

COUNCIL WORKSHOP

City of

**April 7, 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.

AGENDA

"Where Dreams Can Soar"

The City Council may act on items listed on this agenda, or by consensus give direction for future action. The council may also add and take action on other items not listed on this agenda.

Call to Order: Mayor Neil Johnson @ Bonney Lake City Hall – 19306 Bonney Lake Blvd.

Roll Call:

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

Expected Staff Members: City Administrator Don Morrison, Public Works Director Dan Grigsby, Director of Community Development John Vodopich, Police Chief Mike Mitchell, Chief Financial Officer Al Juarez, Community Services Director Gary Leaf, Administrative Services Director/City Clerk Harwood Edvalson and City Attorney Jim Dionne.

Agenda Items

	<u>Estimated Time</u>
1. Introduction of East Pierce Fire and Rescue Chief Jerry Thorson.	(15 Mins.)
2. Council Open Discussion.	(20 Mins.)
3. Review of Council Minutes: March 17, 2009 Council Workshop , March 24, 2009 Council Meeting , and March 28, 2009 Special Council Meeting .	(5 Mins.)
4. Discussion: AB09-60 – Ordinance D09-60 – Transportation Impact Fee Definitions Amendment.	(30 Mins.)
5. Discussion: AB09-61 – Ordinance D09-61 – Transportation Impact Fee Rebate Amendment.	(30 Mins.)
6. Discussion: AB09-62 – Ordinance D09-62 – Commercial Building Incentives.	(30 Mins.)
7. Discussion: AB09-66 – Resolution 1936 – Animal Control Interlocal Agreement with Metro Animal Services.	(20 Mins.)
8. Executive Session: Pursuant to RCW 42.30.110, the City Council may meet in executive session. The topic(s) and duration will be announced prior to the executive session.	<i>To Be Announced.</i>
9. 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

**March 17, 2009
5:30 p.m.**

DRAFT MINUTES



The City of Bonney Lake's Mission is to protect the community's livable identity and scenic beauty through responsible growth planning and by providing accountable, accessible and efficient local government services.

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

"Where Dreams Can Soar"

Audio Time Stamp ↓

Call to Order:

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

Roll Call: [A1.3]

Records & Information Specialist Susan Duis called the roll. In addition to Mayor Johnson, elected officials attending were Deputy Mayor Dan Swatman, Councilmember Laurie Carter, Councilmember Dan Decker, Councilmember Mark Hamilton, Councilmember David King and Councilmember James Rackley. Councilmember David Bowen was absent.

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

Motion approved 6 – 0.

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

Agenda Items:

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

Motion approved 6 – 0.

5:35:44

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

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

One person signed up to speak on the proposed ordinance.

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

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

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

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

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

Motion approved 6 – 0.

5:49:09

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

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

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

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

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

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

**Motion to amend
approved 6 – 0.**

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

6:01:06

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

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

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

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

6:24:02

4. **Council Open Discussion:**

Local Doctor Issue

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

Youth Forum

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

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

Water Rebate Program

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

Veteran's Memorial Roadway

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

Park and Facility Naming Ad Hoc Committee

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

60th Anniversary Celebration

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

Eminent Domain

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

6:45:50

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

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

6:44:38

6. **Discussion:** March 28th Council Retreat Topics and Location.

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

7. **Executive Session:** None.

6:57:51

8. **Adjournment:**

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

Motion approved 6 – 0.

Harwood T. Edvalson, CMC
City Clerk

Neil Johnson, Jr.
Mayor

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

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

CITY COUNCIL MEETING

**March 24, 2009
7:00 P.M.**

DRAFT MINUTES



"Where Dreams Can Soar"

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Audio Time Stamp ↓

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

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

B. Roll Call: [A 1.3]

City Clerk Edvalson called the roll. In addition to Mayor Johnson, elected officials attending were Deputy Mayor Dan Swatman, Councilmember David Bowen, Councilmember Laurie Carter, Councilmember Dan Decker, Councilmember Mark Hamilton, Councilmember Dave King and Councilmember Jim Rackley.

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

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

1. Announcements:

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

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

2. Appointments: None.

3. Presentations:

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

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

D. Agenda Modifications:

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

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

Motion approved 7 – 0.

