgeted item, attach copy of budget page and identify)

<u>2009 Budget Amount</u>	<u>Required Expenditure</u>	<u>Impact</u>	<u>Remaining Balance</u>
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Explanation: Late last year and early this year finance committee discussed the bandwidth between the City Hall and PSB/Annex. The MOE 10Mbps circuit from Qwest was not an attractive option due to its high 5 year contract cost (total 5 year cost was \$86,400.00). The finance committee asked that Chuck look into wireless and other options. Chuck spoke to numerous wireless vendors (Motorola, Day Wireless, NoWyr, etc) , and more importantly installers and he doesn't believe wireless is the way to go for a dedicated backhaul between the two buildings for two reasons: 1st there isn't a clear line of sight path even with utilizing the new Police cellular tower height (per Motorola's link diagramming tool). Therefore we would need an intermediary wireless hop from City Hall to Ponderosa Tank to PSB. Motorola's Link diagramming tool cannot guarantee a five "9's" reliability for this two hop path, which is standard for a primary backhaul path. This would also require double the wireless devices and the extra hop would add a bit of latency. The 2nd reason is cost, as you can see from the below option breakdown it will actually be cheaper, faster, and less in ongoing maintenance to run our own fiber. As part of the undergrounding of utilities along Main Street and Old Buckley Highway the city has engineered in a Fiber path from the Public Safety Building to the Annex and Interim Justice Center. Running fiber optic cable between these building will be a separate project however we will need to do something to connect the CJC to the city network. City Hall - PSB/Annex/CJC network connection options: 1) Do Nothing: Cost same single T-1 from Qwest yearly cost \$5,040.00+tax 2) Add an additional T-1 allows 3Mbps bandwidth from Qwest yearly cost \$10,080.00 (+additional hardware) 3) MOE Circuit from Qwest 10 Mbps yearly cost \$17,280.00+tax 4) Wireless from City Hall to PSB best case scenario \$40,000 install 5) Wireless from City Hall to Ponderosa tank to PSB best case scenario \$71,500 6) Run 6 single mode fiber optic allows 3 separate 1 Gbps network connections from City Hall to PSB on state contract price \$52,127.27 (includes running fiber to police radio shelter at Allen Yorke Park). (running 12 single mode strands would add \$600.00 to the material cost.) If we went with this option I would highly suggest running the 12 strands; this could be added as a change order to this contract if approved. NOTE: Option 4 isn't really an option as we are not able to achieve clear line of sight. The proposed contract follows option 6. The equipment and labor pricing reflects Washington State contract prices under Master Agreement Number T05-MST-008. The city will trench and install conduit from the City Hall pole to the building (equipment cost for this is projected \$750, and includes two J boxes and 3" conduit).

COMMITTEE ACTION: RECOMMEND APPROVAL TO COUNCIL

	<u>DATE</u>	<u>APPROVED</u>	<u>DISAPPROVED</u>
Dan Swatman, Chair, Finance	<u>9-8-09</u>		_____
David King, Chair, Public Safety	_____	_____	_____
James Rackley, Chair, CDC	<u>9-8-09</u>		_____

COMMITTEE COMMENTS: _____

COMMITTEE'S RECOMMENDATION TO FORWARD TO:

CITY CLERK **FINANCE DIRECTOR** **CITY ATTORNEY**

Please schedule for Council Meeting date of: September 22nd 2009 _____

Summary of Proposed Changes to 2008-2009 City Council Minutes

<i>Date</i>	<i>Meeting or Workshop</i>	<i>Excerpt of Minutes Text with Proposed Corrections</i>
1/22/2008	Meeting	Pursuant to RCW 42.30.110(1)(b) and RCW 42.30.110(1)(i) the City Council announced an Executive Session <u>with the City Attorney</u> at 7:59 p.m. for 15 minutes to discuss potential offering prices for properties, and to discuss potential litigation. The Executive Session was extended for 15 additional minutes at 8:15 p.m. The meeting reconvened at 8:20 p.m.
2/5/2008	Workshop	Pursuant to RCW 42.30.110(1)(i) the City Council announced an Executive Session <u>with the City Attorney</u> at 6:29 p.m. for 20 minutes to discuss potential litigation. The meeting reconvened at 6:41 p.m.
2/12/2008	Meeting	Pursuant to RCW 42.30.110(1)(i) Deputy Mayor Swatman announced an Executive Session <u>with the City Attorney</u> at 8:03 p.m. for 20 minutes to discuss litigation. The meeting reconvened at 8:20 p.m.
2/19/2008	Workshop	Pursuant to RCW 42.30.110(b), the City Council adjourned to an Executive Session at 7:10 p.m. for 15 minutes to discuss property negotiation. At 7:27 p.m. the Executive Session was extended for 5 minutes. At 7:32 p.m. the meeting was extended an additional 5 minutes. The meeting reconvened at 7:34 p.m.
4/1/2008	Workshop	Pursuant to RCW 42.30.110(i), the City Council adjourned to an Executive Session <u>with the City Attorney</u> at 9:25 p.m. for 10 minutes to discuss current and potential litigation. At 9:37 p.m. the Executive Session was extended for 5 minutes. At 9:44 p.m. the meeting was extended an additional 5 minutes. The meeting reconvened at 9:45 p.m.
4/15/2008	Workshop	Pursuant to RCW 42.30.110(b), the City Council adjourned to an Executive Session at 8:57 p.m. for 10 minutes to discuss property acquisition. At 9:10 p.m. the Executive Session was extended for 5 minutes. The meeting reconvened at 9:14 p.m.
7/22/2008	Meeting	Pursuant to RCW 42.30.110(1)(i) the City Council adjourned to Executive Session <u>with the City Attorney</u> at 8:34 p.m. for 30 minutes to discuss current and potential litigation. At 9:08 p.m. the City Clerk announced the executive session would be extended for 5 minutes. The regular Council Meeting reconvened at 9:13 p.m.
9/9/2008	Meeting	Pursuant to RCW 42.30.110(1)(i) and RCW 42.30.110(1)(b) the City Council adjourned to Executive Session <u>with the City Attorney</u> at 7:15p.m. for 45 minutes to discuss current and potential litigation. Councilmember Rackley recused himself from this portion of the executive session. At 8:00 p.m. the City Clerk announced the executive session would be extended for 30 minutes. At 8:13 p.m. the City Clerk announced the executive session would be extended for an additional 15 minutes. Councilmember Rackley joined the executive session at this time. The regular Council meeting reconvened at 8:45 p.m.
10/7/2008	Workshop	Pursuant to RCW 42.30.140(4)(a)42.30.110(1)(b) the City Council announced an Executive Session <u>with the City Attorney</u> at 7:35 p.m. for 30 minutes to discuss labor negotiations. At 8:09 p.m. the Executive Session was extended 15 additional minutes. At 8:26 p.m. the Executive Session was extended 5 additional minutes. The Executive Session was ended and the workshop reconvened at 8:30 p.m.

