

CITY COUNCIL MEETING

**March 9, 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 16, 2010 Council Workshop and February 23, 2010 Council Meeting.
- B. Accounts Payable Checks/Vouchers:** Accounts Payable checks/vouchers #58032 thru 58062 (including wire transfer # 5589695) in the amount of \$100,023.25; Accounts Payable checks/vouchers #58063 thru 58064 for Accounts Receivable Refunds in the amount of \$936.28; Accounts Payable checks/vouchers #58065 for a Utility Refund in the amount of \$199.96; Accounts Payable checks/vouchers #58066 thru 58116 in the amount of \$459,041.49; Accounts Payable checks/vouchers #58117 thru 58137 for Utility Refunds in the amount of \$1,413.23.
- C. Approval of Payroll:** Payroll for February 16-28th 2010 for checks **28840-28871** including Direct Deposits and Electronic Transfers in the amount of **\$ 541,716.43**.
- D. AB10-38 – Ordinance D10-38 – An Ordinance Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Amending Chapter 2.70.090 Of The Bonney Lake And Ordinance No. 1310 Relating To Credit Cards, And Authorizing An Account For Fleet Services.**
- E. AB10-39 – Ordinance D10-39 – An Ordinance Of The City Of Bonney Lake, Washington Amending Ordinance Nos. 588 And 1202 And BLMC Sections 13.04.120 And 10.32.010, Relating To Obstructions To Water Meters.**
- F. AB10-34 – Resolution 2012 – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing City Administration To Develop And Administer Internal Procedures Covering The Acceptance Of Credit/Debit Card Payment Solutions Pursuant To RCW 39.58.750 And To Enter Into Enhanced Merchant Bankcard Services With Bank Of America.**
- G. AB10-35 - Resolution 2013 – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing A Water And Sewer Developer Extension Agreement With Ronald L. Angeline For The Angeline Short Plat.**
- H. AB10-40 – Resolution 2014 – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing The Mayor To Sign The Puget Sound Energy, Inc. Easement On Parcel # 564000-160-0 & 564000-157-0 To Serve The Interim Justice Center.**

V. FINANCE COMMITTEE ISSUES:

VI. COMMUNITY DEVELOPMENT COMMITTEE ISSUES:

- A. AB10-42 – Resolution 2015 – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County Washington, Authorizing An Amendment To The Professional Services Agreement With The Transpo Group For Phase 2 Of The Design Of The SR 410 And Sumner Buckley Highway Intersection Improvements.

VII. PUBLIC SAFETY COMMITTEE ISSUES:

VIII. FULL COUNCIL ISSUES:

- A. AB10-44 – Resolution 2016 – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing The Purchase Of A 21 Ft Law Enforcement Vessel From Aluminum Chambered Boats Inc.

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 16, 2010
5:30 p.m.**

MINUTES



“Where Dreams Can Soar”

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

I. Call to Order:

Mayor Neil Johnson, Jr. called the workshop to order at 5:30 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, Public Works Director Dan Grigsby, Det. Sgt. Kelly Maras, Community Development Director John Vodopich, Community Services Director Gary Leaf, Administrative Services Director/City Clerk Harwood Edvalson, City Attorney Jim Dionne and Records & Information Specialist Susan Duis.]

5:31:16

III. Agenda Items:

A. Presentation: Pierce Transit – Transit System Update.

Tina Lee, Pierce Transit Planner in charge of the system redesign, gave a PowerPoint presentation about the funding challenges their corporation faces, options for future service depending on revenue levels and the impacts to Bonney Lake and other outlying service areas. Councilmembers expressed displeasure with the proposed elimination of the bus route serving Prairie Ridge, noting that those who seem to most need the bus service will be left without recourse. Community Services Director Leaf noted that with the elimination of the local route, the Pierce Transit Shuttle service used by seniors to visit the senior center, go to doctors, get prescriptions and shop would also be eliminated. City Administrator Morrison noted that City residents pay approximately \$2 million into the system currently. The Mayor and Councilmembers briefly discussed the need to speak with other cities in the area to address possible alternatives to the Pierce Transit service.

Ms. Lee thanked the Mayor and Council for their input. She said that the social services aspect of bus service seems to be a high priority for the Council. She encouraged continued participation in the planning process through public meetings planned for March and April. She added the closest would be held in Puyallup on April 5th. She advised that there will be a public hearing, likely in May or June, with the Transit Board taking action in June or July. She invited people to go to www.PTtomorrow.org for meeting information and a survey. Mayor Johnson thanked her for her presentation.

B. Presentation: Hazard Mitigation Planning Group – Diane Schurr, Pierce County Department of Emergency Management.

Diane Schurr, Pierce County Department of Emergency Management, said she has been working with Scott Fielding, the City's temporary emergency management coordinator, to update the City's hazard mitigation plan. Ms. Schurr said the plan is not only useful for preparing the City to deal with potential hazards, but that it also serves as a basis for receiving FEMA mitigation funds. She said the six-month project will be concluded and presented to Council for review and adoption in June 2010. She noted that the project is grant funded, except for the time put in by Mr. Fielding.

Deputy Mayor Swatman asked if the County's mitigation plan promotes limiting development activity in the mapped lahar zones. He said the County's elected officials have the ability to change land use regulations to reduce exposures in these areas, but appear reluctant to take action. Ms. Schurr noted the County has an active program for the flood plain, but not much specifically addressing the lahar zone. The City Council briefly discussed the larger issue of how to deal with mass evacuations into the plateau communities from those in the valleys when a lahar occurs. Ms. Schurr noted this discussion is part of the City's overall emergency management plan. Mayor Johnson thanked Ms. Schurr for coming and updating the Council.

C. Council Open Discussion:

Thanks to Dannie Oliveaux. Mayor Johnson noted that Reporter Dannie Oliveaux is leaving at the end of the month and thanked him for the local coverage of the City and schools. Mr. Oliveaux said he is looking at positions in Texas.

Code Enforcement Work Group. Councilmember Carter asked if there was an update on the efforts of the Code Enforcement Work Group. Mayor Johnson said he would have to get back with her on this topic.

Interim Justice Center Schedule. Councilmember Hamilton asked if the IJC construction was on schedule. Community Development Director Vodopich responded that the project was a couple of weeks behind schedule now, but felt the time would be made up a little further along in the project. He said no major issues have arisen so far. He added that aerial photos of the work site had been added to the City's website. Councilmember Decker asked to be reminded of the size of the project. Director Vodopich replied the building is approximately 22,000 sq. ft. with the north structure being three stories and the south structure being two stories.

Housing Demonstration. Deputy Mayor Swatman reported that he attended the innovative housing demonstration held in Puyallup last week. He said there was a great deal of information about different styles of housing. Mr. Decker asked if the Deputy Mayor felt the one-mile radius in the City's proposed ordinance for cottage developments was appropriate. Deputy Mayor Swatman said it is definitely a discussion worth having. He said if they are constructed properly, then spacing of the developments should not be an issue. He added that the demo houses on display seemed to be in the 1,000 sq.ft. category. Director Vodopich said the demonstration cottage development ordinance would be brought back for council discussion at the next workshop.

Timber Ridge HOA Board meeting. Deputy Mayor Swatman said he attended the Timber Ridge HOA Board meeting earlier in the week to discuss possible annexation to the City. He said they appeared to be supportive. He added that he looks forward to a discussion at the Council retreat regarding the pursuit of annexations in the County Urban Growth Area (CUGA).

Cascade Water Alliance Agreement Signing. Deputy Mayor Swatman reported his attendance at the signing of the agreement with Cascade Water Alliance. He said he was disappointed by Mr. Leon Stucki's negative remarks relative to the City of Bonney Lake. Deputy Mayor Swatman noted that the City of Bonney Lake administration and staff did a great deal of work along with the other cities involved to preserve the lake and its benefits to all. Mayor Johnson said he also felt it unfortunate that the signing was used as a platform to express negative comments. He said Mr. Stucki attempted to apologize a little later in the meeting. Mayor Johnson said he intends to address a letter to the Lake Tapps Community Council emphasizing the City's contributions in time and money to the success of this agreement. He noted that several members of the Lake Tapps Community Council assured him that Mr. Stucki does not speak for the entire board.

Elected Municipal Judge. Deputy Mayor Swatman noted that the Senate recently passed a bill providing for the election of municipal court judges. Mayor Johnson added that Senator Roach represented the City's interests by voting no on the bill. He added that he sent a letter of opposition to the House Judicial Committee and suggested that at a minimum the City's legislature should be able to decide whether to allow for an appointed or an elected municipal court judge.

Downtown Construction Project Funding. Deputy Mayor Swatman observed that the burial of utilities in the downtown project appears to be moving slowly. He asked for confirmation on the funding source for the costs of the construction project. Public Works Director Grigsby said that most of the funding came from Transportation Impact Funds with a little from the Water Fund. Deputy Mayor Swatman said this project is a good example of a wise policy decision of the Council. He said the project would not have been built if not for the long range policy planning and provision for funding by the City Council. Director Grigsby added the project should be completed by the end of May.

Middle School Youth Forums. Mayor Johnson said he had sent an email to all of the City's boards and commissions asking for participation at the youth forums in the middle schools located in Bonney Lake. He noted that the City's executive staff had joined him at the High School Forum and the student input received was very valuable. He encouraged the Council to participate in the remaining youth forums.

- D. **Review of Draft Council Minutes:** February 2, 2010 City Council Workshop, February 9, 2010 City Council Meeting.

Councilmember Lewis suggested the word, 'Councilmember', should be plural in the February 9th meeting minutes on page 4 of 4 in the footnote regarding the submission of communication from Compass Pointe. Councilmember Carter asked that an addition be made to the February 2nd workshop minutes on page 2 under the heading, 'Community Art.' She asked that it be added she had provided information on the glass art designs to staff member David Wells.

The corrected minutes were moved forward to the February 23, 2010 Meeting for Council approval.

Responding to Council request, Mayor Johnson called for a break in the meeting at 7:10 p.m. The meeting was reconvened at 7:23 p.m.

E. **Discussion:** AB10-37 - Alternatives for Eastown Utility Latecomer Agreement.

Public Works Director Grigsby reviewed with Council the items included in the meeting packet regarding the proposed utility latecomers' agreements for the Eastown area. He presented planning level costs and fair share estimates for acreage assessments in both the north and south sewer service areas of Eastown. He estimated costs of approximately \$25,000/acre in the north and \$29,500 in the south, but added that costs could vary 30% from these rough level estimates. He added the current proposal assumes the right-of-ways will be dedicated to the City by the property owners, not paid for by the City.

Deputy Mayor Swatman said he believes three things need to be determined before the City can make a good decision: 1) easement agreements must be obtained from the property owners; 2) the lift station must be sited and property acquired; and 3) the lift station must be designed. He added he supports this being completed as a city project due to its complexity and because it will bring quality development to the City. Councilmembers Lewis and Hamilton spoke in support of this position as well. Councilmember Carter asked about environmental impacts to Fennel Creek. Director Grigsby responded that the one parcel outside the City's jurisdiction will require a SEPA process through Pierce County. He said the other parcels inside the City limits will have site-specific issues that cannot be handled until a more detailed design is prepared.

Mayor Johnson noted there appears to be a majority consensus to do a lift station in the north service area with a phased approach to development of sewer service for the north and south areas. He said staff will work toward collecting the easement agreements and working with a bond representative for the project financing. Director Grigsby noted that property owners will need to obtain surveyed easement descriptions, but could group together for economy-of-scale savings. Mayor Johnson said updates will be brought back to Council to keep them informed of progress.

F. **Discussion:** Enforcement of the Sign Code.

Councilmember McKibbin displayed a short PowerPoint presentation highlighting portions of the City's sign code and showing the portable and temporary sign clutter along the apparent SR410 right-of-way. The City Council discussed possible solutions to apparent sign code violations. Mayor Johnson said staff had recently sent a letter to property owners explaining the sign code, and had received some inquiries back from the owners. He said staff will take actions to do a large-scale removal of illegal signs and will probably have to do so at least a couple of times per year. He advised Councilmembers they will probably receive calls from business owners who have had signs removed. Deputy Mayor Swatman said those unhappy with the regulations can speak with their Councilmembers to try to have the code changed.

IV. **Executive Session:** None.

8:13:55

V. **Adjournment:**

**At 8:13 p.m., Councilmember Rackley moved to adjourn the workshop.
Councilmember Hamilton 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 16, 2010:

- Pierce Transit – *PT Tomorrow Conceptual Plans* – Tina Lee, Pierce Transit Principal Planner.
- Pierce County DEM – Region 5 Hazard Mitigation Plan, Phase III-Plan Updates – Diane Schurr, DEM Representative
- Pierce County DEM – WA State Emergency Management Division – Local Mitigation Planning Requirements Of the Disaster Mitigation Act of 2000 – Diane Schurr, Pierce County DEM Representative
- City of Bonney Lake Citizen – *Email: Downtown Vendetta* – Quinn Dahlstrom.
- City of Bonney Lake Citizen – *Email: Downtown Property* – Linda Youngberg.

CITY COUNCIL MEETING

**February 23, 2010
7:00 P.M.**

MINUTES



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Audio Time
Stamp ↓

I. CALL TO ORDER – Mayor 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:

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

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

Councilmember Hamilton moved to excuse Councilmember Rackley from the Council meeting. Councilmember Decker seconded the motion.

Mayor Johnson explained that Councilmember Rackley went home ill this evening.

Motion approved 6-0.

C. Announcements, Appointments and Presentations:

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

D. Agenda Modifications: None.

7:01:52

II. PUBLIC HEARINGS, CITIZEN COMMENTS & CORRESPONDENCE:

A. Public Hearings: None.

B. Citizen Comments:

Lora Butterfield, Bonney Lake Chamber of Commerce, reviewed with Council the recipients of the annual Chamber awards. She also thanked the Mayor for his State of the City speech, which included an explanation of the circumstances surrounding the recent temporary sign-sweep conducted last week. She said the Chamber

understands the need for enforcement of the City's ordinances, and asks that the Council listen to the business owners who have come this evening to express their concerns. She offered the Chamber as a facilitator for further discussion.