7:06:20

II. PUBLIC HEARINGS, CITIZEN COMMENTS & CORRESPONDENCE:

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

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

- C. Correspondence: None. [A 1.2]

7:09:06

III. COUNCIL COMMITTEE REPORTS: [A 3.6.4]

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

Rainier Cable Commission

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

7:12:44

IV. CONSENT AGENDA: [A 3.6]

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

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

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

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

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

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

V. FINANCE COMMITTEE ISSUES:

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

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

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

Motion approved 7 – 0.

VI. COMMUNITY DEVELOPMENT COMMITTEE ISSUES: None.

VII. PUBLIC SAFETY COMMITTEE ISSUES: None.

7:17:39

VIII. FULL COUNCIL ISSUES:

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

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

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

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

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

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

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

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

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

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

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

Motion approved 7 – 0.

IX. EXECUTIVE SESSION:

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

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

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

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

Motion approved 7 – 0.

7:43:01

X. ADJOURNMENT:

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

Motion approved 7 – 0.

Harwood Edvalson, CMC
City Clerk

Neil Johnson
Mayor

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

**SPECIAL CITY COUNCIL
MEETING - RETREAT**

**March 28, 2009
8:30 A.M.**

DRAFT MINUTES

City of



"Where Dreams Can Soar"

The City of Bonney Lake's Mission is to protect the community's livable identity and scenic beauty through responsible growth planning and by providing accountable, accessible and efficient local government services.

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

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

Audio Time
Stamp ↓

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

Roll Call:

Records & Information Specialist Susan Duis called the roll. In addition to Mayor Johnson, elected officials attending were Deputy Mayor Dan Swatman, Councilmember David Bowen, Councilmember Laurie Carter, Councilmember Dan Decker, Councilmember Mark Hamilton, Councilmember Dave King and Councilmember Jim Rackley.

[Staff members in attendance were City Administrator Don Morrison, Chief Financial Officer Al Juarez, Community Development Director John Vodopich, Police Chief Mike Mitchell, Public Works Director Dan Grigsby, Community Services Director Gary Leaf, Court Administrator Kathy Seymour and Records & Information Specialist Susan Duis.]

II. DISCUSSION TOPICS

8:33 a.m.

1. Council Visioning and Goal Setting

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

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

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

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

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

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

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

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

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

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

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

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

C. Goal Prioritization (5 dot exercise)

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

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

11:33 a.m.

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

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

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

Mayor Johnson recessed the Retreat for lunch at 1:00 p.m. and resumed at 1:20 p.m.

1:20 p.m.

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

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

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

2:45 p.m.

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

A. Community Center/YMCA

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

B. Center, Park and Trail Funding

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

3:00 p.m.

5. **BLMC Assessment Briefing**

City Administrator Morrison said the department directors continue to review the BLMC to identify needed revisions. He said once the review is complete it will be brought to a Council Workshop for review and implementation of a 3-5 year plan for systematic revisions.

3:15 p.m.

6. **Code Enforcement Task Force Briefing**

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

3:42 p.m.

7. **Open Discussion**

Memorial Drive

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

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

8. **Adjournment**

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

Harwood Edvalson, CMC
City Clerk

Neil Johnson
Mayor

ORDINANCE NO. D09-60

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON, AMENDING CHAPTER 19.04 OF THE BONNEY LAKE MUNICIPAL CODE AND THE CORRESPONDING PORTIONS OF ORDINANCE NOS. 1282, 1230, 1123, AND 984 RELATING TO DEVELOPMENT ACTIVITY AND TRANSPORTATION IMPACT FEES.

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

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

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

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

WHEREAS, the City Council finds it desirable and necessary to modify the application of transportation impact fees to encourage economic development and implement the goals of the City as stated in the economic development element of the Comprehensive Plan;

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

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

19.04.015 Definitions.

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

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

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

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

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

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

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

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

GH. "Jurisdiction" means a municipality or county.

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

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

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

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

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

pursue funds to implement the capacity component of the transportation improvement program as best possible with the available resources.

N. "Substantial expansion or remodel" means any expansion, remodel, reconstruction, rehabilitation, addition, or other improvement of a structure, the permit valuation of which equals or exceeds 50% of the current assessed value of the structure before the start of construction of the improvement.