<i>Date</i>	<i>Meeting or Workshop</i>	<i>Excerpt of Minutes Text with Proposed Corrections</i>
11/4/2008	Workshop	Pursuant to RCW 42.30.110(1)(b) and RCW 42.30.110(1)(i) the City Council adjourned to an Executive Session at 6:35 p.m. to discuss property negotiations for five minutes. At 6:42 p.m. the Executive Session was extended 5 additional minutes. At 6:53 p.m. the Executive Session was extended 5 additional minutes. At 6:59 p.m. the Executive Session was extended 5 additional minutes. At 7:05 p.m. the Executive Session was extended 5 additional minutes. The Council meeting reconvened at 7:10 p.m.
11/18/2008	Workshop	Pursuant to RCW 42.30.110(1)(b) and RCW 42.30.110(1)(i) the City Council adjourned to an Executive Session <u>with the City Attorney</u> at 8:10 p.m. to discuss potential litigation, acquisition of property, and enforcement actions for sixty minutes. The Council meeting reconvened at 9:11 p.m.
11/25/2008	Meeting	Pursuant to RCW 42.30.110(1)(b) and RCW 42.30.110(1)(i) the City Council adjourned to an Executive Session <u>with the City Attorney</u> at 7:30 p.m. for fifteen minutes to discuss potential litigation, property acquisition and enforcement actions. At 7:49 p.m. the Executive Session was extended an additional five minutes. The Council meeting reconvened at 7:51 p.m.
1/6/2009	Workshop	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 6:43 p.m. for fifteen minutes to discuss current litigation. The Workshop reconvened at 7:03 p.m.
3/24/2009	Meeting	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: AB09-58 – Resolution 1933...
4/21/2009	Workshop	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 6:32 p.m. to discuss property acquisition and potential litigation. The Executive Session was extended five minutes at 6:48 p.m. The Meeting reconvened at 6:54 p.m. No action was taken.
6/2/2009	Workshop	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 6:55 p.m. to discuss potential litigation and property negotiations for twenty minutes, with no anticipated action. The Executive Session was extended for five minutes at 7:16 p.m. and again for five minutes at 7:21 p.m. The Meeting reconvened at 7:23 p.m. No action was taken.

general use of eminent domain could continue in public. City Attorney Dionne said that an Executive Session could be called for discussions of potential litigation and for potential offering prices for properties. He added that calling an Executive Session modifies the agenda.

7:59:50

IX. EXECUTIVE SESSION:

Pursuant to RCW 42.30.110(1)(b) and RCW 42.30.110(1)(i) the City Council announced an Executive Session with the City Attorney at 7:59 p.m. for 15 minutes to discuss potential offering prices for properties, and to discuss potential litigation. The Executive Session was extended for 15 additional minutes at 8:15 p.m. The meeting reconvened at 8:20 p.m.

VIII. FULL COUNCIL ISSUES (continued):

(A. Continued) The Council returned to discussions of proposed Ordinance D08-006. City Clerk Edvalson announced that a citizen who had not signed up to speak about the ordinance had asked if he could address the council.

Don Karstet and Dana White, Lake Tapps LLC, spoke as business owners. Mr. Karstet said they had some of the same concerns as Councilmember Hamilton, and asked why the City would start with an eminent domain announcement when they had not yet been approached with any offer yet.

City Administrator Morrison explained that the ordinance is written in two parts, for negotiation or condemnation, and that offers are not usually made until such an ordinance is passed. He said one reason for the notification is to begin potential tax benefits for a 'friendly condemnation' for property owners. Councilmember Hamilton asked how many property owners had been given an offer already; City Administrator Morrison said two of the five owners had been given an offer, and the others had had varying amounts of communication with the City thus far. City Attorney Dionne offered additional information and interpretations to Councilmember Hamilton. Deputy Mayor Swatman said that his feeling is there must be a defined public use for the property, and that the City is happy to negotiate but that the end result will be the City coming into possession of the property. He said that proper notification to the owner should let them know the City is serious about purchasing the property, and that eminent domain is always the last resort and is bad for both parties.

Councilmember Bowen moved to table Ordinance D08-006 to the next Council Workshop. Councilmember Decker seconded the motion.

**Motion approved 5 – 2 with
Councilmember Rackley and
Deputy Mayor Swatman voting no.**

- B. **Approval of Corrected Minutes:** December 4, 2007 Council Workshop, December 11, 2007 Council Meeting, January 8, 2008 Council Meeting.

Councilmember Rackley moved to approve the corrected minutes. Councilmember King seconded the motion.

Councilmember Carter noted an additional correction was needed to the December 11, 2007 minutes, correcting Richards Rawlings' name.

Corrected Minutes approved 7 – 0.

- C. **AB08-08 – Resolution 1779** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Approving The Contracts For KPG Engineering And Shea, Carr, & Jewell, Inc. For The Downtown (184th Avenue East) Corridor And Intersection Preliminary Design Efforts. [O 3.1]

Councilmember Rackley moved to adopt Resolution 1779. Councilmember King seconded the motion.

Councilmember Decker said that the Council packet seemed to contain additional materials beyond what was reviewed at the Community Development Committee. Councilmember Carter asked how information would be gathered in the study, and Public Works Director Grigsby explained that the contractor would do a traffic study, growth, appropriate size and type of lanes, and traffic lights. Councilmember Bowen noted that the price seems high but plans to vote for the Resolution as the City needs to proceed with the Downtown plan and that it is a wise investment. Councilmember Decker said he planned to vote against the resolution, and maintained that there were issues that he did not have an opportunity to discuss at CDC.

Councilmember Decker moved to return the Resolution to CDC or the Council Workshop. There was no second.

Motion approved 6 – 1, with Councilmember Decker voting no.

8:35:40 X. ADJOURNMENT:

At 8:35 p.m. Councilmember Bowen moved to adjourn the meeting. Councilmember Rackley seconded the motion.

Motion passed 7 – 0.

Harwood Edvalson, CMC
City Clerk

Neil Johnson
Mayor

Items submitted to the Council meeting of January 22, 2008:

- Pierce County Library – Pierce County Reads Proclamation – Bonney Lake Library Managing Librarian Rachel Pekar.
- City of Bonney Lake – Revised Ordinance D08-17 [AB08-17] – An Ordinance Of The City Of Bonney Lake, Pierce County, Washington, Amending Chapter 2.60 Of The Bonney Lake Municipal Code And Ordinance No. 893, Relating To Required Membership Of The Bonney Lake Design Commission – City Clerk Edvalson.

After general discussion about whether an Executive Session was needed and about proper procedures, Mayor Johnson suggested the Council take a vote and move forward.

Motion approved 5 – 2. Deputy Mayor Swatman and Councilmember King were opposed.

6:29:01 6. Executive Session: Pursuant to RCW 42.30.110(1)(b)(i) the City Council announced an Executive Session with the City Attorney at 6:29 p.m. for 20 minutes to discuss potential litigation. The meeting reconvened at 6:41 p.m.

6:41:10 5. Discussion: AB08-22 – Ordinance D08-22 Continued

Councilmembers returned to Council Chambers. There was consensus to move proposed Ordinance D08-22 forward to the upcoming Council Meeting.

6:41:20 7. Discussion: AB08-06 – D08-06 – Ordinance to Authorize Mayor to Acquire Property by Negotiation or Condemnation.

Deputy Mayor Swatman asked if any more information about the other property owners was available since the issue was last discussed. City Administrator said some offers were pending, and said if the Council wanted to postpone the ordinance until negotiations have broken down, that was an option. Councilmember Hamilton said he hoped that in future property purchases, condemnation not be included in the wording until negotiations have broken down. He said he preferred this particular ordinance be delayed until the City had worked more with the property owners. He added that it may not be the best time to purchase land, and that the City may not use some of the property for 5-10 years. Finally, he said he felt very strongly about the use of condemnation and that if a property is condemned, the Council must know it will be used for public use and not sold for another use several years down the line.

Deputy Mayor Swatman asked that if the City could still meet the notification laws if the Council decides to wait six months before taking action. City Attorney Dionne confirmed that the notification standards could still be met if action is taken at a later date. Councilmembers discussed the process of whether to vote against the item or to simply not move it forward by consensus, and confirmed that a consensus by the council was all that would be needed. By consensus the Council chose to take no further action on the proposed ordinance.

6:53:23 8. Adjournment.

Councilmember King moved to adjourn the workshop at 6:53 p.m. Councilmember Carter seconded the motion.

Motion approved 7 – 0.

Harwood T. Edvalson, CMC
City Clerk

Neil Johnson, Jr.
Mayor

done its best to inform the entire city of the project. He said he understood that some may not like it, but the city is growing. He said he supports the proposed rezone.

Councilmember Decker said the Council needs to quit being blind to problems in the city, and that the Council does not have the right to do eminent domain for commercial purposes. He said the project map appears to include several commercial properties, and he is not sure the Council has the right to do this.

