

CITY COUNCIL MEETING

February 23, 2010

7:00 p.m.

AGENDA



*"Where Dreams Can
Soar"*

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

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

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 Laurie Carter, Councilmember Dan Decker, Councilmember Mark Hamilton, Councilmember Donn Lewis, Councilmember Randy McKibbin and Councilmember Jim Rackley.

Management Staff expected to be in attendance: City Administrator Don Morrison, Public Works Director Dan Grigsby, Police Chief Mike Mitchell, Community Development Director John Vodopich, Chief Financial Officer Al Juarez, Administrative Services Director/City Clerk Harwood Edvalson, Community Services Director Gary Leaf, 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: February 2, 2010 Council Workshop and February 9, 2010 Council Meeting
- B. Accounts Payable Checks/Vouchers: Accounts Payable checks/vouchers #57892 thru 57945 in the amount of \$205,946.83; Accounts Payable checks/vouchers #57946 thru 57962 for Utility Refunds in the amount of \$1,463.01; and Accounts Payable checks/vouchers #57963 thru 8031 (including wire transfer #'s 1052010, 2012010, 2032010, 2102010, 2162010, 2172010 & 11520101 in the amount of \$2,277,376.54.
- C. Approval of Payroll: Payroll for January 16-31th 2010 for checks **28747-28814** including Direct Deposits and Electronic Transfers in the amount of **\$ 585,588.74**
- D. AB10-32 - Resolution 2010 - A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing A Personal Services Agreement With Puget Sound Collections To Provide Professional Collection Services In Collecting Unpaid Accounts Receivable And Utility Accounts
- E. AB10-33 - Resolution 2011 - A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing The Mayor To Sign An Amendment To Our Original Agreement With Portland Energy Conservation Inc. For The Wash Wise Water Conservation Program.

V. FINANCE COMMITTEE ISSUES:

- A. AB10-10 - Resolution 2000 - A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing The City To Enter Into An Interlocal Agreement With The City Of Sumner, The City Of Buckley, And The Sumner School District For Sharing Resource Conservation Management Services.
- B. AB10-11 - A Motion of the Bonney Lake City Council authorizing the City to submit an application for a Resource Conservation Manager Grant through the Washington State Department of Commerce and Washington State University Extension Program.

VI. COMMUNITY DEVELOPMENT COMMITTEE ISSUES:

VII. PUBLIC SAFETY COMMITTEE ISSUES:

VIII. FULL COUNCIL ISSUES:

- A. AB10-19 - Ordinance D10-19 - An Ordinance Of The City Of Bonney Lake, Pierce County, Washington, Updating The Downtown Design Standards Boundary Map

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**

**February 2, 2010
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.

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

WORKSHOP MINUTES

"Where Dreams Can Soar"

I. Call to Order:

Mayor Neil Johnson, Jr. called the workshop to order at 5:32 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 Laurie Carter, Councilmember Dan Decker, Councilmember Mark Hamilton, Councilmember Donn Lewis, Councilmember Randy McKibbin and Councilmember James 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, City Attorney James Dionne, Planning Manager Heather Stinson, Administrative Services Director/City Clerk Harwood Edvalson and Records & Information Specialist Susan Duis.

5:32:56

III. Agenda Items:

- A. **Presentation:** Public Officials Training - Washington Cities Insurance Authority - Lisa Roberts, Risk Services ~~Deputy~~ Director.

Risk Services Director Lisa Roberts provided the Councilmembers with information about WCIA services, and offered guidance for risk management. She highlighted issues and actions that can put the City or individual councilmembers at risk for claims or litigation, such as arbitrary and capricious decisions, moratoriums, sharing information provided in executive sessions, using personal computers for City business, etc. She said that the City's WCIA member delegate, Harwood Edvalson, will assist Councilmembers with questions or concerns. Mayor Johnson thanked Ms. Roberts for attending and providing information to the Council.

- B. **Council Open Discussion:**

Pierce County Regional Council: Councilmember Rackley encouraged the Council to attend the PCRC Annual Meeting on February 18, 2010 at 6:00 p.m.

Pancake Breakfast and Town Hall: Deputy Mayor Swatman thanked staff for their help at the Pancake Breakfast on January 30, 2010. Councilmember Rackley said he is interested in the results of the focus group surveys taken during the event. Mayor Johnson said the survey worked well but the City needs to get a large group of citizens to get useful data from these surveys. He said he is working on options to survey students during a Bonney Lake High School forum later in the year.

Senior Travel Policy: Deputy Mayor Swatman said the current Senior Center Travel policy does not allow the van to be used for out-of-state travel, and asked whether

the policy should be revised. Community Services Director Leaf said the policy was enacted in part due to concerns about mileage put on the van each year and potential risks if the van breaks down far away from the City. City Administrator Morrison said the policy allows Senior Center trips out-of-state, but they cannot use the van for those trips (they can carpool or charter bus instead). Councilmembers discussed alternative policies, such as setting a maximum mileage per trip or per year, or requiring the Senior Center to get Council approval for out-of-state trips, like the current employee travel policy.

Boat Launch Pass: Deputy Mayor Swatman asked Council to consider options to limit the number of boat launches at Lake Tapps, especially as the City considers future annexations. He said the State's boat launch on the north side of the lake is closed once the trailer lot is full, and something similar could be done in Bonney Lake. Mayor Johnson said the current code does not speak to limiting the number of people using the lake, and he is interested in public opinion. Councilmember Decker asked for information on how many people use the boat launch each day.

Local School Districts: Councilmember Carter, Councilmember Rackley and City Administrator Morrison attended the 'coffee with the superintendent' recently and discussed the upcoming school levy election on February 9, 2010. Councilmember Carter said the Sumner School District is looking into how the upcoming census will affect districts, and whether schools will be combined, moved, etc.

Public Safety Issues: Councilmember Carter said at the February 1, 2010 meeting, the Public Safety Committee discussed organizing a group of residents to discuss boat speed and noise issues. They also suggested the City recognize Assistant Fire Chief Dave Wakefield, who is retiring soon. The committee discussed contract negotiations with Metro Animal Services, and options to increase pet licensing fees to bring them in line with other cities' fees. Councilmember Hamilton said Bonney Lake's fees are about 30% lower than other cities. The Committee suggested the animal control ordinance be amended to be in line with other cities that contract with Metro Animal Services. The Committee also considered an option to have the Police Chief make determinations on vicious dogs, rather than an administrative law judge. Council consensus was to continue these discussions in committee.

Community Art: Deputy Mayor Swatman asked whether the City had more information on the glass art available from Pierce County, which was originally created by area students for use in bus stalls. City Administrator Morrison said Councilmember Carter has information on the designs. Councilmember Carter said the art could be installed in the Interim Justice Center, and said she provided information on design to David Wells.

At 6:49 p.m., the Workshop recessed for a 10-minute break. The Workshop reconvened at 7:03 p.m.

Eastown Utilities: Mayor Johnson met with the Compass Pointe developers last week to discuss their concerns with constructing utilities in Eastown. He described several options available to the City. First the City could set up a Utility Latecomer Agreement (ULA) for a lift station in Eastown north of SR 410 and under-crossings under the highway. Secondly, the City could opt to build the entire system on the north side, including the lift station, water and sewer lines. He offered a third option,

where the City would build one lift station north of SR 410 and plan to build a second lift station in Eastown south of SR 410 at a later date. He gave rough estimates for each option, and said the project cost could be decreased if the City does not purchase right-of-way as part of the ULA. He said he is trying to eliminate any road blocks to moving forward on Eastown development, and the developer has concerns about being compensated for their right-of-way.

Director Grigsby said all property owners to the east of the proposed lift station property have agreed on the path of the sewer line and frontage road. He said they have all signed easement paperwork, and are ready to send them to the City once the Council is ready to take action. He confirmed that Compass Pointe has asked the City to compensate them for the right-of-way needed to connect properties to the lift station. He said property owners west of the proposed lift station are currently working to determine where to place sewer lines so they can hook into the system. He said property owners south of SR 410 Eastown are not as far along in the process, but have also offered to draft a letter saying they would work on similar agreements as the property owners north of SR 410.

Councilmembers discussed the options and whether the City should consider purchasing right-of-way under a ULA. Deputy Mayor Swatman said the City does not normally purchase right-of-way for other developments and did not support the purchase in this case. Councilmember Rackley agreed. Councilmember Hamilton said the City must focus on public service and getting utility service to the area, and the ULA represents a risk to the city and its ratepayers. He said if one property owner is holding up the project, they should be bypassed. He said if the developer can show the burden to their property is exorbitant compared to other property owners, however, he would be more willing to consider it. He noted that the developer is also required to make other improvements, including a stop light, which could be part of the consideration.

Councilmember Lewis said he supports a phased approach to construction, starting with utilities in northern Eastown and working on southern Eastown later. Director Grigsby said the City's bonding agent feels the City could have a single bonding package for a multi-phased project.

Based on Council input, Mayor Johnson directed staff to work on details for a ULA for northern and southern Eastown, not including the expense for right-of-way purchase. He said the developer will have time to provide information on right-of-way compensation before the Council returns to discussions at a future workshop.