L.O. "System improvements" means public facilities that are included in the capital facilities plan and are designed to provide service areas within the community at large, in contrast to project improvements.

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

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

19.04.040 Imposition of transportation impact fees (TIF).

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

B. Transportation impact fees:

1. Shall only be imposed for system improvements that are reasonably related to the new development;

2. Shall not exceed a proportionate share of the costs of system improvements that are reasonably related to the new development;

3. Shall be used for system improvements that will reasonably benefit the new development;

4. May be collected and spent only for system improvements which are addressed by the Bonney Lake comprehensive plan, identifying:

a. Deficiencies in public facilities serving existing development and the means by which existing deficiencies will be eliminated within a reasonable period of time;

b. Additional demands placed on existing public facilities by new developments;
and

c. Additional public facility improvements required to serve new development;

5. Shall not be imposed to mitigate the same off-site transportation facility impacts that are mitigated pursuant to any other law;

6. Shall not be collected for improvements to state transportation facilities outside the city boundaries unless the state requests such improvements and an agreement to collect such fees has been executed between the state/county and the city;

7. Shall not be collected for improvements to transportation facilities in other jurisdictions unless the affected jurisdiction requests such improvement and an interlocal agreement has been executed between the city and the affected jurisdiction for the collection of such fees;

8. Shall be collected only once for each building permit, unless changes or modifications to the building permit are proposed which result in greater direct impacts on transportation facilities than were considered when the building permit was first approved; and

9. Shall not be collected from any new or expanded city facilities, post offices or libraries;

10. Shall not be collected from any health care provider who supplies to the City documentation proving that at least 51% of his or her patients are covered by Medicare, and who re-locates his or her practice from one location in the city to another; provided, that the City shall cause a transfer, in the amount equivalent to the impact fees that would otherwise have been collected, from the general fund to the impact fee fund, and provided, that if a change in use occurs the owner or occupant shall pay to the City the impact fee appropriate for the new use pursuant to BLMC § 19.04.070(c);

11. Shall not be collected from any existing licensed Bonney Lake business which relocates to another part of the City, unless the new place of business involves a substantial expansion or remodel as defined herein and no previous TIF had been collected on the subject space. In such cases where a TIF is due, only the square footage of the expanded space shall be included in the TIF calculation.

Section 3. BLMC Section 19.04.100 and the corresponding portions of Ordinance No. 984 § 1 are hereby amended to read as follows:

19.04.100 Refunds and Credits. A. A developer may request and shall receive a refund when the developer does not proceed with the development activity for which transportation impact fees were paid, and the developer shows that no impact has resulted; however, the impact fee administrative fee shall not be refunded.

B. If an owner appears to be entitled to a refund of transportation impact fees, the finance director shall notify the owner by first class mail deposited with the United States Postal Service at their last known address. The owner must submit a request for a refund to the finance director in writing within one year of the date the right to claim the refund arises or the date the notice is given, whichever is later. Any transportation impact fees that are not expended or encumbered within the time limitations established by this chapter and for which no application for a refund has been made within this one-year period, shall be retained and expended on any project.

C. In the event that transportation impact fees must be refunded for any reason, they shall be refunded with interest earned to the owners as they appear of record with the Pierce County assessor at the time of refund.

D. ~~Should~~ ~~When the city seeks to terminate any or all traffic impact fee requirements, all remaining unexpended or unencumbered traffic impact fee funds shall be expended on eligible traffic improvements within the timelines established by statute. refunded pursuant to this section.~~ Upon the finding that any or all fee requirements are to be terminated, the city shall place notice of such termination and the availability of refunds in a newspaper of general circulation at

least two times and shall notify all potential claimants by first class mail to the last known address of claimants. Claimants shall request refunds as in subsection B of this section. All funds available for refund shall be retained for a period of one year. At the end of one year, any remaining funds shall be retained by the city, but must be expended on any city projects. This notice requirement shall not apply if there are no unexpended or unencumbered balances within an account or accounts being terminated.