Tom Watson, 6809 183rd Ave E, Bonney Lake, said he feels removal of all the A-boards in the City is very detrimental to the small businesses. He made several suggestions for changing the sign code: 1) to allow small businesses with under seven employees and with off-street access or setbacks to display one 24x36" professional designed/made A-board; 2) one sign allowed at each access per street; 3) sign display limited to between 8 a.m. and 6 p.m. and removed each night; 4) City to charge a small fee for application and approval of signs. He concluded by encouraging the City to do all it can in this difficult economy to help small business prosper and have a plan to allow A-boards throughout the City.

Roberta Sollustio, 21107 83rd Street Ct E, Bonney Lake, said she was the winner of the Chamber of Commerce small home business of the year. She spoke in support of the small businesses in the City and suggested the City look into how Buckley regulates its A-boards. She said that city is very protective of their historic values and beauty, and yet allows A-boards for business advertising.

Jeff Ward, 18207 Old Sumner Buckley Highway, thanked Councilmember Rackley for attending the grand opening of his State Farm Insurance Agency. He said he supports what Tom Watson said and understands the need for codes. He suggested an amendment during these difficult times that would allow him to draw traffic from SR410. He said he would support removal of the signs at night.

Brandon Frederick, 21201 82nd St Ct E, Bonney Lake, spoke on behalf of the Greater Bonney Lake Historical Society. He urged the Council to add a comprehensive plan historic preservation element to the Planning Commission's work plan. He asked the Council to make this topic a priority for their upcoming retreat. He described the Historical Society's efforts to preserve the community's history. He also asked the Council to plan for the preservation of historical sites as the City plans for expansion into the Comprehensive Urban Growth Area.

Larry Dever, 19102 SR410, Bonney Lake, said he is the owner of Larry's Classic Quality Brake and Muffler. He spoke in support of A-board signage and to express his hope that the City will continue to support the location and use of his reader board sign. He noted how the sign has been used over the years as a community notice board as a service to the community.

John Mergens, 4842 N Island Dr E, Bonney Lake, spoke in favor of the City making efforts to preserve history. He noted that history is made every day and must be recorded. He added the City and historic society need a museum.

Shandor Collins, representing Gamebreakerz, 20611 SR410 E, Bonney Lake, thanked Chief Mitchell for the support of the Police Department to resolve issues in the shopping center where the store is located. He also spoke in support of the use of A-boards. He said they are extremely useful for businesses that cannot afford to pay for signage on the monument signs for the shopping centers. He also spoke in support of reader boards and noted that his reader board had been confiscated in the

recent sign violation sweep. He noted as well the existence of a 'for lease' sign advertising the availability of the space he has occupied now for nearly two years. He suggested this sign should have been abated in the sign sweep as well to be equitable to all.

Michelle Gunn, 8708 188th Ave E, noted that temporary signs advertising the Sumner High School band fundraiser were confiscated in the sweep as well. She said they were posted within the allowed timeframe for advertising an event, and asked for clarification on the timeframe within which temporary event signs must be retrieved.

Director Vodopich said he thought the time was 48 hours. He added that no temporary sign permit was obtained for display of the fundraiser signs. Ms. Gunn expressed appreciation for the fact that the signs could be immediately retrieved and replaced in Sumner.

Ms. Gunn also addressed the proposed change in the downtown overlay map. She reviewed the history of the consideration for commercial zoning and the application of the downtown overlay and asserted that it had been made clear that the properties at 8708A/B, 8710 188th and 8801 Old Sumner Buckley Highway should not be included in the overlay. She urged the Council to consider the errors in the maps that have occurred over time.

Finally, Ms. Gunn spoke to the proposed changes to maintenance of trees and slopes in critical areas. She described how her property has been maintained by topping trees and removing undergrowth since 1974. She asked that the ordinance clearly differentiate and allow for maintenance, as opposed to clear cuts and ground clearing.

Izzy, 9910 233rd E, Bonney Lake, said he is the owner of A&S Auto Repair. He said being a small business owner is tough, and even tougher with all the sign regulations. He asked the Council to give small businesses a break for a year or two in this difficult economy. He said he was told to take down his reader board a couple of years ago, so he complied. He said enforcement of the sign code should be uniform.

Stu Bowen, 18409 Sumner Buckley Highway, spoke representing the local food banks. He said he had participated with a committee that met twice with the Park Board to recommend a community garden. He said their initial recommendation was for a patch on the Moriarty extension of Allan Yorke Park. He asked the Council to please consider support for a community garden and to allow collaboration to determine a place for the garden.

John Merz, 3829 90th Avenue E, Puyallup, spoke as the owner of Impressive Signs & Graphics in Puyallup, WA. He said he understands the need to have a balance with signs, but noted the recent sign sweep had a disproportionate share of small business owners impacted by the recent sign sweep. He volunteered to be on any committee established to review the sign code.

Doug McCoy, 18218 84th St E, Bonney Lake, said he is a recent member of the historical society. He said the committee could use all the support the City can give it. He added that Bonney Lake has a lot of history that should be captured.

Winona Jacobsen, 9100 189th Avenue Ct E, Bonney Lake, spoke in favor of adding a historic preservation element to the City's Comprehensive Plan. She said such an element would not take away from property rights, but would allow for recognition of historic structures, sites, views or resources. She noted that heritage tourism is a revenue source the City of Bonney Lake has overlooked, and there is much to be preserved. She urged the Council to make it a topic of their upcoming retreat.

Fred Jacobsen, 9100 189th Avenue Ct E, Bonney Lake, noted that as a Park Board member, he was aware the Board had approved a recommendation regarding community gardens. He was surprised the recommendation had not been passed along to the Council.

Mr. Jacobsen also addressed the Council as a member of the Greater Bonney Lake Historical Society. He urged the Council to include a historic preservation element to the Comprehensive Plan. He also encouraged the Council to consider Michelle Gunn's statements regarding maintenance of properties in critical areas. He said without proper maintenance, property values would deteriorate and reduce the City's tax revenues.

Leota Musgrave, 9308 202nd Avenue E, Bonney Lake, said she hopes to live long enough to see a history museum in Bonney Lake. She said the City even had whiskey runners at one time, when none of the other communities did. She urged the City to create a history museum.

Andy Gomen, 19006 Bonney Lake Blvd E, Bonney Lake, said he owns Bonney Lake Adult Family Home located at that same address. He asked if there had been a flood of citizen complaints regarding signs. Mayor Johnson responded that he receives complaints everyday and has received complaints about the signs. Mr. Gomen thought it was hypocritical of the Council to remove the signs of the small businesses in the area, but will participate in placing many election campaign signs during the election season. Deputy Mayor Swatman pointed out that political free speech is a completely different issue from business signage.

Pat Miller, 19205 79th St Pl E, Bonney Lake, said the City should remedy the sidewalk approaches in its new construction on the eastside of Old Sumner Buckley Highway. He pointed out that the curb cuts and ramps are not compliant with the current requirements for the Americans with Disabilities Act. He said just because the City does not perhaps have to be compliant, he suggested it is in the City's interest to make the changes now while unit costs are low. He noted that America is graying and there may be many more that are mobility impaired and need these improved facilities. He urged the Council to walk the improvements and observe for themselves what is being constructed.

Councilmember Hamilton asked Director Vodopich to confirm that the City does allow A-board signs in its code. Director Vodopich said the signs are allowed. He said the issue is their placement. Mayor Johnson allowed Shandor Collins to comment again. Mr. Collins said the business-owners need help to understand where the right-of-way is.

Mayor Johnson offered to have himself and staff meet with business owners to explain the right-of-way location and answer questions about business advertising signs.

David Bowen, 22523 SR 410 E, Bonney Lake, said he wanted to mention there are three families represented here this evening that have long-standing ties with Bonney Lake. They are the Maury, Bowen and McCoy families. He said the Hamiltons have been here a long time as well. He added that he could build the still for the historical society's display regarding whiskey runners. He said he can produce documentation to show that he at one time made alcohol from Twinkies.

George Brown, 18313 Old Sumner Buckley Highway, Bonney Lake, said he is the owner of Thian Thai Restaurant. He expressed concern that the City may be considering the elimination of reader board signs. He said his business depends heavily on his signs.

Mr. Brown submitted a letter to the City Clerk and summarized the content for the Council. He said that while he supports the historical society, he feels the name of one of the City's thoroughfares, Old Sumner Buckley Highway, no longer holds significance to the residents and is confusing to perspective business clients for addresses located on this road. He suggested such names as Town Center Blvd. or Town Center Parkway.

C. Correspondence: None.

7:58:28

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 a proposed resolution to allow the use of bankcards to pay for utility bills and planning services. He said they also discussed a proposal to use a fleet card under the state contract for fuel purchases rather than the Pacific Pride fuel, which is currently used. Deputy Mayor Swatman also reported the committee addressed a proposed utility meter obstruction ordinance, committee minutes and repairs or replacement of the police boat.

Councilmember Hamilton explained that the Public Safety and Finance committees are considering a replacement of the boat, which is an expensive proposition. He said, however, the public expects police patrol of the lake and the committees are exploring methods to replace the boat rather than prolong the potential maintenance issues with the existing boat.

B. Community Development Committee: Councilmembers Lewis and McKibbin reported there had been no meeting since the last Council meeting.

C. Public Safety Committee: Councilmember Hamilton said the committee has not met since the last Council meeting.

D. Other Reports:

Annual Plateau Health Summit: Mayor Johnson said he will have staff members participate in the Health Summit in Enumclaw on March 2, 2010.

Cascade Water Alliance: Mayor Johnson said he met with Cascade Water Alliance to review the agreement and become better acquainted with the members. He announced that it is the intent of CWA to keep the water level fairly high year-round. He believes the City and CWA will have a good partnership.

Middle School Youth Forums: Mayor Johnson thanked Councilmember Lewis and Assistant Public Works Director Charlie Simpson for participating as moderators for the Bonney Lake middle school youth forums. He said it was interesting to note that middle school youth seem more willing to discuss drugs and alcohol impacts to the schools than are high school youth. Mayor Johnson encouraged the business community to involve themselves in the youth forums. He noted the youth again identified a YMCA, Red Robin, increased trails and a bowling alley as their top priorities for improvement to the City.

Pierce County Regional Council General Assembly – Councilmember Carter announced that she and Councilmember Rackley had attended the PCRC General Assembly meeting last Thursday. She said it is being broadcast on Channel 22. She added that Councilmember Rackley was recognized for his work on the Growth Management Policy Board.

White River Communities Families First Coalition: She said she attended this meeting last night and noted it is similar to the one held in the Sumner School District. She added some parts of the City are in the White River School District and encouraged participation in their youth forums occurring in the next few weeks.

Level Three Sex Offender: Chief Mitchell said a public service notification was being distributed notifying the community that a Level III registered sex offender is moving into the City. He cautioned against any activity that would infringe on that person's rights, but want the community to be aware of who it is. The person will be released and living in the 8100 block of 185th. There is likely to be a public meeting at one of the schools to explain the situation. Councilmember Decker asked for clarification about what a Level III offender is. Chief Mitchell responded it indicates a person who is most likely to reoffend.

7:29:53

IV. CONSENT AGENDA:

- 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.

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

Consent Agenda approved 6-0.

8:06:59

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.

Executive Assistant Brian Hartsell explained the Resource Conservation Management Grant program is funded with Recovery Act funds. The grant is an Interlocal agreement between Bonney Lake, the cities of Sumner and Buckley and the Sumner School District, and is designed to change the use of energy and other resources to reduce waste and increase efficiency. He said the City of Bonney Lake will take the lead role in administering the grant, and the cost savings initiated under the program should more than recontributions of member agencies should be more than recovered by the cost savings initiated under the program.

Mayor Johnson thanked Mr. Hartsell for his hard work on this program and said that the City of Sumner and the school district expressed particular appreciation.

Deputy Mayor Swatman moved to approve Resolution 2000. Councilmember McKibbin seconded the motion.

Resolution 2000 approved 6-0.

- 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.

**Councilmember Decker moved to approve motion associated with AB10-11.
Deputy Mayor Swatman seconded the motion.**

Motion approved 6-0.

VI. COMMUNITY DEVELOPMENT COMMITTEE ISSUES: None.

VII. PUBLIC SAFETY COMMITTEE ISSUES: None.

8:11:06

VIII. FULL COUNCIL ISSUES:

A. **AB10-19 – Ordinance 1344** – An Ordinance of the City of the Bonney Lake, Pierce County, Washington, Updating the Downtown Design Standards Boundary Map.

Councilmember Decker moved to adopt Ordinance 1344. Councilmember Carter seconded the motion.

Mayor Johnson invited Michelle Gunn to address this issue for one minute before the Council takes action. Ms. Gunn reiterated that she represents the properties at 8708 A/B and 8710 188th St E and 18801 Old Sumner Buckley Highway and the property owners do not want to be included in the overlay district. She said they have not received the benefits suggested from participation up to this point and have no current interest in being included in the overlay district.

The Council briefly discussed the appropriate manner to adopt this ordinance with the designation of the appropriate map from the three alternatives presented with the agenda bill.

Deputy Mayor Swatman moved to amend Ordinance 1344 to include Map Alternative #2 as the official map for the ordinance. Councilmember McKibbin seconded the motion.

Motion approved 6-0.

Mayor Johnson called for the vote on the amended original motion.

Amended ordinance approved 6-0.

8:16:09

IX. EXECUTIVE SESSION:

Pursuant to RCW 42.30.110 (1)(b), Mayor Johnson announced an executive session wherein the Council would discuss the acquisition of real estate where public knowledge regarding such consideration would cause a likelihood of increased price. The time for the executive session was announced as ten minutes.