Zoning Overlay Ordinance: Councilmembers discussed Ordinance 1342, passed at the January 26, 2010 Meeting, regarding the WSU zoning overlay. Councilmember Rackley noted that the zoning overlay description does not delineate an eastern boundary, and asked whether the ordinance should be revised. Planning Manager Stinson said the ordinance applies only to areas zoned R-3, which would not affect most parcels to the east in Eastown, which are zoned C-2/C-3. Councilmembers said they have received questions about what areas are covered by the zoning overlay. City Attorney Dionne said the Council could consider a revision ordinance to change the overlay area.

- C. **Review of Draft Council Minutes:** January 19, 2010 Workshop and January 26, 2010 Meeting.

The January 19, 2010 Workshop minutes were revised on page 4 to reflect that the Lake Bonney Conservation Association will meet on “February ~~1314~~, 2010,” and a misspelled word was corrected. The January 26, 2010 Workshop minutes, p. 8 were revised to read “south of SR 410 and northeast of South Prairie Rd, with no ~~western~~ eastern delineation.” The corrected minutes were moved forward to the February 9, 2010 Meeting for approval.

- D. **Discussion:** AB10-18 – Ordinance D10-18 – An Ordinance of the City of Bonney Lake, Pierce County, Washington, Relating to an Interim Zoning Ordinance to Regulate Cottage Housing.

Planning Commission Chair Grant Sulham was in attendance. Planning Manager Stinson answered questions Councilmembers had at the previous meeting. She said the Commission considered whether the ordinance should be written as an interim or demonstration ordinance, which lasted for a certain amount of time or until a project is completed, or as a regular ordinance. She said the maximum size and open space allowances come from the City of Kirkland’s ordinance. She answered questions about vesting, irrigation, neighborhood meetings, notification, and permit extensions. She said cottage developments would ideally not be placed in the Downtown core, but they could be on the edge of the core area, since it is important to place these developments near shops and transit. She reiterated that cottage developments are not built as low-income housing or starter homes.

Councilmembers discussed the purpose for allowing cottage developments, potential sites, marketing, and the desire for the cottages to be high-quality homes. Several Councilmembers spoke in favor of presenting the item as a demonstration ordinance, rather than an interim ordinance, so the City could allow one cottage development to be built and then decide whether to make the ordinance permanent. Proposed Ordinance D10-18 was forwarded to the February 16, 2010 Workshop for discussion.

- E. **Discussion:** AB10-19 – Ordinance D10-19 – An Ordinance of the City of Bonney Lake, Pierce County, Washington, Updating the Downtown Design Standards Boundary Map.

Planning Manager Stinson said the proposed boundary map differs slightly from the map originally approved in the Downtown Design Standards. She said a small portion of a parcel owned by Linda Youngberg was not included in the Downtown boundary originally; on the revised map the entire parcel is included in the boundary area. She said staff initiated this proposed change to make the map easier to read and use for planning purposes. The Planning Commission reviewed other parcels, but in the end recommended to only amend the map to include all of the Youngberg parcel, and not to add or remove any other parcels to the boundaries at this time. The Planning Commission also suggested the Council consider whether parcels that are currently in the Downtown Zone should be rezoned if they are not included in the Downtown Design Standards boundaries.

Councilmembers discussed whether other parcels should be included in the Design Standards map. Several councilmembers said properties along main thoroughfares (Sumner Buckley Hwy, Main St, etc.) should be covered by the Downtown Design

Standards. Mayor Johnson said the map could be revised to reflect the future land use map in the Comprehensive Plan, to be consistent with the City's long-term plans. Planning Manager Stinson confirmed that properties in the Downtown Design Standards boundaries must comply with Downtown Design standards if they rebuild or substantially remodel buildings.

Councilmembers discussed the purpose of the Downtown boundary map. Deputy Mayor Swatman suggested adding the parcel on the northeast corner of Locust Ave and Old Sumner Buckley Hwy in the Downtown boundaries, since it is a highly visible property on the main corridor. City Attorney Dionne said though not required by law, the City may want to contact the owners to notify them of the proposed change. Community Development Director Vodopich said his department would send a letter to the property owner at Locust Ave & Old Sumner Buckley Hwy. Council consensus was to forward the proposed ordinance to the February 23, 2010 Meeting for action.

- F. **Discussion:** AB10-20 – Ordinance D10-20 – An Ordinance of the City of Bonney Lake, Pierce County, Washington, Updating the Critical Areas Ordinance to Require Arborist's Reports when Trees are Removed, Topped or Trimmed in Critical Areas.

Planning Manager Stinson said the proposed ordinance includes a small revision to the existing critical areas ordinance. Councilmember Hamilton expressed concern for property owners who have weed trees grow up and block their view. He said they would not be able to cut them down, even if the land was previously cleared for development. Commissioner Sulham said he had this concern, and was the dissenting vote on the Planning Commission. Planning Manager Stinson said the Council originally asked the Commission to consider ways to prevent people from cutting trees in critical areas without permits. She said after review, it appears to be more an issue with enforcement and education than with the code itself. Councilmembers discussed the public safety concerns and whether the proposed ordinance would prevent tree removal, trimming or topping in the future. Councilmember Carter said many citizens, tree cutting services, and staff are unaware of the restrictions and locations of critical areas in the City. Council consensus was to table the proposed ordinance indefinitely.

IV. Executive Session: None.

8:56:02

V. Adjournment:

At 8:56 p.m., Councilmember Rackley moved to adjourn the workshop. Councilmember Lewis seconded the motion.

Motion approved 7 – 0.

Harwood T. Edvalson, CMC
City Clerk

Neil Johnson, Jr.
Mayor

Items submitted to the Council Workshop of February 2, 2010:

- Citizen – *Email re: Cottage Ordinance (2/2/2010)* – Raymond Frey.

DRAFT

CITY COUNCIL MEETING

**February 9, 2010
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.

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

MEETING MINUTES

"Where Dreams Can Soar"

Audio Time
Stamp ↓

I. CALL TO ORDER – Deputy Mayor Dan Swatman called the meeting to order at 7:00 p.m.

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

B. Roll Call:

Administrative Services Director/City Clerk Harwood Edvalson called the roll. In addition to Deputy Mayor Dan Swatman, elected officials attending were Councilmember Dan Decker, Councilmember Mark Hamilton, Councilmember Donn Lewis, Councilmember Randy McKibbin and Councilmember Jim Rackley. Mayor Neil Johnson, Jr. and Councilmember Laurie Carter were absent.

Councilmember Decker moved to excuse Councilmember Carter. Councilmember Lewis seconded the motion.

Motion approved 6 – 0.

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

C. Announcements, Appointments and Presentations:

1. Announcements: None.
2. Appointments: None.
3. Presentations: None.

D. Agenda Modifications: None.

7:01:44

II. PUBLIC HEARINGS, CITIZEN COMMENTS & CORRESPONDENCE:

A. Public Hearings: None.

B. Citizen Comments:

Sherry Leistiko, 18209 74th St E, Bonney Lake, presented a letter of appreciation from the Lake Bonney Conservation Association. She thanked the City and Council for its continuing participation in monitoring, treating and preserving the lake. She particularly thanked Public Works staff, Councilmember Laurie Carter and Community Services Director Gary Leaf for their contributions. Deputy Mayor Swatman thanked Ms. Leistiko on behalf of Councilmember Carter and encouraged the Association to continue their hard work to improve the lake.

Lora Butterfield, Chamber of Commerce President, provided the Council with updates from the Chamber. She listed upcoming events and programs, including meetings, a ribbon cutting for a new insurance agency office downtown, luncheon, and awards dinner. She invited the Council to attend the awards dinner on February 12th. She said the Chamber is offering a health insurance benefit option for Chamber members. The Chamber is also holding a photograph contest; the winning photo will be used on the cover of the new City Directory.

Michelle Gunn, 8708 188th Ave E, Bonney Lake, spoke about proposed amendments to the Downtown Design Standards. She said the Council needs more information before voting on this item, and said she was unhappy with comments from staff at the previous workshop. She explained her experience working with the City on Downtown design and zoning starting in 2006, and asked the Council to review the history and previous versions of the map in question. She said she is not currently interested in her property being included on the Downtown Design Standards map at this time, though she may want it to be included in the future.

Ray Frey, Halsen-Frey, Eastown & Greenwood LLC, responded to discussions held at the February 2, 2010 Workshop regarding utilities in Eastown. He apologized for his conduct toward staff at the workshop, and provided the Council with a binder of information related to the Compass Pointe project and progress. He said the issue relates to a north-south cross road on the Compass Pointe property that will require them to give up 3 acres of the property. He said the other right-of-way is no issue and they are willing to be flexible to help make the project a success.

Brad Dahl, 20212 101st St E, Bonney Lake, is president of the Ponderosa Estates Homeowner's Association. He said the HOA members are interested in being annexed into the City, and wanted to introduce himself to the Council. He thanked staff for the informational flier that was recently provided and said he looks forward to helping the City educate residents and move the annexation forward.