E. Impact Fee Credits. The developer shall be entitled to a credit against the applicable impact fee component for the fair market value of any dedication of land for and reasonable documented construction costs acceptable to the City associated with the improvement to, or new construction of any system improvements provided by the developer, or the developer's predecessor in interest, to facilities that are/were identified in the City's transportation plan and that are required by the City as a condition of approval for the immediate development proposal, including any offsite transportation related mitigation measures required under SEPA. Credits recognized by the City may be utilized in lieu of cash payment of impact fees for the subject development and/or any other development within the City that is subject to traffic impact fees.

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

PASSED by the City Council and approved by the Mayor this ___th day of _____, 2009.

Neil Johnson, Jr.
Mayor

ATTEST:

Harwood T. Edvalson
City Clerk, CMC

APPROVED AS TO FORM:

James Dionne
City Attorney

Passed:

Valid:

Published:

ORDINANCE NO. D09-61

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

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

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

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

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

19.04.150 Traffic Impact Fee (TIF) Funding Source Adjustments.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

PASSED by the City Council and approved by the Mayor this ____th day of _____, 2009.

Neil Johnson, Jr.
Mayor

ATTEST:

Harwood T. Edvalson
City Clerk, CMC

APPROVED AS TO FORM:

James Dionne
City Attorney

Passed:
Valid:
Published:
Effective Date:

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

<u>Department/Staff Contact:</u> Don Morrison	<u>Council/Wrkshp Mtg Date:</u> April 7, 2009	<u>Agenda Bill Number:</u> AB09-62
<u>Ordinance Number:</u> D09-62	<u>Resolution Number:</u>	<u>Councilmember Sponsor:</u>

<u>BUDGET INFORMATON</u>			
<u>2009 Budget Amount</u>	<u>Required Expenditure</u>	<u>Impact</u>	<u>Remaining Balance</u>
<u>Explanation:</u>			
<u>Agenda Subject: Commercial Building Incentive Ordinance</u>			

Administrative Recommendation: Approve

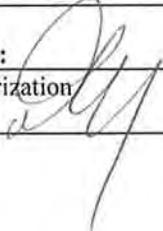
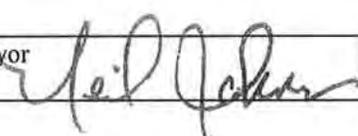
Background Summary: This ordinance creates a new section of code that would grant temporary commercial building stimulus incentives (to sunset December 31, 2011). Specifically, the ordinance would: 1) Waive 50% of certain land use fees; 2) Waive 50% of building and plan review fees; and 3) Grant a rebate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

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

Council Action:

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

Signatures:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

PASSED by the City Council and approved by the Mayor this ____th day of _____, 2009.

Neil Johnson, Jr.
Mayor

ATTEST:

Harwood T. Edvalson
City Clerk, CMC

APPROVED AS TO FORM:

James Dionne
City Attorney

Passed:
Valid:
Published:
Effective Date:

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

<u>Department/Staff Contact:</u> Police/ Chief Mitchell	<u>Council Meeting Date:</u> 04/07/09	<u>Agenda Item Number</u> AB09-66
<u>Ordinance Number:</u>	<u>Resolution Number:</u> 1936	<u>Councilmember Sponsor:</u> Dave King

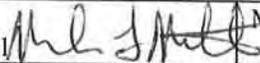
<u>BUDGET INFORMATON</u>			
<u>2009 Budget Amount</u>	<u>Required Expenditure</u>	<u>Impact</u>	<u>Remaining Balance</u>
\$ 2.75 per capita			
<u>Explanation:</u> Current 2009 fee \$2.75 per capita			
<u>Agenda Subject:</u> 2009 Metro Animal Control Interlocal Agreement			

Administrative Recommendation:
Recommend Council authorize the Mayor and City Attorney to sign the agreement.

Background Summary:
Provides Bonney Lake with a seat on the Metro Animal Control Board, requires the City of Bonney Lake to examine our dangerous dog ordinances to ensure consistency in enforcement and management, requires City of Bonney Lake to examine our licensing and fee structure to ensure consistency in management and further requires the Bonney Lake Police Department to take enforcement action on non emergent animal violations occurring in their presence, or after hours (i.e. barking dog complaints).