Deputy Mayor Swatman explained that the proposed ordinance is an area-wide rezone, and has nothing to do with eminent domain. Councilmember King added that properties in the area-wide rezone that have different uses today (such as residential uses) can remain as 'non-conforming but allowed' after the Public Facilities rezone. He said that when the City zones something for Public Facilities, is designating that it will not be used for normal commercial purposes; he concluded that he does not see any intent by the City to turn any part of the properties over to a commercial interest. He asked the objecting Councilmember to list any businesses that would benefit from this rezone.

Councilmember Hamilton asked the City Attorney whether the proposed ordinance has anything to do with eminent domain. City Attorney Ganson said he did not see anything related to eminent domain in this ordinance. He added that if the City attempted eminent domain in the future, any citizen could challenge it.

Councilmember Decker offered the Interim Justice Center as an example, saying it is a temporary building and the Council plans to rent the building when the City Center is complete, which would be a commercial use issue. He said he had other notes related to this issue he wanted to discuss, but they were missing from the dais.

Councilmember Rackley noted that the rezone under discussion is the footprint for the new Civic Center, and does not include the area for the planned Interim Justice Center. He asked Councilmember Decker to review the plan more carefully. Councilmember Decker said that the phrase 'commercial use' appears several times in the proposed ordinance. Councilmember Decker motioned to have the proposed ordinance taken back to workshop two additional times during discussions; there was no second for either motion.

Councilmember King said the commercial uses noted by Councilmember Decker involve the city's overall plan, which includes commercial development plans for other portions of the downtown core, not the properties included in this ordinance. He argued that Councilmember Decker had built the prospect of eminent domain into a taking of a property for commercial use that is not contemplated by the city. Discussions concluded and Deputy Mayor Swatman called the Council to take a vote.

**Motion Approved 5 – 0 – 1, with
Councilmember Decker abstaining.**

08:03:12

IX. EXECUTIVE SESSION:

Pursuant to RCW 42.30.110(1), ~~(b)~~(i) Deputy Mayor Swatman announced an Executive Session with the City Attorney at 8:03 p.m. for 20 minutes to discuss litigation. The meeting reconvened at 8:20 p.m.

08:20:25

X. ADJOURNMENT:

At 8:20 p.m. Councilmember Bowen moved to adjourn the meeting. Councilmember King seconded the motion.

Motion passed 6 – 0.

Harwood Edvalson, CMC
City Clerk

Neil Johnson
Mayor

hypocritical to hold a moment of silence for those killed in Missouri and not one for soldiers killed in combat. Mayor Johnson said he had no objection and would be happy to do whatever the Council wishes. Councilmember Bowen said he did not intend to diminish the tragedy in Missouri, and did not suggest the Council hold a moment of silence at every meeting. He proposed a moment of silence every few months in honor of fallen troops.

Sumner Dispatch Services

Councilmember Hamilton said he spoke with Sumner Mayor Enslow after the RAMP meeting regarding the possibility of Bonney Lake moving to use Puyallup’s dispatch services. He said Mayor Enslow seemed surprised to hear about the issues Bonney Lake has had with the level of service. Councilmember Hamilton said he wanted to be sure the City had communicated with the City of Sumner about reasons the Council is considering changing services. Police Chief Mitchell said he has been involved in an ongoing dialogue with the Sumner Police Department and between the City Administrators for both cities. Mayor Johnson said he had spoken with Sumner Councilmember Steve Allsop recently as well. He said he told Councilmember Allsop that Bonney Lake’s goal is to get 800 MHz and a good level of service. He said the City did everything it could to bring Sumner along in moving to Puyallup for dispatch. He said if Bonney Lake waits, the same deal with Puyallup may not be available. Councilmembers asked Chief Mitchell for more information on past communications and examples of service issues, which he provided. Councilmember Rackley said the City should continue to communicate with Sumner. Chief Mitchell said communications dropped off somewhat in the past but are being rekindled, with regular meetings including Sumner, Puyallup, and Bonney Lake.

Councilmember Bowen moved for a five minute break. Councilmember Rackley seconded the motion.

Motion Approved 7 – 0.

The break began at 7:02 p.m. and the meeting reconvened at 7:09 p.m.

7:09:30

7. Executive Session: Pursuant to RCW 42.30.110(b), the City Council adjourned to an Executive Session at 7:10 p.m. for 15 minutes to discuss property negotiation. At 7:27 p.m. the Executive Session was extended for 5 minutes. At 7:32 p.m. the meeting was extended an additional 5 minutes. The meeting reconvened at 7:34 p.m.

7:34:52

8. Adjournment.

Councilmember Rackley moved to adjourn the workshop at 7:34 p.m. Councilmember Bowen seconded the motion.

Motion approved 7 – 0.

Harwood T. Edvalson, CMC
City Clerk

Neil Johnson, Jr.
Mayor

Items submitted to the Council meeting of February 19, 2008:

- Bonney Lake High School Student – “Creating Marketing Project” – Cassandra Brown, Bonney Lake High School DECA Chapter.

**Motion approved 6 – 1.
Deputy Mayor Swatman voted no.**

7:17:36

At 7:17 p.m. Councilmember Rackley moved for a seven minute break. Councilmember Decker seconded the motion.

Motion approved 7 – 0.

7:30:29

3. Presentation and Discussion: AB08-88 – Comprehensive Water System Plan Update – RH2 Engineering.

Public Works Director Grigsby introduced Geoff Dillard from RH2 Engineering, noting that the updated plan is the culmination of two years of work and past litigation. Chief Financial Officer Juarez said the RH2 report includes a study of water system capital assets, which is in line with recent Council legislation. Mr. Dillard's presentation covered supply capacity, demand, storage volume, conservation, policies, wholesale supply options, system inventory and valuation and recommendations. He highlighted several issues for the Council to consider, including water service boundaries, Department of Health approvals, conservation planning, and single-family versus multi-family consumption ratios. His recommendations included adding supply capacity from the City of Tacoma, adding storage capacity, protecting water sources, promoting conservation, increasing operations and maintenance staffing, and exploring the potential for reclaimed water use.

Director Grigsby commented that lack of documentation was a major weakness in the City's past lawsuit over SDC rates. He said the reports prepared by RH2 Engineering and FCS Group would provide the City with one source of information that would be kept up to date in the future.

8:26:44

4. AB08-89 - Presentation and Discussion: Water Supply Purchase Cost Analysis and SDC Calculation – FCS Group.

Angie Sanchez, FCS Group, offered a presentation titled 'City of Bonney Lake Water System Development Charge Update and Water Supply Alternatives Evaluation.' She highlighted SDC options, methodologies, policy decisions and directions, and water supply alternatives. City Attorney Lance Andree offered additional input on policy direction and deduction options. Councilmembers debated whether grants, developer contributions and outstanding debt should be deducted in the SDC methodology. Mr. Dillard said the selected methods balance the costs of growth (for new customers) and repair/replacement (for existing and new customers) in the system. Director Grigsby stressed that the policy directions proposed by FCS Group are conservative and help ensure the SDC rates are legally defensible. Mayor Johnson suggested the Council consider the information presented and return to discussions at the April 15, 2008 Workshop.

At 9:24 p.m. Councilmember Decker moved to take a five minute break. Councilmember Rackley seconded the motion.

Motion failed 2 – 5. Councilmembers Hamilton, King, Carter and Deputy Mayor Swatman voted no.

9:25:27

5. Executive Session: Pursuant to RCW 42.30.110(i), the City Council adjourned to an Executive Session with the City Attorney at 9:25 p.m. for 10 minutes to discuss current and potential litigation. At 9:37 p.m. the Executive Session was extended for 5 minutes. At 9:44 p.m. the meeting was extended an additional 5 minutes. The meeting reconvened at 9:45 p.m.

Due to the late hour, Council decided to pull the remaining items from the night's agenda and forward them to the next workshop on April 15, 2008.

Mayor Johnson reminded the Council of an upcoming tour of the Gig Harbor YMCA facility on Saturday, April 5, 2008. In addition to the Mayor and city staff members Sue Hilberg and Woody Edvalson, Councilmembers Hamilton, Carter, Rackley and King said they plan to attend. The Mayor said a special meeting notice would be posted since four or more councilmembers plan to attend.