C. Correspondence: None.

7:23:21

III. **COUNCIL COMMITTEE REPORTS:**

- A. Finance Committee: Deputy Mayor Swatman said the committee met at 5:30 p.m. earlier in the evening and discussed Resolution 2001, a proposed contract for utility account collections, renewal of the WashWise rebate program contract, minutes, home monitoring systems, the proposed Conservation Management Grant, and options to accept payments by credit card at City offices.
- B. Community Development Committee: Councilmember Rackley said the committee met on February 1, 2010 and reviewed Capital Improvement Projects with staff.
- C. Public Safety Committee: Councilmember Hamilton said the committee met on February 1, 2010 and discussed animal licensing fees, revisions to the dangerous dog ordinance, and the need for volunteers for a citizen's committee to discuss boat noise on Lake Tapps. The Fire Chief announced that Assistant Chief Dave Wakefield is retiring. The Police Chief discussed WSU forest security and patrols, and estimated

public safety costs related to possible future annexations. Court staff said they are looking at imaging systems to tie into the electronic ticketing system. The Committee also discussed code violations and enforcement issues.

D. Other Reports:

Pierce County Regional Council: Councilmember Rackley reminded the Council of the February 18, 2010 PCRC Annual Meeting and encouraged them to attend.

Cottage Housing: Deputy Mayor Swatman said a seminar on cottage housing options is being held in Puyallup, which may be interesting for Council or staff to attend.

7:29:53

IV. CONSENT AGENDA:

- A. **Approval of Corrected Minutes:** January 19, 2010 Workshop and January 26, 2010 Meeting Minutes.
- B. **Accounts Payable Checks/Vouchers:** Accounts Payable checks/vouchers #57776 thru 57829 (including wire #'s 1192010, 2022010 & 5411879) in the amount of \$395,853.30 and Accounts Payable checks/vouchers #57830 thru 57891 in the amount of \$995,895.58.
- C. **AB10-36 – Ordinance 1343** – An Ordinance of the City of Bonney Lake, Pierce County, Washington, Amending Section 18.19.010 of the Bonney Lake Municipal Code.

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

Consent Agenda approved 6 – 0.

7:30:23

V. FINANCE COMMITTEE ISSUES:

- A. **AB10-12 – Resolution 2001** – A Resolution of the City Council of the City of Bonney Lake, Pierce County, Washington, Authorizing the Mayor to Award and Execute a Contract with Billing Document Specialists (Caldwell, ID) for Utility Billing and Lock Box Services.

Councilmember Decker moved to approve Resolution 2001. Councilmember Rackley seconded the motion.

Deputy Mayor Swatman said the Finance Committee reviewed the revised resolution and recommended its approval. The contract should save the City about \$15,000 per year. He noted that utility payment stubs will have an Idaho remittance address, which may cause confusion for some customers.

Resolution 2001 approved 6 – 0.

VI. COMMUNITY DEVELOPMENT COMMITTEE ISSUES: None.

VII. PUBLIC SAFETY COMMITTEE ISSUES: None.

VIII. FULL COUNCIL ISSUES: None.

IX. EXECUTIVE SESSION: None.

7:31:57

X. ADJOURNMENT:

At 7:31 p.m., Councilmember Decker moved to adjourn the meeting. Councilmember Lewis seconded the motion.

Motion approved 6 – 0.

Harwood Edvalson, CMC
City Clerk

Neil Johnson
Mayor

Items submitted to the Council Meeting of February 9, 2010:

- Bonney Lake Citizen – *Letter to Mayor and Council re: Lake Bonney* – Sherry Leistiko.
- Compass Pointe LLC – *Compass Pointe information prepared for City Council Members 2-5-2010* – Ray Frey.

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

<u>Department / Staff Contact:</u> Fin / Al Juarez	<u>Workshop / Meeting Date:</u> 23 Feb 2010	<u>Agenda Bill Number:</u> AB10-32
<u>Ordinance Number:</u>	<u>Resolution Number:</u> 2010	<u>Councilmember Sponsor:</u>

Agenda Subject: Contract with Puget Sound Collections

Proposed Motion: A resolution of the City Council of the City of Bonney Lake, Pierce County, WA authorizing a personal services agreement with Puget Sound Collections to provide professional collection services in collecting unpaid accounts receivable and utility accounts.

Administrative Recommendation: Approve Proposed Resolution

Background Summary: The contract with Puget Sound Collections (PSC) provides professional collection services for the City of Bonney Lake in collecting unpaid accounts receivable and utility accounts, pursuant to Revised Code of WA (RCW) 19.16.500.

RCW provides governmental entities an alternative to managing their collection services in-house. Collection services present a very unique set of skills that must be tailored to adhere to specific state law and are highly specialized to the collection industry. This unique skill set is typically not present in most governmental agencies. Examples of specialized skills include: predictive technology; skip tracing resources; knowledge of thorough and timely collection processes; tracking and auditing systems specific to the industry; account scoring to prioritize accounts most likely to pay; highly trained staff specific to the industry; and, historical data bases to provide data warehousing.

Puget Sound Collections (PSC) has excelled in providing a wide range of professional debt collection and accounts receivable management services throughout the Pacific Northwest. Their clients include healthcare providers, professional services, retail/commercial businesses, utilities, government agencies and financial firms. They are one of the largest private collection agencies in the region and provide flexible fees to their varied client base. PSC also displays a compassionate side to their collection efforts by strategically providing timed collection services depending on account specific circumstances. Any special handling of specific assigned accounts is generally reviewed with the client (City) prior to implementation.

Accounts are collected on a contingency only basis - no collection, no fee. Pursuant to RCW 19.16.500 PSC adds a collection fee to accounts assigned to them by the client and upon collection remits back to the client (City) 100% of the original accounts receivable amount.

<u>BUDGET INFORMATION:</u>			
Budget Amount	Required Expenditure	Budget Impact	Budget Balance
NA	NA	NA	NA
Budget Explanation: Assignment of accounts receivable and utility accounts to a collection agency. There are no budget impacts to the City.			

COMMITTEE/BOARD REVIEW:

Subcommittee Review Date: Finance Committee - 09 Feb 2010
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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FINANCE COMMITTEE

DATE: February 9, 2010

ORIGINATOR: Al Juarez

TITLE: Chief Financial Officer

SUBJECT/DISCUSSION: A resolution of the City Council of the City of Bonney Lake, WA authorizing the Mayor to sign a contract with Puget Sound Collections, a WA corporation. The contract is to provide professional collection services for the City of Bonney Lake in collecting unpaid accounts receivable and utility accounts, pursuant to Revised Code of Washington (RCW) 19.16.500.

RCW provides governmental entities an alternative to managing their collection services in-house. Collection services present a very unique set of skills that must be tailored to adhere to specific state law and are highly specialized to the collection industry. This unique skill set is typically not present in most governmental agencies. Examples of specialized skills include: predictive technology; skip tracing resources; knowledge of thorough and timely collection processes; tracking and auditing systems specific to the industry; account scoring to prioritize accounts most likely to pay; highly trained staff specific to the industry; and, historical data bases to provide data warehousing.

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Accounts are collected on a contingency only basis - no collection, no fee. Pursuant to RCW 19.16.500 PSC adds a collection fee to accounts assigned to them by the client and upon collection remits back to the client (City) 100% of the original accounts receivable amount.

ORDINANCE/RESOLUTION: 2010 (AB10-32)

REQUEST OR RECOMMENDATION BY ORIGINATOR: Approve Proposed Resolution

ISSUE AND DOCUMENTS HAVE BEEN REVIEWED AND APPROVED BY THE MAYOR

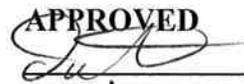
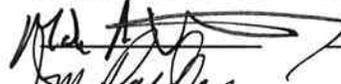
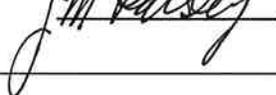
FINANCE DIRECTOR Yes
CITY ATTORNEY _____

BUDGET INFORMATON

<u>2009 Expenditure Budget Amount</u>	<u>Required Expenditure</u>	<u>Remaining Balance</u>
N/A	N/A	N/A

Explanation: Assign accounts receivable and utility accounts to a collection agency. No fees to bear.

COMMITTEE ACTION: RECOMMEND APPROVAL TO COUNCIL

	<u>DATE</u>	<u>APPROVED</u>	<u>DISAPPROVED</u>
Dan Swatman, Chair, Finance	2-9-10		_____
Mark Hamilton; Chair, Public Safety	2-9-10		_____
James Rackley, Chair, CDC	2-9-10		_____

COMMITTEE COMMENTS: _____

COMMITTEE'S RECOMMENDATION TO FORWARD TO:

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

Please schedule for Council Meeting date of: February 23, 2010

Consent Agenda: Yes

RESOLUTION NO. 2010

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON, AUTHORIZING A PERSONAL SERVICES AGREEMENT WITH PUGET SOUND COLLECTIONS TO PROVIDE PROFESSIONAL COLLECTION SERVICES IN COLLECTING UNPAID ACCOUNTS RECEIVABLE AND UTILITY ACCOUNTS.

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

PASSED by the City Council this 23rd day of February, 2010.

Neil Johnson Jr., Mayor

ATTEST:

Harwood T. Edvalson, CMC
City Clerk

APPROVED AS TO FORM:

James Dionne, City Attorney

COLLECTION SERVICES CONTRACT

THIS CONTRACT made and entered into this 1st day of March, 2010, by and between the City of Bonney Lake, hereinafter called "Client" and Puget Sound Collections (PSC, Inc.), hereinafter called "Agency." Agency shall be providing collection services in collecting unpaid accounts receivable and utility accounts due the Client, hereinafter called "Accounts." It is understood that Agency will be solely liable in complying with this contract.