<u>Council Committee Dates:</u> Finance Committee: Public Safety Committee: April 6, 2009 Community Development & Planning Committee: Council Workshop:	<u>Commission Dates:</u> Planning Commission: Civil Service Commission:	<u>Board/Hearing Examiner Dates:</u> Park Board: Hearing Examiner:
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Council Action:
Council Call for Hearing: _____ Council Hearings Date: _____
Council Referred Back to: _____ Workshop: _____ Committee: _____
Council Tabled Until: _____ Council Meeting Dates: April 7, 2009

Signatures:
Dept. Dir. Mike L. Mitchell  Mayor/City Administrator _____ Date City Attorney reviewed _____

RESOLUTION NO. 1936

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON, AUTHORIZING AN INTERLOCAL AGREEMENT FOR ANIMAL CONTROL SERVICES.

This Agreement is made and entered into on this ____ day of _____, 2009, between the City of Sumner ("Sumner") and the City of Puyallup ("Puyallup") with the City of Bonney Lake ("Bonney Lake"), all municipal corporations of the State of Washington, located in Pierce County, Washington, with respect to the following facts:

WHEREAS, each party has the power, authority and responsibility to provide animal control services within their respective boundaries; and

WHEREAS, Bonney Lake desires to contract for animal control services with the Sumner and Puyallup; and

WHEREAS, Sumner and Puyallup, by way of a separate Interlocal Agreement "Metro Animal Service Agreement", have an established animal control program, shelter, trained staff, supervision and related equipment and tools known as Metro Animal Services; and

WHEREAS, pursuant to the Metro Animal Service Agreement, animal control and shelter services may be provided to other local jurisdictions by separate contract upon approval by Sumner City Council and Puyallup City Council; and

WHEREAS, Metro Animal Services has the ability and staffing to provide animal control services to Bonney Lake;

WHEREAS, all parties desire to enter into an agreement for the purpose of utilizing Metro Animal Services' capabilities to provide Bonney Lake with animal control services; and

WHEREAS, this Interlocal agreement is entered into for the mutual benefit of the parties and is specifically authorized by the Interlocal Cooperation Act set forth in Chapter 39.34 of the Revised Code of Washington.

NOW THEREFORE, IN CONSIDERATION OF THE PROMISES AND AGREEMENTS CONTAINED HEREIN, IT IS AGREED AS FOLLOWS:

Section 1. Purpose of Agreement

The purposes of this Agreement are:

- A. To formalize a process whereby animal control services and shelter activities can be provided for the parties through the entity known as Metro Animal Services. For purposes of this agreement animal control services and shelter activities includes transport, impound of animals, adoption, licensing, euthanasia and the enforcement of participating

municipalities' code provisions related to animal control.

- B. The parties desire to provide animal control services in a cost effective manner which will avoid duplication of animal control services and by entering into an Interlocal agreement for the shared provision of such services.
- C. To establish the City of Bonney Lake's participation on the Metro Animal Services Operations Board.

Section 2. Basic Services

Metro Animal Services Responsibilities:

- A. The City of Sumner is responsible for the operations of the animal shelter and impound facilities for all dogs, cats and other domesticated animals as defined in RCW 16.70.020. The service will be for animals brought to the shelter by their owners or caretakers for disposal as well as for animal protection and control actions authorized or ordered by the parties to this Agreement.
- B. The shelter's operating hours shall remain as currently established. Currently these hours are Monday through Friday 10:00 a.m. to 5:00 p.m.; Saturday 10:00 a.m. to 4:00 p.m.; and closed Sunday. The parties agree that the shelter's operating times may be adjusted by the Operations Board as established in Section 3.
- C. Metro Animal Services shall provide enforcement of animal control laws within the City of Bonney Lake during normal work hours.
- D. Metro Animal Services may respond after hours for emergent circumstances including but not limited to: injured animals, at large aggressive animals. The Metro Animal Services Supervisor will determine if a response is necessary.
- E. Sumner shall be the main licensing agency of animals; except that Bonney Lake is encouraged to continue its practice of licensing walk-in applicants.
- F. Sumner shall maintain accounting for all activities of the animal shelter and animal control services in accordance with the requirements of the Washington State Auditor.
- G. All employees involved in animal control and shelter services will be employees of the City of Sumner and Sumner shall be responsible for recruitment, hiring, evaluation, setting of salary, discipline and termination of all animal control employees.
- H. Sumner, in its sole discretion, shall provide public education in the areas of responsible pet ownership and the interaction between humans and other animals.

The City of Bonney Lake's Responsibilities:

- A. Bonney Lake Police shall make appropriate contacts and take enforcement action for violations occurring after normal work hours and on weekends. For purposes of this agreement, work hours are considered to be the hours between 8:00 a.m. and 5:00 p.m., Monday through Friday. In instances where Bonney Lake Police view violations occurring within the Bonney Lake City Limits, whether or not they are occurring during or after normal work hours, they shall initiate the necessary enforcement action.
- B. Bonney Lake shall review its local laws regulating dangerous dogs, licensing, and fees and shall make amendments as needed to ensure that the regulations contain similar provisions as Sumner's and Puyallup's to ensure consistency in enforcement and to increase management efficiency.
- C. Encourage Bonney Lake residents to purchase pet licenses through mailings, newsletters or other means available to the City of Bonney Lake.
- D. Upon the execution of this agreement Bonney Lake shall provide one delegate to be a participating member of the Operations Board as provided in Section 3 of this Agreement.
- E. Bonney Lake shall be committed to the terms and conditions of the Metro Animal Service Agreement as required in Section 7, Paragraph A of such agreement, which is attached hereto and incorporated herein as Exhibit "A."

Section 3. Operations Board

The Metro Animal Services Operations Board governs and manages the provision of animal control services.

- A. The affairs of Metro Animal Services shall be governed by an Operations board composed of two (2) members each from Sumner and Puyallup and one (1) member from each additional jurisdiction. Contract jurisdiction members may vote on all matters except for matters related to budget, provision of additional services and/or additional jurisdictions, maintenance and/or acquisition of equipment, facilities or real property, and personnel matters. Unless otherwise provided, Robert's Revised Rules of Order shall generally govern all procedural matters relating to the business of the Board.
- B. No less than fifteen (15) days notice shall be given to all members prior to any meeting.
- C. The Operations Board shall be authorized to establish bylaws that govern procedures of that Board and the provision of animal control services between the parties to this Interlocal Agreement.

Section 4. Finance

- A. Sumner shall maintain a special fund, known as the Operating Fund of Metro Animal Services Joint Board, into which revenues received from the parties of this Agreement shall be deposited. This fund shall be part of the Sumner's budget process and administered and managed by Sumner staff in accordance with City budget process, regulations and guidelines. Expenditures from this fund shall be made only for animal shelter and animal control activities, including the actual administrative costs and overhead of the City incurred pursuant to its obligations set forth herein and consistent with the authority granted by the Sumner City Council and Puyallup City Councils.
- a. Sumner shall retain all impounding and boarding fees, late penalty fees, and all licensing fees collected by the Sumner required under the Bonney Lake Municipal Code. However, Bonney Lake will offer pet licenses at the Bonney Lake City Hall as a convenience to Bonney Lake citizens. License revenues collected by Bonney Lake will be remitted to Sumner on a quarterly basis, for deposit into the operating fund of Metro Animal Services Joint Board.
- B. Bonney Lake shall pay into the Operating Fund of Metro Animal Services Joint Board for animal shelter and animal control services either an assessment or a fee as established by the Operations Board.
- a. The current assessment fee established by the Operations Board for 2009 is \$2.75 per capita, based on population estimates provided annually by the office of Financial Management (OFM). The Operations board will notify each city by July 1st of each year as to what the assessment is in the subsequent year. The fee shall be payable in equal monthly installments on or before the tenth day of each month.
- C. In the event that more revenue is received during a fiscal period than was planned to be available, the additional amount shall be deposited into the Operating Fund of Metro Animal Services Joint Board. Such revenue may form the basis for a budget amendment upon recommendation of the Operations Board. Funds remaining at the end of a fiscal year shall be budgeted for the ensuing fiscal year as cash carry forward. The availability of such cash carry forward for budgeting shall be reflected in the charges assessed for shelter operation, subject to the establishment of a reasonable budgeted contingency fund by action of the Operations Board and the Sumner and Puyallup respective City Councils.
- D. In the event of a revenue shortfall, a reconciliation of program revenue to program costs will occur. This reconciliation may occur each year, but at least once every three years. Contracting jurisdictions may be assessed a

surcharge to cover the cost of the program in the event that operating revenue is not sufficient to cover program costs.