6. ~~Council Open Discussion~~
7. ~~Review of Minutes: March 18, 2008 Council Workshop, March 25, 2008 Council Meeting.~~
8. ~~Discussion: AB08-59 — NLC Platform for Strengthening Families and Youth.~~
9. ~~Discussion: AB08-46 — Resolution 1801 — Naming Park Adjacent to Bonney Lake Elementary as Viking Park.~~
10. Adjournment.

9:48:04

At 9:48 p.m., Deputy Mayor Swatman moved to adjourn the meeting. Councilmember Rackley seconded the motion.

Motion approved 7 – 0.

Harwood T. Edvalson, CMC
City Clerk

Mayor Neil Johnson, Jr.

Items submitted to the Council meeting of April 1, 2008:

- East Pierce Fire & Rescue – *East Pierce Fire & Rescue Annexation Vote Questions & Answers* – Fire Chief Dan Packer.
- East Pierce Fire & Rescue – *East Pierce Fire & Rescue 2007 Annual Report* – Fire Chief Dan Packer.
- City of Bonney Lake – *E-mail to Neil Johnson and John Vodopich Re: Noise Ordinance* – City Attorney Jason Schumann.
- City of Bonney Lake – *D08-62 (Draft Noise Ordinance)* – City Attorney Jason Schumann.
- City of Bonney Lake – *Comprehensive Water System Plan Revised Chapter 5* – Public Works Director Dan Grigsby.
- RH2 Engineering – *City of Bonney Lake Comprehensive Water System Plan April 2008 Presentation* – Geoff Dillard.
- FCS Group – *City of Bonney Lake Water System Development Charge Update & Water Supply Alternatives Evaluation* – Angie Sanchez.

Director Grigsby complimented Angie Sanchez from FCS for her presentation to the Council on April 1, 2008. He said her documentation showing how the rates were developed will be attachments on the final Comprehensive Water Plan. Councilmembers discussed the recommended policies for determining rates.

Deputy Mayor Swatman said he feels growth should pay for growth and disagreed with the policy decision recommendation on dividing growth projects evenly between all customers versus having new customers pay for all growth projects. Councilmembers discussed impacts of the policy options on new and existing customers and developers. Director Grigsby said the recommendations are based on a conservative strategy and are the most legally defensible options. Councilmember Hamilton said he also wanted growth to pay for growth, but said the recommendation will help keep the City out of court. Councilmember Rackley agreed with Deputy Mayor Swatman that City customers should pay the lowest possible rate, and said he would feel more comfortable making a decision with further clarification. Several councilmembers expressed confusion with the wording of the agenda item and requested clarification from FCS before making a decision.

Discussion moved to the topic of Multi-Family Customer Equivalency Factor Evaluation. Director Grigsby described the materials provided from RH2 on suggested ratios for single-family versus multi-family. Aspects considered included average water fixtures, consumption and other factors. Director Grigsby said the base factor is 70% though the judge in the Palermo court case was willing to accept 77%, which is what is being recommended here. Deputy Mayor Swatman said it seems inconsistent to be less conservative in this case and use a higher rate. He added that multi-family housing is a key factor in the Downtown area plan and water rates can help drive development. Councilmembers discussed the figures and options. Mayor Johnson asked each Councilmember to give their opinion on which ratio to use. Councilmembers Rackley, Carter and Decker approved of the 77% ratio; Deputy Mayor Swatman supported the 70% ratio, Councilmember Hamilton supported a middle number around 74%; Councilmember King said any ratio between 70-77% was acceptable for him. Mayor Johnson said it appeared that the 77% ratio would have the majority. Councilmembers requested additional information on average sizes of multi-family residences for comparison as the item moves forward.

8:57:39

11. Executive Session: Pursuant to RCW 42.30.110(b), the City Council adjourned to an Executive Session at 8:57 p.m. for 10 minutes to discuss property acquisition. At 9:10 p.m. the Executive Session was extended for 5 minutes. The meeting reconvened at 9:14 p.m.

9:14:16

12. Adjournment.

At 9:14 p.m., the meeting was adjourned without objection.

Harwood T. Edvalson, CMC
City Clerk

Mayor Neil Johnson, Jr.

Items submitted to the Council meeting of April 15, 2008:

- City of Bonney Lake – *Pierce County Assessor Parcel Map (showing parcels adjacent to Ptarmigan Ridge)* – Public Works Director Dan Grigsby.

8:32:15

VIII. FULL COUNCIL ISSUES:

- A. **AB08-146** – A Motion Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Granting Approval Of The Final Plat For Highland Ridge Phase I. [A 3.6.10] [O 3.7.2]

City Attorney Dionne explained this is a closed-record hearing. Director Vodopich explained the Ptarmigan Ridge and Highland Phase I plats were tied together by the Pierce County Hearing Examiner. One condition of approval of the final plat is installation of a traffic light. He said the Council directed his department to seek an assignment of funds for the traffic light. He said Planning Manager Heather Stinson has gone step-by-step through all the conditions of approval.

Councilmember Rackley moved to approve the motion. Councilmember King seconded the motion.

Councilmember Hamilton congratulated the City Staff and developer for working out a solution.

Motion approved 7 – 0.

8:34:32

IX. EXECUTIVE SESSION:

Pursuant to RCW 42.30.110(1)(i) the City Council adjourned to Executive Session with the City Attorney at 8:34 p.m. for 30 minutes to discuss current and potential litigation. At 9:08 p.m. the City Clerk announced the executive session would be extended for 5 minutes. The regular Council Meeting reconvened at 9:13 p.m.

9:13:10

X. ADJOURNMENT

At 9:13 p.m. Councilmember Rackley moved to adjourn the meeting. Councilmember Bowen seconded the motion.

Motion approved 7 – 0.

Harwood Edvalson, CMC
City Clerk

Neil Johnson
Mayor

Items submitted to the Council meeting of July 22, 2008:

- Bonney Lake Citizen – *Courier-Herald Article, "City Cites Congestion Concerns to Sumner"* – Ray Frey.

Councilmember Rackley moved to approve the Motion. Deputy Mayor Swatman seconded the motion.

**Motion approved 6 – 1.
Councilmember Decker voted no.**

7:15:56

IX. EXECUTIVE SESSION:

Pursuant to RCW 42.30.110(1)(i) and ~~RCW 42.30.110(1)(b)~~ the City Council adjourned to Executive Session with the City Attorney at 7:15p.m. for 45 minutes to discuss current and potential litigation. Councilmember Rackley recused himself from this portion of the executive session. At 8:00 p.m. the City Clerk announced the executive session would be extended for 30 minutes. At 8:13 p.m. the City Clerk announced the executive session would be extended for an additional 15 minutes. Councilmember Rackley joined the executive session at this time. The regular Council meeting reconvened at 8:45 p.m.

8:45:54

X. ADJOURNMENT

At 8:45 p.m. Councilmember Rackley moved to adjourn the meeting. Councilmember Bowen seconded the motion.

Motion approved 7 – 0.

Harwood Edvalson, CMC
City Clerk

Neil Johnson
Mayor

Community Development Committee meeting on October 6, 2008. He said they are close to agreeing on where to put the sewer line, and seem pleased with the City's efforts. Councilmember Bowen said there may still be issues but they are moving ahead. Director Grigsby said a property owner to the South of Hwy 410 is looking at putting a gravity line in that could connect to Easttown properties, as well.

Council Rule Changes

Councilmember Decker returned to the proposed changes to Council rules, specifically the right of the floor. He said that section requiring councilmembers to be recognized before speaking a second time on an issue should be removed. Councilmember Bowen said he enjoys general discussion but the Council is there to conduct City business, and should confine their discussion to what is pertinent and relevant. He said he has sympathy for Councilmember Decker's concerns, but also feels it is important to get business done in a reasonable amount of time. He said if someone has extremely pertinent information to add to the discussion, they should be allowed to do so.