WHEREAS, the Client has unpaid accounts which it desires collected and Agency is duly licensed and bonded by the state of Washington to collect such accounts assigned for collection by the Client.

I. WORK TO BE PERFORMED

The Agency shall do all work and furnish all equipment, labor, postage, forms, and materials necessary to collect unpaid accounts turned over to Agency by the Client. The accounts assigned will be at the sole discretion of the Client.

- a. Any legal action taken by the Agency on behalf of the Client shall take place only after reasonable collection efforts. Agency will process legal collections on behalf of the Client through the appropriate Superior Court.
- b. Accounts listed in error may be canceled by the Client without penalty or fee being assessed by the Agency. Accounts that are identified as bankrupt (Chapter 7 – no asset) shall be cancelled without fee or penalty. Agency will file claims on behalf of Client for any accounts that are Chapter 13 and when consumers are deceased and assets have been identified (probate).

II. REPORTS AND REMITTANCE SCHEDULE

The parties agree to the following reports and remittance schedule, subject to mutual modifications:

- a. Agency will furnish a computerized acknowledgment of assigned accounts within one week of account transfer. Acknowledgment shall include an alpha listing by name of guarantor, client's account number, amount assigned, total number of accounts and total dollar amounts assigned for collection.
- b. Agency will provide the Client with a Client Inventory Summary Report annually. Such report will provide a summary of all accounts separated by status, along with the overall recovery percentage of

dollars collected on behalf of the Client. A History Report and Stair-Stepped Liquidation Report shall also be provided on an annual basis. The Agency will also provide custom reports when the Client has specific needs.

- c. Agency will remit monthly to Client for assigned accounts collected. Remittance checks shall include a report with alpha listing by name, Client's account number, amount paid, balance due, account status, amount due the Agency and amount due the Client. The Agency will deposit daily all sums collected for the Client into a federally insured trust account.

III. AGENCY COMPENSATION

- a. Accounts are collected on a contingency only basis: no collection, no fee. PSC will add a "collection fee" of 50% to accounts listed by Client. These collection fees are allowed by RCW 3.02.045 and RCW 19.16.500. PSC shall remit back to Client 100% of the principal amount remitted on accounts. Interest will be billed to the consumer at 12% per annum as allowed in RCW 3.02.045 and retained by PSC. Should any account be reduced to judgment, the Agency will retain all awarded legal fees (court costs and attorney's fees).
- b. All accounts shall be deemed to have been assigned to the Agency upon receipt of the account by the Agency from the Client. Receipt shall be in the form of the Client's acknowledgment as provided by the Agency.
- c. The fees associated with the work performed by the Agency shall remain in effect for the agreement period. Payments to the Client shall be for the total amount collected less the appropriate Agency fee. The Agency shall supply sufficient documentation with payments to allow independent verification of the total amounts collected and calculations of appropriate fees due the Agency. In the event additional reports are deemed necessary in the future for further accounting purposes, the Agency will be willing to cooperate with the Client to provide necessary reports. The Client may audit the Agency's records pertaining to the accounts assigned for collection with the provision of reasonable notice.

IV. NOTIFICATIONS OF DIRECT PAYMENTS

Client shall promptly notify Agency of any direct payments made to Client with respect to any account placed under this Agreement. Agency shall list

those payments on its remittance statement on which it is entitled to a commission pursuant to section III above.

A payment station at Columbia Bank at 4420 South Meridian Puyallup, Washington will be maintained to provide immediate local access for consumer payment, which may be needed for speedy adjudication.

V. COMPROMISES AND COLLECTION COSTS

The Agency will not engage in compromise settlement arrangements without permission from the Client. Client shall have no responsibility for uncollected costs advanced by the Agency.

VI. COMPLIANCE WITH LAWS

Collection action activities by the Agency shall be in strict compliance with all state and federal laws existing at the time of the collection activity. These laws include, but are not limited to, Chapter 19.16 RCW (the Collection Agency Act), Chapter 19.86 (the Consumer Protection Act), RCW 3.02.045 (governing use of collection agencies by courts of limited jurisdiction), Public Law 95-109 (the Fair Debt Collection Practices Act), and all applicable laws and regulations of the United States Postal Services and the Federal Trade Commission. Agency is a member of the Washington Collectors Association and the American Collectors Association, and subscribes to its code of ethics.

VII. HOLD HARMLESS

The Agency will indemnify and hold harmless the Client from and against any and all claims and causes of action, be they meritorious or otherwise, asserted against the Client, except for claims and causes of action resulting from error or omission of the Client. The Agency shall obtain and keep in force continually during the term of this agreement comprehensive general liability insurance coverage in an amount over two million dollars (\$2,000,000).

VIII. AUDIT

The Agency will permit the Client to audit Client assigned accounts. Audits will be done at the Agency office on any accounts that the Client shall choose. The Agency will be notified in advance that Client personnel will be conducting an audit and an appointment will be made that is convenient for both Agency and Client.

IX. CREDIT REPORTING

Credit reporting on assigned accounts will be made monthly to Equifax and Trans Union. Both are national credit reporting firms.

X. ASSIGNMENT

Neither the Client nor Agency may assign this contract nor any interest, right or responsibility arising from this contract without written consent of the other party.

XI. TIME OF COMMENCEMENT AND DURATION OF CONTRACT

The work to be performed under this contract shall commence on the 1st day of March, 2010. This contract will continue indefinitely unless thirty (30) days notice by either party is given, in writing, of the intent to terminate said contract or a desire to renegotiate a new contract.

DATED this 1st day of March, 2010

City of Bonney Lake

P.S.C., Inc.

By: _____

By:  _____
Justin Anderson, CPA

Its:

Its: General Manager

RCW 19.16.500

Public bodies may retain collection agencies to collect public debts — Fees.

(1)(a) Agencies, departments, taxing districts, political subdivisions of the state, counties, and cities may retain, by written contract, collection agencies licensed under this chapter for the purpose of collecting public debts owed by any person, including any restitution that is being collected on behalf of a crime victim.

(b) Any governmental entity as described in (a) of this subsection using a collection agency may add a reasonable fee, payable by the debtor, to the outstanding debt for the collection agency fee incurred or to be incurred. The amount to be paid for collection services shall be left to the agreement of the governmental entity and its collection agency or agencies, but a contingent fee of up to fifty percent of the first one hundred thousand dollars of the unpaid debt per account and up to thirty-five percent of the unpaid debt over one hundred thousand dollars per account is reasonable, and a minimum fee of the full amount of the debt up to one hundred dollars per account is reasonable. Any fee agreement entered into by a governmental entity is presumptively reasonable.

(2) No debt may be assigned to a collection agency unless (a) there has been an attempt to advise the debtor (i) of the existence of the debt and (ii) that the debt may be assigned to a collection agency for collection if the debt is not paid, and (b) at least thirty days have elapsed from the time notice was attempted.

(3) Collection agencies assigned debts under this section shall have only those remedies and powers which would be available to them as assignees of private creditors.

(4) For purposes of this section, the term debt shall include fines and other debts, including the fee required under subsection (1)(b) of this section.

[1997 c 387 § 1; 1982 c 65 § 1.]

Notes:

Interest rate: RCW 43.17.240.

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

<u>Department / Staff Contact:</u> Fin / Al Juarez	<u>Workshop / Meeting Date:</u> 23 Feb 2010	<u>Agenda Bill Number:</u> AB10-33
<u>Ordinance Number:</u>	<u>Resolution Number:</u> 2011	<u>Councilmember Sponsor:</u>

Agenda Subject: Contract amendment for the 2010 Wash Wise Incentive Program

Proposed Motion: A resolution of the City Council of the City of Bonney Lake, Pierce County, WA authorizing the Mayor to sign an amendment to our original agreement with Portland Energy Conservation Inc. for the wash wise water conservation program.

Administrative Recommendation: Approve Proposed Resolution

Background Summary: Water conservation reduces the amount of additional water supply the City is required to purchase at a high cost, thus saving the City money.

Local governments use a wide variety of methods to build retail relationships in the community and educating consumers on water and electric conservation efforts within the region. Community leaders must be passionate about energy efficiency to transform activity initiatives into achieving results and solutions.

Portland Energy Conservation Inc (PECI) mission is to help everyone use energy more effectively. PEGI is a leader in the design and promotion of programs focused on increasing consumer awareness of and demands for energy efficient products and implementing programs that achieve swift, measurable market results. This program helps northwest retailers lead the country in the adoption of energy efficient appliances in homes. By leveraging the combined efforts of utility and industry partners, large scale retailer based promotions allow utility partners to maximize their customer incentives, reaching consumers with the key message that energy efficient products save energy, resources and money.

This proposed incentive program is designed to increase the number of high efficiency clothes washers sold in the service area of the City of Bonney Lake while building retail relationships in the community, educating consumers on water conservation, and reducing dependence on outside water supply requirements.