The session commenced at 8:17 p.m. and concluded at 8:27 p.m.

8:27:09

X. ADJOURNMENT:

At 8:27 p.m., Mayor Johnson resumed the regular meeting. **Deputy Mayor Swatman 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 23, 2010:

- Bonney Lake Citizen – *Email: FW:Sign Sweep* – Linda Youngberg.
- Bonney Lake Citizen – *Letter: Street Name Change* – George and Thianthong Brown

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

<u>Department / Staff Contact:</u> Exec / Don Morrison	<u>Workshop / Meeting Date:</u> 08 Mar 2010	<u>Agenda Bill Number:</u> AB10-38
<u>Ordinance Number:</u> D10-38	<u>Resolution Number:</u>	<u>Councilmember Sponsor:</u>

Agenda Subject: Universal Fleet Card Services via State Bid Contract

Proposed Motion: AB10-38 - Ordinance D10-38 – An Ordinance Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Amending Chapter 2.70.090 Of The Bonney Lake And Ordinance No. 1310 Relating To Credit Cards, And Authorizing An Account For Fleet Services.

Administrative Recommendation: Approve

Background Summary: Procuring fleet related products such as fuel through the State of Washington universal fleet card services contract will result in more efficient and effective service to the City. For the past several years the City has used a corporate account with Pacific Pride. This requires fueling at a single station off 214th. We have had to replace 4 catalytic converters on various vehicles due, we suspect, to the quality of gas from Pacific Pride. We do not receive much of a discount, if any. Last month, the average price from the Pacific Pride billing for unleaded gas was \$2.75 for regular and \$2.99 for supreme. That was no cheaper than area retail pump prices. The state bid under the Fleet Services Card is a 2 cent/gallon discount from posted prices. Moreover, units can refuel at any participating station (nearly all major vendors participate). Switching to the State Bid contract entails a gas card that is a credit card. BLMC 2.70.090 would need to be amended to authorize use of another credit card for universal fleet purposes.

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

COMMITTEE/BOARD REVIEW:

Subcommittee Review Date: Finance Committee - 22 Feb 2010
Commission/Board Review Date: -
Hearing Examiner Date:

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

Signatures:

Director Authorization	Mayor	Date City Attorney Reviewed
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ORDINANCE NO. D10-38

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON, AMENDING CHAPTER 2.70.090 OF THE BONNEY LAKE AND ORDINANCE NO. 1310 RELATING TO CREDIT CARDS, AND AUTHORIZING AN ACCOUNT FOR FLEET SERVICES.

WHEREAS, the Council finds that procuring fleet related products such as fuel through the State of Washington universal fleet card services contract will result in more efficient and effective service to the City;

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

Section 1. BLMC Section 2.70.090 and Section 1 of Ordinance No. 1310 is hereby amended to read as follows:

2.70.090 Credit Cards.

A. Pursuant to RCW 43.09.2855, the following policies shall govern the distribution, authorization, use and control of credit cards by city officials and employees:

1. Unless otherwise authorized by resolution of the City Council, the city will maintain only one general credit card account, ~~and~~ one purchasing card account, and one credit card account for fleet services. Said accounts shall not be used for cash advances.

a. For purposes of this section, a “purchasing card” is a “credit card” as defined in RCW 43.09.2855(4).

2. Credit cards and/or purchasing cards may be temporarily distributed to those city officials and employees who, in the opinion of the mayor, have job responsibilities which would be facilitated by the use of such a card and that use would benefit the city.

3. The CCO, in cooperation with the chief financial officer, shall develop and implement guidelines and accounting controls to ensure the proper usage of credit and purchasing cards, and the payment of all credit and/or purchasing card bills.

4. The mayor shall set reasonable spending limits on each credit and/or purchasing card issued. The credit limit on each of the credit card or purchasing card accounts shall not exceed \$15,000 without approval of the city council.

5. Any employee using a city-issued credit or purchasing card for noncity business shall be billed for all charges on the credit or purchasing card, and the mayor or his/her designee is directed and authorized to take all necessary legal actions to recover any unauthorized charges.

B. Corporate Cards. In lieu of an open purchase order with vendors with which the city does frequent business, the mayor may authorize the use of a vendor’s corporate card. Cards may be issued only to those city employees who have purchasing responsibilities which would be facilitated by the use of a corporate card, and the use would benefit the city. The CCO, in cooperation with the chief financial officer, shall develop and implement guidelines and accounting controls to ensure the proper usage of corporate cards.

Section 2. This Ordinance shall take effect and be in force five (5) days from and after its passage, approval and publication, as required by law.

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

Neil Johnson, Jr.
Mayor

ATTEST:

Harwood T. Edvalson
City Clerk, CMC

APPROVED AS TO FORM:

James Dionne
City Attorney

Passed:
Valid:
Published:
Effective Date:

FINANCE COMMITTEE

DATE: February 23, 2,010

ORIGINATOR: Don Morrison

TITLE: City Administrator

SUBJECT/DISCUSSION: Universal Fleet Card Services via State Bid Contract

Procuring fleet related products such as fuel through the State of Washington universal fleet card services contract will result in more efficient and effective service to the City. For the past several years the City has used a corporate account with Pacific Pride. This requires fueling at a single station off 214th. We have had to replace 4 catalytic converters on various vehicles due, we suspect, to the quality of gas from Pacific Pride. We do not receive much of a discount, if any. Last month, the average price from the Pacific Pride billing for unleaded gas was \$2.75 for regular and \$2.99 for supreme. That was no cheaper than area retail pump prices. The state bid under the Fleet Services Card is a 2 cent/gallon discount from posted prices. Moreover, units can refuel at any participating station (nearly all major vendors participate). Switching to the State Bid contract entails a gas card that is a credit card. BLMC 2.70.090 would need to be amended to authorize use of another credit card for universal fleet purposes.

ORDINACNE/RESOLUTION: D10-38

REQUEST OR RECOMMENDATION BY ORIGINATOR: Recommend Approval

ISSUE AND DOCUMENTS HAVE BEEN REVIEWED AND APPROVED BY THE:

MAYOR Yes
FINANCE DIRECTOR Yes
CITY ATTORNEY Yes

BUDGET INFORMATON

BUDGETED ITEM: NA TOTAL COST:

2010 Budget Amount Required Expenditure Impact Remaining Balance

Explanation:

COMMITTEE ACTION: RECOMMEND APPROVAL TO COUNCIL

Table with columns: NAME, DATE, APPROVED, DISAPPROVED. Rows for Dan Swatman, Jim Rackley, Mark Hamilton with handwritten dates and signatures.

COMMITTEE COMMENTS: WITH CHANGE

COMMITTEE'S RECOMMENDATION TO FORWARD TO: CITY CLERK, FINANCE DIRECTOR, CITY ATTORNEY. Please schedule for Council Meeting date of: _____

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

<u>Department / Staff Contact:</u> Exec / Don Morrison	<u>Workshop / Meeting Date:</u> 08 Mar 2010	<u>Agenda Bill Number:</u> AB10-39
<u>Ordinance Number:</u> D10-39	<u>Resolution Number:</u>	<u>Councilmember Sponsor:</u>

Agenda Subject: Water Meter Obstructions

Proposed Motion: AB10-39 - Ordinance D10-39 - An Ordinance Of The City Of Bonney Lake, Washington Amending Ordinance Nos. 588 And 1202 And BLMC Sections 13.04.120 And 10.32.010, Relating To Obstructions To Water Meters.

Administrative Recommendation: Approve

Background Summary: Meter readers occasionally have difficulty accessing a water meter in order to read it because property owners place obstructions over/around the meter such as regularly parking over it, covering it up with dirt, landscaping, yard furniture, sculptures, etc. This makes it difficult for staff to be able to get a reading and unnecessarily hinders the City crew. While explaining the situation to property owners generally results in clearing access, there have been several instances where owners have been less than cooperative or simply ignored requests to keep the meter accessible. An ordinance is recommended to give the City a legal tool to deal with uncooperative property owners.

BUDGET INFORMATION:

Budget Amount	Required Expenditure	Budget Impact	Budget Balance
NA			

Budget Explanation:
NA

COMMITTEE/BOARD REVIEW:

Subcommittee Review Date: Finance Committee - 22 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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ORDINANCE NO. D10-39

AN ORDINANCE OF THE CITY OF BONNEY LAKE, WASHINGTON AMENDING ORDINANCE NOS. 588 AND 1202 AND BLMC SECTIONS 13.04.120 AND 10.32.010, RELATING TO OBSTRUCTIONS TO WATER METERS.

WHEREAS, it is necessary to specify that it is a Code violation to obstruct a water meter by covering it with a stationary object, parking a vehicle on top of it, or allowing vegetation to impinge upon it.

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

Section 1. BLMC Section 13.04.120 and the corresponding portions of ordinance No. 588 are hereby amended to read as follows:

13.04.120 Water meters.

A. All meters provided and installed on water service connections shall be and remain the property of the city and shall be removed only by the city.

B. The city will maintain and repair all domestic and commercial services to and including the meter when rendered unserviceable by ordinary use and will replace meters periodically when necessary.

C. Where replacements, repairs or adjustments to any meter are made necessary by improvements to the premises or by the willful act, neglect or carelessness of the owner or occupant of the premises served, all expenses of such replacement, repairs or adjustments incurred by the city shall be borne by the water customer.

D. All meters must be kept free of obstructions, including but not limited to trees and other vegetation, earth, rock, parked vehicles, yard art, landscaping materials, garbage cans, fences, or other stationary objects. Rockery walls and retaining walls must be constructed in such a manner as to maintain free access to the meter. Failure to keep a meter free of obstructions shall constitute damage to the public right-of-way and addressed under the provisions of Chapter 12.22 BLMC; provided, however, that the property owner may be directed to remove an obstruction immediately. Repeat violations of this Subsection, and refusals to move a stationary obstruction (such as a garbage can) at the request of an authorized City employee, shall constitute a misdemeanor, punishable by a maximum of a \$1,000 fine and ninety (90) days in jail.

Section 2. Section 10.32.010 of the Bonney Lake Municipal Code and the corresponding portions of ordinance No. 1202 are hereby amended to read as follows:

10.32.010 Definitions.

A. "Abandoned vehicle" means a vehicle that a registered tow truck operator has impounded and held in the operator's possession for 120 consecutive hours.

B. "Impound" means to take and hold a vehicle in legal custody.

C. "Junk vehicle" means a vehicle certified under RCW 46.55.230 and defined by BLMC 8.12.020 as meeting at least three of the following requirements:

1. Is three years old or older;
2. Is extensively damaged, such damage including but not limited to any of the following: a broken window or windshield, or missing wheels, tires, motor, or transmission;
3. Is apparently inoperable;
4. Has an approximate fair market value equal only to the approximate value of the scrap in it.

D. "Registered tow truck operator" or "operator" means any person who engages in the impounding, transporting, or storage of unauthorized vehicles or the disposal of abandoned vehicles.

E. "Residential property" means property that has no more than four living units located on it.

F. "Tow truck" means a motor vehicle that is equipped for and used in the business of towing vehicles with equipment as approved by the state patrol.

G. "Tow truck service" means the transporting upon the public streets and highways of this state of vehicles, together with personal effects and cargo, by a tow truck of a registered operator.

H. "Unauthorized vehicle" means a vehicle that is subject to impoundment after being left unattended in one of the following public or private locations for the indicated period of time:

1. Immediately if the vehicle constitutes an accident or traffic hazard in a public location, is parked in violation of postings at a publicly owned or controlled parking facility, is parked on residential property without the property owner's consent, or is parked on private nonresidential property in violation of postings without the property owner's consent;

2. After 24 hours if the vehicle is on a public highway and tagged by a law enforcement officer, as per RCW 46.55.085, or is parked on private nonresidential property with no postings without the property owner's consent.

3. After 24 hours if the vehicle is obstructing a water meter in violation of BLMC § 13.04.120 and the vehicle has been tagged by the City Public Works Director or designee.

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.

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

Neil Johnson, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

James J. Dionne, City Attorney

Passed:

Valid:

Published:

Effective Date:

FINANCE COMMITTEE

DATE: February 23, 2010

ORIGINATOR: Don Morrison

TITLE: City Administrator

SUBJECT/DISCUSSION: Meter Obstruction Ordinance

Meter readers occasionally have difficulty accessing a water meter in order to read it because property owners place obstructions over/around the meter such as covering it up with dirt, landscaping, yard furniture, sculptures, etc. This makes it difficult for staff to be able to get a reading and unnecessarily hinders the City crew. While explaining the situation to property owners generally results in clearing access, there have been several instances where owners were uncooperative or simply ignored requests to keep the meter accessible. An ordinance is recommended to give the City a legal tool to deal with uncooperative property owners.

ORDINACNE/RESOLUTION: D10-39

REQUEST OR RECOMMENDATION BY ORIGINATOR: Recommend Approval

ISSUE AND DOCUMENTS HAVE BEEN REVIEWED AND APPROVED BY THE:

MAYOR Yes
FINANCE DIRECTOR Yes
CITY ATTORNEY Yes

BUDGET INFORMATON

BUDGETED ITEM: NA TOTAL COST:

2010 Budget Amount Required Expenditure Impact Remaining Balance

Explanation:

COMMITTEE ACTION: RECOMMEND APPROVAL TO COUNCIL

Table with columns: NAME, DATE, APPROVED, DISAPPROVED. Rows for Dan Swatman, Jim Rackley, and Mark Hamilton.

COMMITTEE COMMENTS:

COMMITTEE'S RECOMMENDATION TO FORWARD TO: CITY CLERK FINANCE DIRECTOR CITY ATTORNEY
Please schedule for Council Meeting date of:

**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> 09 Mar 2010	<u>Agenda Bill Number:</u> AB10-34
<u>Ordinance Number:</u>	<u>Resolution Number:</u> 2012	<u>Councilmember Sponsor:</u>

Agenda Subject: Authorize acceptance of credit cards for various city payments

Proposed Motion: A resolution of the City Council of the City of Bonney Lake, Pierce County, WA authorizing city administration to develop and administer interanal procedures covering the acceptance of credit/debit card payment solutions purusnat to RCW 39.58.750 and to enter into enhanced merchant bank card services with Bank of America.