Handicapped Child Sign

Councilmember Decker asked for an update on the handicapped sign he had requested for a child in Ward 5. Mayor Johnson asked for a specific address; Councilmember Decker said he thought the address was 20406 70th St E. Mayor Johnson said staff would look at the policy for installing these signs and follow up.

At 7:29 p.m., Councilmember Bowen moved for a five minute recess. Councilmember Decker seconded the motion.

Motion approved 7 – 0.

The workshop reconvened and entered an Executive Session at 7:35 p.m.

7:29:20

7. Executive Session:

Pursuant to RCW ~~42.30.110(1)(b)~~42.30.140(4)(a) the City Council announced an Executive Session at 7:35 p.m. for 30 minutes to discuss labor negotiations. At 8:09 p.m. the Executive Session was extended 15 additional minutes. At 8:26 p.m. the Executive Session was extended 5 additional minutes. The Executive Session was ended and the workshop reconvened at 8:30 p.m.

8:30:15

8. Adjournment.

At 8:30 p.m., Councilmember Rackley moved to adjourn the meeting. Councilmember Hamilton seconded the motion.

Motion approved 7 – 0.

Harwood T. Edvalson, CMC
City Clerk

Mayor Neil Johnson, Jr.

and designs. He said the group is awaiting 501(c)(3) non-profit tax status and has set up a website at www.gblvmc.org.

Mr. Colbeth said the GBLVMC worked with the Bonney Lake High School drafting team on designs, and is most interested in a star-shaped memorial square, with a wall or polished rock memorial. The Committee considered various sites around the city, and is especially interested in a parcel across from the Public Safety Building. City Administrator Morrison said the City learned that parcel was recently sold. Mr. Colbeth said they also considered installing a temporary memorial at the Public Safety Building. Another project the GBLVMC has discussed was to name a portion of Old Sumner Buckley Highway as a Memorial Drive. Public Works Director Grigsby said several city-owned parcels currently being used for stormwater retention will be available after the Regional Downtown Stormwater Pond is completed. Councilmember King suggested the City consider a site at Allen Yorke Park overlooking Lake Tapps.

Councilmember King thanked the GBLVMC for their work on this project and said he would actively work to get a memorial installed. He asked that the Committee be invited to report on their progress to the Council in the future. Mayor Johnson thanked the Committee for their time and asked Community Services Director Gary Leaf to keep the Council informed of any updates.

6:05:21

4. **Presentation:** Introduction of the 2009-2010 Biennial Budget.

City Administrator Morrison thanked Chief Financial Officer Al Juarez and Senior Accountant Cassandra Raymond for putting the preliminary budget together. The Council was provided with a summary sheet highlighting main points from the budget. Councilmembers received a copy of the proposed Biennial Budget to review. He said the proposed budget maintains the status quo without adding new projects, positions, or tax sources. Chief Financial Officer Juarez summarized the sections of the proposed budget and highlighted new items and formatting changes from the last budget. He asked Councilmembers to send their questions, comments, and revisions to him via email or bring them for discussion at the next Council Workshop. The City Administrator said the Public Hearing on the proposed budget begins at the November 18, 2008 Council Workshop, and the budget will remain listed as an agenda item until the Council approves the final budget.

Councilmember King praised staff for working long hours on the budget. He said this draft is very impressive compared with those the Council has received in the past. Mayor Johnson congratulated the CFO, Senior Account and City Administrator for keeping the budget on schedule and producing a high quality document. CFO Juarez thanked Senior Accountant Raymond, and said she put in a tremendous amount of time into the budget and is responsible for much of the content.

6:35:29

5. **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 at 6:35 p.m. to discuss property negotiations for five minutes. At 6:42 p.m. the Executive Session was extended 5 additional minutes. At 6:53 p.m. the Executive Session was extended 5 additional minutes. At 6:59 p.m. the Executive Session was extended 5 additional minutes. At 7:05 p.m. the Executive Session was extended 5 additional minutes. The Council meeting reconvened at 7:10 p.m.

7:10:28

6. **Adjournment.**

At 7:10 p.m., Councilmember Rackley moved to adjourn the meeting. Councilmember King seconded the motion.

Motion approved 7 – 0.

Harwood T. Edvalson, CMC
City Clerk

Mayor Neil Johnson, Jr.

Items submitted to the Council meeting of November 4, 2008:

- Bonney Lake Citizen – *Greater Bonney Lake Veteran’s Memorial Committee* – David Colbeth.
- City of Bonney Lake – *Budget Highlights Summary Sheet, 2009-2010 Preliminary Budget* – Don Morrison.
- City of Bonney Lake – *City of Bonney Lake Proposed Budget 2009-2010* – Don Morrison.

At 8:06 p.m., Mayor Johnson recessed the meeting for a five-minute break, immediately after which the Council would adjourn to an executive session.

8:06:13

7. **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 8:10 p.m. to discuss potential litigation, acquisition of property, and enforcement actions for sixty minutes. The Council meeting reconvened at 9:11 p.m.

9:11:55

8. **Adjournment.**

At 9:11 p.m., Councilmember Bowen moved to adjourn the meeting. Councilmember Decker seconded the motion.

Motion approved 7 – 0.

Harwood T. Edvalson, CMC
City Clerk

Neil Johnson, Jr.
Mayor

Items submitted to the Council meeting of November 18, 2008:

- Bonney Lake Citizen – *Letters to Mayor and Council dated November 14, 2008 and November 17, 2008 re: “Rezone of Inlet Island to R-1” (signature pages attached)* – Don Wilson.
- Bonney Lake Citizen – *Signature pages titled “I authorize Church Lake Maintenance Company representatives to speak on my behalf at the Nov. 18 Bonney Lake City Council public hearing regarding changing the Church Lake Tracts from R-2 to R-1 zoning. I want R-1 zoning.”* – Craig Sarver

salary. He said Mr. Simpson seemed very interested and has orally accepted the tentative offer.

Motion approved 7 – 0.

VI. COMMUNITY DEVELOPMENT COMMITTEE ISSUES: None.

VII. PUBLIC SAFETY COMMITTEE ISSUES: None.

VIII. FULL COUNCIL ISSUES: None.

7:30:10

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 7:30 p.m. for fifteen minutes to discuss potential litigation, property acquisition and enforcement actions. At 7:49 p.m. the Executive Session was extended an additional five minutes. The Council meeting reconvened at 7:51 p.m.

7:51:48

X. ADJOURNMENT:

At 7:51 p.m. Councilmember Decker moved to adjourn the meeting. Councilmember Rackley seconded the motion.

Motion approved 7 – 0.

Harwood Edvalson, CMC
City Clerk

Neil Johnson
Mayor

Items submitted to the Council meeting of November 25, 2008:

- City of Bonney Lake – *Recent Growth Trends 2000-2007 vs. Regional Growth Strategy* – Councilmember Rackley.

This item was pulled from the agenda, to be discussed at a future workshop.

6:21:30

7. **Discussion:** AB09-13 – Parliamentary Rules for Boards and Commissions.

Administrative Services Director/City Clerk Edvalson asked the Council for input on adopting parliamentary rules for the City's appointed boards and commissions. Mayor Johnson said the Park Board will begin holding meetings in the Council Chambers and record all meetings, like the Council, Planning Commission and Design Commission. The City Clerk asked for input on whether the boards and commissions should be required to use the same parliamentary rules and procedures as the Council.

Councilmember Decker spoke in support of making Sturgis' Standard Code of Parliamentary Procedures the standard for all boards and commissions. Councilmember Bowen spoke against requiring use of the Procedures. He said people can use them to make mischief, dominate meetings and bully others. Councilmember Decker said all councils, board and commissions are required by law to use some procedure; City Attorney Dionne said there is no legal requirement to use a particular set of procedures.

The City Attorney advised using the Standard Code of Parliamentary Procedures as a guide for boards and commissions, which would help them resolve issues and have efficient meetings. Council consensus was to make the Standard Code of Parliamentary Procedures a guide for appointed boards and commissions, but not a requirement. In addition, consensus was to provide boards and commissions with a copy of the procedures book (or excerpts) and a training seminar on meeting procedures.

6:33:55

8. **Discussion:** AB09-15 – D09-15 – Updates to the Floodplain Code.

Director Vodopich said a representative from the Department of Ecology visited the City and deemed the floodplain code inadequate. He said since the City participates in the National Flood Insurance program, he's recommending that the Council repeals the old code and adopts the State's model floodplain code by ordinance. Councilmember King asked what areas of Bonney Lake are most affected by the floodplain code. Director Vodopich said areas near Fennel Creek apply, and there are only about 15 flood insurance policies in effect in the City currently. He said it's important to keep the code up to date and consistent to avoid problems with floodplain insurance.

Councilmember King said as the City grows, staff are kept very busy simply keeping things functioning, and do not have time to go through the code to keep elements up to date when new state and federal regulations come into effect. He recommended the City initiate a procedure to review sections of the municipal code on a schedule. Director Vodopich agreed, and said Community Development staff started a list of portions of the code that need to be cleaned up. City Administrator Morrison agreed and hopes to set up a process to identify and prioritize code updates. He said it will take some time to review all the municipal code, but it is essential. Council consensus was to forward D09-15 to the January 13, 2009 meeting.

6:42:26

9. **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 6:43 p.m. for fifteen minutes to discuss current litigation. The Workshop reconvened at 7:03 p.m.

7:03:03

10. **Adjournment:**

At 7:03 p.m., Councilmember Rackley moved to adjourn the meeting. Councilmember Bowen seconded the motion.

Motion approved 7 – 0.

Harwood T. Edvalson, CMC
City Clerk

Neil Johnson, Jr.
Mayor

Items submitted to the Council meeting of January 6, 2009:

- City of Bonney Lake – *Memo from Mayor Johnson to Council Members re: Budget Status* – Mayor Neil Johnson.

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.

Harwood Edvalson, CMC
City Clerk

Neil Johnson
Mayor

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

Councilmember Bowen asked if there were any updates related to Pierce Transit bus service. Mayor Johnson said Pierce Transit would prefer not to serve areas like Bonney Lake if they did not have to, and will be setting up community meetings to talk with residents about their services. He said Pierce Transit would prefer to serve routes with high densities only, and not serve areas beyond the 410 corridor. He expressed concern that service levels will drop and encouraged the Council and citizens to attend the community meetings once they are scheduled. Councilmember Carter said area senior citizens she meets always tell her the busses do not connect from SR 410 to other areas, and they can't get home from the SR 410 transit center. She said she has seen multiple people in wheelchairs waiting for busses and wonders how they will be affected.

6:28:19

5. **Discussion:** Naming Policy for Parks and Facilities.

Deputy Mayor Swatman said the ad hoc committee has been working on a naming policy proposal, and wrote a draft in ordinance form. He said they worked out some issues, including defining qualified 'deceased persons' as those who have been deceased for more than two years, requiring at least 6 members of the Council to approve naming a park or facility. He noted that if someone donates something to the City they can include the name as a condition of the donation, but the City has the right to turn it down if they wish. Councilmembers agreed that the draft ordinance is a good start and it should come before the Council in the future.

6:31:57

6. **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 6:32 p.m. to discuss property acquisition and potential litigation. The Executive Session was extended five minutes at 6:48 p.m. The Meeting reconvened at 6:54 p.m. No action was taken.

6:54:40

7. **Adjournment:**

At 6:54 p.m., Councilmember Rackley moved to adjourn the workshop. Councilmember Decker seconded the motion.

Motion approved 6 – 0.

Harwood T. Edvalson, CMC
City Clerk

Neil Johnson, Jr.
Mayor

Items submitted to the Council Workshop of April 21, 2009: None.

Councilmember Hamilton said Workshops are in some ways more important than the actual meetings, as Councilmembers sit together and can discuss any issue, ask questions, and get a sense of where everyone stands. At meetings, items are voted on with little discussion for the most part. He said he feels it is a mistake to cancel any workshops, regardless of how much business is on the agenda. He also suggested that citizen comments could be taken during workshops instead of meetings, to allow more back-and-forth discussion.

Deputy Mayor Swatman agreed that workshops are very valuable. He said the proposed ordinance seeks to ensure effective meetings. He noted that significant resources are used at workshops, including the City Attorney and staff who could be doing other work. He said he thinks the option to cancel will not be used very often. He also said there should not be back-and-forth discussion during citizen comments, as it is important to give the Mayor and staff time to get more information on the issue, not have Councilmembers having ad hoc discussions.

Council consensus was to move the proposed ordinance forward with the suggested revisions to the June 9, 2009 Meeting.

6:51:22

4. **Discussion:** AB09-88 – Ordinance D09-88 – An Update to the SEPA Code.

Director Vodopich said the proposed ordinance consolidates all the State Environmental Policy Act (SEPA) policies into a single chapter in the Municipal Code. He said there is one substantive change, making the building of single family residential lots with critical areas subject to SEPA review. He said the Planning Commission reviewed and recommended moving the ordinance forward to the Council. He said this would add the cost of SEPA review to those applications. Councilmember King thanked Associate Planner Kathy James for her work on the proposed ordinance. The item was moved forward to the June 9, 2009 Meeting.

6:55:23

5. **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 6:55 p.m. to discuss potential litigation and property negotiations for twenty minutes, with no anticipated action. The Executive Session was extended for five minutes at 7:16 p.m. and again for five minutes at 7:21 p.m. The Meeting reconvened at 7:23 p.m. No action was taken.

7:23:36

6. **Adjournment:**

At 7:23 p.m., Councilmember Rackley moved to adjourn the workshop. Councilmember Bowen seconded the motion.

Motion approved 7 – 0.

Harwood T. Edvalson, CMC
City Clerk

Neil Johnson, Jr.
Mayor

Items submitted to the Council Workshop of June 2, 2009: None.

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

<u>Department / Staff Contact:</u> Exec / Brian Hartsell	<u>Workshop / Meeting Date:</u> 22 Sep 2009	<u>Agenda Bill Number:</u> AB09-147
<u>Ordinance Number:</u>	<u>Resolution Number:</u>	<u>Councilmember Sponsor:</u>

Agenda Subject: Application for Puget Sound Energy Grant and/or Energy Efficiency Community Block Grant

Proposed Motion: A Motion of the Bonney Lake City Council authorizing the city to submit an application for a Puget Sound Energy and/or Energy Efficiency Community Block Grant.

Administrative Recommendation: Approve a motion for the city to apply for a Puget Sound Energy and/or Energy Efficiency Community Block Grant.

Background Summary: Funds made available from the American Recovery and Reinvestment Act, administered by the Washington State Department of Commerce, and provided through the Energy Efficiency Community Block Grant (EECBG) would fund energy efficiency improvements to the City's water system. The City of Bonney Lake will apply for \$93,580 in EECBG funds to embark on a project that will dramatically reduce electrical energy consumption at our water pump stations. Puget Sound Energy will notify us before the application deadline if they can contribute funding as part of their energy efficiency program. If so, the EECBG requested amount would be reduced accordingly to show a broader funding base on the application.

With any awarded funds the City will install 6 Variable Frequency Drives (VFDs) to control energy consumption by the water pump motors. Currently the pump motors operate in the "on" or "off" position. The "on" position operates at full capacity regardless of whether full capacity is actually necessary. The VFDs will regulate motor speed to meet actual demand and water pressure needs. The new VFDs will have an ROI of 3 ½ years based on conservative estimates of almost \$26,000 in annual electric utility savings.

Many additional side benefits, in addition to energy savings, would be realized by the installation of the VFDs. These include less wear and tear on the starters, motors, and water pumps due to the inherent system impact from starting and stopping as well as increased ability to manage water pressure and therefore reducing the frequency of pressure waves, or "water hammers," that can cause breaks, leaks, and system failures.

BUDGET INFORMATION:

Budget Amount	Required Expenditure	Budget Impact	Budget Balance
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Budget Explanation:

The city will be committing in-kind contributions in the form of labor for VFD installation. Our staff electrician, utilities supervisor, and a maintenance worker will work with engineering consultants and hired installer. Consultant and installation fees are part of the estimated \$93,580 in project costs.

COMMITTEE/BOARD REVIEW:

Subcommittee Review Date: Community Development Committee - 21 Sep 2009

Commission/Board Review Date: -

Hearing Examiner Date:

COUNCIL ACTION:

Workshop Date(s):

Public Hearing Date(s):

Meeting Date(s):

Tabled To Date:

Signatures:

Director Authorization	Mayor	Date City Attorney Reviewed
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**City of Bonney Lake, Washington
City Council Agenda Bill (C.A.B.) Approval Form**

<u>Department / Staff Contact:</u> Exec / Don Morrison	<u>Workshop / Meeting Date:</u> 22 Sep 2009	<u>Agenda Bill Number:</u> AB09-149
<u>Ordinance Number:</u>	<u>Resolution Number:</u> 1971	<u>Councilmember Sponsor:</u>

Agenda Subject: Interlocal Agreement with Sumner to Provide Temporary Part-time Project Management/Inspection Services

Proposed Motion: A Resolution of the City Council of the City of Bonney Lake, Pierce County, Washington, Authorizing the Mayor to Sign an Interlocal Agreement with the City of Sumner for Temporary Project Management/Inspection Services.

Administrative Recommendation: Approve as written

Background Summary: The City of Sumner and has requested the City of Bonney Lake’s help in providing temporary part-time project management/inspection services to Sumner for the next several months. We have City Project Management/Construction Inspection staff with some excess capacity who can assist Sumner by providing project management and civil inspection-related services on a cost plus basis. This arrangement will be of benefit to both cities and their respective City budgets.

The Sumner City Council approved the Interlocal Agreement last week. We respectfully request the Bonney Lake City Council to approve the same.

<u>BUDGET INFORMATION:</u>			
Budget Amount	Required Expenditure	Budget Impact	Budget Balance
TBD	NA		
Budget Explanation:			

COMMITTEE/BOARD REVIEW:

Subcommittee Review Date: Finance Committee - 22 Sep 2009
Commission/Board Review Date: -
Hearing Examiner Date:

COUNCIL ACTION:

Workshop Date(s):	Public Hearing Date(s):
Meeting Date(s):	Tabled To Date:

Signatures:

Director Authorization	Mayor	Date City Attorney Reviewed
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RESOLUTION NO. 1971

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON, AUTHORIZING THE MAYOR TO SIGN AN INTERLOCAL AGREEMENT WITH THE CITY OF SUMNER FOR TEMPORARY PROJECT MANAGEMENT/INSPECTION SERVICES.

WHEREAS, the City of Sumner is in need of additional engineering inspection-related services for a temporary period of time; and

WHEREAS, the City of Bonney Lake has Project Management staff in their Engineering Division who are willing to assist Sumner by providing project management and civil inspection-related services on a cost plus basis for time spent providing capital improvement project inspection and related services on behalf of the City of Sumner; and

WHEREAS, this arrangement will be of benefit to both cities and their respective budgets;

Now therefore, be it resolved;

The City Council of the City of Bonney Lake, Washington does hereby authorize the Mayor to sign the attached Interlocal Agreement with the City of Sumner for project management and inspection services.

PASSED by the City Council this 22nd day of September, 2009.

Neil Johnson, Mayor

ATTEST:

Harwood T. Edvalson, CMC
City Clerk

APPROVED AS TO FORM:

James Dionne, City Attorney

**INTERLOCAL AGREEMENT BETWEEN THE CITY OF SUMNER, WA,
AND BONNEY LAKE, WA, FOR ENGINEERING INSPECTION SERVICES.**

This Interlocal Agreement is made and entered into this ___ day of _____, 2009, by and between the City of Sumner, Washington, a municipal corporation (hereinafter referred to as "Sumner") and the City of Bonney Lake, Washington, a municipal corporation (hereinafter referred to as "Bonney Lake")

WHEREAS, Sumner is in need of additional engineering inspection-related services for a temporary period of time; and

WHEREAS, Bonney Lake has Project Management staff in their Engineering Division who are willing to assist Sumner by providing project management and civil inspection-related services wherein said individual(s) will remain employees of Bonney Lake but Sumner will reimburse for the wages (salary plus employer-paid benefits) plus five percent (5%) to cover a portion of Bonney Lake's overhead for time spent providing capital improvement project inspection and related services on behalf of Sumner.

For and in consideration of the services to be rendered and the payments to be made, the parties hereby recite, covenant and agree as follows:

1. **Services To Be Provided.** Subject to the terms and conditions set forth below, Bonney Lake hereby agrees to provide a Project Manager/Civil Inspector for inspection and related services of public and private development projects for conformance of approved plans. Said Project Manager/Civil Inspector may also perform other duties and assignments as directed by Sumner's City Engineer. Such services shall be provided a maximum of twenty (20) hours a week but may be increased by mutual written agreement. The City Engineer of Sumner and the City Engineer of Bonney Lake will work together cooperatively to implement a schedule wherein the Project Manager/Civil Inspector shall provide the twenty (20) hours a week on a regular and consistent basis. It is agreed and understood that the twenty (20) hour maximum is a guideline and could be less than 20 hours during slower phases of the project.
2. **Compensation.** Sumner shall reimburse Bonney Lake wages (salary plus employer-paid benefits) plus 5% towards overhead for the actual hours the Project Manager/Civil Inspector worked on behalf of Sumner. The Project Manager/Civil Inspector shall be responsible for keeping a time sheet that reflects the actual hours worked.
3. **Employment Status.** The parties specifically agree that the Project Manager/Civil Inspector from Bonney Lake is an employee of the City of Bonney Lake and not an employee of the City of Sumner and as such Bonney Lake is responsible for payment and processing of all employment related taxes and benefits. This Interlocal Agreement is not a specific contract

for employment between the City of Sumner and the Project Manager/Civil Inspector and no promises, inducements, or offers of employment have been extended.

4. **Term.** This agreement shall continue in force and effect for a minimum of six (6) months unless terminated in accordance with Section 5. Extension of the term of this agreement may be effected by written agreement.
5. **Termination.** Either party may terminate this agreement at any time without cause by providing at least sixty (60) days advance notice of termination in writing to the other party.
6. **Modification.** This Agreement may be modified by further written agreement upon mutual acceptance by both parties.
7. **Hold Harmless.** Both cities are self-insured and members of the Washington Cities Insurance Authority. Each party to this Agreement shall defend, indemnify and hold the other party, its appointed and elected officers and employees, harmless from claims, actions, injuries, damages, losses or suits including attorney fees, arising or alleged to have arisen directly or indirectly out of or in consequence of the performance of this Agreement to the extent caused by the fault or negligence of the indemnitor, its appointed or elected officials, employees, officers, agents, assigns, volunteers or representatives.
8. **Applicable Law and Venue.** This Agreement shall be construed and interpreted in accordance with the laws of the State of Washington. In the event of a dispute, such dispute shall be litigated in the Superior Court of Pierce County, Washington.
9. **Non-Discrimination.** Parties shall not discriminate in any manner related to this Agreement on the basis of race, color, national origin, sex, religion, age, marital status or disability in employment or the provision of services.
10. **Severability.** If any provision of the Agreement shall be held invalid, the remainder of this Agreement shall not be affected thereby if such remainder would then continue to serve the purposes and objectives of both parties.
11. **Entire Agreement.** This Agreement constitutes the entire agreement between the parties. Any modifications or amendments to this Agreement shall be in writing and shall be signed by each party.

DATED this _____ day of _____ 2009.

CITY OF BONNEY LAKE

Neil Johnson, Jr., Mayor

ATTEST:

Harwood T. Edvalson, City Clerk

APPROVED AS TO FORM:

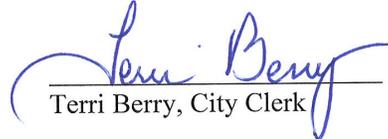
James Dionne, City Attorney

CITY OF SUMNER



David L. Enslow, Mayor

ATTEST:



Terri Berry, City Clerk

APPROVED AS TO FORM:



Brett C. Vinson, City Attorney

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

<u>Department / Staff Contact:</u> ASD / Jenna Young	<u>Workshop / Meeting Date:</u> 22 Sep 2009	<u>Agenda Bill Number:</u> AB09-152
<u>Ordinance Number:</u>	<u>Resolution Number:</u> 1973	<u>Councilmember Sponsor:</u>

Agenda Subject: MOU with AFSCME Union for Furloughs

Proposed Motion: A Resolution of the City of Bonney Lake, Pierce County, Washington, authorizing Mayor Johnson to sign a Memorandum of Understanding between the City of Bonney Lake and the AFSCME Local #120 Union.

Administrative Recommendation: Approve

Background Summary: As the City is experiencing a significant shortfall in the amount of funding needed to sustain the current level of services and general operations at the City of Bonney Lake creating a need to implement a furlough program. This agreement is entered between the City and the AFSCME Local #120 Union in order to implement a furlough program in which all members of the Union agree to collectively take six (6) days of furlough.

BUDGET INFORMATION:

Budget Amount	Required Expenditure	Budget Impact	Budget Balance
Budget Explanation: The expected savings is \$45,800 in wages.			

COMMITTEE/BOARD REVIEW:

Subcommittee Review Date: Finance Committee - 22 Sep 2009
Commission/Board Review Date: -
Hearing Examiner Date:

COUNCIL ACTION:

Workshop Date(s):	Public Hearing Date(s):
Meeting Date(s):	Tabled To Date:

Signatures:

Director Authorization	Mayor	Date City Attorney Reviewed
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RESOLUTION NO. 1973

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON, AUTHORIZING A THE MAYOR TO SIGN A MEMORANDUM OF UNDERSTANDING WITH AFSCME LOCAL #120 TO IMPLEMENT A FURLOUGH PROGRAM FOR AFSCME REPRESENTED EMPLOYEES.

The City Council of the City of Bonney Lake, Washington, does hereby resolve that the Mayor is authorized to sign the Memorandum of Understanding attached hereto and incorporated herein by this reference.

PASSED by the City Council this 22ND day of September, 2009.

Neil Johnson Jr., Mayor

ATTEST:

Harwood T. Edvalson, City Clerk

APPROVED AS TO FORM:

James Dionne, City Attorney

**Memorandum of Understanding on Furloughs
by and between
The City of Bonney Lake (City)
and
AFSCME, Local 120 (AFSCME)**

Recital

This Memorandum of Understanding is entered into by and between the City of Bonney Lake (hereinafter referred to as the City); and AFSCME, Local and only applies to such parties. It is understood and agreed by the parties signatory to the Memorandum of Understanding (MOU) that the language referenced herein has been negotiated.

It is understood and agreed by the parties' signatory to this agreement that the Employer is experiencing a significant shortfall in the amount of funding needed to sustain the current level of services and general operations at the City of Bonney Lake creating a need to implement a furlough program.

It is understood and agreed by the parties signatory to this MOU that the implementation of the Furlough Program contained herein is necessary to preserve City services and help offset the necessity for significant reductions in the workforce.

It is understood that this MOU is not a guarantee against future reductions in the workforce, nor does it prohibit the City from requesting additional furlough time as financial conditions warrant.

Upon ratification by both parties of this agreement the following is agreed:

- Local 120 collectively volunteers that each member of the bargaining unit shall take six (6) furlough days (48 hours) beginning October 1, 2009 and ending no later than December 31, 2010. Facilities may or may not be closed, and furlough time may be spread out or used all at once depending on the desires of the employee and the coverage needs of the department. If a facility is closed as part of the furlough program, then employees shall include in their furlough schedule those days in which there is a facility closure. If facilities are closed and the furlough days selected are not at the employees' choice, the facilities shall be closed on days before or after City recognized holidays. No more than one day per month shall be designated for closure by the City. If facilities are to remain open the furlough time shall be requested by the employee in the same manner that vacation is requested and subject to the same rights and limitations as provided vacation requests. The City is not permitted to require more than six days (48 hours) of furlough by employees.
- Furloughed employees will be credited hour for hour with paid leave defined as "furlough replacement time" in a separate furlough leave bank. The leave accrued through the furlough replacement credit must be used by December 31, 2011 or the accrued furlough replacement time will be lost. If an employee separates employment through voluntary separation, retirement, layoff or dismissal for other than gross misconduct, the employer shall pay the employee for any unused "furlough replacement time." Through December 31, 2011, the 30 day "use it or lose it" vacation cap specified in BLMC 2.32.020(F) shall be lifted for participating furloughed employees. When an employee takes vacation, the accrued "furlough replacement time" shall be charged first, before other types of vacation or compensatory leave are charged.
- Each department director will be responsible to establish the furlough schedule for that department in consultation with the employee(s) and based upon furlough requests.

- Regular full-time employees may volunteer to take a reduced shift in lieu of a furlough, provided a mutually agreeable schedule can be determined between the employee and the department head. Normally, the reduced shift would be from 40 hours/week to 36 or 32 hours through the end of 2010. Eight (8) hours of “furlough replacement time” shall be credited for each month worked at a 36 or 32 hour work week. The reduced work week must be continued until a total of six days (48 hours) have been foregone by the employee. The City will continue to pay full-time medical benefits as if the employee were full-time.
- Furlough time must be taken in no less than four-hour increments. Any employee that has not completed or scheduled the six (6) days (48 hours) of furlough prior to October 1, 2010 will have the remainder of their furlough time scheduled by their supervisor in consultation with the employee.
- Employees may volunteer additional furlough time. Departments are strongly encouraged to honor such donations whenever such approval would not significantly impact City functions. Employees taking up to six (6) additional days (48 hours) of furlough will earn eight (8) hours of furlough replacement time for each additional furlough day, up to a maximum of twelve (12) days total. Those additional six days, and any days that may be volunteered beyond that will continue to be subject to the terms of this agreement except as modified in this section. Any employee volunteering for furlough time beyond six (6) days (48 hours) may rescind such a request with at least twenty-four (24) hours notice (prior to the scheduled furlough time) to the appropriate manager or supervisor.
- All health and welfare benefits will continue in full for regular full-time employees affected by this action and pro-rated for all regular part-time employees.
- Affected employees serving a probationary period shall not have that probationary period extended because of this action.
- Affected employees will not be allowed to use vacation, sick leave, compensation time, bereavement leave, or any other leave in place of any unpaid (furlough) time.
- Affected employees, who are not in a paid status on the day prior to and following a holiday as a result of the unpaid furlough day, shall still be eligible for the holiday pay.
- Vacation and sick leave accruals shall not be reduced or affected by this action.
- Unpaid furlough leave will not count as a break in service and shall not affect seniority or step advancement.
- Employees may not perform City work while on an unpaid furlough day and may not work additional hours during the workweek to make up for that time. Unpaid time shall not count as hours worked towards the overtime threshold.
- Non-regular employees will not be used to perform the work of bargaining unit members except for the following:
 - Filling a position in the absence of the position’s incumbent (FMLA absence etc).
 - Filling a vacant position provided that the position has been posted and is in active recruitment.
 - Seasonal workload increases of limited duration.

- Employees that are on an alternative work schedule may elect to supplement the eight (8) hours of furlough with vacation, compensatory time, or additional furlough time in order to account for the normally scheduled day.

Should the furlough days referenced in this agreement be accomplished through the planned closure of all or part of City facilities the City agrees to meet with the Union prior to the closure to negotiate any employees that may be expected to work or be on call while the City is partially or near completely closed and how those cases will be handled.

Any dispute regarding the interpretation and/or application of this agreement shall be handled pursuant to the terms of the applicable Union's grievance procedure.

IN WITNESS WHEREOF, the parties hereto have executed this Memorandum of Understanding this _____ day of _____, 2009.

For the City of Bonney Lake

Mayor Neil Johnson, Jr.

For AFSCME, Local 120

Keith Proctor, Shop Steward