<u>BUDGET INFORMATION:</u>			
Budget Amount	Required Expenditure	Budget Impact	Budget Balance
Existing adopted budget	\$23,198		
Budget Explanation:			
Water Department Conservation Program: 401-000-034-534-10			
Admin Fees = \$10,048			
Incentives = 13,150			
Project Total = \$23,198			

COMMITTEE/BOARD REVIEW:

Subcommittee Review Date: Finance Committee - 09 Feb 2010
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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FINANCE COMMITTEE

DATE: February 9, 2010

ORIGINATOR: Al Juarez

TITLE: Chief Financial Officer

SUBJECT/DISCUSSION: A resolution of the City Council of the City of Bonney Lake, Pierce County, WA authorizing the Mayor to sign a professional services agreement with Portland Energy Conservation Inc. (PECI) in support of a mail-in residential clothes washer customer purchase incentive program (rebate program) for 2010.

Water conservation reduces the amount of additional water supply the City is required to purchase at a high cost, thus saving the City money. Local governments use a wide variety of methods to build retail relationships in the community and educating consumers on water and electric conservation efforts within the region. The mission of PEGI is to help everyone use energy more effectively. PEGI is a leader in the design and promotion of programs focused on increasing consumer awareness of and demands for energy efficient products and implementing programs that achieve swift, measurable market results. A main focus is to reach consumers with the key message that energy efficient products save energy, resources and money. This proposed incentive program is designed to increase the number of high efficiency clothes washers sold in the service area of the City of Bonney Lake while building retail relationships in the community, educating consumers on water conservation and reducing dependence on outside water supply requirements.

ORDINANCE/RESOLUTION NUMBER: 2011 (AB10-33)

REQUEST OR RECOMMENDATION BY ORIGINATOR: Approve Proposed Resolution

ISSUE AND DOCUMENTS HAVE BEEN REVIEWED AND APPROVED BY THE MAYOR

FINANCE DIRECTOR Yes

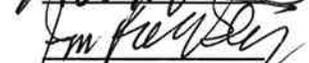
CITY ATTORNEY

BUDGET INFORMATION

<u>2009 Budget Amount</u>	<u>Required Expenditure</u>	<u>Remaining Balance</u>
	Project Admin Fees \$10,048	
	Project Incentives <u>13,150</u>	
	Total (2009) \$23,198	

Explanation: Water Department Conservation Program: 401-000-034-534-10

COMMITTEE ACTION: RECOMMEND APPROVAL TO COUNCIL

	<u>DATE</u>	<u>APPROVED</u>	<u>DISAPPROVED</u>
Dan Swatman, Chair, Finance	<u>2-9-10</u>		<u> </u>
Mark Hamilton, Chair, Public Safety	<u>2-9-10</u>		<u> </u>
James Rackley, Chair, CDC	<u>2-9-10</u>		<u> </u>

COMMITTEE COMMENTS: _____

COMMITTEE'S RECOMMENDATION TO FORWARD TO:

CITY CLERK

FINANCE DIRECTOR

CITY ATTORNEY

Please schedule for Council Meeting date of: February 23, 2010

Consent Agenda: Yes

RESOLUTION NO. 2011

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON, AUTHORIZING THE MAYOR TO SIGN AN AMENDMENT TO OUR ORIGINAL AGREEMENT WITH PORTLAND ENERGY CONSERVATION INC. FOR THE WASH WISE WATER CONSERVATION PROGRAM.

The City Council of the City of Bonney Lake, Washington, does hereby resolve that the Mayor is authorized to sign the amendment attached hereto and incorporated in "Attachment A."

PASSED by the City Council this 23rd day of February, 2010.

Mayor Neil Johnson, Jr.

AUTHENTICATED:

Harwood T. Edvalson, CMC
City Clerk

APPROVED AS TO FORM:

James J. Dionne, City Attorney

AMENDMENT #1

to the

2009 Bonney Lake Rebate Program Service Agreement

This Amendment #1 is made and entered into by and between Bonney Lake and Portland Energy Conservation, Inc. (hereinafter called "PECI") to amend that certain Agreement with the same title and all Attachments, executed by the Bonney Lake on April 28, 2009 and by PEGI on May 11 2009, (the "Agreement").

The Agreement is amended as follows:

1. Section 1 ("Contract Period") in the Table is hereby deleted in its entirety and replaced with the following:

January 1, 2010 – December 31, 2010

2. Section 2 ("Term") is hereby deleted in its entirety and replaced with the following:

The term of this Agreement ("Term") is effective from January 1, 2010 and shall continue through December 31, 2010, unless the Parties agree in writing to extend the Term, or unless this Agreement is earlier terminated in accordance with the Early Termination provisions below.

3. Attachment A ("Scope of Work") is hereby deleted in its entirety and replaced with Attachment A included with this Amendment #1.

4. The document entitled "2009 Implementation & Incentives Budget- Three Tiers" is hereby deleted in its entirety and replaced with the Attachment B included with this Amendment #1.

5. Attachment C ("Projected Units") is hereby deleted in its entirety and replaced with the Attachment C included with this Amendment #1.

All other provisions of the Agreement shall remain in full force and effect.

Bonney Lake

Portland Energy Conservation, Inc.

By _____

By _____

Name

Name

Date

Date



THE CITY OF BONNEY LAKE

2010 SCOPE OF WORK

TASK 1: IMPLEMENTATION

Portland Energy Conservation Inc. (PECI) will conduct the following tasks for The City of Bonney Lake in support of a mail-in residential clothes washer customer purchase incentive. The incentive is designed to increase the number of high efficiency clothes washers sold in the service area of The City of Bonney Lake customers while building retail relationships in the community and educating consumers on water and electric conservation efforts within the region.

- PEGI will be available for communications with The City of Bonney Lake through a specified point of contact. This contact person will maintain regular communications with The City of Bonney Lake throughout the program and will be available to fulfill special requests.
- PEGI will produce promotional materials as needed, to be supplied to retailers. Retailer support materials include the following:
 - Mail-in Rebate Forms – forms will be designed and printed for retail distribution and will be provided in PDF format for placement on The City of Bonney Lake’s web site.
 - Product Clings** – will be provided by PSE through their field services.
 - Qualified Models** – a list of all qualifying models and the appropriate incentive amounts.
 - Contact information** – contact sheet will include a direct point of contact at PEGI to answer questions regarding rebate processing, materials reorder and other program information.
- The City of Bonney Lake customers and retailers will have access to a toll free contact line. The line enables retailers to call toll free to order more materials or ask questions. Customers responding to calls regarding missing information from their rebate forms will be able to respond toll free and resolve their rebates quickly.

TASK 2: PROCESSING & PAYMENT

- Receive, verify and date stamp the incoming rebate applications.
- Verify rebate eligibility and information based on the following criteria:
 - Copy of invoice – a copy of the customer invoice will be required to verify the validity of the sales and purchase information.
 - Qualified model – the model qualification will be based on the most current version of the Qualified Model List.
 - Date Sold – the sale date must be January 1, 2010 to December 31st,2010. Applications must be received by March 15, .
 - Installation address and zip code – the installation address zip code will be verified with the territory zip code list provided by The City of Bonney Lake. If the customer lives in a zip code fully serviced by The City of Bonney Lake Members, the incentive will be automatically approved and processed. Rebate applications for customers living in partially serviced zip codes will be compiled into a list and forwarded to The City of Bonney Lake for individual approval on a weekly basis. The City of Bonney Lake will approve the applications for rebate within three business days of receiving the weekly list from PEGI
 - Serial number – the retailer must provide the machine serial number to prove that each sale is unique. PEGI will then set a default tool into the database to prevent duplication.

- Utility name and account number – the customer will be asked to provide the utility name and account number. This number can be obtained from a utility bill or by calling the utility serving the customer.
- Enter information from the Rebate Form and accompanying invoice into the database and export to accounting.
- PECE will generate a check for each customer on a weekly basis. Checks will be written and mailed, using first class postage, within 6-8 weeks of completed and verified application provided sufficient funds are available.
- A check letter will be sent with each rebate check mailed out to customers thanking them for and enforcing their conservation choice.
- For 2010 the applications state that applications containing missing information will be returned. All applications containing missing information will be returned to the customer right away with a letter highlighting what was missing and asking them to reapply.
- PECE understands the necessity to reimburse customers promptly. This contract will require a cash advance of two forecasted months for rebate funds to ensure that customers are paid in a timely manner.

TASK 3: DATA TRACKING, SUMMARY REPORT & INVOICING

- PECE will customize a detailed database in Microsoft Access for processing rebate submittals and tracking. The database will contain comprehensive information, enabling the program to track all retailer and customer submittal information and provide up-to-date reports on units processed to date through the program. The database will provide snapshot views of market activity in The City of Bonney Lake territory.
- Invoicing will be done on a monthly basis. The first invoice will request advance rebate funds projected for two months. Invoices will be structured to request advance incentive funds projected for two months and implementation and direct expenses for the prior month. The invoice will clearly reconcile over and under estimates from the prior month cash on hand.
- A detailed data report will delivered within the second week of each month. The data report will include customer and model information for all rebates processed in the prior month.