Section 5. Access to Records

Duly authorized representatives of the City of Bonney Lake shall have the right to inspect the records of the Metro Animal Services and the books of the accounts and records relating to animal control services and the Metro Animal Services fund of the City of Sumner at any reasonable time.

Section 6 Termination

This Agreement may be terminated, without cause and for convenience, by any individual party to this Agreement by serving written notice of termination upon the other parties hereto one-hundred eighty (180) days prior to the anticipated date of termination.

Section 7 Mediation/Arbitration Dispute Resolution

- A. In the event either party should have a dispute relative to any of the terms and conditions of this agreement, or enforcement thereof, Sumner and Puyallup agree to attempt to resolve such conflict first by negotiation through the Operations Board. If a dispute arises from or relates to this Agreement or the breach thereof and if the dispute cannot be resolved through direct discussion, the parties agree to endeavor first to settle the dispute in an amicable manner by mediation administered by a mediator under JAMS Alternative Dispute Resolution service rules or policies before resorting to arbitration. The mediator may be selected by agreement of the parties or through JAMS.
- B. Following mediation, or upon written agreement of the parties to waive mediation, any unresolved controversy or claim arising from or relating to this Agreement or breach thereof shall be settled through arbitration which shall be conducted under JAMS rules or policies. The arbitrator may be selected by agreement of the parties or through JAMS. All fees and expenses for mediation or arbitration shall be borne by the parties equally. However, each party shall bear the expense of its own counsel, experts, witnesses, and preparation and presentation of evidence.
- C. In the event such effort is not successful, both parties shall resolve such dispute through the use of a mediator or arbitrator selected based on mutual agreement of both parties and the decision of the arbitrator shall be binding on both parties. The expense of such mediation or arbitration will be shared between both parties.

Section 8. Duration

This Agreement shall be effective upon execution by each party and shall remain in full force and effect until / unless a party notifies the other parties in writing of its intent to terminate as provided in Section 6.

Section 9. Modification

This Agreement may be modified by further written agreement upon mutual acceptance by all parties.

Section 10. Insurance

For the duration of this Agreement, all parties shall maintain insurance coverage through membership in the Washington Cities Insurance Authority.

Section 11. Hold Harmless

Sumner, Puyallup, and Bonney Lake shall each 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, contractors, volunteers or representatives. The provisions of this Section shall survive the expiration or termination of this Agreement with respect to any event occurring prior to such expiration or termination.

Section 12. 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.

Section 13. Severability

If any term or condition of this Agreement or the application thereof to any person(s) or circumstances is held invalid, such invalidity shall not affect other terms, conditions or applications which can be given effect without the invalid term, conditions or application; to this end the terms and conditions of this contract are declared severable.

Section 14. Repealer and Ratification

All prior Interlocal agreements entered into between Sumner and Bonney Lake related to the subject matter of this Agreement are repealed as of the effective date of this Interlocal Agreement.

Section 15. Counterparts

This Agreement may be executed in two or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

Section 16. Entire Agreement

This Agreement constitutes the entire agreement between the parties as to Bonney Lake becoming a Contract Jurisdiction for purposes of receiving services

provided by Metro Animal Services and supersedes any prior agreements or understandings as to the same. 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, Mayor

Don Morrison, City Administrator

ATTEST:

Harwood Edvalson, City Clerk

APPROVED AS TO FORM:

Jim Dionne, City Attorney

CITY OF PUYALLUP

Don Malloy, Mayor

Gary McLean, City Manager

ATTEST:

Barbara Price, City Clerk

APPROVED AS TO FORM:

Cheryl Carlson, City Attorney

CITY OF SUMNER

David L. Enslow, Mayor

John Doan, City Administrator

ATTEST:

Terri Berry, City Clerk

APPROVED AS TO FORM:

Brett C. Vinson, City Attorney