Administrative Recommendation: Approve proposed resolution

Background Summary: Accepting credit cards will greatly enhance our customer service providing an additional option to customers who have actually requested this service for some time. This fast, secure, intelligent processing solution will allow staff to focus on what they do best - serving our customers in the most efficient way possible.

Bank of America (B of A) offers a robust and comprehensive merchant services solution that would provide the technology, innovative products and industry track record to serve our existing and future needs. Advantages to utilizing B of A include: They currently provide our banking services contract thus they are able to best understand the City's daily treasury needs and provide service improvement solutions; Next business day access to funds; Safety and security; Innovative reporting tools; Reliability; and, Speed in processing transactions.

<u>BUDGET INFORMATION:</u>			
Budget Amount	Required Expenditure	Budget Impact	Budget Balance
Not budgeted	low =\$ 13,005; high = \$15,606	same as expenditure	Not budgeted
Budget Explanation:			
Actual service fees charged by the bank are based on total credit card volume. Our 2009 experienced volume using a thrid party vendor that processed credit card transactions at an alternative location was \$520,214.			
Low estimate @ 2.5% = \$13,005			
High estimate @ 3% = \$15,606			

COMMITTEE/BOARD REVIEW:

Subcommittee Review Date: Finance Committee - 23 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 Al Juarez	Mayor	Date City Attorney Reviewed
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RESOLUTION NO. 2012

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON, AUTHORIZING CITY ADMINISTRATION TO DEVELOP AND ADMINISTER INTERNAL PROCEDURES COVERING THE ACCEPTANCE OF CREDIT/DEBIT CARD PAYMENT SOLUTIONS PURSUANT TO RCW 39.58.750 AND TO ENTER INTO ENHANCED MERCHANT BANKCARD SERVICES WITH BANK OF AMERICA.

WHEREAS, local governments use a wide variety of banking services for the deposit, disbursement, and safekeeping of public monies; and

WHEREAS, the City Council acknowledges that changes in technology, cash management practices, and banking industry structure necessitates periodic evaluation of treasury functions in order to serve our customers in the most efficient way possible; and

WHEREAS, accepting credit/debit cards for such payments as utility bills, business licenses, and development fees would be consistent with the practices of many government agencies, as well as with the contract that the Office of the State Treasurer currently administers with Bank of America for all state agencies; and

WHEREAS, Bank of America is currently the holder of the City's banking services contract, thus able to best understand the City's daily treasury needs and provide service improvement solutions; and

WHEREAS, it is the recommendation of the Chief Financial Officer of the City of Bonney Lake that Bank of America be retained to provide enhanced merchant bankcard services;

NOW THEREFORE, the City Council of the City of Bonney Lake, Washington does hereby resolve that authorization is hereby granted for Administration to develop and administer internal procedures covering the acceptance of credit/debit card payments and to administer said payment solutions through the current banking services contract holder.

Neil Johnson, Jr., Mayor

ATTEST:

Harwood T. Edvalson, City Clerk

APPROVED AS TO FORM:

James J. Dionne, City Attorney



**Finance
Department**

Memo

Date : February 23, 2010
To : Don Morrison, City Administrator
Neil Johnson, Mayor
Finance Committee Members
From : Al Juarez, Chief Financial Officer
Topic : Enhancing the City's payment processing ability -
Implementing a Bank of America merchant services (credit card) solution

Within the past decade multiple cities have adopted electronic payment processing solutions, i.e. accepting credit cards for various payment types (utilities, permits, etc.). This innovative payment capability has created significant opportunity for cities by providing enhanced in-person customer service. Customer choice, speed, accuracy and data security all add up to measurable benefits for any business. Fast, secure, intelligent processing solutions allow staff to focus on what they do best – serving our customers in the most efficient way possible.

Bank of America (B of A), who we currently contract with for daily banking services, offers a robust and comprehensive merchant services solution that would provide the technology, innovative products and industry track record to serve our existing and future needs. By subscribing with B of A for a merchant services solution we would be providing a one stop approach for all our customer needs. Following are substantial reasons why choosing B of A to process our credit card transactions makes good sense:

- Next business day access to funds. Credit card funds could be accessed the next business day through our business checking account.
- Safety and security. B of A assists us in protecting our customer's information by supporting our enhanced security and regulatory compliance with payment network rules and regulations.
- Innovative reporting tools. Web based and paper reporting solutions that assists in managing our payment processing activity.
- Reliability. Proven system uptime that exceeds 99.999%. This equates to dependable support and service during even the busiest times.
- Speed. Transaction speed is increased with rapid response times of 2 to 3 seconds and often as little as 1 second.
- Possible increased cash flow. This ties to bullet number one. Payment options attract more customers taking advantage of the service thus providing a more rapid availability of cash.

There has been debate over the years centered on how the State Auditors Office would perceive a government entity establishing a real time credit card solution and in turn accepting the transaction fees as an entity cost of doing business. Within the past decade several municipal governments have established this very credit card solution in-house through their banking services contract as prescribed via Revised Code of WA (RCW) 39.58.750, which provides the following guidance: *Notwithstanding*

any provision of law to the contrary, the City may receive public funds by means of wire or other electronic communication in accordance with accounting standards established by the state auditor under RCW 43.09.200.

Currently we do not offer a walk-up credit card payment solution at our City Hall utility counter or any other payment location within the City. Individual customers are familiar with our limited acceptance of credit card payments that are actually handled through a third party payment solution. In essence our customers are not paying us directly with a credit card but rather they are paying a third party who accepts their credit card plus a transaction fee. The third party then electronically passes the customer's payment on to us accompanied by a detailed transaction file. We then in turn enter these credit card transactions into our utility billing software. This entire process is lengthy, time consuming and laboriously cumbersome viewed in a reconciling perspective. Additionally access to received funds can be days in coming to fruition.

Implementing a B of A merchant services point of sale solution at our utility counter would replace the above described current process and provide a wide range of benefits as identified within the first page of this memo. I personally believe that the single most important benefit lies with providing our valued customers an enhanced service that they have been requesting for years.

Of course we also need to understand that there would be a cost to providing this enhanced benefit to our customers. In recent communication with our Client Services Manager at B of A we discussed a transaction rate ranging from 2.5% to 3.0% for the bank to provide a real time credit card solution for the city. The bank would conduct an assessment on an annual basis to determine our rate for the subsequent year. The basis for the analysis would be total value of credit card sales. As of the date of this memo our Bank has not concluded their evaluation of a firm rate to begin the program with.

During 2009, utilizing our current arrangement with a third party credit card processing agent, our total credit card volume amounted to \$520,214 dollars. Multiplying this volume by the lower rate of 2.5% our fees to absorb as a cost of doing business would be \$13,005. Multiplying our 2009 volume by the higher rate of 3.0% our fees to absorb as a cost of doing business would be \$15,606. Thus, in general, we can say that to provide a real time, on-line credit card solution for our customers at our utility counter would cost the city between \$13,000 and \$15,606 per year.

Numerous benefits to utilizing a real time credit card solution have been articulated on page one of this document. Another significant benefit to consider with a real time credit card solution would simply be adding an additional option for customers who may be struggling during this economic recession that people nation wide are experiencing. Consider a customer coming to our utility counter to share their hardship. They cannot pay their utility bill because they have been laid off and they have no income what so ever. Having the option to pay with a credit card at our counter could mean the difference of not having their water shut off. Not having their water shut off would also save that particular customer a \$100 reconnect fee as well. So you see - the economical benefit for our customers is great.

If this initiative is approved, our Finance staff would work collaboratively with our in-house IT staff and B of A staff to establish credit card payment capabilities at our utility counter. We ask that Finance Committee also consider extending this same functionality at our permitting operation as well. Staff would offer that we establish a ceiling on a per transaction permit application however, to mitigate exorbitant bank credit card fees. Further discussion should be devoted to the topic of accepting credit cards specifically for permit applications.

Thank you for your consideration of this initiative.

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

<u>Department / Staff Contact:</u> PW / John Woodcock	<u>Workshop / Meeting Date:</u> 09 Mar 2010	<u>Agenda Bill Number:</u> AB10-35
<u>Ordinance Number:</u>	<u>Resolution Number:</u> 2013	<u>Councilmember Sponsor:</u>

Agenda Subject: Angeline Short Plat Water and Sewer Developer's Agreement

Proposed Motion: Motion to adopt the Water and Sewer Developer's Agreement for the Angeline Short Plat.

Administrative Recommendation:

Background Summary: The Angeline Short Plat is a 7 lot plat at approximately 112th Street E and Angeline Road.

Attachments:
Resolution 2013
Developers Extension Agreement for water and sewer
Vicinity Map
Site Map

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

COMMITTEE/BOARD REVIEW:

Subcommittee Review Date: Community Development Committee - 01 Mar 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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COMMUNITY DEVELOPMENT COMMITTEE

Action Item #3

DATE: March 1, 2010

ORIGINATOR: John Woodcock

TITLE: City Engineer

SUBJECT: Motion to adopt the Water and Sewer Developer's Agreement for the Angeline Short Plat.

The Angeline Short Plat is a 7 lot plat at approximately 112th Street E and Angeline Road

ORDINANCE/RESOLUTION: 2013

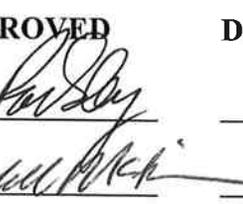
REQUEST OR RECOMMENDATION BY ORIGINATOR:

ISSUE AND DOCUMENTS HAVE BEEN REVIEWED AND APPROVED BY THE FINANCE DIRECTOR _____

CITY ATTORNEY _____

<u>2010 Budget Amount</u>	<u>Current Balance</u>	<u>Required Expenditure</u>	<u>Remaining Balance</u>
N/A			
<u>Explanation:</u>			

COMMITTEE ACTION: RECOMMEND APPROVAL TO COUNCIL

	DATE	APPROVED	DISAPPROVED
James Rackley, Chairman	3-1-10		_____
Randy McKibbin	3-1-10		_____
Don Lewis	3-1-10		_____

COMMITTEE COMMENTS: _____

COMMITTEE'S RECOMMENDATION TO FORWARD TO:

CITY CLERK

CITY ATTORNEY

Please schedule for City Council Meeting date of: March 9, 2010

Consent Agenda: Yes No

RESOLUTION NO. 2013

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
BONNEY LAKE, PIERCE COUNTY, WASHINGTON,
AUTHORIZING A WATER AND SEWER DEVELOPER
EXTENSION AGREEMENT WITH RONALD L. ANGELINE FOR
THE ANGELINE SHORT PLAT.**

Whereas, Angeline Short Plat is a 7 lot plat located at 112th Street Court East and Angeline Road, Bonney Lake, Washington. This project is inside city limits and within Bonney Lake's sewer service area; and

Whereas, The City of Bonney Lake requires that a developer have an approved Developer Extension Agreement for both water and sewer improvements to the City's system. The City Council finds that it is in the public interest that this agreement be carried out at this time;

Now therefore, be it resolved;

that the City Council of the City of Bonney Lake, Washington, does hereby authorize the Mayor to sign the attached Water and Sewer Developer Extension Agreement with Ronald L. Angeline for the Angeline Short Plat project.

PASSED by the City Council this 9th day of March, 2010

Neil Johnson Jr., Mayor

ATTEST:

Harwood T. Edvalson, City Clerk

APPROVED AS TO FORM:

James Dionne, City Attorney



WATER & SEWER DEVELOPERS
AGREEMENT

PUBLIC WORKS DEPARTMENT

THIS AGREEMENT, by and between the City of Bonney Lake, a municipal corporation, hereinafter referred to as "City", and Ronald L. Angeline, hereinafter referred to as "Developer".

WITNESSETH: That whereas the City of Bonney Lake, a municipal corporation, provides WATER & SEWER service within the corresponding WATER & SEWER service area boundary, and the above-named Developer is preparing to construct a WATER & SEWER system, or additions thereto, and said development requires the City's WATER & SEWER service;

WHEREFORE, THE PARTIES AGREE AS FOLLOWS:

- I. Developer agrees to design and/or construct the WATER & SEWER system, or additions thereto, to be connected to the City's WATER & SEWER lines, and to maintain such additions until such time as the improvements are accepted by the City, with the agreements conditioned as set forth below. The WATER & SEWER system, or additions thereto, shall be located within that area commonly referred to as Angeline Smart Plot, which property is described in Exhibit "A" attached hereto and referred to hereinafter as "Premises".
- II. As a condition precedent to City obligations under this agreement, the Developer shall design and/or construct the proposed WATER & SEWER system, or additions thereto, within said premises in conformance with the City's "Development Policies and Public Works Standards", as adopted (and by reference made a part hereof), together with any City approved amendments thereto made, and further to conform with the City's comprehensive WATER & SEWER plan, which agreement shall include oversizing of WATER & SEWER mains as may be identified in the City's adopted WATER & SEWER comprehensive plan.
 - A. Apply for irrigation meters separate from residential meters where the irrigation serves common areas or more than one single-family residence.
 - B. The applicant shall submit landscaping and irrigation plans for review and employ the best management practices available for the efficient use of water.
- III. The developer agrees that the construction of the WATER & SEWER system, or additions thereto, shall not commence until the following conditions have been fulfilled:
 - A. The developer shall furnish the City with three (3) sets of detailed plans for the water system, or additions thereto, at Developer's own expense, prepared by a qualified engineer licensed in the State of Washington.

- B. The above plans shall require the review and approval by the City and its Engineer, and the cost of such review shall be at the Developer's own expense.
- C. Minimum requirements for all plans for WATER & SEWER system, or additions thereto, submitted to the City for review are:
1. Three (3) sets of plans and documents shall be submitted, wherein one (1) set will be returned to the applicant.
 2. A preliminary plat of the area in which said WATER & SEWER system, or additions thereto, are to be constructed, which plat has been approved by the City, or County as applicable.
 3. A map showing the location of the plat in relation to the surrounding area.
 4. A contour map of the plat with contour intervals of two feet or less.
 5. A map showing the location and depth of all proposed utilities and any connections and/or interconnections to existing facilities or future extensions and connections.
 6. A 1" = 50' plan of the water system showing streets, lot lines, dimensions, and location of bench marks and monuments for the proposed plat, together with an indication of the development of the adjacent property.
 7. A profile 1" = 50' horizontal and 1" = 5' vertical of the finished road grades with the water system and other pertinent underground utilities located, with elevations noted thereon. The elevation datum shall be the same as used by the City. It shall be the responsibility of the Developer to confirm such datum with the City.
 8. Full-sized detail sheets shall be included as part of the construction drawings, as required to clearly indicate the details for all of the water system, or additions thereto, to be constructed, consistent with City standards.
 9. Specifications sufficient to fully describe the work, consistent with City's "Development Policies and Public Works Design Standard".
 10. Approvals from all regulatory agencies.
- D. Construction requirements in addition to the City standards and details for developer extensions, as adopted, are as follows:
1. Unless otherwise approved in writing, by the City, all streets and/or roadways shall be graded to within six inches of final grade before installation of WATER & SEWER improvements.

2. All lots shall be fully staked to assist all parties involved in the proper location of the WATER & SEWER system including services.
 3. All hydrants and valves shall be fully staked in the field and reviewed and approved by the City prior to installation of same. Adjustments to "approval construction drawings" may be warranted and required by the City, based on actual local field conditions.
 4. All contractors and subcontractors shall have a current Washington State Contractors License.
 5. The Developer's WATER & SEWER system, or additions thereto, on Premises shall not be connected to the City WATER & SEWER system until authorized by the City, and such connection shall be performed under the supervision and direction of the City.
- E. For the purpose of applying RCW 4.24.115 to this Contract, the Developer and the City agree that the term "damages" applies only to the finding in a judicial proceeding and is exclusive of third party claims for damages preliminary thereto.

The Developer agrees to indemnify and hold harmless the City from all claims for damages by third parties, including costs and reasonable attorney's fees in the defense of claims for damages, arising from performance of the Developer's express or implied obligations under this Agreement. The Developer waives any right of contribution against the City.

It is agreed and mutually negotiated that in any and all claims against the City or any of its agents or employees by any employee of the Developer, any contractor or subcontractor, anyone directly or indirectly employed by any of them or anyone for whose acts any of them may be liable, the indemnification obligation hereunder shall not be limited in any way by any limitation on the amount or type of damages, compensation or benefits payable by or for the Developer or any contractor or Subcontractor under Workman's Compensation Acts, disability benefits acts or other employees' benefit acts. The City and the Developer agree that all third party claims for damages against the City for which the Developer's insurance carrier does not accept defense of the City may be tendered by the City by the Developer who shall, if so tendered by the City, accept and undertake to defend or settle with the Claimant. The City retains the right to approve claim investigation and counsel assigned to said claim and all investigation and legal work product regarding said claim shall be performed under a fiduciary relationship to the City. In the event that the City agrees or a court finds that the claim arises from the sole negligence of the City, this indemnification shall be void and the City shall be responsible for all damages payable to the third party claimant. In the event that the City and the Developer agree or a court finds that the claim arises from or includes negligence of both the Developer and the City, the Developer shall be responsible for all damages payable by the Developer to the third party claimant under the court findings, and, in addition thereto, the Developer shall hereunder indemnify the City for all damages paid or payable to the City under the court findings in an amount not to exceed the percentage of total fault attributable to the Developer. For example, where the Developer is 25%

negligent, the Developer shall not be required to indemnify the City for any amount in excess of 25% of the claimant's total damages.

- F. In the event the Developer in his operation damages or disrupts existing improvements, the repairs shall be made at the Developer's expense. In the event they are so damaged or the service disrupted and the Developer fails or is unable to immediately restore the service, then the Owners of the improvements may cause the repairs to be made by others and all costs for the same shall be at the Developer's own expense.

Where the construction crosses or is adjacent to existing utilities, the Developer shall exercise extreme care to protect such utilities from damage.

If any damage is done to an existing utility, the Developer shall notify the utility company involved who will dispatch a crew to repair the damage at the Developer's expense. All costs for the same shall be at the Developer's own expense.

The Developer shall be aware that some existing WATER & SEWER facilities are known to contain asbestos cement pipe. The Developer shall conduct all work related to existing asbestos cement pipe in strict accordance with WISHA safety regulations and provisions contained within WAC 296-62077. All costs related to work in compliance with established rules and regulations shall be the responsibility of the Developer. Demolition of existing, asbestos cement pipe, if required, will be permitted only after the proper permits are obtained from the Puget Sound Air Pollution Control Agency. The Developer shall be responsible for all associated fees and permits required for asbestos removal and disposal. Work crews shall be provided with proper protective clothing and equipment. Hand tools shall be used, and the asbestos cement pipe shall be scored and broken in lieu of the sawing or other methods which release fibers into the atmosphere. Waste asbestos pipe shall be buried in the trench. Asbestos pipe to be abandoned in - place shall not be disturbed, except as noted herein, and shall remain in its original position.

The Developer is cautioned that all existing drainage systems, whether open ditch, buried pipe, or drainage structures, are not on record. It shall be the responsibility of the Developer to repair or replace all such systems found during construction, which are damaged by the Developer's construction in a manner which is satisfactory to the City.

Where the Developer is allowed to use private property adjacent to the work, the property so used shall be returned to its original or superior condition. The Developer shall make all arrangements in advance with such property owners, to insure that no conflicts will ensue after the property is restored as described above. The Developer will be required to furnish the City with a written release from said private property owners, if the City deems it to be necessary to obtain such document.

- IV. The construction, of the Developer's WATER & SEWER system, or additions thereto, on the Premises shall be supervised by the City in such a manner and at such times as the City deems reasonably necessary to assure that construction of the system will

conform with the above-mentioned plans and specifications. The Developer herewith agrees to allow such inspections and agrees to cooperate providing reasonable advance notice on his construction schedule during the various construction phases as requested by the City.

- V. The Developer further agrees to deposit an estimated amount of money to cover the City's expected review fees and construction supervision expenses incurred plus 10% administrative costs, for such supervision. The City will pay for these bills out of the monies deposited. If the amount of money on deposit is depleted or reduced such that there is inadequate coverage for expected expenses, the City will stop work until the deposit account is adequate to cover expected expenses. Any accrued interest will be to the benefit of the City.

- VI. The Developer's WATER & SEWER system, or additions thereto, on Premises shall not be accepted for service and use until the same have been fully inspected and approved, and the following requirements have been performed:
 - A. Submit to the City in Auto-CADD format, latest revision (unless otherwise approved by the City), the computer file supplied on a three and one half (3-1/2) inch disc accompanied by the original mylars, with all changes from the original design clearly marked to reflect the as-built conditions. The Developer's Engineer shall certify the accuracy of the record drawings and shall affix his seal and signature.

 - B. Payment of all permit fees and equivalent assessment charges and any other applicable City charges required for Premises.

 - C. Payment of all plan check and inspection fees.

 - D. Prepare and furnish the required easements in compliance with the City's standard form, and furnish same to the City for approval by the City Attorney, prior to recording of same. The proponent shall pay all the necessary recording, fees.

 - E. Furnish the City with an affidavit warranting there are no liens against the improvements constructed on Premises by the Developers, this affidavit shall be in the form prescribed by the City.

 - F. Furnish the City with a Bill of Sale conveying, the WATER & SEWER system to the City.

 - G. Furnish a one year maintenance bond for 15% (or \$2,000 whichever is greater) of the amount of the Bill of Sale guaranteeing that the WATER & SEWER system will be free of defects in labor and materials. Form to be prescribed by the City.

- VII. In the event any warranty repairs are required, the City agrees, whenever feasible, to provide the Developer with reasonable notice, before directly undertaking such repairs. The City reserves the right, however, to effect emergency repairs as deemed necessary by the City. The City shall be reimbursed by the Developer for all costs thereof.

CITY OF BONNEY LAKE
DEVELOPER AGREEMENT
EXHIBIT 'A'

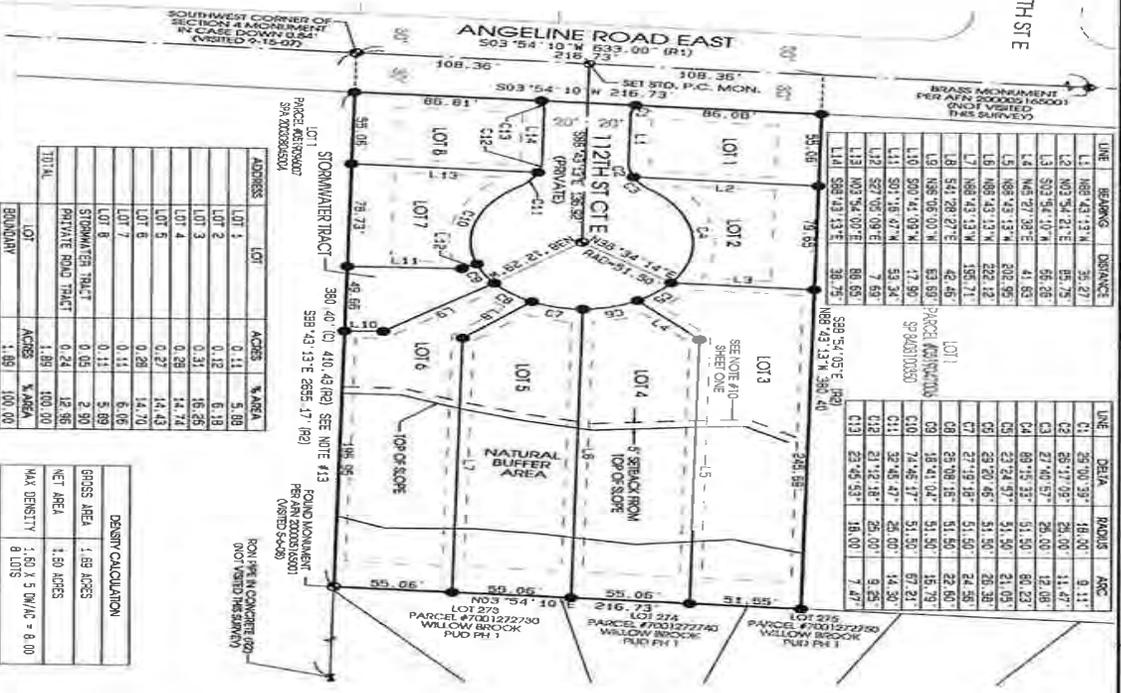
PLAT NAME Angeline Short Plat
DEVELOPER: Ronald L. Angeline
LEGAL DESCRIPTION: Lot 2 of Pierce County
Short Plat No. 8403100350, According to
the Plat Recorded August 10, 1984, in
Pierce County, Washington.

SCALE: 1" = 100'

NON-ADJ. PUBLIC IN AND FOR THE STATE OF WASHINGTON
RECORDING #41

FUTURE PERMITS:
THE APPROVAL OF THIS SHORT PLAT IS NOT A GUARANTEE
THAT FUTURE PERMITS WILL BE GRANTED

111TH STE



LINE	BEARING	DISTANCE
L1	N88°42'13"W	59.27
L2	N02°54'21"E	65.75
L3	S02°54'10"W	66.28
L4	N46°27'38"E	41.63
L5	N68°43'13"W	202.95
L6	N68°43'13"W	222.12
L7	N68°43'13"W	150.71
L8	S41°28'27"E	42.46
L9	N68°43'13"W	63.00
L10	S00°41'09"W	12.90
L11	S01°16'07"W	53.24
L12	S02°54'09"E	7.59
L13	N02°54'09"E	60.63
L14	S88°42'13"E	38.75
L15	S89°54'05"E	182
L16	N88°42'13"W	386.41

LINE	DBEA	BDMS	ASC
C1	28.00	39.1	18.00
C2	25.17	0.97	23.00
C3	27.46	5.7	28.00
C4	60.15	3.3	51.50
C5	23.24	9.7	51.50
C6	23.20	6.6	51.50
C7	27.19	1.8	51.50
C8	29.08	1.6	51.50
C9	18.41	0.4	51.50
C10	74.46	1.7	51.50
C11	32.46	4.7	23.00
C12	23.12	1.8	23.00
C13	23.25	5.3	18.00

ADDRESS	LOT	ACRES	% AREA
	LOT 1	0.11	5.09
	LOT 2	0.12	6.18
	LOT 3	0.31	15.25
	LOT 4	0.28	14.74
	LOT 5	0.27	14.43
	LOT 6	0.28	14.70
	LOT 7	0.11	6.06
	LOT 8	0.11	5.89
	STORMWATER TRACT	0.05	2.50
	PRIVATE ROAD TRACT	0.24	12.95
	TOTAL	1.89	100.00

DESIGN CALCULATION	VALUES
GROSS AREA	1.89 ACRES
NET AREA	1.50 ACRES
MAX DENSITY	1.63 X 5 DWALS = 8.00
8 LOTS	



LEGEND
 --- BUILDING SETBACK
 ● SET 1/2 REAR AND CORNER PERMITS
 ○ MONUMENT AS NOTED



ORIGINAL LEGAL DESCRIPTION
 LOT 2 OF PERCE COUNTY SHORT PLAT NO. 8403100350, ACCORDING TO THE PLAT RECORDED AUGUST 10, 1994, IN PERCE COUNTY, WASHINGTON

SURVEYOR'S NOTES
 1. BASIS OF BEARING: WASHINGTON STATE PLANE COORDINATE SYSTEM, SOUTH ZONE, NAD 83(91).
 2. THE METHOD OF MONUMENT LOCATION WAS FIELD TRAVERSE. THE INSTRUMENTS USED WERE: TRIMBLE 580 GPS TRIMBLE 800 TOTAL STATION, TDS DATA COLLECTOR
 3. SECTION SUBMISSION INFORMATION PER SURVEYOR OF RECORD
 4. MONUMENTS VISITED AS NOTED ON SEPTEMBER 15, 2007.
 5. THIS SURVEY COMPLES WITH ALL STANDARDS AND GUIDELINES OF THE SURVEY RECODING ACT, CHAPTER 89.09 RCW AND 302-130 WAC
 6. REFERENCE MATERIAL USED FOR THIS SURVEY:
 6.1. FIELD BOOK #1722200 WILLOW BROOK PUD PH 1
 6.2. 97-45-10-0255
 7. THIS SURVEY DOES NOT PURPORT TO SHOW ALL EASEMENTS OR UTILITIES EXCEPT AS SHOWN
 8. ELEVATION DATUM = PPS GPS OBSERVATION NAVD83
 9. SETBACKS
 STREET 10' (20' FOR GARAGES)
 FRONT YARDS 5'
 REAR YARDS 5'
 MINIMUM HEIGHT 35'

10. 5' BUILDING STRUCTURAL SETBACK FROM TOP OF SLOPE
 11. NO BUILDING, CLEANING, FILLING OR GRADING IS PERMITTED WITHIN NATURAL BUFFER AREA EXCEPT FOR MINOR FIREWOOD HARVEST (NATURAL COURSE MAINTENANCE) TO DISPERSE AND DISTRIBUTE STORMWATER RUNOFF FROM THIS SITE
 12. THE NATURAL BUFFER AREA IS ALSO A 30% OR GREATER SLOPE
 13. PARCEL #6100000350 ROLL WHICH SHORT PLAT #8403100350 WAS PLATTED WAS CREATED BY REGAL STATE CONTRACT #648310 WHICH RECEIVED OUTLINE SOUTH 443 FEET OF THE LATTER 40 FEET OF THE SOUTHWEST CORNER OF SECTION 4, OF THE PARCEL CREATED BY GUY CALV DEED #077556. IT IS APPARENT THAT SHORT PLAT #8403100350 HAS PLATTED BEYOND THE ORIGINAL PARCEL BOUNDARY BY 30 FEET IN THE EASTERY DIRECTION, AS SHOWN ON SURVEY #AN 9700000424

COUNTY ASSESSOR-TREASURER
 I HEREBY CERTIFY THAT ALL STATE AND COUNTY TAXES HERETOFORE LEVIED AGAINST THE SHORT PLATTED PROPERTY DESCRIBED HERON, ACCORDING TO THE BOOKS AND RECORDS OF MY OFFICE HAVE BEEN FULLY PAID AND DISCHARGED.

AUDITOR'S CERTIFICATE
 FILED FOR RECORD THIS _____ DAY OF _____ 2007, AT THE REQUEST OF _____
 AUDITOR'S FEE NO. _____

PLANNING AND LAND SERVICES
 CITY ENGINEER _____ DATE _____
 EAST PIERCE COUNTY FIRE AND RESCUE
 EXISTING AREA () YES () NO

DIRECTOR OF DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT
 DATE _____

LEROV SURVEYORS & ENGINEERS
 1109 Show Road, Puyallup, Washington, 98972
 (253) 946-4488 Fax: (253) 940-1140
 WWW.LEROV.COM

SURVEYORS ENGINEERS PLANNERS CARTOGRAFERS GIS GPS ENVIRONMENTAL & LEGISLATION CONSULTANTS



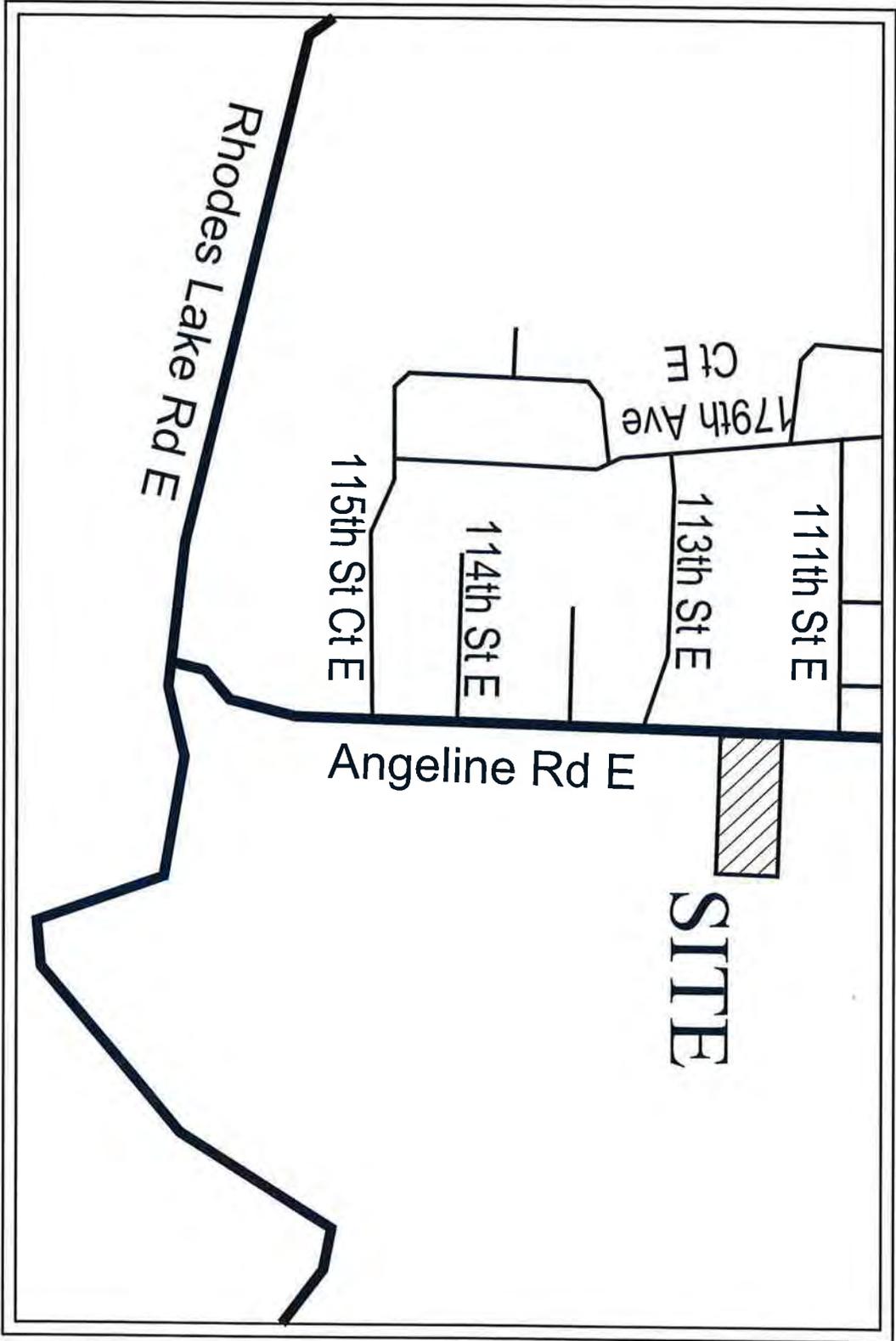
SURVEYOR'S CERTIFICATE
 THIS MAP CORRECTLY REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECTION IN CONFORMANCE WITH THE REQUIREMENTS OF SURVEY RECODING ACT IN THE REQUEST OF RONALD L ANGELENE IN JULY 2007.

JAMES C. DEROSEY
 CERTIFICATE NO. 11078

DATE: 4-15-07

SHEET 1 OF 2
 COPYRIGHT 2007, LEROV SURVEYORS & ENGINEERS
 DRAIN BY: TMA DATE: 1/2/2006
 REVISED BY: W.J.G. DATE: 4/15/2007
 JOB NO.: 8062
 NAME: ANGELENE SP

WIDTH AND TYPE OF ACCESS: 40' PRIVATE
 NO. OF SHORT PLATTED LOTS: 8
 SCALE: AS NOTED ON SHEET
 SUBMITTAL DATE _____
 FINAL SUBMITTAL DATE _____
 APPLICATION NO. _____



VICINITY MAP

SCALE: N.T.S.

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

<u>Department / Staff Contact:</u> PW / John Woodcock	<u>Workshop / Meeting Date:</u> 09 Mar 2010	<u>Agenda Bill Number:</u> AB10-40
<u>Ordinance Number:</u>	<u>Resolution Number:</u> 2014	<u>Councilmember Sponsor:</u>

Agenda Subject: Puget Sound Energy Easement for Interim Justice Center

Proposed Motion: Motion to approve the Puget Sound Energy Easement on the Interim Justice Center parcel for power service.

Administrative Recommendation:

Background Summary: PSE requires another easement to serve the Interim Justice Center with services.

Attachments:
Resolution 2014
Easement Document
Site Map of IJC Property
10 x 10 Easement Location

BUDGET INFORMATION:

Budget Amount	Required Expenditure	Budget Impact	Budget Balance
N/A			

Budget Explanation:

COMMITTEE/BOARD REVIEW:

Subcommittee Review Date: Community Development Committee - 01 Mar 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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COMMUNITY DEVELOPMENT COMMITTEE

Action Item #1

DATE: March 1, 2010

ORIGINATOR: John Woodcock

TITLE: City Engineer

SUBJECT: Motion to approve the Puget Sound Energy Easement on the Interim Justice Center parcel for power service.

PSE requires another easement to serve the Interim Justice Center with services.

ORDINANCE/RESOLUTION: 2014

REQUEST OR RECOMMENDATION BY ORIGINATOR:

ISSUE AND DOCUMENTS HAVE BEEN REVIEWED AND APPROVED BY THE FINANCE DIRECTOR _____

CITY ATTORNEY _____

<u>2010 Budget Amount</u>	<u>Current Balance</u>	<u>Required Expenditure</u>	<u>Remaining Balance</u>
N/A			

Explanation:

COMMITTEE ACTION: RECOMMEND APPROVAL TO COUNCIL

	DATE	APPROVED	DISAPPROVED
James Rackley, Chairman	<u>3-1-10</u>	<u>[Signature]</u>	_____
Randy McKibbin	<u>3/1/10</u>	<u>[Signature]</u>	_____
Don Lewis	<u>3/1/10</u>	<u>[Signature]</u>	_____

COMMITTEE COMMENTS: _____

COMMITTEE'S RECOMMENDATION TO FORWARD TO:

CITY CLERK

CITY ATTORNEY

Please schedule for City Council Meeting date of: March 9, 2010

Consent Agenda: Yes No

RESOLUTION NO. 2014

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON, AUTHORIZING THE MAYOR TO SIGN THE PUGET SOUND ENERGY, INC. EASEMENT ON PARCEL # 564000-160-0 & 564000-157-0 TO SERVE THE INTERIM JUSTICE CENTER.

WHEREAS, the City of Bonney Lake by BLMC 12.04.005 is required to underground utilities in the Downtown vicinity, and

WHEREAS, PSE requires easement to construct and maintain underground facilities, conduits, lines, cables, vaults, switches and transformers for electricity; fiber optic cable and other lines, cables and facilities for communications; semi-buried or ground-mounted facilities and pads, manholes, meters, fixtures, attachments and any and all other facilities or appurtenances necessary or convenient to any or all of the foregoing, and

NOW, THEREFORE, the City Council of the City of Bonney Lake, Washington, does hereby resolve that the Mayor is authorized to sign the submitted easement document to provide utility service to the Interim Justice Center property.

PASSED by the City Council this 9th day of March, 2010

Neil Johnson Jr., Mayor

ATTEST:

Harwood T. Edvalson, CMC
City Clerk

APPROVED AS TO FORM:

James Dionne, City Attorney

RETURN ADDRESS:
Puget Sound Energy, Inc.
Attn: ROW Department
3130 S. 38th Street
Tacoma, WA 98409
MLH

EASEMENT

REFERENCE #:
GRANTOR: CITY OF BONNEY LAKE
GRANTEE: PUGET SOUND ENERGY, INC.
SHORT LEGAL: PTN TRACT 25 MCDONALD FRUITLAND TRACTS / SW33-20N-05E
ASSESSOR'S PROPERTY TAX PARCEL: 564000-160-0 & 564000-157-0

For and in consideration of One Dollar (\$1.00) and other valuable consideration in hand paid, the **CITY OF BONNEY LAKE**, a municipal corporation ("Grantor" herein), hereby conveys and warrants to **PUGET SOUND ENERGY, INC.**, a Washington Corporation ("Grantee" herein), for the purposes hereinafter set forth, a nonexclusive perpetual easement over, under, along across and through the following described real property ("Property" herein) in **PIERCE** County, Washington:

THE WEST 120 FEET OF THE SOUTH HALF OF THE SOUTH HALF OF TRACT 25, MCDONALD FRUIT TRACTS, ACCORDING TO THE PLAT RECORDED IN BOOK 11 OF PLATS AT PAGE 31, RECORDS OF PIERCE COUNTY, WASHINGTON.

AND THE SOUTH HALF OF THE SOUTH HALF OF TRACT 25, MCDONALD FRUIT TRACTS, ACCORDING TO THE PLAT RECORDED IN BOOK 11 OF PLATS AT PAGE 31, RECORDS OF PIERCE COUNTY, WASHINGTON. EXCEPT THE WEST 120 FEET THEREOF.

EXCEPT THAT PORTION CONVEYED TO THE CITY OF BONNEY LAKE FOR RIGHT OF WAY PURPOSES IN DEEDS RECORDED UNDER AUDITOR'S FILE NO. 9503220484 AND 9503220485.

Except as may be otherwise set forth herein Grantee's rights shall be exercised upon that portion of the Property ("Easement Area" herein) described as follows:

THE NORTH 10 FEET OF THE EAST 10 FEET OF THE WEST 170 FEET OF THE ABOVE DESCRIBED REAL PROPERTY.

1. Purpose. Grantee shall have the right to use the Easement Area to construct, operate, maintain, repair, replace, improve, remove, and enlarge one or more utility systems for purposes of transmission, distribution and sale of electricity. Such systems may include, but are not limited to:

Underground facilities. Conduits, lines, cables, vaults, switches and transformers for electricity; fiber optic cable and other lines, cables and facilities for communications; semi-buried or ground-mounted facilities and pads, manholes, meters, fixtures, attachments and any and all other facilities or appurtenances necessary or convenient to any or all of the foregoing.

Following the initial construction of all or a portion of its systems, Grantee may, from time to time, construct such additional facilities as it may require for such systems. Grantee shall have the right of access to the Easement Area over and across the Property to enable Grantee to exercise its rights hereunder. Grantee shall compensate Grantor for any damage to the Property caused by the exercise of such right of access by Grantee.

2. Easement Area Clearing and Maintenance. Grantee shall have the right to cut, remove and dispose of any and all brush, trees or other vegetation in the Easement Area. Grantee shall also have the right to control, on a continuing basis and by any prudent and reasonable means, the establishment and growth of brush, trees or other vegetation in the Easement Area.

5. Abandonment. The rights herein granted shall continue until such time as Grantee ceases to use the Easement Area for a period of five (5) successive years, in which event, this easement shall terminate and all rights hereunder, and any improvements remaining in the Easement Area, shall revert to or otherwise become the property of Grantor; provided, however, that no abandonment shall be deemed to have occurred by reason of Grantee's failure to initially install its systems on the Easement Area within any period of time from the date hereof.

6. Successors and Assigns. Grantee shall have the right to assign, apportion or otherwise transfer any or all of its rights, benefits, privileges and interests arising in and under this easement. Without limiting the generality of the foregoing, the rights and obligations of the parties shall inure to the benefit of and be binding upon their respective successors and assigns.

DATED this _____ day of _____, 2010.

GRANTOR: **CITY OF BONNEY LAKE**

BY: _____

TITLE: _____

STATE OF WASHINGTON)
) ss
COUNTY OF _____)

On this _____ day of _____, 2010, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared _____ (name), to me known to be the person who signed as _____ (title), of the **CITY OF BONNEY LAKE**, a municipal corporation, that executed the within and foregoing instrument, and acknowledged said instrument to be his/her free and voluntary act and deed and the free and voluntary act and deed of the **CITY OF BONNEY LAKE**, for the uses and purposes therein mentioned; and on oath stated that he/she was authorized to execute the said instrument on behalf of said **CITY OF BONNEY LAKE**.

IN WITNESS WHEREOF I have hereunto set my hand and official seal the day and year first above written.

(Signature of Notary)

(Print or stamp name of Notary)
NOTARY PUBLIC in and for the State of
Washington, residing at _____
My Appointment Expires: _____

Notary seal, text and all notations must not be placed within 1" margins

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

<u>Department / Staff Contact:</u> PW / John Woodcock	<u>Workshop / Meeting Date:</u> 09 Mar 2010	<u>Agenda Bill Number:</u> AB10-42
<u>Ordinance Number:</u>	<u>Resolution Number:</u> 2015	<u>Councilmember Sponsor:</u>

Agenda Subject: Contract Amendment with Transpo Group for SR410 and Sumner Buckley Hwy Intersection Improvements Design

Proposed Motion: Motion to approve Contract Amendment with Transpo Group for SR410 and Sumner Buckley Hwy Intersection Improvements Design.

Administrative Recommendation:

Background Summary: The City of Bonney Lake by Resolution 1494 in September, 2005 approved a Professional Services Agreement with Transpo Group to design improvements to the SR 410 and Old Sumner Buckley Highway intersection. The price of that contract was \$531,286.70. This original agreement required a later amendment to address the geo-technical study and design of three structural retaining walls and architectural treatments required to add additional turn lanes and sidewalks on SR 410. Once WSDOT approved the channelization plans, this amendment could be processed.

By Resolution 1864 in August, 2008 the city approved a Professional Services Agreement with KPG Engineers and Shea, Carr, and Jewell to add a traffic signal at Main Street and OSB Hwy, placed utilities lines around that intersection underground and build that section of the Transpo roadway design. This split the TRANSPO SR410-OSB Hwy Intersection design into two phases and allowed Phase I of this project to be built in 2009-2010. Transpo was required to share their design for Phase I and assist in the final design of Phase I with the other two consultants. This additional work by Transpo is also included in this amendment. Also included in this amendment are additional requests made on the original scope of work by WSDOT and the City of Bonney Lake as noted on the attached spreadsheet.

Attachments:
Resolution 2015
Summary of Cost Estimate Worksheet
WSDOT Supplemental Agreement #1 with TRANSPO Engineering Cost Estimate Worksheet

<u>BUDGET INFORMATION:</u>			
Budget Amount	Required Expenditure	Budget Impact	Budget Balance
TIF Dollars	\$263,505.99		
Budget Explanation: Amendment estimate missed during 2010 budget cycle. Value needs to be added to budget amendment.			

COMMITTEE/BOARD REVIEW:

Subcommittee Review Date: Community Development Committee - 01 Mar 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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Action Item #2

COMMUNITY DEVELOPMENT COMMITTEE

DATE: March 1, 2010

ORIGINATOR: John Woodcock

TITLE: City Engineer

SUBJECT: Motion to approve Contract Amendment with Transpo Group for SR410 and Sumner Buckley Hwy Intersection Improvements Design.

The City of Bonney Lake by Resolution 1494 in September, 2005 approved a Professional Services Agreement with the Transpo Group to design the SR 410 and Sumner Buckley Highway intersection. The price of that contract was \$531,286.70. This original agreement required a later amendment to address the geotechnical studies, structural wall designs, and architectural treatments required for the widening effort on SR 410. The expected cost for these items is \$130,017.00.

By Resolution 1864 in August, 2008 the city approved a Professional Services Agreement with KPG Engineers and Shea, Carr, and Jewell to augment Resolution 1494 to capture the Downtown Improvements with the SR 410 and Sumner Buckley Highway intersection improvements. This action created a phasing of the SR 410 and OSB Hwy project.

This action created additional coordination efforts as well as added expenses due to duplication of efforts. Also included in this amendment are additional requests made on the original scope of work by WSDOT and the City of Bonney Lake as noted on the attached spreadsheet.

ORDINANCE/RESOLUTION: 2015

REQUEST OR RECOMMENDATION BY ORIGINATOR:

ISSUE AND DOCUMENTS HAVE BEEN REVIEWED AND APPROVED BY THE FINANCE DIRECTOR _____

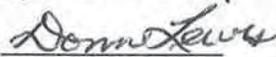
CITY ATTORNEY _____

<u>2010 Budget Amount</u>	<u>Current Balance</u>	<u>Required Expenditure</u>	<u>Remaining Balance</u>
TIF Dollars		\$263,505.99	

Explanation:

Amendment estimate missed during 2010 budget cycle. Value needs to be added to budget amendment.

COMMITTEE ACTION: RECOMMEND APPROVAL TO COUNCIL

	DATE	APPROVED	DISAPPROVED
James Rackley, Chairman	<u>3-1-10</u>		_____
Randy McKibbin	<u>3-1-10</u>		_____
Don Lewis	<u>3/1/10</u>		_____

COMMITTEE COMMENTS: _____

COMMITTEE'S RECOMMENDATION TO FORWARD TO:

CITY CLERK

CITY ATTORNEY

Please schedule for City Council Meeting date of: March 9, 2010

Consent Agenda: Yes No

RESOLUTION NO. 2015

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BONNEY LAKE,
PIERCE COUNTY, WASHINGTON, AUTHORIZING AN AMMENDMENT TO
THE PROFESSIONAL SERVICES AGREEMENT WITH THE TRANSPOR
GROUP FOR PHASE 2 OF THE DESIGN OF THE SR 410 AND SUMNER
BUCKLEY HIGHWAY INTERSECTION IMPROVEMENTS.**

Whereas, the City of Bonney Lake has by Resolution 1494 in September, 2005 approved a Professional Services Agreement with the Transpo Group to design the SR 410 and Sumner Buckley Highway intersection; and

Whereas, this original agreement required a later amendment to address the geotechnical studies, structural wall designs, and architectural treatments required for the widening effort on SR 410 included in this agreement; and

Whereas, the City of Bonney Lake has by Resolution 1864 in August, 2008 approved a Professional Services Agreement with KPG Engineers and Shea, Carr, and Jewell to augment Resolution 1494 and capture the Downtown Improvements with the SR 410 and Sumner Buckley Highway intersection improvements; and

Whereas, this action created additional coordination efforts and added expenses due to duplication of efforts,

Now therefore, be it resolved;

that the City Council of the City of Bonney Lake, Washington, does hereby authorize the Mayor to sign the attached agreement with the Transpo Group in the amount of \$263,505.99.

PASSED by the City Council this 9th day of March 2010.

Neil Johnson Jr., Mayor

ATTEST:

Harwood T. Edvalson, City Clerk

APPROVED AS TO FORM:

James Dionne, City Attorney

Work requested by City (ROW changes, ex. Dairy Queen)	\$5,100,000
Work required to alter plans after city approved Makers Design to Downtown	\$8,640,000
Work requested by City to address City/Cascadia cost sharing proposals for the project	\$6,840,000
Added cost to include the two Downtown designs of Main Street and the Signal Improvements	\$4,510,000
Added work for bringing in the Downtown Project Coordination Meetings due to phasing	\$7,720,000
Added work for the development of the Plan set Coordination (3 firms) due to phasing	\$12,030,000
Replace original Project Contract Provisions and Bid Package due to phasing	\$13,540,000
Replace original Temporary Erosion Control Plans due to phasing of Contract	\$5,790,000
Total to address Phasing and Additional Work by Transpo Engineering	\$102,360
PHASE 2 COST	
Transpo's cost to manage Tran Tech effort and incorporate in the plans set	\$18,410,000
TOTAL SUPPLEMENT TO BE PAID TO TRANSPO	\$120,770
PHASE 1 COST RECOVERY for SUB CONSULTANTS	Subs
ESM - R/W Plans and Staking (Surveyor)	\$11,120,000
ESM - Work required to alter plans to incorporate Makers Design Concepts (Surveyor)	\$8,100,000
AMEC - (NEPA) Environmental Classification Summary (not in original contract)	\$6,908,99
Jeff Glander - Landscape Architect (not in original contract)	\$5,000,00
Total to address Phasing and Additional Work by SUB CONSULTANTS	\$31,129
PHASE 2 COST	
Tran Tech - Structural Wall Design	\$102,189,00
Tran Tech - Architectural Treatments (Optional)	\$9,418,00
TOTAL SUPPLEMENT TO BE PAID TO SUB CONSULTANTS for Phase 1 and 2	\$142,736
TOTAL ESTIMATED VALUE OF SUPPLEMENTAL AGREEMENT	\$263,506



Supplemental Agreement Number 1		Organization and Address Transpo Group 11730 118th Ave NE, Suite 600 Kirkland, WA 98034	
Original Agreement Number <u>LA-5978</u>		Phone: 425.821.3665	
Project Number City Project #A-2, B-3		Execution Date 3/9/2010	Completion Date 9/30/2010
Project Title City of Bonney Lake SR 410 / Sumner Buckley Hwy		New Maximum Amount Payable \$ 794,792.99	
Description of Work Preparing the Plans, Specifications, and Estimate (PS&E) package for improvements in the vicinity of the intersection of SR 410 and Sumner-Buckley Highway.			

The Local Agency of City of Bonney Lake
desires to supplement the agreement entered into with The Transpo Group, Inc.
and executed on 10/18/2005 and identified as Agreement No. _____

All provisions in the basic agreement remain in effect except as expressly modified by this supplement.

The changes to the agreement are described as follows:

I

Section 1, SCOPE OF WORK, is hereby changed to read:

Please see attached Exhibit A, Scope of Work and Budget Estimate.

II

Section IV, TIME FOR BEGINNING AND COMPLETION, is amended to change the number of calendar days for completion of the work to read: The completion date shall be 12/31/2010.

III

Section V, PAYMENT, shall be amended as follows:

The amount of this supplement is \$263,505.99. The revised total amount payable shall be \$794,792.99.

as set forth in the attached Exhibit A, and by this reference made a part of this supplement.

If you concur with this supplement and agree to the changes as stated above, please sign in the appropriate spaces below and return to this office for final action.

By: Kevin R. Collins, Associate Principal

By: _____

 3/2/10
Consultant Signature

Approving Authority Signature

Date

										Hours	Cost	Complete
1.1	Project Management									244	\$30,060.00	Y
a.	PS&E Development Schedule (PDS)		40	40						80	\$12,000.00	
B.	Progress Reports, Invoices and Budget Reviews	4	40	40						164	\$18,060.00	
1.2	Supplemental Queue Length Analysis for PFA (required by WSDOT)									20	\$2,670.00	Y
a.	Coordination and Negotiation with WSDOT		4			2				6	\$960.00	
b.	Supplemental Traffic Analysis and Channelization Options		2		4	8				14	\$1,710.00	
1.3	Update 20-year Traffic Forecasts for PFA (required by WSDOT)									20	\$2,580.00	Y
a.	Coordinate and Update Traffic Forecasts		4		4	12				20	\$2,580.00	
1.4	Layout and Analyze Supplemental U-turn Concepts @ SR 410 / OSB (requested by City)									24	\$2,880.00	Y
a.	Coordination with City		4							4	\$700.00	
b.	Layout and Analyze U-turn Concepts		4		12	4				20	\$2,180.00	
1.5	Right-of-Way Plans, Revised Legal Descriptions, and Field Staking (see also ESM Sub-consultant costs at bottom right of worksheet)									40	\$5,100.00	Y
a.	Administration of Supplemental R/W Services		8							8	\$1,400.00	
b.	Project Coordination and Meetings		8		8					16	\$2,040.00	
c.	Revise Plans and Legals to incorporate Interim Geometry at DQ (NE corner of SR 410 / OSB)		4		12					16	\$1,660.00	
1.6	Revise Design Plans to incorporate "Makers" Design Concepts (see also ESM Sub-consultant costs at bottom right of worksheet)									80	\$8,640.00	Y
a.	Coordination and Meeting		8			8				16	\$2,040.00	
b.	Revise Channelization and 30% Roadway Plans (curbs, planters, sidewalks, dimensions and call-		8	16	40					64	\$6,600.00	

										Hours	Cost	Complete		
1.7	Prepare Supplemental Cost-Sharing Estimates and Figures (requested by City and Cascade)											60	\$6,840.00	Y
a.	Coordination and Meetings		6							6	\$1,050.00			
b.	Prepare and Revise Supplemental Quantities and Cost Estimates		6	4	16					26	\$2,830.00			
c.	Prepare Supporting (color-coded) Plan Figures			16	12					28	\$2,960.00			
1.8	Incorporate New Intersection and Drainage Improvements at OSB / 194th (resulting from private development)											40	\$4,510.00	Y
a.	Incorporate Horizontal and Vertical Intersection Geometry and Curb Returns		4	2	12					18	\$1,910.00			
b.	Revise Intersection Channelization		2	4	2					8	\$1,010.00			
c.	Revise and Incorporate Storm Drainage Collection		4	2	8					14	\$1,590.00			
1.9	Downtown Project Coordination and Meetings (requested by City)											64	\$7,720.00	Y
a.	Project Coordination and Meetings		16	16	8					40	\$5,440.00			
b.	Project File Coordination and Transfer			8	16					24	\$2,280.00			
1.10	Revise Plan Set Format and Content for Consistency with Downtown Project Team (requested by City)											126	\$12,030.00	Y
a.	Prepare Preparation / Demolition Plans		2	6	32					40	\$3,660.00			
b.	Re-format Typical Roadway Sections				4					4	\$320.00			
c.	Coordinate with Utilities and Revise Storm Drainage		8		32					40	\$3,960.00			
d.	Coordinate and Incorporate Base Map and Legend Revisions			4	8					12	\$1,140.00			
e.	Revise Plan/Profile Notes and Annotation		2	8	16					26	\$2,630.00			
f.	Incorporate Revised Standard Plans and Details				4					4	\$320.00			

Labor:

									Hours	Cost	Complete
3.1	Temporary Erosion Control Plan								54	\$5,790.00	
a.	95% Plans	4	16	24					44	\$4,620.00	
b.	Final Plans	2	4	4					10	\$1,170.00	
	Subtotal Hours	0	6	20	28	0	0	0	54		
	Subtotal Labor Costs	\$0	\$1,050	\$2,500	\$2,240	\$0	\$0	\$0		\$5,790	

Subconsultants:		Firm	Subs Cost	Complete
		ESM - R/W Plans and Staking	11,120.00	Y
		ESM - Incorporate Makers Concepts	8,100.00	Y
		AMEC - Environmental Classification	6,908.99	Y
		Jeff Clunder - Landscape Architect	5,000.00	
		Tran Tech - Structural Wall Design	102,189.00	
		Tran Tech - Architectural Treatment	9,418.00	
		Subconsultants	\$142,735.99	

TOTAL ESTIMATED VALUE \$263,505.99

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

<u>Department / Staff Contact:</u> PD / Chief Mike Mitchell	<u>Workshop / Meeting Date:</u> 09 Mar 2010	<u>Agenda Bill Number:</u> AB10-44
<u>Ordinance Number:</u>	<u>Resolution Number:</u> 2016	<u>Councilmember Sponsor:</u> Mark Hamilton

Agenda Subject: Purchase of a Marine Services Vessel to patrol Lake Tapps

Proposed Motion: A Motion to allow the Purchase a boat to patrol Lake Tapps from Aluminum Chambered Boats Inc. The boat or vessel is a 21 foot Law Enforcement Vessel hull 2108 with motor and electronics. This vessel has an aluminum hull and foam bumpers to protect other boats.

Administrative Recommendation: Allow the purchase of a 21 foot center console Law Enforcement Vessel (hull 2108) from The GSA contract holder Aluminum Chambered Boats Inc in Bellingham Washington. This boat will be purchased utilizing drug seizure fund and will not impact the cities general fund. The vessel requested has an aluminum hull and protective plates to allow running on to shore when needed to investigate drug activity or marijuana growing operations that may appear on vacant property around the lake.

Background Summary: The City of Bonney Lake has a Marine Services Unit for public safety on Lake Tapps. Lake Tapps has been one of the busiest lakes in Washington State. The police department patrols Lake Tapps and has made arrest for drugs and alcohol. Drugs and Alcohol have been contributing factors in fatal boating collisions that have occurred on the lake and the purchase of this vessel will assist the police department in keeping the public safer while enjoying time spent on Lake Tapps.

<u>BUDGET INFORMATION:</u>			
Budget Amount	Required Expenditure	Budget Impact	Budget Balance
000.00	110,000.00	000.00	
Budget Explanation:			
The funds used for this purchase will come from the drug seizure account and will have no impact on the cities general fund.			

COMMITTEE/BOARD REVIEW:

Subcommittee Review Date: Public Safety Committee - 01 Mar 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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PUBLIC SAFETY COMMITTEE

DATE: March 01, 2010

ORIGINATOR: Mike Mitchell

TITLE: Chief of Police

SUBJECT/DISCUSSION: Request to purchase a patrol vessel from aluminum Chambers Boats in Bellingham Washington utilizing drug seizure funds

ORDINANCE/RESOLUTION # 2016

REQUEST OR RECOMMENDATION BY ORIGINATOR: Recommend Approval

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

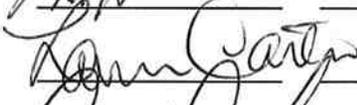
BUDGET INFORMATION

BUDGETED ITEM: Not Applicable TOTAL COST: N/A
(Note: If budgeted item, attach copy of budget page and identify)

<u>2010 Budget Amount</u>	<u>Required Expenditure</u>	<u>Impact</u>	<u>Remaining Balance</u>
\$ 00.00	\$110,000.00 plus tax	\$00.00	\$ 600,000 approx

Explanation: The City of Bonney Lake has a Marine Services Unit for public safety on Lake Tapps. Lake Tapps has been one of the busiest lakes in Washington State. The police department patrols Lake Tapps and has made arrest for drugs and alcohol. Drugs and Alcohol have been contributing factors in fatal boating collisions that have occurred on the lake and the purchase of this vessel will assist the police department in keeping the public safer while enjoying time spent on Lake Tapps.

COMMITTEE ACTION: RECOMMEND APPROVAL TO COUNCIL

	<u>DATE</u>	<u>APPROVED</u>	<u>DISAPPROVED</u>
Mark Hamilton, Chairperson	<u>3-1-10</u>		_____
Laurie Carter	<u>3-1-10</u>		_____
Dan Decker	<u>3-1-10</u>		_____

COMMITTEE COMMENTS:

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

Please schedule for Council Meeting date of: March 9, 2010

RESOLUTION NO. 2016

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON, AUTHORIZING THE PURCHASE OF A 21 FT LAW ENFORCEMENT VESSEL FROM ALUMINUM CHAMBERED BOATS INC.

WHEREAS, the City of Bonney lake Police Department Patrols Lake Tapps for drug and alcohol enforcement and the safety of the boating community; and

WHEREAS, the City of Bonney Lake Council agrees with the need for a patrol vessel to complete this task; and

NOW, THEREFORE, BE IT RESOLVED that the City of Bonney Lake Council does hereby authorize the Mayor and City Manager to expend funds from the drug seizure account in the amount of \$110,000.00, plus tax and licensing fees for the purchase of a 21 ft law enforcement vessel from Aluminum Chambered Boats Inc of Bellingham Washington.

PASSED and adopted by the City Council this 9th day of March 2010.

Neil Johnson, Mayor

ATTEST:

Harwood T. Edvalson, CMC
City Clerk

APPROVED AS TO FORM:

James Dionne, City Attorney



Aluminum Chambered Boats, Inc.
 355 Harris Avenue, Suite 107, Bellingham, WA 98225
 Phone: (360) 647-0345 Fax: (360) 255-2295
 www.acbboats.com



Date:	February 24, 2010
Legal Name (for DOL registration):	Bonnie Lake Police
Legal Address (for DOL registration):	
Contact Info:	
Salesperson:	Richard Smith

Gentlemen: We quote on the following subject to the conditions and terms herein and our estimate is based upon our attached concept drawing (see drawing # and date below) and the boat description contained on page 2 of this quotation.

Concept Drawing #	
Last Dated	
Our Reference #	

GENERAL CONDITIONS

- TAXES.** All excise, privilege, occupation, sales, personal property and other taxes (whether federal, state or local) applicable to the sale, purchase, storage, use or ownership of any of the seller's products covered hereby, and for the payment or collection of which the seller shall be liable, shall be added to the selling price of said products and shall be paid by the buyer although not specifically set out as an item in the price herein.
 - DELAYS.** Seller shall not be responsible for and will not be held liable for any delays on account of any causes beyond the seller's control, including but not limited to delay occasioned by seller's suppliers.
 - FREIGHT.** When the price is quoted "FOB origin", the freight charges will be for the account of the buyer. When the price is quoted "FOB destination" or "FOB origin, freight allowed to destination", the freight charges will be paid by the seller. All freight charges are based on current applicable common carrier rates unless otherwise specifically provide herein.
 - CLAIMS FOR LOSS OR DAMAGE IN TRANSIT.** When the product is sold "FOB origin" or "FOB origin, freight allowed to destination" the responsibility for filing claims for loss or damage in transit is the buyer's. When the product is sold "FOB destination" the buyer will check the product received against the Bill of Lading, and if any shortage or damage is found, he must have a report of exceptions made by the carrier. The buyer will furnish the seller with his detailed report of all conditions found as well as the carrier's report to enable the seller to promptly file claim for loss or damage in transit in accordance with standard claim procedure. Failure to notify seller of any claim within ten (10) calendar days, in writing, waives any claim.
 - CLAIMS FOR SHORTAGES, DELIVERY OF IMPROPER OR DEFECTIVE PRODUCT.** Buyer agrees to inspect the product upon delivery and no claims for shortages or delivery of improper or defective material/product will be accepted by seller unless written notice is sent to seller at its office in Bellingham, WA, attention Customer Service Department, within ten (10) calendar days from date of delivery. Seller in no case will pay or be liable for any claim, resulting from the use by the buyer material when installed by the buyer.
 - INDEMNITY.** Buyer shall defend, indemnify and hold harmless the seller for any liability whatsoever whether or not covered by insurance, including legal fees and disbursements, by reason of personal injury to any person or persons, or damage to any property arising out of the misuse of any material sold by this agreement.
 - TITLE.** Title to the above property shall not pass to the buyer upon delivery but shall remain in the seller until the entire purchase price is paid in full.
 - WARRANTIES.** The seller warrants, that all material and mechanical parts manufactured by the seller to be furnished under this proposal, shall be free from defects. The seller's liability hereunder shall be limited to furnishing necessary replacement material or parts. Seller is not responsible for any incidental or consequential damages caused by delay or any other cause of any nature. The seller must receive notice in writing within one year from the date of delivery of completion of the work to be held hereunder.
- SELLER MAKES NO OTHER WARRENTY OF ANY KIND WHATEVER, EXPRESS OR IMPLIED: AND ALL IMPLIED WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE WHICH EXCEEDS THE AFORESAID OBLIGATION ARE HEREBY DISCLAIMED BY THE SELLER AND EXCLUDED FROM THIS AGREEMENT.**
- PENALTIES.** There are no penalties or liquidated damages except as may be specifically provided for in this contract.



Aluminum Chambered Boats, Inc.
 355 Harris Avenue, Suite 107, Bellingham, WA 98225
 Phone: (360) 647-0345 Fax: (360) 255-2295
 www.acbboats.com



BOAT PRICE

TOTAL PRICE	\$	110,000
Tax	0.00% \$	-
TOTAL WITH TAX	\$	110,000
Balance due upon delivery	\$	110,000
TOTAL DUE UPON DELIVERY	\$	110,000

DELIVERY

After receipt and acceptance of order and deposit at Bellingham, WA, USA, drawings can be prepared in approximately
 Buyer's final approval of the drawings is requested no later than
 After final approval of drawings by buyer shipment can be in approximately

N/A
N/A
N/A

ACCEPTANCE OF THIS PROPOSAL

"This proposal is subject to the buyer's acceptance within 30 calendar days. Failure to notify seller of such acceptance promptly cancels this purchase order. Upon notification it will become the entire agreement between the buyer and seller notwithstanding any previous communications or negotiations. There are no covenants or agreements, inducements, guaranties, warranties, conditions or considerations other than as set out specifically herein. The parties intend to be legally bound hereby and to be governed by Washington State Law upon the execution of this instrument as a contract. This is subject to conditions 1 through 10 which are set forth on page 3 hereof."

SPECIAL CONDITIONS

"We hereby purchase the material and equipment quoted in accordance with the terms and conditions herein. The parties further agree that conditions 1, 3, 6, 7, 9 and 10 shall be incorporated into, govern and control any subsequent contract resulting from this quotation which may be entered into between the parties".

(herein referred to as "BUYER")

Respectfully submitted,
 Aluminum Chambered Boats, Inc.
 (herein referred to as "SELLER")

by: _____

by: _____

 (Title)

 (Salesperson)

Date: _____

Date: _____

Accepted,
 Aluminum Chambered Boats, Inc.

by: _____

 (Officer of Corporation)

Date: _____

Version 10.01.07