TASK 4: MARKETING POINT OF PURCHASE MATERIALS

- PECE will design and print point of purchase materials, including product clings, easel signs, posters and bill stuffers. Materials will have a consistent look and feel in order to convey a cohesive design theme for the program.
- All materials will be approved by The City of Bonney Lake before final printing.
- PECE will design and implement co-branded utility marketing promotions several times during the program period.

2010 Implementation & Incentives Budget - Three Tiers

PECI Services -- Administrative fees are charged on a \$32 per unit fee

Management

- Senior oversight of incentive process*
- Respond to City of Bonney Lake requests*
- Fulfill monthly reports and invoicing*

Incentives

- Database development*
- Receipt and review of rebates*
- Verification and data entry of rebates*
- Follow-up on rebate rejections*
- Maintenance of hotline and customer service*
- Accounting payment process*
- In-house retail communications and follow-up*

Marketing

- Oversight of design and production for POP materials*
- Oversight of design and production of Special Promotion materials*

Field Support

- Liason between retailer and utility requests and field personnel*
- On the ground labor, mileage and direct costs*
- Site visits to retail partners on a 7-9 week rotation*
- Attendance at marketing events and limited outreach*
- Delivery of new clothes washer rebate materials to retailers*

Direct Marketing

- Production of general POP including product clings, posters, counter cards etc*

Implementation

- Rebate form design and production*
- Check mail-out - postage, envelopes & checks*
- Retailer training card design and production*
- Shipping, phone, 800 line, travel and misc. supplies*
- Shared Field Support Expenses*

Projected Administrative Fees **\$10,048.00**

Flat Administration Fee of \$32 per unit	314 Units	\$10,048
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Projected Incentives **314** **\$13,150.00**

Clothes Washer Incentives @ \$50 (Paid at \$25)	47	\$1,175
Clothes Washer Incentives @ \$75 (Paid at \$37.50)	110	\$4,125
Clothes Washer Incentives @ \$100 (Paid at \$50)	157	\$7,850

Note: Most City of Bonney Lake rebates would be shared with PSE

Total Cost		\$23,198.00
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Total Projected Units		314
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RESOLUTION NO. 2000

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON, AUTHORIZING THE CITY TO ENTER INTO AN INTERLOCAL AGREEMENT WITH THE CITY OF SUMNER, THE CITY OF BUCKLEY, AND THE SUMNER SCHOOL DISTRICT FOR SHARING RESOURCE CONSERVATION MANAGEMENT SERVICES

WHEREAS, the City of Bonney Lake motioned to apply for a Resource Conservation Manager Grant through the Washington State Department of Commerce; and

WHEREAS, the primary component of the grant application is evidence of a multi-jurisdictional partnership; and

WHEREAS, the City of Bonney Lake has assumed the role as lead partner in providing administrative oversight of the grant program on behalf of all the parties;

The City Council of the City of Bonney Lake, Washington, does hereby resolve that the Mayor is authorized to sign the interlocal agreement for resource conservation management (RCM) services in connection with the RCM grant program.

PASSED by the City Council this 26th day of January, 2010

Neil Johnson Jr., Mayor

ATTEST:

Harwood T. Edvalson, CMC
City Clerk

APPROVED AS TO FORM:

James Dionne, City Attorney

**INTERLOCAL AGREEMENT BETWEEN THE CITIES OF BUCKLEY,
SUMNER, AND BONNEY LAKE AND THE SUMNER SCHOOL DISTRICT
FOR RESOURCE CONSERVATION MANAGEMENT SERVICES**

This Interlocal Agreement is made and entered into this ____ day of _____, 2010, by and between the City of Buckley, Washington, a municipal corporation (hereinafter referred to as “Buckley”), the City of Sumner, Washington, a municipal corporation (hereinafter referred to as “Sumner”), the Sumner School District, Washington, a school district (hereinafter referred to as the “School District”), and the City of Bonney Lake, Washington, a municipal corporation (hereinafter referred to as “Bonney Lake”) (hereinafter collectively referred to as “the Parties”).

WHEREAS, the Parties are working as partners to pursue a two-year Resource Conservation Management Grant (“Grant”) from the Washington State Department of Commerce, which, if received, will be used to start a Resource Conservation Management Program (“Program”) to serve all the Parties; and

WHEREAS, the Parties may elect to participate in a Resource Conservation Manager services agreement with Puget Sound Energy, as set forth and under the terms and conditions of an Energy Conservation Grant for Resource Conservation Manager Services; and

WHEREAS, the Program would study and address how each Party could use utility resources, including water, sewer, electricity, oil, and natural gas, more efficiently; and

WHEREAS, Washington State University Extension Energy Program will provide program and technical support to assist with the shared Program; and

WHEREAS, Bonney Lake is willing to take the lead in providing administrative oversight of the Program on behalf of all the Parties, and to become the “organization of record” pursuant to the Grant requirements; 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, for and in consideration of the services to be rendered, resources to be shared, and the payments to be made, the parties hereby recite, covenant and agree as follows:

1. **Resource Conservation Manager Position & Work Plan.** If the Grant is received, a Resource Conservation Manager (RCM) will be contracted to provide RCM services to the Parties. Prior to advertising for a contractor, the Parties shall meet to prepare a Work Plan for the RCM.

At the minimum, the Work Plan shall address, and the RCM is expected to implement, the following:

- Energy Accounting (utilizing software provided under the Grant)
- Basic utility efficiency and resource management action plan for facilities
- Review of resource use and potential actions
- Implementation of low-cost/no-cost measures and activities, and measurement of results
- Assisting the Parties in securing additional grant funding and assisting in finding

- rebate programs that support relevant energy efficiency projects.
- Participating in technical and software training
- Reporting of results to all Parties' administrations
- Reporting of results and successes to Commerce and the WSU Extension Energy Program

2. **Selection of RCM.** Bonney Lake will take the lead in contracting with the individual or firm selected to do the work on behalf of the Parties. Bonney Lake will assemble and advertise a Request for Proposals, with the assistance of WSU. The Parties shall have the option to attend interviews conducted pursuant to the RFP, and may provide opinions to Bonney Lake as to the most qualified contractor.
3. **Compensation.** Bonney Lake will make payments due to the contractor under the RCM contract, and shall prepare billing statements for distribution to the Parties. For amounts in excess of what any Grant funds cover, Buckley, Sumner, and the School District shall reimburse Bonney Lake in proportion to the amount of time the RCM spent focusing on that Party's needs. The reimbursement schedule will be established consistent with payment terms set forth in the contract with the RCM.
4. **Allocation of RCM time.** The RCM shall allocate his or her time according to the amount each Party expends on utilities from all sources (water, sewer, electricity, oil, and natural gas, etc.) in relation to the other Parties. For example, if the School District expends 50% of the sum total of utility expenses of the four Parties combined, the RCM will spend 50% of his/her time performing RCM services on behalf of the School District consistent with the duties outlined in the RCM contract.

The proportions will hold for 12 months, and will be reevaluated annually thereafter as long as the contract with the RCM remains in place. If operations require or result in a notable change in resource consumption with one or more of the Parties within a given 12-month period, Bonney Lake can, at the request of any Party or of its own accord, call for a joint reevaluation of the established annual proportion. Adjustments can then be made with the agreement of all Parties.

5. **Status and Workspace.** If desired by the RCM, the School District shall make a workspace available, to include a desk, chair, and access to standard office equipment and computer connections.
6. **Additional Responsibilities of All Parties.** As the lead Party, Bonney Lake shall have the following additional responsibilities:
 - Represent all Parties in communication with the Washington State Department of Commerce (Commerce) and Washington State University Extension Energy Program (WSU Energy).
 - Provide WSU Energy with summarized monthly activity reports, showing activities associated with the minimal program requirements as stated above.
 - Provide WSU Energy with quarterly reports indicating resource usage and savings, resource expenditure amounts and savings.
 - Provide Commerce with reports as per the anticipated agreement between Commerce and Bonney Lake, acting as lead for Parties.

7. **Support and Monitoring of RCM.** The Parties shall support and monitor the performance and progress of the RCM in the following ways:
 - Meet at regular intervals to assess RCM progress.
 - Seek support of the Puget Sound Energy RCM Support Services program. Each Party must provide data and application materials to Bonney Lake if necessary to apply for grant funds in connection with the PSE program.
 - Establish a performance evaluation process for the RCM.
 - Provide access of all owned facilities to RCM.
 - Provide access to RCM of all utility bills, statements, and data.
 - Facilitate meetings between RCM and facilities managers, and RCM and other appropriate staff.
8. **Term.** This agreement shall only take effect after the Grant is approved, and thereafter shall continue in force and effect for the duration of the two-year grant program. Extension of the terms of this agreement beyond the initial two-year grant period may be affected by written agreement of the parties.
9. **Termination.** Any Party may terminate its participation in this Interlocal Agreement, or its receipt of RCM services, at any time for any reason by providing at least sixty (60) days advance notice of termination in writing to the other Parties. However, the Party requesting termination must continue to reimburse Bonney Lake pursuant to Section 3 of this Agreement until completion of the Grant program unless all remaining Parties agree to new reimbursement responsibilities and amounts resulting from updated proportions.
10. **Modification.** This Agreement may be modified by further written agreement upon mutual acceptance by all Parties.
11. **Hold Harmless.** 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.
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.
13. **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.
14. **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 all parties.
15. **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.

16. **Compliance with RCW 39.34.040.** Pursuant to RCW 39.34.040, this agreement shall be filed with the Pierce County Auditor or alternatively, listed by subject on the public web site of the parties hereto or on other electronically retrievable public source.

DATED this _____ day of _____ 2009.

CITY OF BONNEY LAKE

CITY OF BUCKLEY

Neil Johnson, Jr., Mayor

Patricia Johnson, Mayor

ATTEST:

ATTEST:

Harwood T. Edvalson, City Clerk

Joanne Starr, Deputy City Clerk

APPROVED AS TO FORM:

APPROVED AS TO FORM:

James Dionne, City Attorney

Phil Olbrechts, City Attorney

CITY OF SUMNER

SUMMER SCHOOL DISTRICT

David Enslow, Mayor

Gilbert Mendoza, Superintendent

ATTEST:

ATTEST:

Name, City Clerk

Name, City Clerk

APPROVED AS TO FORM:

APPROVED AS TO FORM:

Name, City Attorney

Name, City Attorney

**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> 23 Feb 2010	<u>Agenda Bill Number:</u> AB10-11
<u>Ordinance Number:</u>	<u>Resolution Number:</u>	<u>Councilmember Sponsor:</u>

Agenda Subject: Application for Resource Conservation Manager Grant

Proposed Motion: A Motion of the Bonney Lake City Council authorizing the city to submit an application for a Resource Conservation Manager Grant through the Washington State Department of Commerce and Washington State University Extension Program.

Administrative Recommendation: Approve the motion.

Background Summary: The Resource Conservation Manager (RCM) program is a new program created by the Washington State Department of Commerce (DOC) utilizing Energy Efficiency Community Block Grant funds. Program and technical support will be provided by the Washington State University Extension Energy Program. The RCM program calls for a partnership to be formed by neighboring agencies who have a specified minimum combined amount of resource consumption wherein an RCM can be hired or contracted to assist the partnership with finding, recommending, implementing, and monitoring efficient resource consumption practices. This effort is intended to bring about reductions in resource expenditures for participating agencies. Administration views this as a low risk/high return opportunity to that end. The partnership will be supported by an interlocal agreement (AB10-10, Res 2000) between Bonney Lake, Sumner, Sumner School District, and Buckley.

<u>BUDGET INFORMATION:</u>			
Budget Amount	Required Expenditure	Budget Impact	Budget Balance
	See Explanation		
Budget Explanation:			
The grant will fund \$50,000 in year 1, and \$25,000 in year 2, to offset the cost of hiring or contracting a full-time RCM. The RCM will work with the partnership to apply for additional funding through the RCM Service Agreement with Puget Sound Energy to further offset the cost of the RCM. PSE's agreement is 3-years, with a 30-day notice out clause. Bonney Lake would be committing the estimated annual amounts in one of the scenarios detailed in the attached RCM funding calculator. The actual amount will depend on utility consumption proportions between partners and on whether PSE support is obtained.			

COMMITTEE/BOARD REVIEW:

Subcommittee Review Date: Finance Committee - 12 Jan 2010
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 DM	Mayor NJ	Date City Attorney Reviewed
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RAW DATA

Based on estimate of \$100K requirement to fund RCM	WSU grant only, no PSE Participation	With WSU & PSE Participation
Year 1		
RCM funded by grant	\$ 50,000	\$ 78,000
Amount funded by partners	\$ 50,000	\$ 22,000
Year 2		
RCM funded by grant	\$ 25,000	\$ 53,000
Amount funded by partners	\$ 75,000	\$ 47,000
Year 3		
RCM funded by grant	\$ -	\$ 28,000
Amount funded by partners	\$ 100,000	\$ 72,000

PARTNERSHIP FUNDING SCENARIOS

YEAR 1--No PSE Participation	Total Utility Expense	Percent of Total Expense	RCM Contribution Amount
Bonney Lake	\$ 824,000	23%	\$ 11,593
Buckley	\$ 302,000	8%	\$ 4,249
Sumner	\$ 806,000	23%	\$ 11,339
Sumner School District	\$ 1,622,000	46%	\$ 22,819
Totals	\$ 3,554,000	100%	\$ 50,000

YEAR 2--No PSE Participation	Total Utility Expense	Percent of Total Expense	RCM Contribution Amount
Bonney Lake	\$ 824,000	23%	\$ 17,389
Buckley	\$ 302,000	8%	\$ 6,373
Sumner	\$ 806,000	23%	\$ 17,009
Sumner School District	\$ 1,622,000	46%	\$ 34,229
Totals	\$ 3,554,000	100%	\$ 75,000

YEAR 3--No PSE Participation	Total Utility Expense	Percent of Total Expense	RCM Contribution Amount
Bonney Lake	\$ 824,000	23%	\$ 23,185
Buckley	\$ 302,000	8%	\$ 8,497
Sumner	\$ 806,000	23%	\$ 22,679
Sumner School District	\$ 1,622,000	46%	\$ 45,639
Totals	\$ 3,554,000	100%	\$ 100,000

YEAR 1--With PSE max contribution (\$28K)	Total Utility Expense	Percent of Total Expense	RCM Contribution Amount
Bonney Lake	\$ 824,000	23%	\$ 5,101
Buckley	\$ 302,000	8%	\$ 1,869
Sumner	\$ 806,000	23%	\$ 4,989
Sumner School District	\$ 1,622,000	46%	\$ 10,041
Totals	\$ 3,554,000	100%	\$ 22,000

YEAR 2--With PSE max contribution (\$28K)	Total Utility Expense	Percent of Total Expense	RCM Contribution Amount
Bonney Lake	\$ 824,000	23%	\$ 10,897
Buckley	\$ 302,000	8%	\$ 3,994
Sumner	\$ 806,000	23%	\$ 10,659
Sumner School District	\$ 1,622,000	46%	\$ 21,450
Totals	\$ 3,554,000	100%	\$ 47,000

YEAR 3--With PSE max contribution (\$28K)	Total Utility Expense	Percent of Total Expense	RCM Contribution Amount
Bonney Lake	\$ 824,000	23%	\$ 16,693
Buckley	\$ 302,000	8%	\$ 6,118
Sumner	\$ 806,000	23%	\$ 16,329
Sumner School District	\$ 1,622,000	46%	\$ 32,860
Totals	\$ 3,554,000	100%	\$ 72,000

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

<u>Department / Staff Contact:</u> CD / Heather Stinson	<u>Workshop / Meeting Date:</u> 23 Feb 2010	<u>Agenda Bill Number:</u> AB10-19
<u>Ordinance Number:</u> D10-19	<u>Resolution Number:</u>	<u>Councilmember Sponsor:</u>

Agenda Subject: Adoption of revised Downtown Boundary Map

Proposed Motion: Replacing Figure 1 of the Downtown Design Standards with a new map.

Administrative Recommendation: Staff recommends that Council approve one of the three alternative maps as the attachment to the ordinance that replaces Figure 1 of the Downtown Design Standards.

Background Summary: The map currently used to determine properties subject to the Downtown Design Standards is outdated as it does not follow current property lines. The map proposed by the Planning Commission has boundaries that are in exactly the same location as the current map with one exception: the property that is located at the southeast corner of Sumner-Buckley Hwy and 188th Ave. E. is currently split by the Downtown Boundary. The Planning Commission recommends that the Downtown Boundary be expanded to include the entire property. The owner of this property, Linda Youngberg, requested at the Commission's public hearing that the property be taken out of the Downtown Boundaries, but as a "gateway" property to Downtown, the Commission concluded that applying the Downtown Design Standards to this property was appropriate.

At the Council's January 26, 2010 meeting, Deputy Mayor Swatman recommended that the City consider adding the property at 18802 Mountain View Dr. to the Downtown Boundaries as well. The property owner was notified that the City was considering this addition and staff has not received a response.

Attached is the draft ordinance and a set of 3 alternative maps that Council could choose from.

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

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

<u>COUNCIL ACTION:</u>	
Workshop Date(s):	Public Hearing Date(s): 16 Sept 2009
Meeting Date(s): 26 Jan 2010	Tabled To Date:

Signatures:

Director Authorization John P. Vodopich, AICP	Mayor	Date City Attorney Reviewed
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NE Downtown w/Zoning



Map Legend

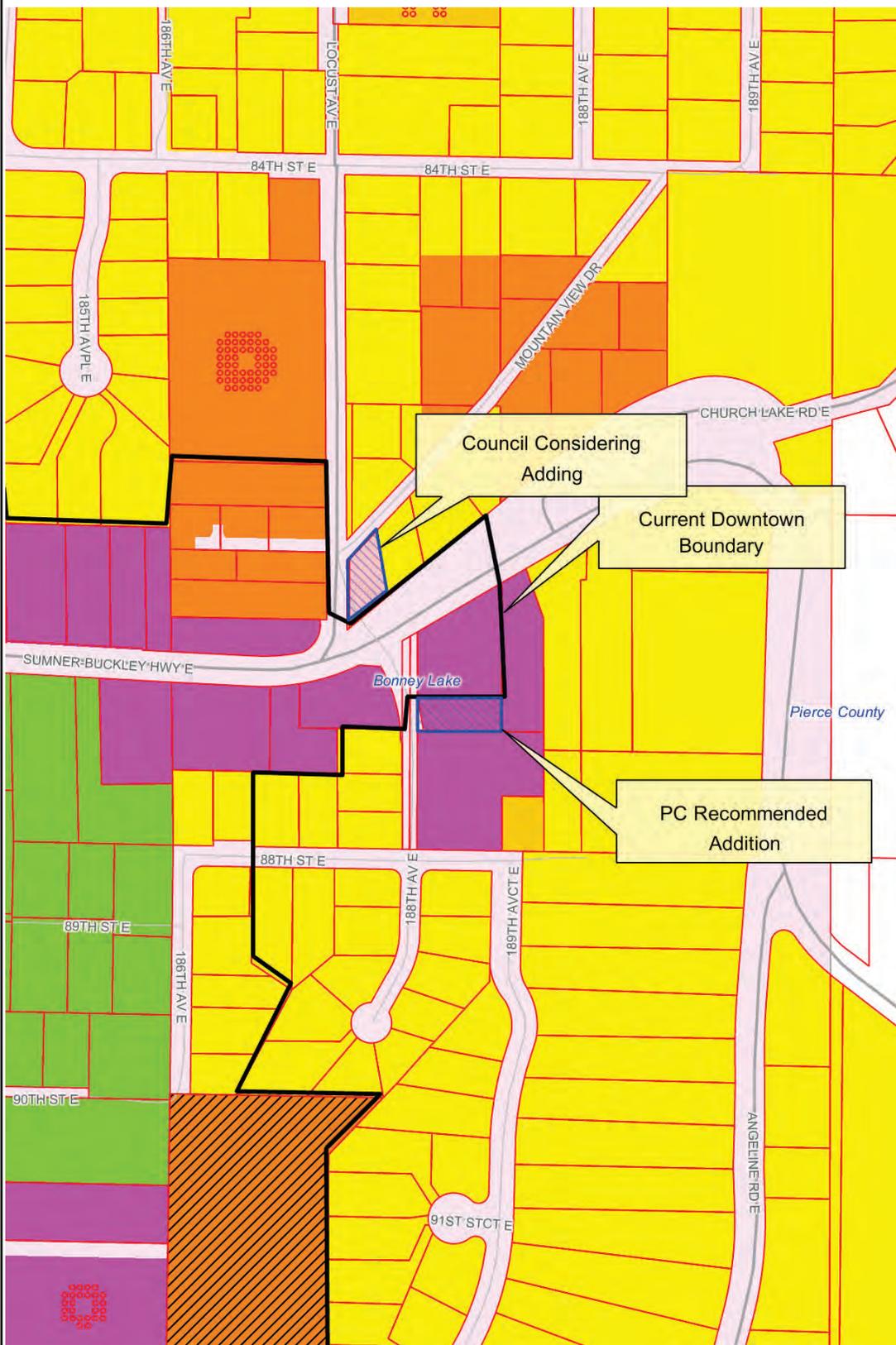
- Tax Parcels
- Roads**
- Interstate
- Limited Access State Routes
- Other State Routes
- Ramps
- Major Arterial
- Collector
- Local Access
- Zoning Overlay - Bonney Lake

Zoning - Bonney Lake

- C1
- C2
- C2-C3
- DC
- DM
- PF
- R1
- R2
- R3
- RC5

Pierce County Basemap

- Unincorporated County
- Tacoma
- Lakewood, Edgewood, Bonney Lake, Buckley, South Prairie
- Steilacoom, Fircrest, Fife, Gig Harbor, Orting, Eatonville, Roy, Carbonado, Wilkeson, Mt Rainier
- University Place, Puyallup, Auburn
- DuPont, Milton, Sumner
- Fort Lewis, McChord, McNeil Island
- Water



0 300 ft.

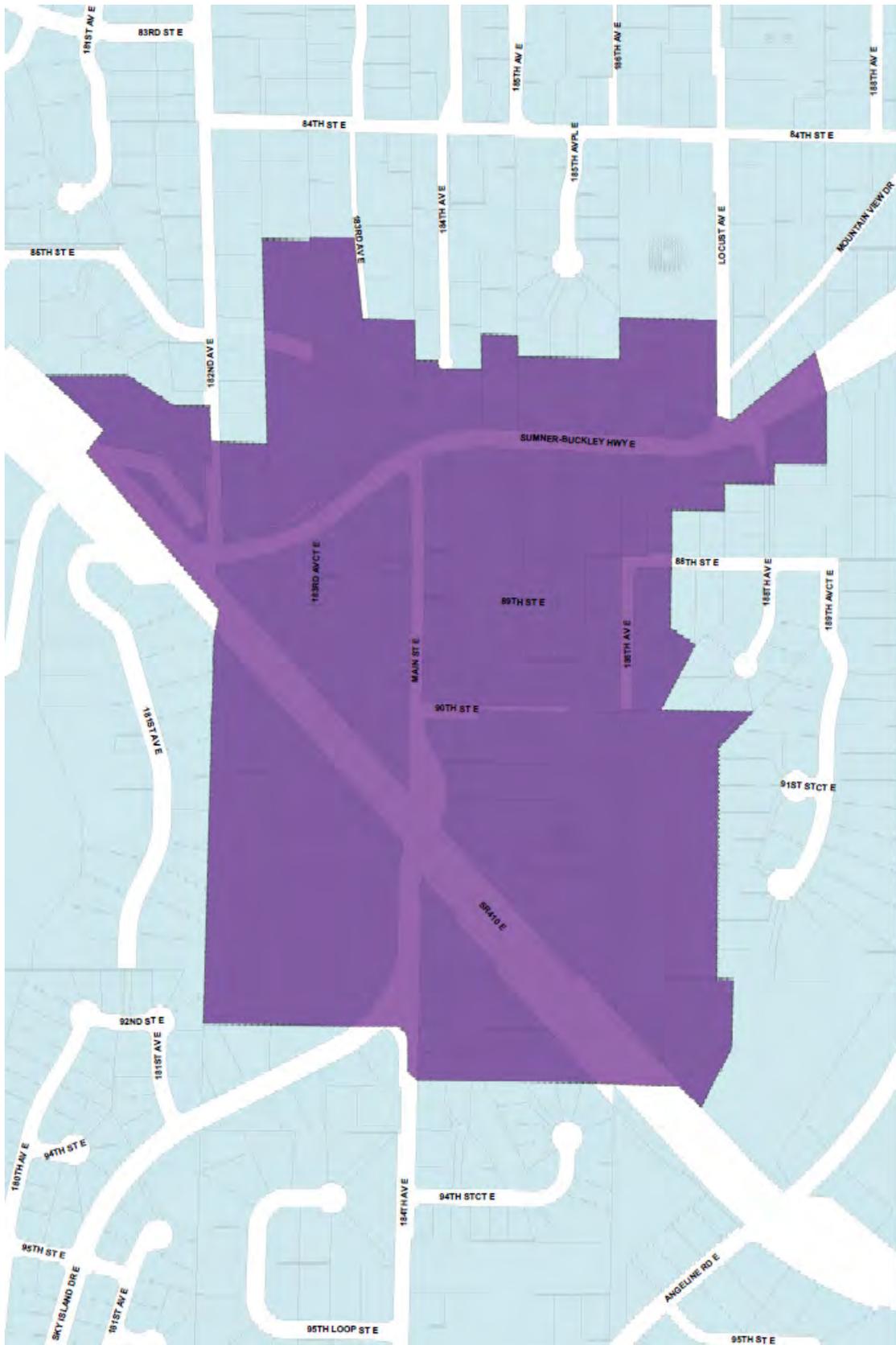


Scale 1:3,733

The map features are approximate and are intended only to provide an indication of said feature. Additional areas that have not been mapped may be present. This is not a survey. The orthophotos and other data may not align. The County assumes no liability for variations ascertained by actual survey. All data is expressly provided AS IS and WITH ALL FAULTS. The County makes no warranty of fitness for a particular purpose.

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Alternative 3: No changes to Downtown Boundary



ORDINANCE NO. D10-19

AN ORDINANCE OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON, UPDATING THE DOWNTOWN DESIGN STANDARDS BOUNDARY MAP

WHEREAS, The purpose of updating the Downtown boundary map is to improve administration and project review; and

WHEREAS, the State Environmental Policy Act was complied with through the issuance of a DNS on September 16, 2009; and

WHEREAS, the Planning Commission conducted a public hearing on September 16, 2009; and

WHEREAS, the Planning Commission issued a recommendation for passage of this Ordinance on October 21, 2009; and

WHEREAS, a letter informing the state department of community trade and economic development was mailed on September 16, 2009, more than 60 days ago informing it about the possible adoption of this ordinance;

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

Section 1). Figure 1 of the Downtown Design Standards is hereby replaced with the attached map.

Section 2). If any portion of this Ordinance shall be invalidated by a court of competent jurisdiction, the remainder shall remain in full force and effect.

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

PASSED by the City Council and approved by the Mayor this _____ day of _____, 2010.

Neil Johnson, Mayor

ATTEST:

Harwood T. Edvalson, CMC, City Clerk

APPROVED AS TO FORM:

James J. Dionne, City Attorney

Passed:

Valid:

Published:

Effective Date: