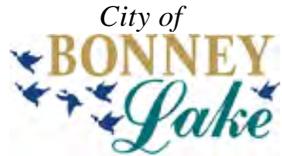


CITY COUNCIL MEETING

July 13, 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.)*

Location: City Hall Council Chambers, 19306 Bonney Lake Blvd., Bonney Lake.

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.

Expected Staff Members: 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:

- a. Administration of Oath of Office to Community Service and Reserve Officers.

3. Presentations:

D. Agenda Modifications:

II. PUBLIC HEARINGS, CITIZEN COMMENTS & CORRESPONDENCE:

Page

A. Public Hearings:

5-27

1. **Public Hearing:** AB10-112 – Resolution 2050 – Annexation of a Portion of the CUGA.

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.

29-42

- A. **Approval of Minutes:** June 15, 2010 Workshop Minutes and June 22, 2010 Meeting Minutes.
- B. **Accounts Payable Checks/Vouchers:** Accounts Payable checks/vouchers #58881 thru 58936 (including wire transfer #'s 6044008, 6152010, 6172010) in the amount of \$2,034,245.38. Accounts Payable checks/vouchers #58937 thru 58975 (including wire transfer #'s 6222010, 61720101) in the amount of \$53,051.76. Accounts Payable checks/vouchers #58976 thru 59015 in the amount of \$294,880.56. Accounts Payable checks/vouchers #59016 thru 59042 for utility refunds in the amount of \$2,717.39.
- C. **Approval of Payroll:** Payroll for June 16-30 2010 for checks **29097-29142** including Direct Deposits and Electronic Transfers in the amount of **\$624,464.81**.

43-55

- D. **AB10-108** - A Motion Of The Bonney Lake City Council To Accept As Complete The Downtown Improvements Project With Johansen Excavating, Inc.

57-69

- E. **AB10-109** - Motion to Accept as Complete the Interlake Islands, W Tapps Hwy & 194th Ave E Water Main with A & A Excavating Inc.

Page

71

- F. **AB10-121** – A Motion of the Bonney Lake City Council Setting a Public Hearing for 6-Year Transportation Improvements Program (2011 - 2016) on July 27, 2010 at 7:00 p.m.

V. FINANCE COMMITTEE ISSUES:

73-89

- A. **AB10-99 - Resolution 2044** - A Resolution Of The City Council Of The City of Bonney Lake, Pierce County, Washington, Authorizing The City To Accept A \$10,000 2010 Community Forestry Grant From The Washington State Department Of Natural Resources.

91-107

- B. **AB10-114 – Resolution 2052** – A Resolution Of The City Council Of The City of Bonney Lake, Pierce County, Washington Authorizing A Professional Services Agreement With KPG Consultants For Construction Services and Survey For The TWD Intertie S. Prairie Road E Waterline Project.

109-123

- C. **AB10-117 - Ordinance D10-117** - An Ordinance Of The City Of Bonney Lake, Pierce County, Washington, Amending Chapter 15.16 Of The Bonney Lake Municipal Code And Ordinance Nos. 700, 711, 778, 826, 851, and 885, And Repealing Ordinance No. 1354, Relating To Adoption Of Revised Regulations Related To The Installation Of Automatic Fire Extinguishing Systems.

125-135

- D. **AB10-123 - Ordinance D10-123** - An Ordinance Of The City Of Bonney Lake, Pierce County, Washington, Amending Chapter 15.04, 15.08, And 15.24 Of The Bonney Lake Municipal Code And Ordinance Nos. 700, 711, 778, 826, 851 And 885, And Repealing Ordinance No. 1353, Relating To Adoption Of Revised International Codes Of Building And Related Regulations.

137-150

- E. **AB10-115 Ordinance D10-115** - An Ordinance Of The City Of Bonney Lake, Pierce County, Washington, Amending Chapter 13.04 Of The Bonney Lake Municipal Code Relating To Adoption Of Revised Water Regulations To Implement Installation Of Residential Fire Sprinkler Systems.

VI. COMMUNITY DEVELOPMENT COMMITTEE ISSUES:

VII. PUBLIC SAFETY COMMITTEE ISSUES:

VIII. FULL COUNCIL ISSUES:

151-155

- A. **AB10-111 - Ordinance D10-119** - An Ordinance Of The City Of Bonney Lake, Pierce County, Washington, Updating R-2 And R-3 Zoning.

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.

RESOLUTION NO. 2050

A RESOLUTION OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON, DECLARING A PROPOSED ANNEXATION TO BE IN THE BEST INTEREST AND GENERAL WELFARE OF THE CITY AND CALLING FOR AN ELECTION IN THE TERRITORY PROPOSED FOR ANNEXATION.

WHEREAS, the City Council commissioned an annexation study of the Comprehensive Urban Growth Area (CUGA) adjacent to the Southern boarder of the City; and

WHEREAS, there appears to be significant interest from the residents of the area to annex into the City of Bonney Lake; and

NOW THEREFORE, the City Council of the City of Bonney Lake, Washington hereby resolves as follows:

Section 1. It is hereby determined that the best interests and general welfare of the City of Bonney Lake would be served by the annexation of the unincorporated territory contiguous to the City, the boundaries of which territory are described and shown on Attachment "A", and by this reference thereto incorporated herein as if fully set forth.

Section 2. The proposed annexation shall be submitted to the electorate of the territory sought to be annexed together with a proposition that all property within the area annexed shall, upon annexation, be assessed and taxed at the same rate and on the same basis as the property of the City of Bonney Lake is assessed and taxed to pay for a proportion of any outstanding bonded indebtedness of the City.

Section 3. The population of the proposed annexation area is estimated at 7,055, and the number of those residents who are registered voters is estimated at 3,696.

Section 4. The holding of said election shall be contingent upon the Pierce County Boundary Review Board's approval of the boundary of the proposed annexation, and the Pierce County Council setting the date for submission of the annexation proposal at a special election anticipated to be held some time between February and May, 2011, with an anticipated effective date of January 1, 2012, should the annexation be placed on the ballot and subsequently approved by the voters.

Section 5. If by the date of the annexation election the city council has amended the City's comprehensive plan and zoning map to include the area proposed to be annexed pursuant to RCW 35.13.177 - .178, said plan and zoning regulations will be simultaneously effective at the time of annexation.

Section 6. The City will pay the cost of the annexation election.

PASSED BY THE CITY COUNCIL this _____ day of July, 2010.

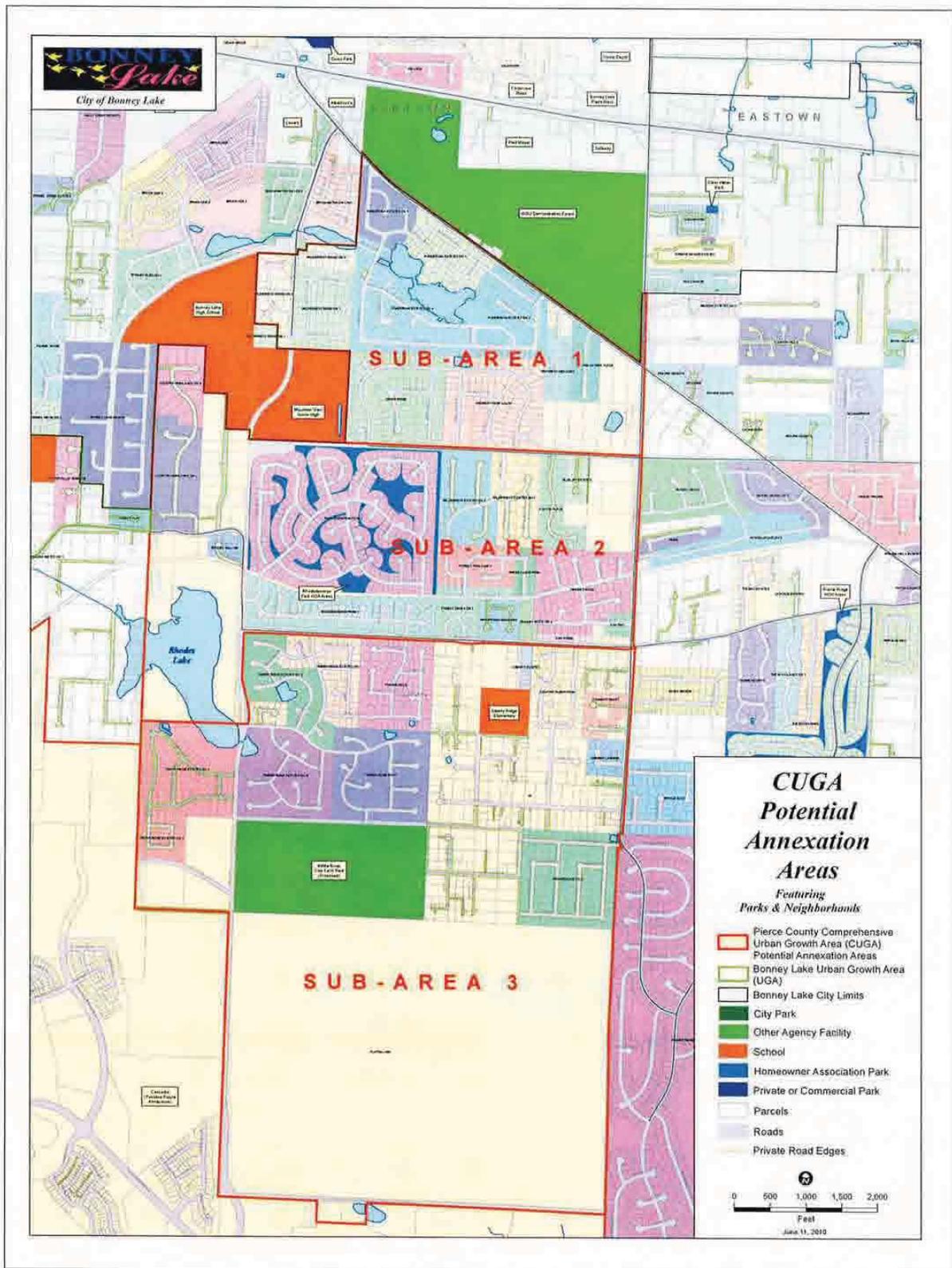
Neil Johnson, Jr., Mayor

ATTEST:

Harwood T. Edvalson, City Clerk

APPROVED AS TO FORM:

James J. Dionne, City Attorney



Attachment A of Res. 2050

Parametrix

**CITY OF BONNEY LAKE
CUGA ANNEXATION AREA
COMBINED DESCRIPTION
JUNE 30, 2010**

THOSE PORTIONS OF SECTIONS 3, 4, 9, 10, 15, 16, 21, AND 22, ALL IN TOWNSHIP 19 NORTH, RANGE 5 EAST, W.M., PIERCE COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

BEGINNING AT AN ANGLE POINT IN THE CORPORATE LIMITS OF THE CITY OF BONNEY LAKE AS DEFINED BY WARD 4, ORDINANCE NO. 1223 OF SAID CITY, SAID POINT BEING THE INTERSECTION OF THE NORTHERLY RIGHT-OF-WAY MARGIN OF SOUTH PRAIRIE ROAD EAST WITH THE EAST LINE OF GOVERNMENT LOT 4 IN THE NORTHWEST QUARTER OF SAID SECTION 3; THENCE SOUTHEASTERLY ALONG SAID CORPORATE LIMITS AND SAID NORTHERLY MARGIN TO THE WESTERLY RIGHT-OF-WAY MARGIN OF 214TH AVENUE EAST, ALSO BEING AN ANGLE POINT IN SAID CORPORATE LIMITS; THENCE LEAVING SAID CORPORATE LIMITS, SOUTH ALONG THE WESTERLY MARGIN OF SAID 214TH AVENUE EAST TO THE NORTH LINE OF THE PLAT OF YOUNG AT HEART IN THE SOUTHEAST QUARTER OF SAID SECTION 10, SAID PLAT RECORDED UNDER RECORDING NUMBER 9403170419, RECORDS OF SAID COUNTY; THENCE EAST ALONG SAID NORTH LINE AND CONTINUING ALONG SAID MARGIN TO THE NORTHEAST CORNER OF SAID PLAT, ALSO BEING THE EAST LINE OF SAID SOUTHEAST QUARTER; THENCE CONTINUING ALONG SAID WESTERLY MARGIN, SOUTH ALONG THE EAST LINE OF SAID SOUTHEAST QUARTER AND THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 15 TO THE SOUTHEAST CORNER OF PRAIRIEWOOD P.D.D., RECORDING NUMBER 8008210248, RECORDS OF SAID COUNTY; THENCE WEST ALONG THE SOUTH LINE OF SAID P.D.D., 30 FEET, MORE OR LESS, TO THE NORTHWEST CORNER OF A STRIP OF LAND CONVEYED TO PIERCE COUNTY BY DEED, RECORDING NUMBER 2031075, RECORDS OF SAID COUNTY; THENCE SOUTH ALONG THE WEST LINE OF SAID STRIP AND ITS SOUTHERLY PROJECTION TO THE SOUTH RIGHT-OF-WAY MARGIN OF 144TH STREET EAST IN THE NORTHEAST QUARTER OF SAID SECTION 22; THENCE WEST ALONG SAID SOUTHERLY MARGIN TO THE NORTHWEST CORNER OF PARCEL 6 AS SHOWN ON RECORD OF SURVEY, RECORDING NUMBER 200712135006, RECORDS OF SAID COUNTY; THENCE LEAVING SAID SOUTHERLY MARGIN, SOUTH ALONG THE WEST LINE OF SAID PARCEL 6 TO THE NORTH LINE OF PARCEL 3 OF SAID SURVEY; THENCE WEST ALONG SAID NORTH LINE TO THE EAST LINE OF PARCEL 1 OF SAID SURVEY; THENCE NORTH ALONG SAID EAST LINE TO THE NORTHEAST CORNER OF SAID PARCEL 1, ALSO BEING THE SOUTHERLY MARGIN OF SAID 144TH STREET EAST; THENCE WEST ALONG SAID SOUTHERLY MARGIN AND ITS WESTERLY PROJECTION TO THE WEST RIGHT-OF-WAY MARGIN OF 198TH AVENUE EAST AS SHOWN ON THE PLAT OF COLUMBIA VISTA AT CASCADIA PHASE 1, RECORDING NUMBER 200806115002, RECORDS OF SAID COUNTY; THENCE NORTH ALONG SAID WESTERLY MARGIN TO THE SOUTH LINE OF THE NORTHEAST QUARTER OF THE

NORTHEAST QUARTER OF SAID SECTION 16; THENCE WEST ALONG SAID SOUTH LINE OF SAID SUBDIVISION TO THE SOUTHWEST CORNER THEREOF; THENCE NORTH ALONG WEST LINE OF SAID SUBDIVISION TO THE NORTHWEST CORNER THEREOF, SAID CORNER BEING COMMON TO THE NORTHWEST CORNER OF THE PLAT OF CEDAR RIDGE ESTATES DIVISION 2, RECORDING NUMBER 200412225007, RECORDS OF SAID COUNTY; THENCE NORTH ALONG THE WEST LINE OF THE EAST HALF OF THE EAST HALF OF SAID SECTION 9 TO THE SOUTHEAST CORNER OF THE PLAT OF BONNEY LAKE MANOR, RECORDING NUMBER 9207010322, RECORDS OF SAID COUNTY, ALSO BEING A POINT ON THE CORPORATE LIMITS OF SAID CITY AS DEFINED BY WARD 4 OF SAID ORDINANCE NO. 1223; THENCE NORTH ALONG SAID CORPORATE LIMITS AND THE EAST LINE OF SAID PLAT TO THE NORTHEAST CORNER OF SAID PLAT, ALSO BEING THE NORTHWEST CORNER OF THE PLAT OF COUNTRY HIGHLANDS DIVISION 2, RECORDING NUMBER 8910050251, RECORDS OF SAID COUNTY; THENCE CONTINUING ALONG SAID CORPORATE LIMITS, EAST ALONG THE NORTH LINE OF LAST SAID PLAT TO THE NORTHEAST CORNER THEREOF; THENCE CONTINUING ALONG SAID CORPORATE LIMITS, SOUTH ALONG THE EAST LINE OF SAID PLAT TO THE SOUTHWEST CORNER OF LOT 4 OF LARGE LOT SUBDIVISION, RECORDING NUMBER 1590, RECORDS OF SAID COUNTY; THENCE CONTINUING ALONG SAID CORPORATE LIMITS, EAST ALONG THE SOUTH LINE OF SAID LOT 4 TO THE SOUTHEAST CORNER THEREOF, ALSO BEING THE NORTHWEST CORNER OF LOT 4 OF SHORT PLAT, RECORDING NUMBER 79-706, RECORDS OF SAID COUNTY; THENCE CONTINUING ALONG SAID CORPORATE LIMITS, SOUTH ALONG THE WEST LINE OF SAID SHORT PLAT TO THE SOUTHWEST CORNER OF LOT 2 OF SAID SHORT PLAT; THENCE CONTINUING ALONG SAID CORPORATE LIMITS, EAST ALONG THE SOUTH LINE OF SAID LOT 2 TO THE SOUTHEAST CORNER THEREOF AND THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 4; THENCE CONTINUING ALONG SAID CORPORATE LIMITS, SOUTH ALONG THE EAST LINE OF SAID SECTION 4 TO THE NORTHERLY RIGHT-OF-WAY MARGIN OF 112TH STREET EAST; THENCE CONTINUING ALONG SAID CORPORATE LIMITS, EAST ALONG SAID NORTHERLY MARGIN TO THE SOUTHWEST CORNER OF THE PLAT OF CEDAR RIDGE, RECORDING NUMBER 9003150404, RECORDS OF SAID COUNTY; THENCE CONTINUING ALONG SAID CORPORATE LIMITS, NORTH ALONG THE WEST LINE OF SAID PLAT TO THE NORTHWEST CORNER THEREOF, BEING THE SOUTHEAST CORNER OF THE PLAT OF WILDERNESS RIDGE DIVISION 1, RECORDING NUMBER 9105160438, RECORDS OF SAID COUNTY; THENCE CONTINUING ALONG SAID CORPORATE LIMITS, WEST ALONG THE SOUTH LINE OF LAST SAID PLAT, TO THE SOUTHEAST CORNER OF TRACT 'A' OF SAID PLAT; THENCE CONTINUING ALONG SAID CORPORATE LIMITS, NORTH ALONG THE EAST LINE OF SAID TRACT 'A' TO THE NORTHEAST CORNER THEREOF; THENCE CONTINUING ALONG SAID CORPORATE LIMITS, WEST ALONG THE NORTH LINE OF SAID TRACT 'A' TO THE NORTHWEST CORNER THEREOF AND A POINT ON THE WEST LINE OF SAID SECTION 3; THENCE CONTINUING ALONG SAID CORPORATE LIMITS, NORTH ALONG SAID WEST LINE TO THE WEST QUARTER CORNER OF SAID SECTION 3, ALSO BEING THE NORTHWEST CORNER OF THE PLAT OF WILDERNESS RIDGE DIVISION 2, RECORDING NUMBER 9112180517, RECORDS OF SAID COUNTY; THENCE CONTINUING ALONG SAID CORPORATE LIMITS, EAST ALONG THE SOUTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 3 TO THE EASTERLY RIGHT-OF-WAY MARGIN OF 200TH AVENUE COURT EAST; THENCE

CONTINUING ALONG SAID CORPORATE LIMITS, NORTHERLY ALONG SAID
EASTERLY MARGIN TO THE NORTHERLY RIGHT-OF-WAY MARGIN OF 104TH STREET
EAST; THENCE CONTINUING ALONG SAID CORPORATE LIMITS, EASTERLY ALONG
SAID NORTHERLY MARGIN TO THE WEST LINE OF LOT 88 OF THE PLAT OF
WILDERNESS RIDGE DIVISION 3, RECORDING NUMBER 9210220264, RECORDS OF
SAID COUNTY; THENCE CONTINUING ALONG SAID CORPORATE LIMITS, NORTH
ALONG THE WEST LINE OF SAID LOT 88 TO THE NORTHWEST CORNER THEREOF;
THENCE CONTINUING ALONG SAID CORPORATE LIMITS, EAST ALONG THE NORTH
LINE OF SAID PLAT TO THE EAST LINE OF THE WEST HALF OF THE NORTHWEST
QUARTER OF SAID SECTION 3; THENCE CONTINUING ALONG SAID CORPORATE
LIMITS, NORTH ALONG SAID EAST LINE TO THE NORTHERLY RIGHT-OF-WAY
MARGIN OF SOUTH PRAIRIE ROAD EAST AND THE POINT OF BEGINNING.



NW03-T19N-R05E



ACRES	SQ. FT.	SQ. YD.
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0.50	21,780	2,500
0.25	10,890	1,250
0.125	5,445	625



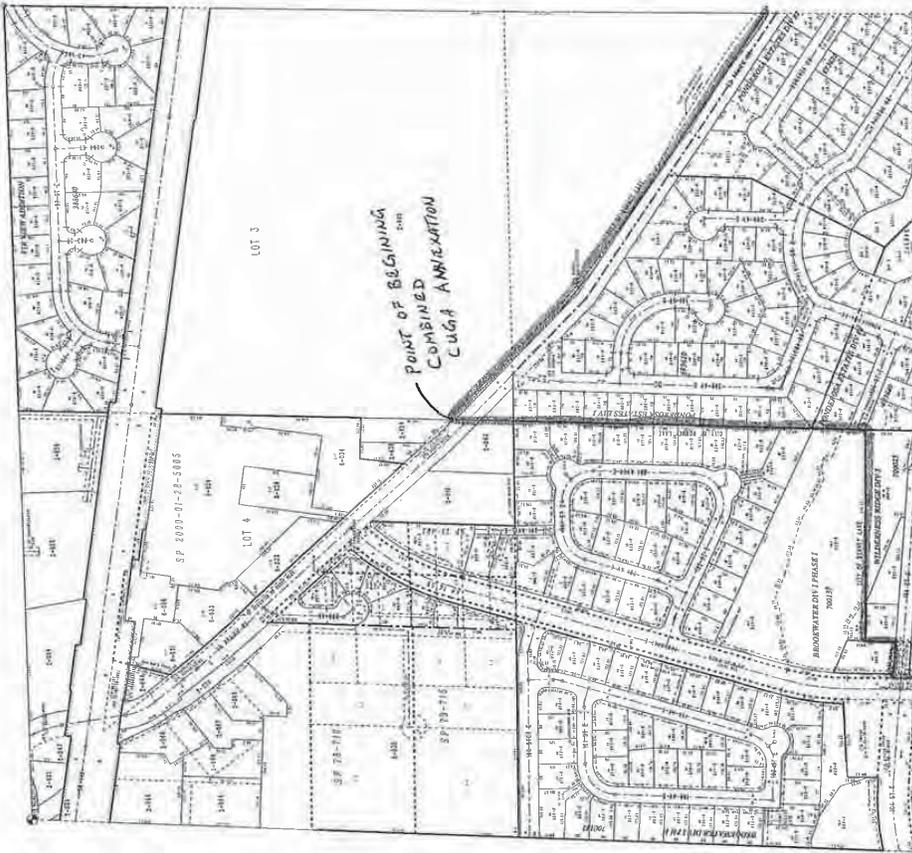
DATE OF SURVEY: 08/11/2011

Public Notice: This is a public notice of the proposed survey. It is not a guarantee of accuracy. The surveyor is not responsible for any errors or omissions. The surveyor is not responsible for any damages or injuries resulting from the use of the survey.

Surveyor: [Name]

Pierce County Assessor/Treasurer

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NE03-T19N-R05E



PROPOSED	EXISTING	ADJACENT	UNDEVELOPED	WATER	ROAD	RAILROAD
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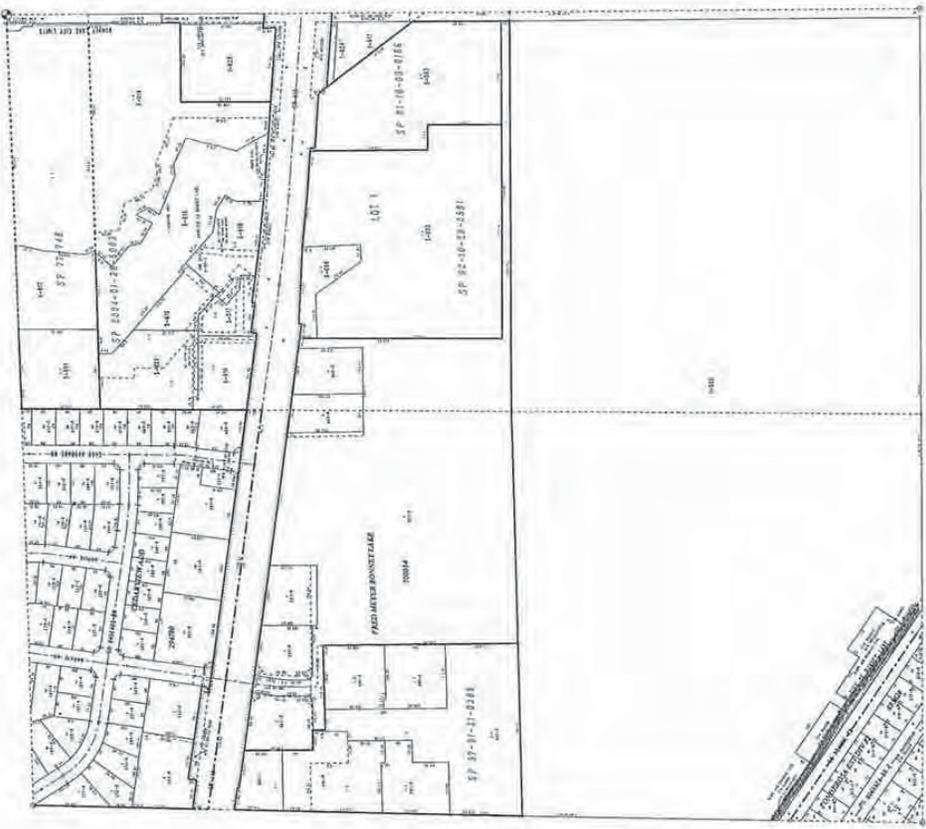
LOT 10 AND PARTS OF LOTS 11 AND 12

Public Section 36, T19N, R05E, S20, NE03, 2025 Street, from 142 Townships, Range 05E, N43E

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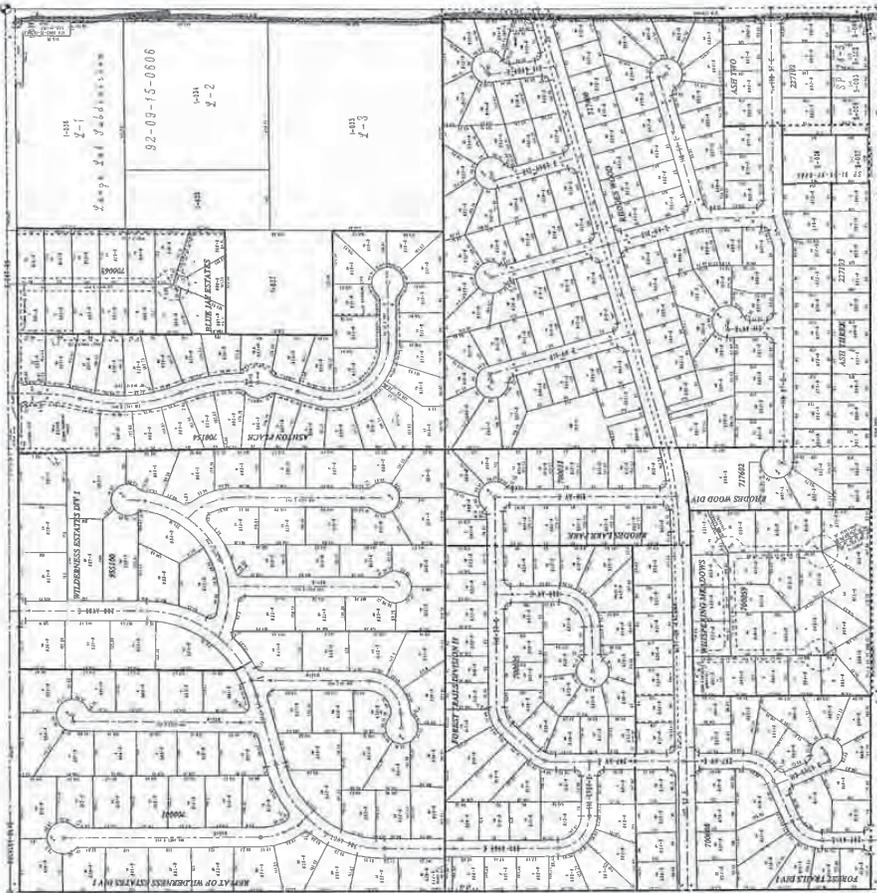


MAP OF AN UNINCORPORATED TOWN

ABLE TO BE FOUND IN THE
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NE15-119N-ROSE



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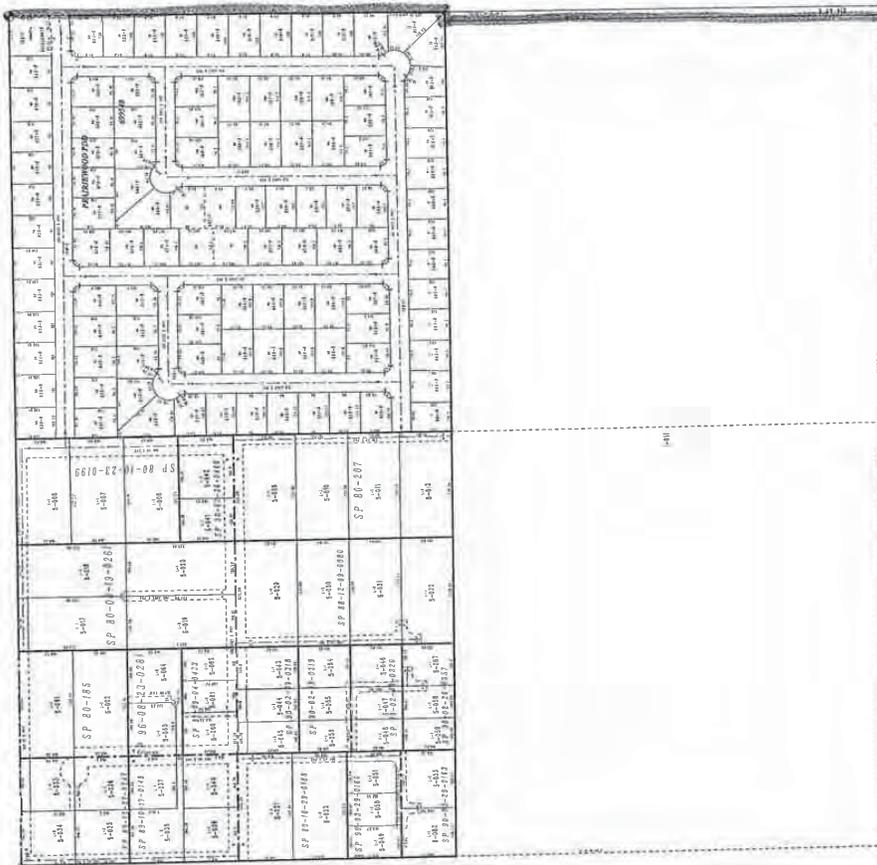


DATE OF MAP PREPARATION 10/10/10
PROJECT NO.

PLANS SERVICE NUMBER
2011 & 2012 SERIALS, BUREAU OF
TERRACE, MULTIPLE 1010

Pierce County
Assessor/Recorder

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SE15-T19N-R05E



SECTION	36	37	38
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RANGE	05E	05E	05E

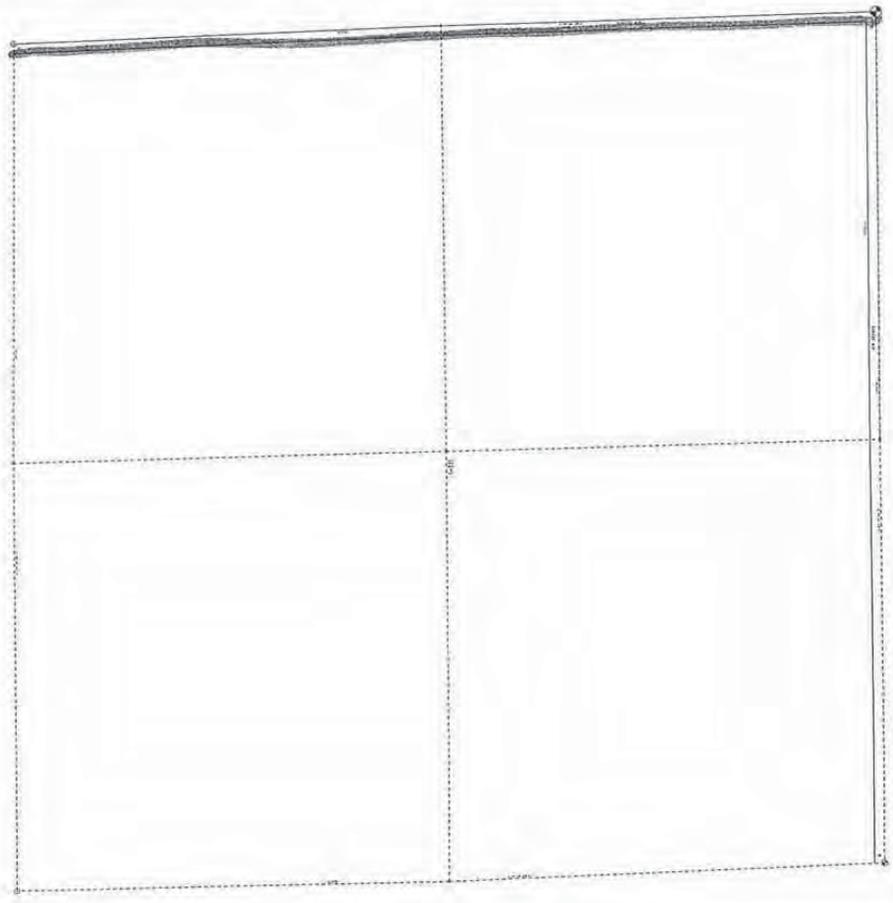


SITE OF AN ABANDONED QUARRY

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Pierce County
Assessor-Treasurer

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AND YOU ARE NOT THE ASSessor-Treasurer
OF THE COUNTY OF PIERCE, MICHIGAN
(MCL 207.11)



NE22-T19N-ROSE



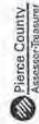
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SECTION	OWNER	ACRES
TOWNSHIP	OWNER	ACRES
RANGE	OWNER	ACRES



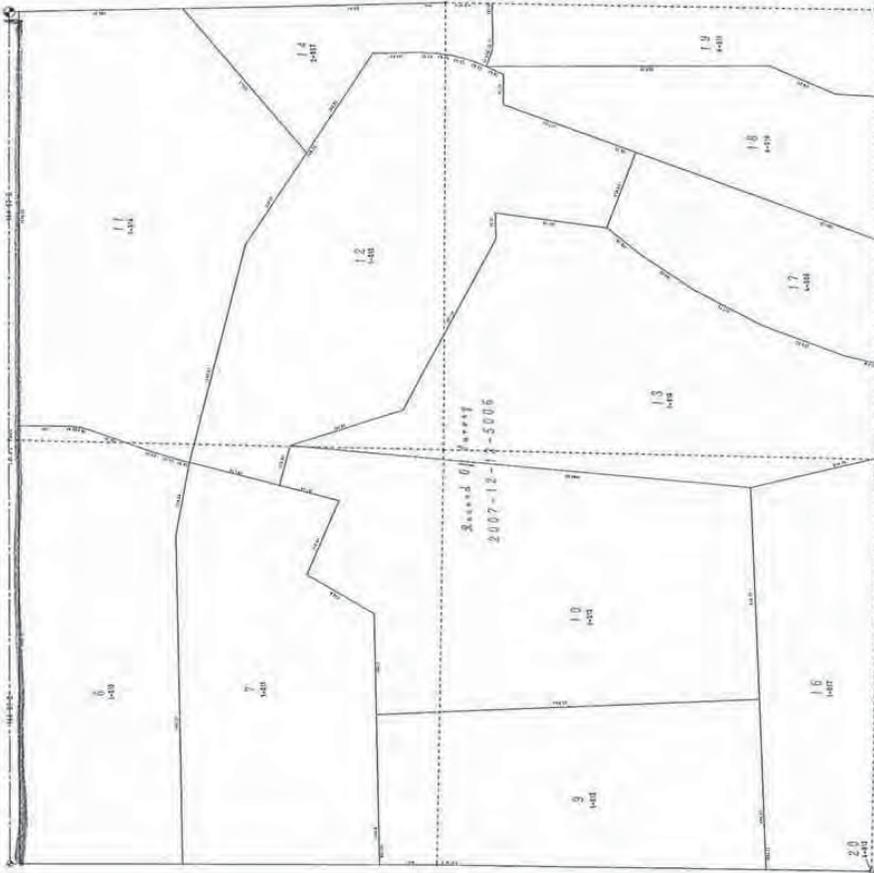
DATE OF MAP PREPARATION: 11/11/11

PLANS SECTION NUMBER: 2007-12-1-5005

PIERCE COUNTY REGISTERED SURVEYOR



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NW22-T19N-R05E



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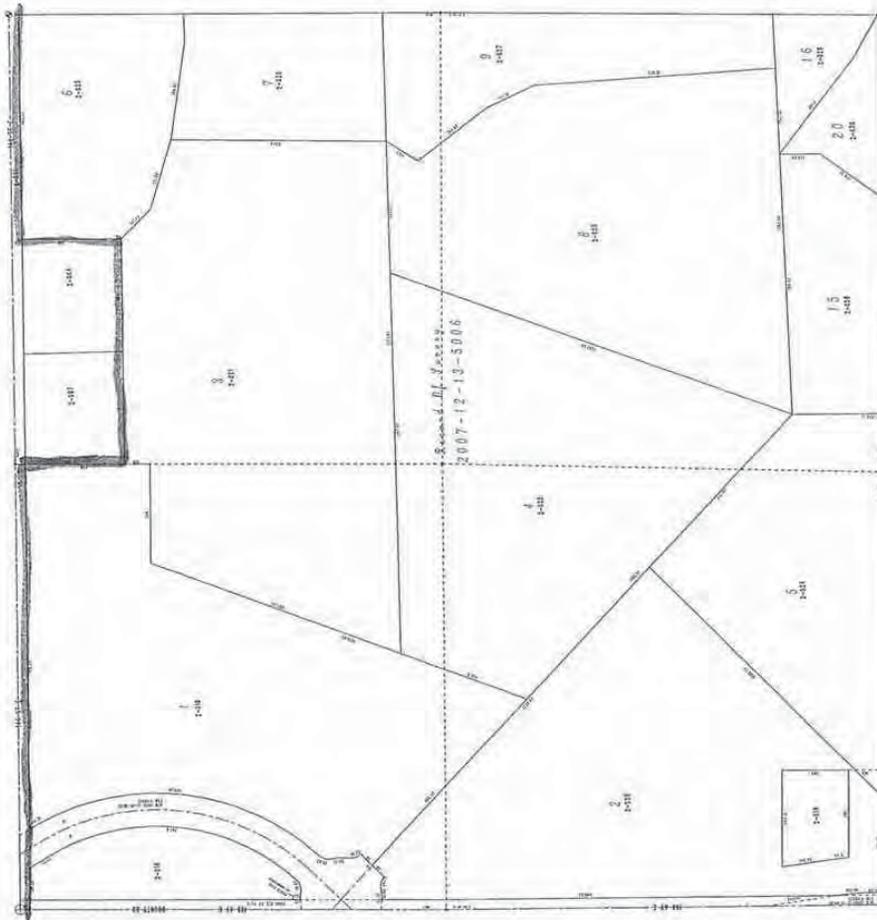
DATE OF MAP PROJECTION: 10/1/04
03-10-102

Public Records Building
2001 S 35th Street, Room 12
Tacoma, Washington 98403

Assessment Date: 06/01/2007



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Assessor/Measurer
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NE21-T19N-R05E



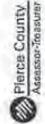
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DATE OF MAP PREVIOUS EDITION
10/1/2008

Public Services Building
200 S. 20th Street, Room 112
Tulsa, Oklahoma 74108

Map made using data from the following sources:



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TAXES AND FOR THE
RECORDING OF DEEDS.



SE16-T19N-ROSE



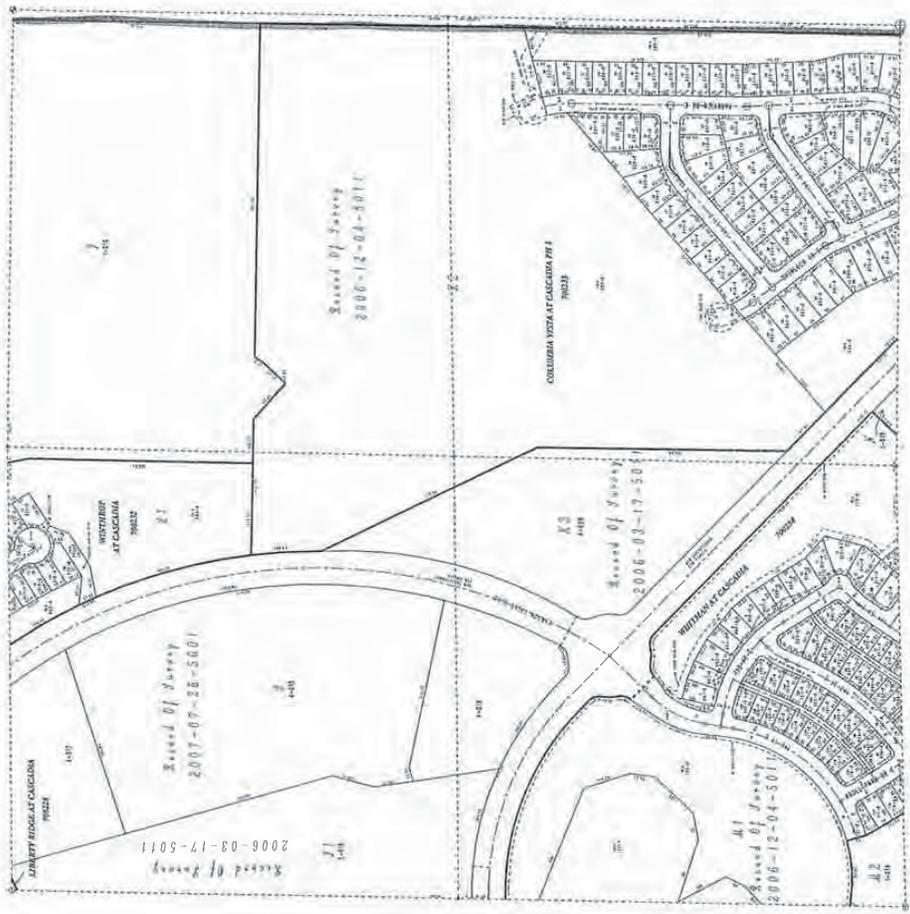
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PIERCE COUNTY
ASSESSOR'S OFFICE

Public Service Building
1000 1st Avenue, N.E.
Tacoma, Washington 98408

Pierce County
Assessor/Recorder
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CONTAINED HEREIN.



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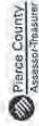
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DATE OF MAP REVISION: 07/17/11

Public Service Building
2401 S. 23rd Street, Room 104
Towner, North Dakota 58589

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Assessor-Measurer
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SE09-T19N-R05E



Water	Shaded	Proposed
Existing	Shaded	Proposed
Proposed	Shaded	Proposed
Proposed	Shaded	Proposed



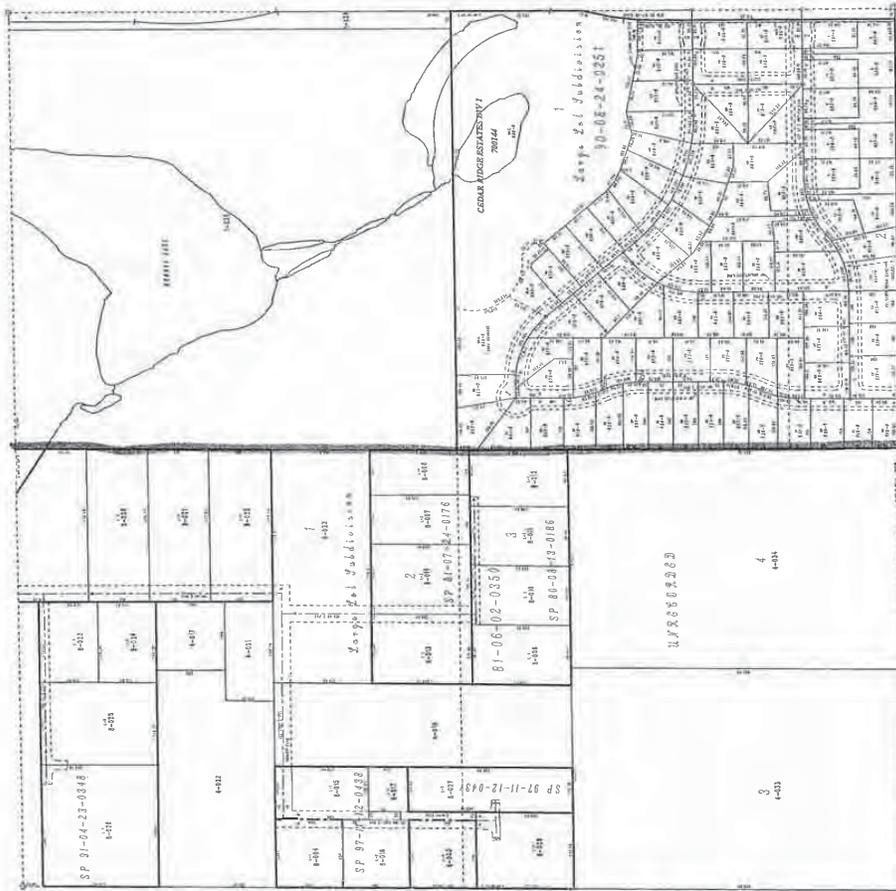
DATE OF MAP PRODUCTION 10/19/20

Public Service Building
101 E. 20th Street, Room 102
Tulsa, Oklahoma 74103

Horizontal Control: NAD 83
Vertical Control: NAVD 83



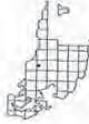
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NE09-T19N-R05E



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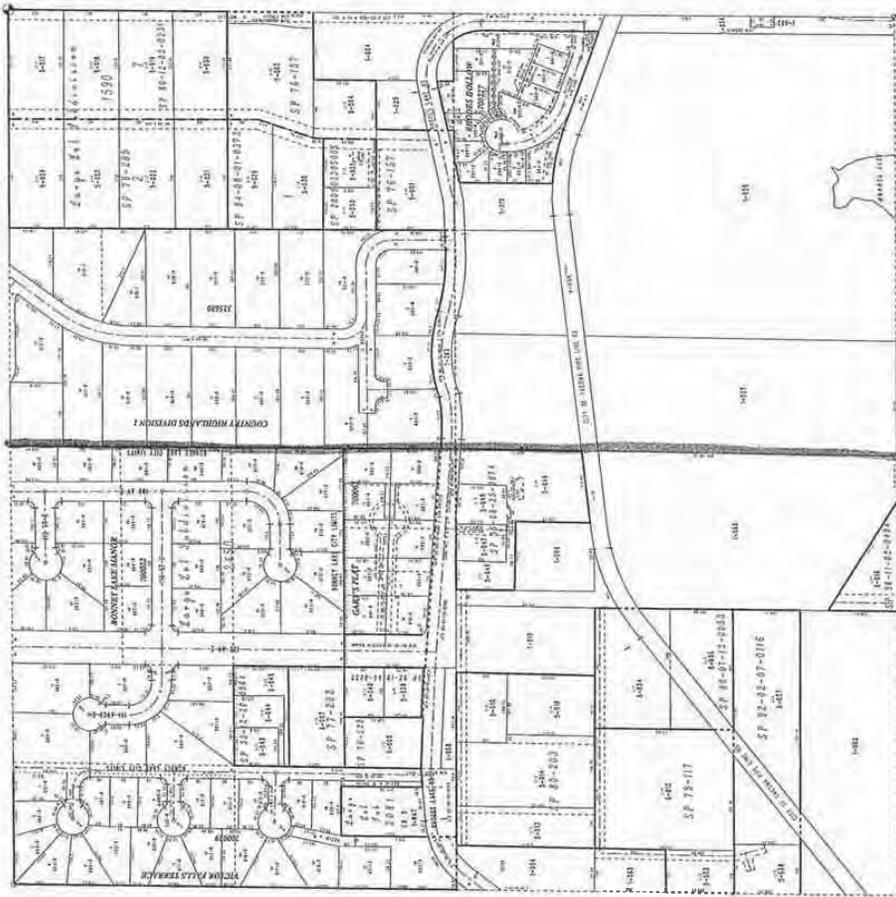
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Public Section 30100
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Map prepared by [Signature]



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SE04-T19N-R05E



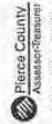
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Approved by Pierce County Board of Commissioners, 2/10/2019



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SW03-T19N-R05E



SECTION 19 T19N R05E



100-000	100-001	100-002	100-003	100-004	100-005
100-006	100-007	100-008	100-009	100-010	100-011
100-012	100-013	100-014	100-015	100-016	100-017
100-018	100-019	100-020	100-021	100-022	100-023



DATE OF MAP PRODUCTION 10/0/04

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CITY COUNCIL WORKSHOP

*June 15, 2010
5:30 p.m.*

MINUTES



“Where Dreams Can Soar”

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

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

Audio Time Stamp ↓

Location: City Hall Council Chambers, 19306 Bonney Lake Blvd., Bonney Lake.

I. Call to Order: Mayor Neil Johnson, Jr. called the workshop to order at 5:31 p.m.

II. Roll Call: [A1.3]

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

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

Councilmember Hamilton moved to excuse Councilmember Randy McKibbin. Deputy Mayor Swatman seconded the motion.

Motion approved 6 – 0.

III. Agenda Items:

Mayor Johnson asked the Council to consider moving Item F. and Item E. to the top of the agenda in order to allow East Pierce Fire & Rescue staff to present information earlier so they could attend another meeting.

Councilmember Decker moved to place Item F., AB10-104, as Item A. on the agenda. Councilmember Carter seconded the motion.

**Motion approved 5 – 1.
Councilmember Rackley voted no.**

Councilmember Carter moved to place Item E., AB10-98, as Item B. on the agenda. Councilmember Lewis seconded the motion.

Motion approved 6 – 0.

5:31:53

A. (Originally Item F.) AB10-104 – Ordinance D10-104 – An Ordinance Amending Chapter 15.16 Of The BLMC Related To Automatic Fire Extinguishing Systems.

Assistant Chief John McDonald reviewed the proposed changes to the chapter, including reducing the threshold for automatic sprinkler systems from 8,000 square feet to 5,000 square feet in new construction for residential and commercial

buildings. The ordinance would also require sprinklers in canopies over 4 feet in width for buildings that require sprinklers. He said additional amendments provide guidance on plan submittals and the appeal process.

Chief McDonald noted that the City Attorney's Office has reviewed the proposed amendments and suggested several minor changes, mostly related to formatting. He apologized that the revised version was provided after Council agenda packets were printed.

Councilmember Rackley said he is concerned about protecting adjacent properties. Chief McDonald said the 5,000 square foot size threshold was selected based on the state and other cities' code, and will be further addressed in the proposed building code ordinance (AB10-98). He said Sumner and Pierce County already use this threshold, and other cities in the area plan to take action on similar code changes soon. He said it is helpful for East Pierce Fire & Rescue if all the cities in their service area have the same code requirements.

Councilmember Hamilton asked how systems are installed and maintained. Chief McDonald said installation is normally handled by a certified fire system contractor, and State law requires sprinkler systems to be serviced annually by a certified contractor. The contractors then send copies of their report to the Fire District to ensure systems are being checked.

The proposed ordinance was forwarded to the June 22, 2010 Council Meeting for action.

5:46:30

- B. (Originally Item E.) **AB10-98 – Ordinance D10-98** – An Ordinance Of The City Of Bonney Lake, Pierce County, Washington, Amending Chapter 15.04, 15.08, And 15.24 Of The Bonney Lake Municipal Code And Ordinance Nos. 700, 711, 778, 826, 851 And 885, Relating To Adoption Of Revised International Codes Of Building And Related Regulations.

Building Official Jerry Hight reviewed the proposed updates to the City's building code. He said the proposed ordinance clarifies specific sections, and adopts the State's code with certain exceptions. One exemption would not require sprinklers in single-family residences under 5,000 square feet in size.

Councilmember Rackley expressed concern in the potential for fires spreading between houses built close together. Mr. Hight said the City has three-foot setbacks, which means houses could potentially be built at a minimum of six feet apart. Chief McDonald said the Fire Department proposed the exemption for 5,000 square feet detached homes, but a different standard may be appropriate for developments with more closely packed homes, such as cottage developments. He said density is more of an issue than square footage in preventing fires from spreading from one building to another. He said he was not prepared to make a recommendation on the minimum distance between homes for fire prevention.

Deputy Mayor Swatman said sprinklers save lives and he feels sprinklers should be required in all new homes. He said studies show that the cost to install sprinklers in new construction homes is negligible compared to saving lives and property. Chief McDonald said the 5,000 square foot threshold was recommended in response to

concerns about driving up the cost of residential development. Councilmember Carter referred to a recent deadly house fire in Seattle and agreed that sprinklers should be required in all new homes, not just very large homes. Deputy Mayor Swatman said according to Planning Department data, only about 0.5% of the houses in Bonney Lake are over 5,000 square feet in size, and about 6% are over 3,000 square feet. Councilmember Rackley said he disagrees with the Master Building Association's assertion that requiring sprinklers has negative effects on affordable housing costs.

Councilmember Hamilton asked whether the intent of the ordinance is to start requiring sprinklers in some homes now, and to reduce the exemption slowly over time. Chief McDonald said the ordinance exempts most single-family homes now, but includes duplexes and townhomes, which is a major fire safety concern. He said the exemption can be reduced over time to include more single-family residences, and he does not oppose changing the exemption to include more single-family residences.

Councilmember Hamilton said all the cities in East Pierce Fire & Rescue's jurisdiction should pass the same requirements. He said that otherwise, Bonney Lake will be attacked by developers and others who feel the requirements are too restrictive. Councilmember Decker asked if sprinkler systems would reduce the need for Fire Department services. Chief McDonald said though staffing needs and taxes would not be decreased, sprinklers can help reduce demand on the water system, the amount of equipment and resources needed to fight fires, and the impact of fires on life and property.

After continued discussion, Deputy Mayor Swatman and Councilmembers Carter, Decker, Lewis, and Rackley spoke in favor of requiring sprinkler systems in all new single-family residential homes. Mayor Johnson said he has spoken with Councilmember McKibbin, who also expressed support for requiring sprinkler systems in single-family residences. Councilmember Rackley said requiring sprinklers in all new construction would ease his concerns about fire risk in cottage developments.

Mayor Johnson asked how many cities require sprinklers in all new homes. Mr. Hight said some cities require it in all, and others require it only in houses over 5,000 square feet. Mr. Hight and Chief McDonald said the 5,000 square foot exemption for single-family residences was included because of the poor economy and concerns that the requirement would negatively impact housing development. Both agreed that they personally think sprinklers should be required in all new homes.

Councilmember Carter said that other cities in the State require sprinklers in all new homes. Deputy Mayor Swatman said State and County legislators face much greater political pressures, and are less likely to impose strict requirements for sprinklers. He said developers can choose to build elsewhere if they feel it is too expensive to build in Bonney Lake, but there are other ways to lower building costs in the City, like reducing other development fees.

Councilmember Hamilton suggested the Council wait to vote on the 5,000 square foot exemption until after the Association of Washington Cities conference during the following week. Chief McDonald said a number of other issues in the proposed ordinance are time-sensitive, and encouraged the Council to vote on the overall

ordinance at its next meeting so it becomes active in July. Director Vodopich said staff found an error in the proposed ordinance where the 2009 building code is not referenced. He will correct the error in the revised version that comes before Council for action. The item was forwarded to the June 22, 2010 Meeting for action.

At 6:37 p.m. Councilmember Decker moved for a five-minutes break. Councilmember Rackley seconded the motion.

Motion approved 6 – 0.

The Workshop reconvened at 6:43 p.m.

6:43:38

- C. (Originally Item A.) **Presentation:** Hazard Mitigation Plan – Diane Schurr, Program Coordinator, Pierce County Emergency Management.

Diane Schurr thanked Building Inspector Scott Fielding for his assistance preparing the draft plan, and provided a brief overview of the proposed plan. She said Bonney Lake has very low risk from floods and lahar flows, but does have areas that are at risk for landslides. She explained the Community Rating System (CRS), which provides discounts for citizen flood insurance in cities that reduce flood risks. She said Bonney Lake is not a CRS community, but noted the low flood risk makes this less of a concern.

Ms. Schurr said Section 6 – Infrastructure includes details about all city facilities, and is not released by the County unless the City chooses to disclose this information. She said in addition to the mitigation plan, the City needs to develop and maintain its own continuity of operations and government plans. She said the City must continually review and revise its Hazard Mitigation Plan every five years.

Ms. Schurr explained the process going forward, and asked the Council for authorization to submit the plan to FEMA for approval. She said once her agency receives a response from FEMA (probably in September 2010), the Council can vote on a Resolution to adopt the plan. She asked Councilmembers and staff to contact her any time with questions about continuity planning or the draft plan. Councilmembers thanked Ms. Schurr for presenting the information.

7:08:21

- D. **Council Open Discussion:**

Utility Rates: Councilmember Rackley said he would like the Council to discuss the city's rebate program in depth. City Administrator Morrison said he can provide more information for the Council's discussion at the next workshop. Deputy Mayor Swatman said the Council can help reduce fees by reducing the number of proposed projects on the CIP plan project list.

Property Development: Councilmember Hamilton said a resident asked him about a property that appears to be under development in the City. Director Voodich said the property owner is clearing and grading the property in question, and has plans to grow an orchard.

Corliss Property Logging: Councilmember Hamilton asked when the Corliss property, which lies outside City limits and was recently logged, will be replanted. Director Vodopich said he will ask for a timeline from the owner and report back.

Safe Routes to School Meeting: Councilmember Carter attended the Safe Routes to School open house event on Saturday, June 12th. She said staff presented great informational materials and she has seen a positive response from citizens and in the newspaper.

Upcoming Events: Councilmember Carter said staff from Bonney Lake and Sumner will compete in a fundraiser softball game supporting Relay for Life. The game is on Saturday, June 26th at 2:30 p.m. at Allan Yorke Park. She said residents can find information on events, city cost-saving measures, projects, and other updates in the Bonney Lake Reporter, available in the Courier-Herald Newspaper and online.

Reed Property Tour: Councilmember Carter asked when the Council will tour the newly purchased Reed property. City Administrator Morrison said the tour will probably be scheduled prior to a regular Workshop date in July.

Midtown Plan: Councilmember Carter said the Planning Commission plans to discuss the Midtown Plan element at its July 7th meeting, which she plans to attend. She said Councilmembers can send her input to include in the discussion.

Fennel Creek: Councilmember Carter said Cindy James from the Department of Ecology contacted Councilmembers and City staff about setting up a group to discuss reducing fecal coliform bacteria levels in Fennel Creek, but had not received a sufficient response. Public Works Director Grigsby asked Councilmember Carter to send the information to him so he can reply. He said based on his understanding, the Department of Ecology's main areas of concern are located in the County, and in Bonney Lake the major issues relate to the use of fertilizers near the creek and leaky septic systems.

Cascadia: Councilmember Lewis said the Pierce County Planning Commission plans to discuss several projects related to the Cascadia Development at their June 22, 2010 Meeting at 8:30 a.m. He said these projects may be of interest to the City, and suggested someone attend.

Phone System: Deputy Mayor Swatman said at the last Finance Committee meeting, he asked staff to provide more information on quotes submitted by vendors for the City's new phone system, but had not yet received it. Administrative Services Director/City Clerk Harwood Edvalson said he would make sure the information is forwarded.

Nuisance Ordinance: Deputy Mayor Swatman asked if the Public Safety Committee has discussed a complaint made by Maryanne Zukowski about the City's nuisance code. Councilmember Hamilton said he will include this discussion on the committee's next meeting agenda.

Countywide Flood Control District: Deputy Mayor Swatman asked if City can comment on the proposed Flood Control District before it comes before the Boundary Review Board (BRB). City Administrator Morrison said if the City is interested in being removed from the new district, now is the time to submit comments. He said the draft mitigation plan presented earlier in the evening can be presented as one piece of evidence to the BRB. Councilmembers asked for more information on the

options to request a boundary revision. Councilmember Hamilton said he would not oppose a Flood Control District if it charged different areas more or less based on their risk level. Deputy Mayor Swatman said if even portions of Bonney Lake were removed from the proposed district, it would still save City taxpayer’s money.

Panther Day: Mayor Johnson said Sonic Drive-In has offered to donate a free drink to each Bonney Lake High School student who shows their ASB card on Panther Day, June 21st. He said he hopes other businesses will make similar offers in future years.

Senior Projects: Mayor Johnson said an area Eagle Scout did a lot of work at Camp Corliss, located outside the City, shortly before the area was clear cut. The Mayor said he is working to identify locations in Bonney Lake that scout troops can use now that Camp Corliss is no longer available.

Pierce Transit: Mayor Johnson said he attended the Pierce Transit Board meeting on Monday, June 14th, and heard testimony about whether to propose a ballot measure to raise bus rates. He said most attendees were from the County and lived outside the core areas in downtown Tacoma. He said he plans to vote against fee increases, and is frustrated that Pierce Transit represented employees do not seem to think their benefits should be cut to reduce costs.

Eastown Updates: Mayor Johnson said he sent a letter to Compass Pointe requesting a response by June 14th, but had not yet received a response. He said there has been no movement on the Eastown sewer lift station so far. He said he was approached by former Councilmember David Bowen with an option to locate the lift station on his property and staff are reviewing the option. He said unless Councilmembers have objections, he plans to move forward with studying the new site.

Deputy Mayor Swatman expressed concern that Compass Pointe is still working on a plan simultaneously and staff time will be wasted. Mayor Johnson said he feels that the City has done all it can to keep the lift station plans moving forward and gave the developers plenty of time, but now it is time to try another option.

Public Works Director Grigsby presented a map to Council showing the proposed location and direction of sewer flows to adjacent properties in Eastown. He said the sewage lines would run under SR 410 at the Faust property, at the future planned road 226th Ave E. He said the Faust Trust administrator and property owner located North of Mr. Bowen’s property is receptive to the idea. He said he has received easements from other property owners, and only two property owners have expressed reluctance to sign easements so far. He added that Eastown LLC has not yet submitted an acceptable, completed easement for their property. Mayor Johnson said he will keep Councilmembers informed of any future updates.

7:38:33

- E. **Review of Council Minutes:** June 1, 2010 Workshop and June 8, 2010 Meeting Draft Minutes.

The minutes were forwarded to the June 22, 2010 Meeting for action as presented.

7:38:54

- F. **AB10-74 – Ordinance D10-74 – An Ordinance Of The City Of Bonney Lake, Pierce County, Washington, Amending Chapter 15.28 BLMC.**

City Attorney Dionne asked for input from Council for the proposed sign code ordinance. Deputy Mayor Swatman asked that the final version that comes before Council be a clean copy with all changes incorporated. Councilmember Hamilton said the ordinance does not address the desire of community groups to advertise their events, or the concerns brought forward by the Chamber of Commerce. City Attorney Dionne said the proposed ordinance only clarifies code enforcement issues, and does not include language specific to civic groups or commercial entities. He said that under the code, any entities promoting a service or business must do so on-site. Councilmember Carter asked for clarification about real estate signs. Director Vodopich said the current code says open house signs can be posted from “dawn to dusk” and was changed to “during daylight hours” in the proposed ordinance. City Attorney Dionne said this language can be amended if Council wishes. He emphasized that the ordinance is intended to clarify code enforcement for staff members. The proposed ordinance was forwarded to the June 22, 2010 Meeting for Council action.

IV. Executive Session: None.

7:44:03

V. Adjournment:

At 7:44 p.m. Councilmember Rackley moved to adjourn the workshop. Councilmember Carter seconded the motion.

Motion approved 6 – 0.

Harwood T. Edvalson, CMC
City Clerk

Neil Johnson, Jr.
Mayor

Items submitted to the Council Workshop of June 15, 2010:

- City of Bonney Lake – *“Bowen Property Lift Station Concept”* – Public Works Director Dan Grigsby.

CITY COUNCIL MEETING

**June 22, 2010
7:00 P.M.**

MINUTES



“Where Dreams Can Soar”

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

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

Audio Time
Stamp ↓

Location: City Hall Council Chambers, 19306 Bonney Lake Blvd., Bonney Lake.

I. CALL TO ORDER – Mayor Neil Johnson, Jr. 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 Swatman, Councilmember Laurie Carter, Councilmember Dan Decker, Councilmember Mark Hamilton, Councilmember Donn Lewis, Councilmember Randy McKibbin and Councilmember Jim Rackley.

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

C. Announcements, Appointments and Presentations:

1. Announcements: None.

2. Appointments: None.

3. Presentations:

a. **Proclamation:** 2010 Relay for Life.

Mayor Johnson proclaimed Wednesday, June 30, 2010 as “Paint the Town Purple Day” in support of Relay for Life. He invited citizens to participate in upcoming fundraisers on June 26, 2010, including a charity softball game between City of Bonney Lake and City of Sumner employees at 2:30 p.m. at Allan Yorke Park. Councilmember Rackley will umpire the game. In addition, Applebee’s Restaurant in Bonney Lake will donate 15% of their proceeds to the local Relay for Life team on June 26 between 4:00 and 7:00 p.m.

b. **Planning Commission Recommendation:** AB10-111 – Ordinance 10-111 – An Ordinance of the City of Bonney Lake, Pierce County, Washington, Updating R-2 and R-3 Zoning.

Planning Commission Chair Grant Sulham and Commissioner Brad Doll presented information to the Council on recommended changes to the zoning code. He said the City needs in increase density on buildable

lands per the Growth Management Act. He said the Council applied an R-3 overlay to a portion of the WSU Forest, which requires a minimum of 10 units per acre. He said the Commission unanimously recommended applying a 10-unit minimum to all R-3 zoned areas.

Deputy Mayor Swatman asked about deletion of the 10,000 square foot minimum lot size. Director Vodopich said the intent was to clarify the density in R-2 zoning from 5-9 units. Mayor Johnson said Council would discuss the proposed ordinance in depth at a future Council workshop.

- D. Agenda Modifications: Councilmember Rackley asked to move Community Development Issues, Item A. (Resolution 2045) to Consent Agenda, Item F. Councilmember Decker seconded the motion.

Motion to modify the agenda approved 7 – 0.

7:08:58 **II. PUBLIC HEARINGS, CITIZEN COMMENTS & CORRESPONDENCE:**

- A. Public Hearings: None.
- B. Citizen Comments:
Katrina Minton-Davis, 19004 107th St E, Bonney Lake, is the co-chair of the Bonney Lake Relay for Life team and thanked the council for their support of Relay for Life fundraisers. She said this year’s Relay for Life event is on July 30-31st.
- C. Correspondence: None.

7:09:57 **III. COUNCIL COMMITTEE REPORTS:**

- A. Finance Committee: Deputy Mayor Swatman said the committee met at 5:30 p.m. earlier in the evening. The committee met in the Mayor’s office due to an ongoing jury trial and discussed personnel updates.
- B. Community Development Committee: Councilmember Rackley said the committee met on June 21, 2010 and discussed storm water credits and options for including artwork on retaining walls in Downtown and Easttown. The committee forwarded the following items for action on the current agenda: Resolution 2036 and Resolution 2045 (with both bids well below engineer’s estimates), and Resolution 2049 for a greenhouse gas emissions policy. He said AB10-108 and AB10-109, accepting projects as complete, was forwarded to the July 13 Meeting for action.
- C. Public Safety Committee: Councilmember Hamilton said the committee has not met since the last Council meeting.
- D. Other Reports:
Church Lake Boating Advisory Committee: Councilmember Hamilton said the advisory committee met for the first time on June 21. He said this is a citizen’s

committee, and though Councilmembers are involved in coordinating meetings, they are not voting members. He said the committee had productive initial discussions and identified their primary concerns: safety and noise issues on the lake.

7:14:14

IV. CONSENT AGENDA:

- A. **Approval of Minutes:** June 1, 2010 Council Workshop and June 8, 2010 Council Meeting Minutes.
- B. **Accounts Payable Checks/Vouchers:** Accounts Payable checks/vouchers #58748 thru 58783 (including wire transfer # 60110) in the amount of \$82,220.57; Accounts Payable checks/vouchers #58784 thru 58833 (including wire transfer's #5152010, 6022010) in the amount of \$369,187.31; Accounts Payable checks/vouchers #58834 thru 58880 for utility refunds in the amount of \$6,416.76.
- C. **Approval of Payroll:** Payroll for June 1-15 2010 for checks 29062-29096 including Direct Deposits and Electronic Transfers in the amount of \$418,327.29.
- D. **AB10-74 – Ordinance 1351** – An Ordinance Of The City Of Bonney Lake, Pierce County, Washington, Amending Chapter 15.28 BLMC.
- E. **AB10-82 – Resolution 2036** – A Resolution of the City of Bonney Lake, Pierce County, Awarding Fennel Creek Trail and 192nd Avenue Sidewalks Projects Phase 1 contract to Titan Earthwork, LLC.
- F. **AB10-102 – Resolution 2045** – A Resolution of the City of Bonney Lake, Pierce County, Washington, Awarding the Contract for TWD Intertie S Prairie Road E Waterline Project to Mountain West Construction. (*Moved from Community Development Committee Issues, Item A.*)

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

Consent Agenda approved 7 – 0.

V. FINANCE COMMITTEE ISSUES: None.

7:14:23

VI. COMMUNITY DEVELOPMENT COMMITTEE ISSUES:

- A. ~~**AB10-102 – Resolution 2045**~~ – A Resolution of the City of Bonney Lake, Pierce County, Washington awarding the contract for TWD Intertie S. Prairie Road E Waterline Project to Mountain West Construction. (*Moved to Consent Agenda, Item F.*)
- B. **AB10-110 – Resolution 2049** – A Resolution of the City of Bonney Lake, Pierce County, Washington, Adopting Policies to Reduce Greenhouse Gas Emissions as Required Under RCW 70.235.070.

Councilmember Decker moved to approve Resolution 2049. Councilmember Lewis seconded the motion.

Director Grigsby explained that the State now requires the City to adopt a greenhouse gas emissions policy in order to apply for funding opportunities.

Resolution 2049 approved 7 – 0.

7:15:37

VII. PUBLIC SAFETY COMMITTEE ISSUES:

- A. **AB10-94 – Ordinance 1352** – An Ordinance of the City Council of the City of Bonney Lake, Pierce County, Washington, Repealing Chapter 6.04 of the Bonney Lake Municipal Code and Ordinance Nos. 584.A, 584b, 764, 1986, and 1989, and Replacing it with a New Chapter 6.04.

Councilmember Decker moved to approve Ordinance 1352. Councilmember Carter seconded the motion.

Councilmember Hamilton thanked Councilmember Carter for her work developing the proposed ordinance, which has been in progress for some time. He said the proposed ordinance increases fees to put Bonney Lake in line with other communities that contract with Metro Animal Services. He noted the importance of micro-chipping pets to help return lost pets to their owners.

Ordinance 1352 approved 7 – 0.

7:17:37

VIII. FULL COUNCIL ISSUES:

- A. **AB10-98 - Ordinance 1353** - An Ordinance Of The City Of Bonney Lake, Pierce County, Washington, Amending Chapter 15.04, 15.08, And 15.24 Of The Bonney Lake Municipal Code And Ordinance Nos. 700, 711,778,826, 851 And 885, Relating To Adoption Of Revised International Codes Of Building And Related Regulations.

Deputy Mayor Swatman moved to approve Ordinance 1353. Councilmember Rackley seconded the motion.

Deputy Mayor Swatman said the proposed ordinance presented to Council includes an exception for new homes under 5,000 square feet. He said the attachments in the agenda packet include a proposed amendment to remove this exemption. He said he wanted the ordinance to apply to all new construction, without the exemption.

Deputy Mayor Swatman moved to amend Ordinance 1353, Section 15.040.020(B), to delete the language: “with the exception of detached one-family and two-family dwellings under 5,000 square feet”. Councilmember Lewis seconded the motion.

Councilmember Hamilton spoke in favor of keeping an exemption for single-family homes under 5,000 square feet. He said removing the exemption makes Bonney Lake's code different from others in the East Pierce Fire & Rescue service area, and will increase the cost of building new homes in the City. He said requiring sprinklers is equivalent to doubling traffic impact fees or park impact fees, and in the current economic climate, raising these costs is not practical. He said he feels the originally proposed ordinance allows cities to increase sprinkler requirements, and wait for the building market to improve before requiring them in all new construction. He said he would support lowering the minimum square foot exemption, but not eliminating it.

Councilmember Decker expressed concern that requiring sprinklers will encourage builders to build houses very close together, and spoke against removing the exemption for 5,000 square foot homes. He expressed concern that houses in cottage developments could have a 'zero-foot' lot line.

Councilmembers Rackley, Carter, Lewis, and McKibbin spoke in favor of the proposed amendment to remove the exemption for homes under 5,000 square feet. Councilmember Rackley said he does not believe this change will encourage builders to build homes closer together, and requiring sprinklers in all homes eases his concerns about fires spreading in densely built areas. Councilmember Carter said research shows that sprinklers reduce the cost of property damage, injury, and insurance rates, and provide jobs for installers and inspectors. She said sprinklers help stop fires before they spread, and cost about as much as renovations like installing new carpets. Councilmember Lewis said safety is his main concern, and referred to a recent deadly fire in Seattle.

**Motion to amend Ordinance
1353 approved 6 – 1.
Councilmember Hamilton voted no.**

Councilmember Hamilton noted that the proposed ordinance adopts the 2009 Washington State Energy Code, but the Governor placed a moratorium on this code due to an ongoing lawsuit and review by the State. He suggested that the Council wait to adopt this portion of the code until issues are resolved at the State level. Building Official Jerry Hight confirmed that the moratorium was put in place last week, meaning the 2006 Energy Code will remain in force for 8 months while the 2009 revisions are being reviewed.

Councilmember Hamilton moved to strike Section G. from the proposed ordinance. Councilmember Rackley seconded the motion.

Councilmember Hamilton said striking this section would keep the 2006 code in effect. City Attorney Dionne suggested that rather than striking the section entirely, the Council simply amend this section to change references to the 2009 Energy Code to the 2006 version.

Councilmember Hamilton revised his motion to amend 15.04.020 (G.) as follows: "The Washington State Energy Code, 2006 2009 Edition, ... is adopted by this reference". Councilmember Rackley seconded the revised motion.

**Motion to amend Ordinance
1353 approved 7 – 0.**

**Motion to approve Ordinance 1353
as amended approved 6 – 1.
Councilmember Hamilton voted no.**

- B. **AB10-104 - Ordinance 1354** - An Ordinance Of The City Of Bonney Lake, Pierce County, Washington, Amending Chapter 15.16 Of The Bonney Lake Municipal Code And Ordinance Nos. 700, 711, 778, 826, 851, and 885, Relating To Adoption Of Revised Regulations Related To The Installation Of Automatic Fire Extinguishing Systems.

Councilmember Rackley moved to approve Ordinance 1354. Councilmember Lewis seconded the motion.

Mayor Johnson noted the Council discussed this proposed ordinance in depth during the previous workshop.

Motion approved 7 – 0.

Mayor Johnson congratulated Building Official Jerry Hight for receiving his ‘Master Code Professional’ certification recently.

IX. EXECUTIVE SESSION: None.

7:37:42

X. ADJOURNMENT:

At 7:37 p.m., Councilmember Rackley moved to adjourn the meeting. Councilmember Lewis seconded the motion.

Motion approved 7 – 0.

Harwood Edvalson, CMC
City Clerk

Neil Johnson
Mayor

Items submitted to the Council Meeting of June 22, 2010: None.

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

<u>Department / Staff Contact:</u> PW / Marlyn Campbell	<u>Workshop / Meeting Date:</u> 13 Jul 2010	<u>Agenda Bill Number:</u> AB10-108
<u>Ordinance Number:</u>	<u>Resolution Number:</u>	<u>Councilmember Sponsor:</u> James Rackley

Agenda Subject: Motion to Accept as Complete the Downtown Improvements project

Proposed Motion: Motion to Accept as Complete the Downtown Improvements project with Johansen Excavating, Inc.

Administrative Recommendation:

Background Summary: Resolution 1960, dated August 25, 2009 awarded the construction contract to Johansen Excavating, Inc. for the Downtown Improvements project. This project constructed improvements on four roadways in the downtown area including Main St. E., Sumner-Buckley Highway, 90th St. E. and SR410.

See attached Project Completion Report for detail information on this project.

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

Attachments: Project Completion Report, Notice of Completion of Public Works Contract to DOR, location map, Bill of Sale and 4 photos of project under construction.

<u>BUDGET INFORMATION:</u>			
Budget Amount	Required Expenditure	Budget Impact	Budget Balance
N/A			
Budget Explanation:			
Retainage release of \$114,417.19 once contract closeout documents/requirements are met.			

<u>COMMITTEE/BOARD REVIEW:</u>
Subcommittee Review Date: Community Development Committee - 21 Jun 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 Dan Grigsby	Mayor	Date City Attorney Reviewed
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Action Item #3

COMMUNITY DEVELOPMENT COMMITTEE

DATE: June 21,2010

ORIGINATOR: Marlyn Campbell

TITLE: Support Services Coordinator

SUBJECT: Motion to Accept as Complete the Downtown Improvements project with Johansen Excavating, Inc Resolution 1960, dated August 25, 2009 awarded the construction contract to Johansen Excavating, Inc. for the Downtown Improvements project. This project constructed improvements on four roadways in the downtown area including Main St. E., Sumner-Buckley Highway, 90th St. E. and SR410.

See attached Project Completion Report for detail information on this project.

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

Attachments: Project Completion Report, Notice of Completion of Public Works Contract to DOR, Bill of Sale and 4 photos of project under construction.

ORDINANCE/RESOLUTION:

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:

Retainage release of \$114,417.19 once contract closeout documents/requirements are met.

COMMITTEE ACTION: RECOMMEND APPROVAL TO COUNCIL

	DATE	APPROVED	DISAPPROVED
James Rackley, Chairman	6-21-10		_____
Randy McKibbin	6-21-10		_____
Donn Lewis	6-21-10		_____

COMMITTEE COMMENTS: _____

COMMITTEE'S RECOMMENDATION TO FORWARD TO:

CITY CLERK

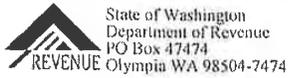
CITY ATTORNEY

Please schedule for City Council Meeting date of: July 13, 2010

Consent Agenda: Yes No

PUBLIC WORKS - PROJECT COMPLETION REPORT			
Project Title:	Downtown Improvements		
Project Financing Summary:			
Project Revenue Sources:			
City Fund Source(s):	Water SDC =		\$355,180
	Sewer SDC =		\$0
	Stormwater SDC =		\$0
	Street CIP (TIF & REET)=		\$3,070,234
	Grants=		\$536,500
	Bond (IJC)=		40,329
Total Project Budget =			\$4,002,243
Expenditures:			
Study =			N/A
Design =			\$950,187
ROW Acquisitions=			\$326,076
Construction	Engineer's Estimate =	2,500,000-3,500,000	
		Contract Award Amount	Actual
Low Bid/Contract (includes 10% contingency) =		\$2,360,086	2,329,433
City portion of PSE undergrounding=		\$155,157	141,393
Filterra Stormwater Vaults=		(part of 10% contingency)	18,450
Tree Grates=		\$18,343	18,041
Street Lights=		\$56,382	56,382
Qwest- Utility Cost Share=		-\$24,915	-24,915
Comcast- Utility Cost Share=		-\$26,246	-26,246
Private Utility undergrounding=		\$32,072	30,176
Misc (i.e.. Advertisement, mailbox, fence, etc.)=		(part of 10% contingency)	3,274
Field Engineering Services =		\$155,262	179,993
		\$2,726,140	2,725,980
Total Construction=			2,725,980
Total Project Cost =			\$4,002,243
Budget total for construction including field engineering services=			\$2,726,140
	Under Budget=		-\$160
Planning			
Comprehensive Facilities Plan Approved by City Council:		Incorporated in the 6-Year TIP	
Study Required:	N/A		
FY Funding in Budget:	N/A		
Study Contract NTP Date:	N/A		
Study Contract Completion Date:	N/A		
Change Order Summary:		Date:	Cost:

Design				
Date RFP Issued	N/A			
Design Contract Award Date:	1st contract award was 8/27/05 to start design, total of six different design contracts			
Design Contract Completion Date:				
Design Consultant(s):	Transpo, Shea, Carr & Jewell Inc., KPG Universal Field Services- ROW acquisitions			
Scope of Work Changes:			<u>Date</u>	<u>Cost</u>
1				
2				
Change Order Summary:			<u>Date</u>	<u>Cost</u>
1				
Construction				
Date IFB Issued:	7/29/2009			
Bid Opening Date:	8/12/2009			
Engineer's Estimate:	\$2,500,000- 3,500,000			
Low Responsive/Responsible Bid:	\$2,148,654.76			
Contract Award Date:	8/25/2009			
Contract Completion Date:	5/3/2010			
Retainage Release/Closeout Date:				
Scope of Work Changes:			<u>Date</u>	<u>Cost</u>
1				
2				
Change Order Summary:			<u>Date</u>	<u>Cost</u>
1	Construction Project Sign		6/30/2009	\$2,318.05
2	Revise conduit unit prices to installation only		11/30/2009	-\$69,790.24
3	Video detection rental & installation		11/30/2009	\$6,026.79
4	Catch basin- change in specification		11/30/2009	\$1,643.15
5	QWEST Vault- install larger utility vault		2/11/2010	\$3,231.33
6	Relocate J-box Vicinity- utility conflict)		2/11/2010	\$1,110.38
7	Relocate QWEST Vault #128- utility conflict		2/11/2010	\$772.41
8	Relocate QWEST Fiber Optic line- utility conflict		2/11/2010	\$3,770.80
9	Print Shop Driveway		4/8/2010	\$9,282.67
10	Type 1 Induction Loop- WSDOT intersection requirement		5/20/2010	\$11,256.00
11	Water Sampling Station W15- (intersection 90th & Main)		5/20/2010	\$2,983.11
12	Street Identification Signs (PW crew provided)		5/20/2010	-\$1,060.00
13	Remove (old) Pavement Marking		5/20/2010	\$1,164.44
				-\$27,291.11
PW Infrastructure Addition(s):	See attached Bill of Sale form			



Contractor's Registration No. (UBI No.) 602 498 928

Date 6/7/10

NOTICE OF COMPLETION OF PUBLIC WORKS CONTRACT

From:

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

Department Use Only
Assigned To _____
Date Assigned _____

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

Description of Contract Downtown Improvements Project		Contract Number
Contractor's Name Johansen Excavating Inc.,		Telephone Number 360-829-6493
Contractor's Address PO Box 674, Buckley, WA 98321		
Date Work Commenced 10/19/09	Date Work Completed 4/20/10	Date Work Accepted 5/3/10
Surety or Bonding Company First National Insurance Company of America		
Agent's Address 1001 4 th Avenue, Suite 1700, Seattle, WA 98154		

Contract Amount	\$ 2,105,883.25	Liquidated Damages	\$
Additions	\$ + 204,899.52	Amount Disbursed	\$ 2,215,015.86
Reductions	\$ - 22,438.94	Amount Retained	\$ 114,417.19
Sub-Total	\$ 2,288,343.83	TOTAL	\$ 2,329,433.05
Amount of Sales Tax Paid at <u>9.3 %</u> <i>(If various rates apply, please send a breakdown.)</i>	\$ 41,089.22		
TOTAL	\$ 2,329,433.05		

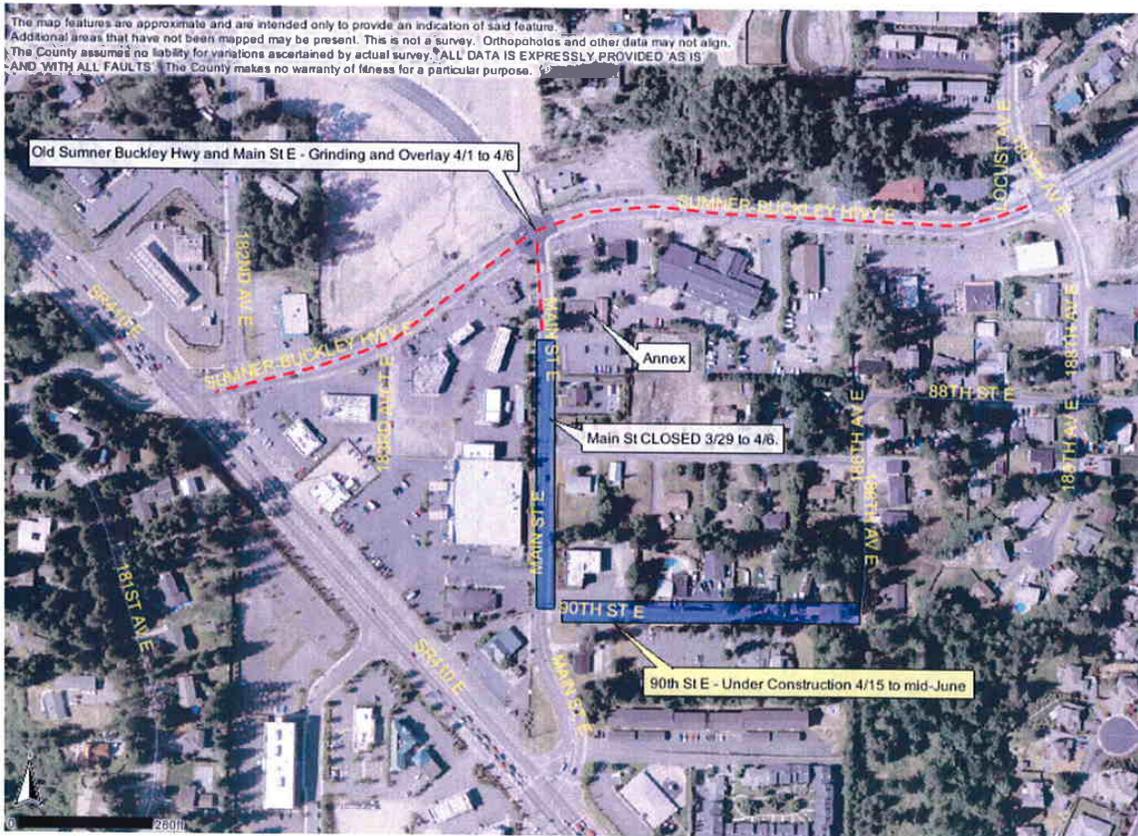
Comments: *A portion of the contract amount is not subject to sales tax (\$1,846,524.07)

Disbursing Officer	
Signature	
Type or Print Name	John Woodcook
Phone Number	253-447-4336

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

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

REV 31 0020e (6-27-01)



CITY OF BONNEY LAKE, PIERCE COUNTY

BILL OF SALE

Downtown Improvements Summer 2009

KNOW ALL MEN BY THESE PRESENTS that for and in consideration of the sum of One Dollar (\$1.00) and other good and sufficient consideration, receipt whereof is hereby acknowledged, the undersigned grantor(s) **City of Bonney Lake** do(es) by these presents hereby convey, set over, assign, transfer and sell to the City of Bonney Lake, Pierce County, Washington, a municipal corporation, the following described Storm Drainage, Water System and Street Improvements and all appurtenances thereto, situated in Pierce County, Washington:

STREET IMPROVEMENTS

<u>Item</u>	<u>Quantity</u>	<u>Unit</u>	<u>Cost</u>
Paved Lane	9,434	LF	\$1,088,480.00
Paved Centerline	3,362	LF	---
Cement Conc. Curb & gutter	2,875	LF	\$20,125.00
Pedestrian Curb	159	LF	\$2,345.25
Traffic Curb	294	LF	\$4,340.90
Cement Conc. Driveway Entrance	536	SY	\$15,546.90
Cement Conc. Sidewalk	1723	SY	\$37,050.95
Street Signs	13	EA	\$5,000.00
Street Lights	9	EA	\$53,486.19

STORM SYSTEM IMPROVEMENTS

<u>Item</u>	<u>Quantity</u>	<u>Unit</u>	<u>Cost</u>
12 In. Dia. Schedule A Storm Pipe	655	LF	\$15,720.00
18 In. Dia. Schedule A Storm Pipe	1204	LF	\$39,732.00
24 In. Dia. Schedule A Storm Pipe	722	LF	\$36,461.00
Install Filterra 4 ft x 4 ft	1	EA	\$12,000.00
Install Filterra 6 ft x 6 ft	1	EA	\$14,300.00
Catch Basin Type 1	13	EA	\$13,000.00
Catch Basin Type 1L	6	EA	7,971.78
Catch Basin Type 2 – 48 In. Dia.	18	EA	\$37,800.00

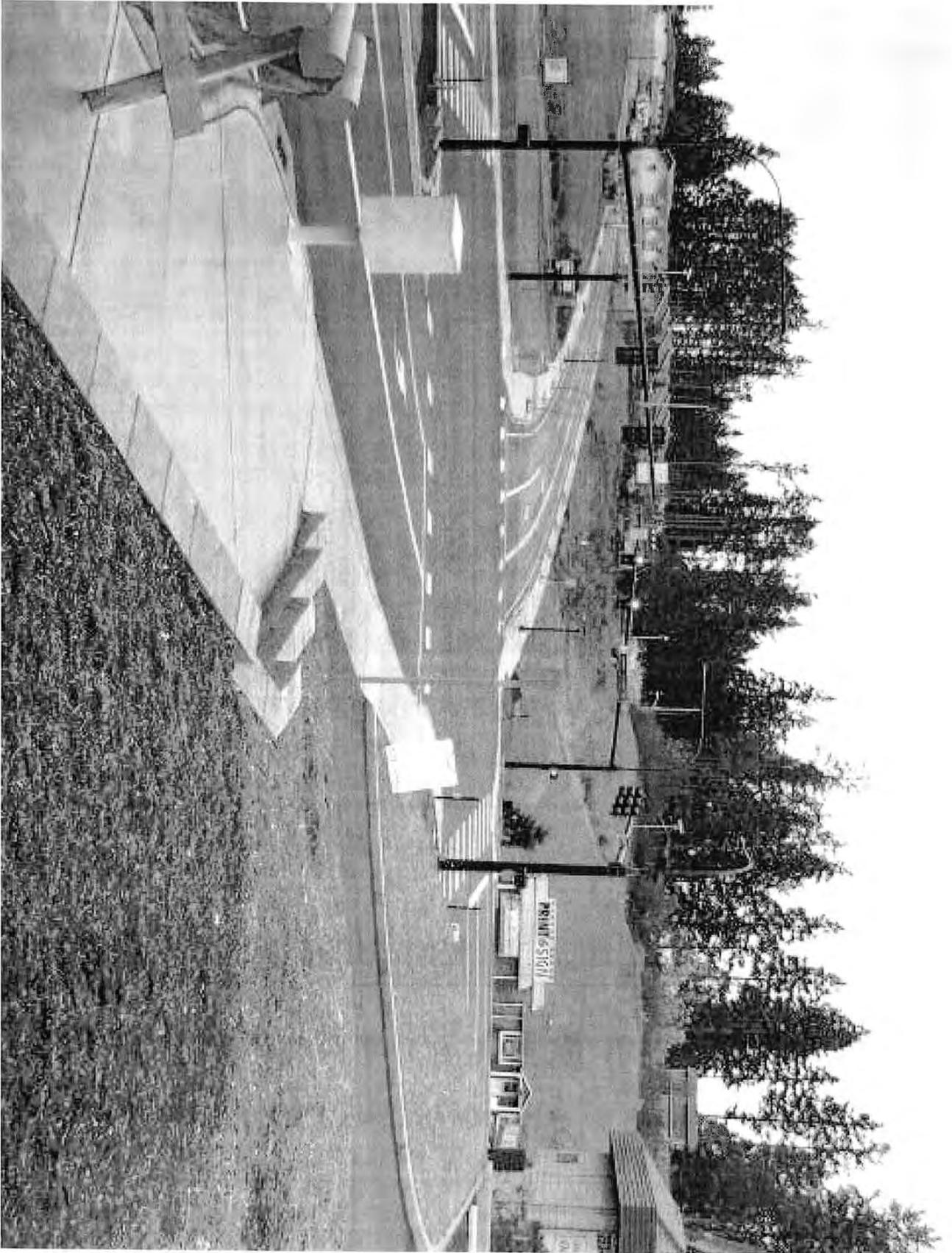
WATER SYSTEM IMPROVEMENTS

<u>Item</u>	<u>Quantity</u>	<u>Unit</u>	<u>Cost</u>
6 in. dia. Class 53 DI	35	LF	\$2,292.50
12 in. dia. Class 50 DI	2,144	LF	\$87,287.91
12 in. dia. Class 52 DI	173	LF	\$8,736.50
8 in. gate valve	4	EA	\$1,600.00

12 in gate valve	12	EA	\$20,065.99
Hydrant Assembly	1	EA	\$3,350.00
1 inch meter assembly	18	EA	\$8,370.00
1 inch poly service line	724	LF	\$15,928.00
Water Sampling Station	1	EA	\$2,729.29
24 in. dia. steel casing – SR 410 Crossing	124	LF	\$61,132.00
Connect to existing system	6	EA	\$13,325.00
Remove abandon water system	2	EA	\$10,347.04
2 in. water meter connection at Dept. of Licensing	1	EA	\$4,398.32

SANITARY SYSTEM IMPROVEMENTS

<u>Item</u>	<u>Quantity</u>	<u>Unit</u>	<u>Cost</u>
Side sewer connection to Dolce Vita	1	LS	\$15,337.16
Adjust side sewer to Annex Building	1	LS	\$604.88
Bonney Lake Tavern Side Sewer Repair	1	LS	\$769.24
Greenwood Side Sewer	1	LS	\$2,488.85
Library Side Sewer Repair	1	LS	\$693.60









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

<u>Department / Staff Contact:</u> PW / Marlyn Campbell	<u>Workshop / Meeting Date:</u> 13 Jul 2010	<u>Agenda Bill Number:</u> AB10-109
<u>Ordinance Number:</u>	<u>Resolution Number:</u>	<u>Councilmember Sponsor:</u> James Rackley

Agenda Subject: Motion to Accept as Complete the Interlake Islands, W Tapps Hwy & 194th Ave E Water Main

Proposed Motion: Motion to Accept as Complete the Interlake Islands, W Tapps Hwy & 194th Ave E Water Main with A & A Excavating Inc.

Administrative Recommendation:

Background Summary: Resolution 1969, dated October 13, 2009 awarded the construction contract to A & A Excavating Inc. for the Water Main project. This project replaced 6,500 linear feet of water mains along Interlake Island, West Tapps Hwy and 194th Ave E as part of the Leaky Main Project.

See attached Project Completion Report for detail information on this project.

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

Attachments: Project Completion Report, Notice of Completion of Public Works Contract to DOR, location map, Bill of Sale and 3 photos of project under construction.

<u>BUDGET INFORMATION:</u>			
Budget Amount	Required Expenditure	Budget Impact	Budget Balance
N/A			
Budget Explanation:			
Retainage release of \$114,417.19 once contract closeout documents/requirements are met.			

<u>COMMITTEE/BOARD REVIEW:</u>
Subcommittee Review Date: Community Development Committee - 21 Jun 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 Dan Grigsby	Mayor	Date City Attorney Reviewed
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Action Item #4

COMMUNITY DEVELOPMENT COMMITTEE

DATE: June 21, 2010

ORIGINATOR: Marlyn Campbell

TITLE: Support Services Coordinator

SUBJECT: Motion to Accept as Complete the Interlake Islands, W Tapps Hwy & 194th Ave E Water Main with A & A Excavating Inc. Resolution 1969, dated October 13, 2009 awarded the construction contract to A & A Excavating Inc. for the Water Main project. This project replaced 6,500 linear feet of water mains along Interlake Island, West Tapps Hwy and 194th Ave E as part of the Leaky Main Project.

See attached Project Completion Report for detail information on this project.

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

Attachments: Project Completion Report, Notice of Completion of Public Works Contract to DOR, Bill of Sale and 3 photos of project under construction.

ORDINANCE/RESOLUTION:

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>6-21-10</u>	<u><i>James Rackley</i></u>	_____
Randy McKibbin	<u>6-21-10</u>	<u><i>Randy McKibbin</i></u>	_____
Donn Lewis	<u>6-21-10</u>	<u><i>Donn Lewis</i></u>	_____

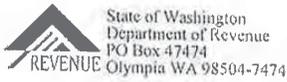
COMMITTEE COMMENTS: _____

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

Please schedule for City Council Meeting date of: July 13, 2010
Consent Agenda: Yes No

PUBLIC WORKS - PROJECT COMPLETION REPORT			
Project Title:		Interlake Islands, West Tapps Hwy & 194th Ave E Water Main	
Project Financing Summary:			
Project Revenue Sources:			
City Fund Source(s):		Water PWTF Loan II =	\$1,066,838
Total Project Budget =			\$1,066,838
Expenditures:			
Study =			N/A
Design =			\$160,228
Construction			
Engineer's Estimate =		1,150,000-1,290,000	
		Contract Award Amount	Actual
Low Bid/Contract (includes 10% contingency) =		\$1,000,902	886,596
Misc (i.e.. Advertise, water samples, hydrant rental)=		(part of 10% contingency)	3,316
5/8 Neptune Water Meters=		(part of 10% contingency)	16,578
Field Engineering Services =		\$45,495	120
		\$1,046,397	906,610
Total Construction=			906,610
Total Project Cost =			\$1,066,838
Budget total for construction including field engineering services=		\$1,046,397	
Under Budget=		-\$139,787	
Planning			
Comprehensive Facilities Plan Approved by City Council:			
Study Required:		N/A	
FY Funding in Budget:		N/A	
Study Contract NTP Date:		N/A	
Study Contract Completion Date:		N/A	
Change Order Summary:			
		<u>Date:</u>	<u>Cost:</u>

Design				
Date RFP Issued			N/A	
Design Contract Award Date:			3/10/2009	
Design Contract Completion Date:			8/19/2010	
Design Consultant(s):			RH2	
Scope of Work Changes:			<u>Date</u>	<u>Cost</u>
1				
2				
Change Order Summary:			<u>Date</u>	<u>Cost</u>
1				
Construction				
Date IFB Issued:			8/26/2009	
Bid Opening Date:			9/11/2009	
Engineer's Estimate:			1,150,000-1,290,000	
Low Responsive/Responsible Bid:			\$909,910.51	
Contract Award Date:			10/13/2009	
Contract Completion Date:			5/12/2010	
Retainage Release/Closeout Date:				
Scope of Work Changes:			<u>Date</u>	<u>Cost</u>
1				
2				
Change Order Summary:			<u>Date</u>	<u>Cost</u>
1	Curb Stops (double and single)		12/2/2009	\$7,637.50
2	Asphalt Price Increase=		2/26/2010	\$6,050.00
				\$13,687.50
PW Infrastructure Addition(s):	See attached Bill of Sale form			



Contractor's Registration No. (UBI No.) 601 454 106

Date 6/8/10

NOTICE OF COMPLETION OF PUBLIC WORKS CONTRACT

From:

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

Department Use Only
Assigned To _____
Date Assigned _____

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

Description of Contract		Contract Number
Interlake Islands W Tapps Hwy & 194 th Av E Watermain Project		
Contractor's Name		Telephone Number
A & A Excavating, Inc..		253-862-7597
Contractor's Address		
PO Box 7800, Bonney Lake, WA 98391		
Date Work Commenced	Date Work Completed	Date Work Accepted
11/16/09	5/12/10	5/12/10
Surety or Bonding Company		
Travelers Casualty and Surety Company of America		
Agent's Address		
1501 Fourth Ave., Suite 1650, Seattle, WA 98101		

Contract Amount	\$ 866,673.55	Liquidated Damages	\$
Additions	\$ + 13,687.50		
Reductions	\$ - 37,719.46		
Sub-Total	\$ 842,641.59	Amount Disbursed	\$ 844,463.89
Amount of Sales Tax Paid at <u>9.3 %</u> <i>(If various rates apply, please send a breakdown.)</i>	\$ 43,954.38	Amount Retained	\$ 42,132.08
TOTAL	\$ 886,595.97	TOTAL	\$ 886,595.97

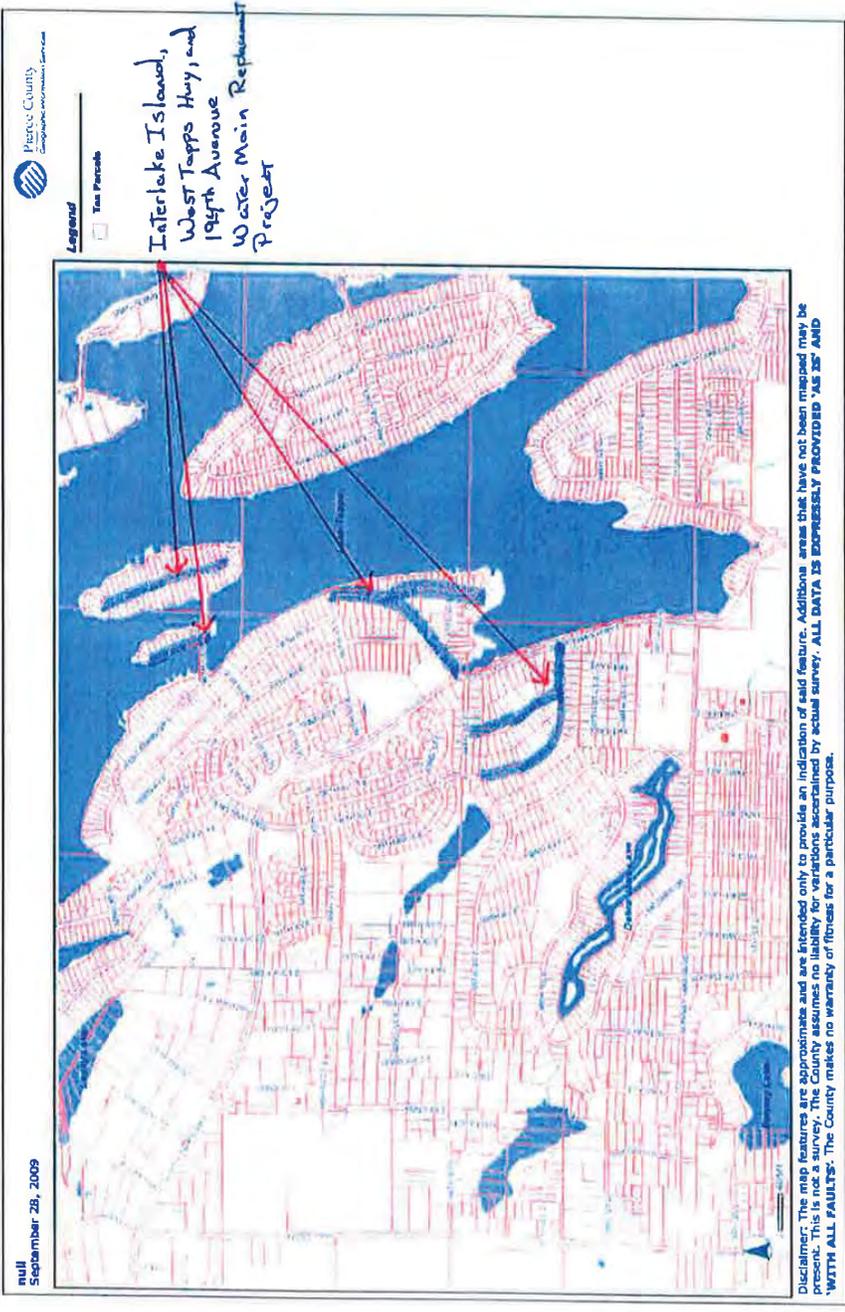
Comments: *Apportion of the contract amount is not subject to sales tax (\$370,013.90)

Disbursing Officer	
Signature	
Type or Print Name	John Woodcock
Phone Number	253-447-4336

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

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

REV 31 0020e (6-27-01)



RETURN TO:

City of Bonney Lake
Public Works Department
8720 184th Avenue East
P.O. Box 7380
Boney Lake, Washington 98390-0944

Phone: 253-447-4336
Fax: 253-826-1921

BILL OF SALE

KNOW ALL MEN BY THESE PRESENTS that for and in consideration of the sum of One Dollar (\$1.00) and other good and sufficient consideration, receipt whereof is hereby acknowledged, the undersigned grantor(s) _____ do(es) by these presents hereby convey, set over, assign, transfer and sell to the City of Bonney Lake, Pierce County, Washington, a municipal corporation, the following described utility or other improvements and all appurtenances thereto, situated in Pierce County, Washington:

TYPE OF DOCUMENT: Bill of Sale

GRANTOR(S): _____

GRANTEE: City of Bonney Lake, a Municipal Corporation

ABBREVIATED LEGAL DESCRIPTION: See Exhibit A

ASSESSOR TAX PARCEL I.D. NUMBERS: _____

NAME OF PROJECT: Interlink Island Water Main

ADDRESS OF PROJECT: _____

PROJECT NUMBER: _____

LEGAL DESCRIPTION: Located here or on Exhibit A of this document

PERSONAL PROPERTY DESCRIPTION: Located here or on Exhibit B of this document

the said grantor(s) hereby warrants that he, they, it, is/are the sole owner(s) of all the property above described; that they have full power to convey all rights herein conveyed and agree to hold the City of Bonney Lake harmless from any and all claims which might result from execution of this document. IN WITNESS WHEREOF the grantor(s) has/have executed these presents this 8 day of June, 2010

EXHIBIT B - FINAL COST DATA AND INVENTORY

Page 1 of 2

Permit No. _____

Name of Project _____

Per the request of the City of Bonney Lake the following information is furnished concerning final costs for improvements installed and turned over to the City for the above referenced project.

WATER SYSTEM CONSTRUCTION/CONSTRUCTION COSTS

Amount	Unit	Size	Type	Item	Cost
<u>1,067</u>	L.F. of	<u>4</u>	= <u>DI</u>	Water Main	\$ <u>21,019</u>
<u>6,655</u>	L.F. of	<u>8</u>	= <u>DT</u>	Water Main	\$ <u>151,401</u>
_____	L.F. of	_____	= _____	Water Main	\$ _____
_____	L.F. of	_____	= _____	Water Main	\$ _____
<u>1</u>	EACH of	<u>4</u>	= _____	Gate Valves	\$ <u>475.00</u>
<u>29</u>	EACH of	<u>8</u>	= _____	Gate Valves	\$ <u>24,650</u>
<u>2</u>	EACH of	<u>12</u>	= _____	Gate Valves	\$ <u>3,200</u>
<u>13</u>	EACH of	_____	= _____	Fire Hydrant Assemblies	\$ <u>44,200</u>
Cost of Fire Hydrants must be listed separately					\$ _____
Includes Engineering and Sales Tax if applicable					\$ _____
TOTAL COST FOR WATER SYSTEM					\$ <u>247,945</u>

SANITARY SEWER SYSTEM

Amount	Unit	Size	Type	Item	Cost
_____	L.F. of	_____	= _____	Sewer Main	\$ _____
_____	L.F. of	_____	= _____	Sewer Main	\$ _____
_____	L.F. of	_____	= _____	Sewer Main	\$ _____
_____	EACH of	_____	= _____	Diameter Manholes	\$ _____
_____	EACH of	_____	= _____	Diameter Manholes	\$ _____
Includes Engineering and Sales Tax if applicable					\$ _____
TOTAL COST FOR SANITARY SEWER SYSTEM					\$ _____

EXHIBIT B – FINAL COST DATA AND INVENTORY

Page 2 of 2

STORM DRAINAGE SYSTEM

Amount	Unit	Size	Type	Item	Cost	
_____	L.F. of	_____	=	_____	Storm Lines	\$ _____
_____	L.F. of	_____	=	_____	Storm Lines	\$ _____
_____	EACH of	_____	=	_____	Storm Inlet Outlet	\$ _____
_____	EACH of	_____	=	_____	Storm Catch Basin	\$ _____
_____	EACH of	_____	=	_____	Storm Catch Basin	\$ _____
Includes Engineering and Sales Tax if applicable					\$ _____	
TOTAL COST FOR STORM DRAINAGE SYSTEM					\$ _____	

STREET IMPROVEMENT

Item	Amount	Unit	Cost
Curb, Gutter, Sidewalk	_____	L.F.	\$ _____
Asphalt Pavement	_____	S.Y./L.F. of _____ width	\$ _____
Sign Installation Complete		EACH	\$ _____

SIGNALIZATION

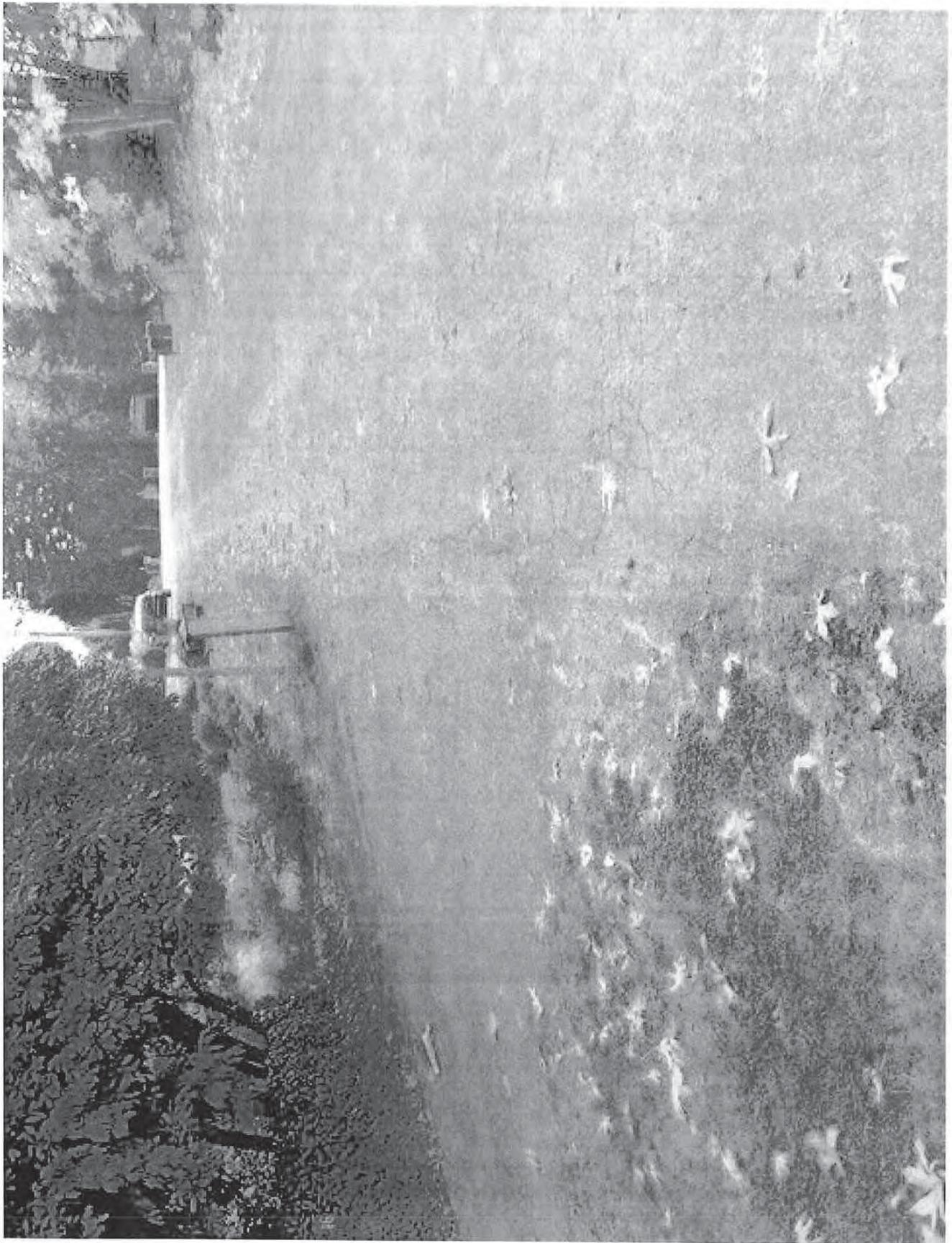
(Including Engineering Design Costs, City Permit Fees, WA State Sales Tax)	\$ _____
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STREET LIGHTING

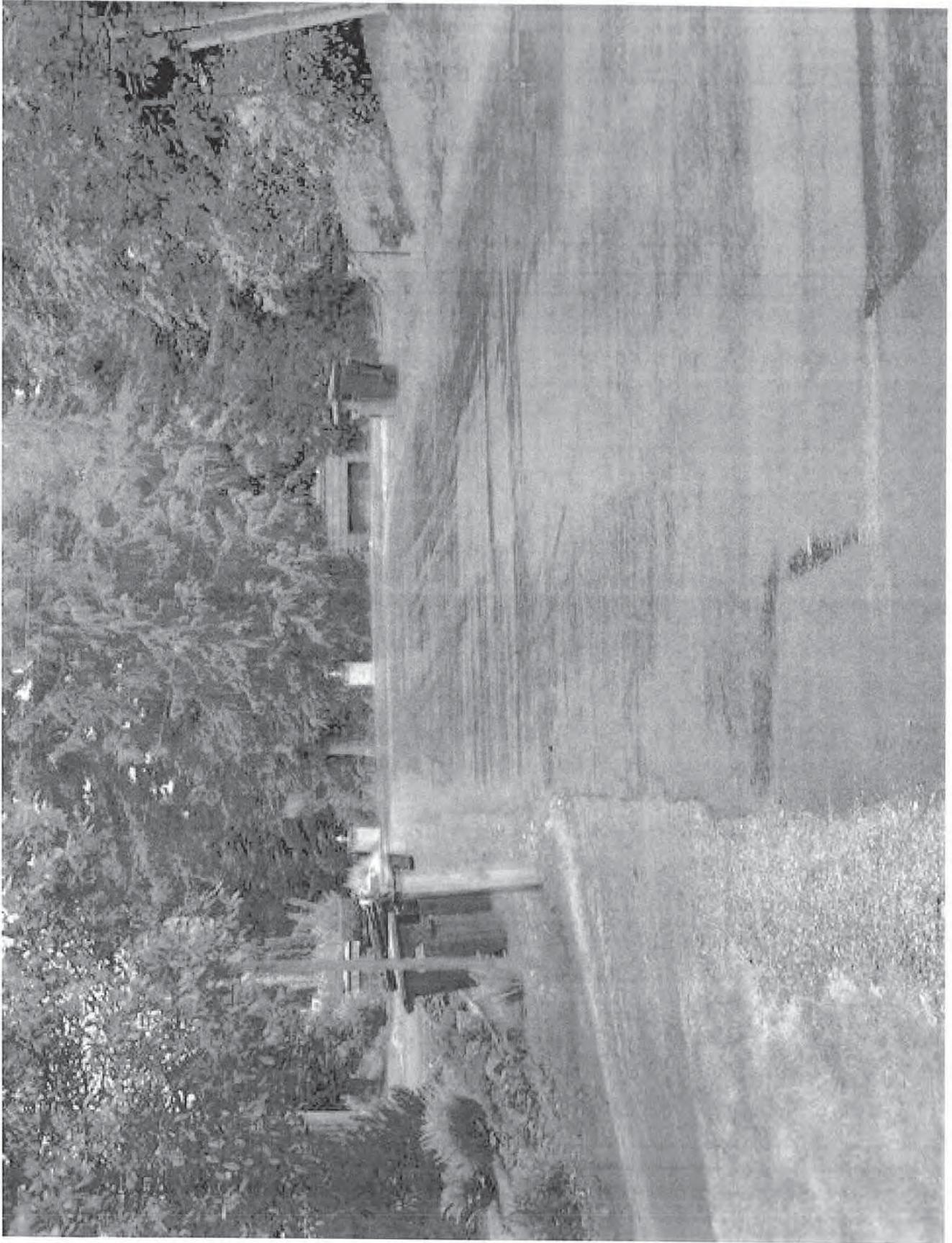
(Including Engineering Design Costs, City Permit Fees, WA State Sales Tax)	
Number of Poles	\$ _____

_____ Phone _____
 _____ E-mail _____
 Print Signatory Name _____ FAX _____

 Signature by authorized agent or owner of
 subject development







**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> 13 Jul 2010	<u>Agenda Bill Number:</u> AB10-121
<u>Ordinance Number:</u>	<u>Resolution Number:</u>	<u>Councilmember Sponsor:</u> Jim Rackley

Agenda Subject: Set Public Hearing for the 2011 - 2016 Six Year Transportation Improvement Program

Proposed Motion: Motion to set public hearing date for Proposed 6 - Year Transportation Improvement Program (2011 - 2015) on July 27, 2010.

Administrative Recommendation:

Background Summary: RCW requires an annual public hearing for any updates to the local 6 - Year Transportation Improvement Program (TIP) in order to be eligible for most grant funding.

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

<u>COMMITTEE/BOARD REVIEW:</u>
Subcommittee Review Date: Community Development Committee - 19 Jul 2010
Commission/Board Review Date: -
Hearing Examiner Date:

<u>COUNCIL ACTION:</u>	
Workshop Date(s):	Public Hearing Date(s): July 27, 2010
Meeting Date(s):	Tabled To Date:

Signatures:

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

<u>Department / Staff Contact:</u> Exec / Brian Hartsell	<u>Workshop / Meeting Date:</u> 13 Jul 2010	<u>Agenda Bill Number:</u> AB10-99
<u>Ordinance Number:</u>	<u>Resolution Number:</u> 2044	<u>Councilmember Sponsor:</u>

Agenda Subject: Acceptance of a 2010 Community Forestry Grant

Proposed Motion: A Resolution of the City Council of the City of Bonney Lake, Pierce County, Washington, authorizing the city to accept a \$10,000 2010 Community Forestry Grant from the Washington State Department of Natural Resources.

Administrative Recommendation: Approve Resolution 2044

Background Summary: This grant award relates to the March 2010 AB10-45 in which the City motioned to apply for the subject grant. With the awarded funds, the City will contract for its first ever Urban Tree Canopy (UTC) assessment and analysis services. Services will include the canopy assessment itself, GIS data for import into our local GIS system, and a summary report. The assessment would be used to accomplish several objectives including establishing a canopy baseline percentage, utilize GIS layers generated to overlay onto existing storm water GIS data to improve overall management of city stormwater runoff, allow city arborist to update City Street Tree Plan, and develop marketing tools to share with community service groups and private investors to encourage support for implementation of City's Community Forestry Program goals and objectives. In short, the assessment will serve as a planning tool to assist with tree inventory prioritization, risk assessment, and environmental impact analysis.

<u>BUDGET INFORMATION:</u>			
Budget Amount	Required Expenditure	Budget Impact	Budget Balance
Budget Explanation: The City will utilize the \$10,000 from DNR to procure urban tree canopy assessment services. The extent of the assessment will be based on how many square miles \$10,000 will buy per quotes supplied by vendors. Therefore, part of the city, all of the city, or even the city plus future annexation areas, may be assessed. The City match comes in the form of staff time from GIS and the arborist to incorporate and implement the deliverables and findings of the analysis into the City GIS system and Forestry Plans. The estimated labor plus benefits equals \$7,157.10. See attachment for breakdown. The City may also purchase a GPS unit--which could be applied towards the match.			

COMMITTEE/BOARD REVIEW:

Subcommittee Review Date: Finance Committee - 13 Jul 2010
Commission/Board Review Date: -
Hearing Examiner Date:

COUNCIL ACTION:

Workshop Date(s): _____ **Public Hearing Date(s):** _____
Meeting Date(s): 7/13/2010 **Tabled To Date:** _____

Signatures:

Director Authorization	Mayor	Date City Attorney Reviewed
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Staff	Project Action	Estimated # of Hours to Complete Action	Hourly wage including benefits	Total City Applicant Share	Total Grant Share	Total Project Costs
GIS Analyst	Review, quality control, formatting and map creation from UTC assessment GIS data	80	\$ 41.32	\$ 3,305.60	\$ -	\$ 3,305.60
GIS Tech	Review, quality control, formatting and map creation from UTC assessment GIS data	120	\$ 15.10	\$ 1,812.00	\$ -	\$ 1,812.00
Arborist	Review and update elements of the Street Tree Plan.	15	\$ 40.79	\$ 611.85	\$ -	\$ 611.85
Arborist	Ground tree inventory--Primarily with WSU Forest	35	\$ 40.79	\$ 1,427.65	\$ -	\$ 1,427.65
Subtotal		250		\$ 7,157.10	\$ -	\$ 7,157.10
Source	Project Action			Total City Applicant Share	Total Grant Share	Total Project Costs
Contract	UTC Assessment not to exceed \$10,000 in cost per grant ceiling.			\$ -	\$ 10,000.00	\$ 10,000.00
Subtotal				\$ -	\$ 10,000.00	\$ 10,000.00
GRAND TOTAL PROJECT COST						\$ 17,157.10

Note: If the contract for UTC Assessment Services comes in below \$10,000, excess funds cannot be applied to city wage and benefit costs per grant instructions.

RESOLUTION NO. 2044

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON, AUTHORIZING THE CITY TO ACCEPT A \$10,000 2010 COMMUNITY FORESTRY GRANT FROM THE WASHINGTON STATE DEPARTMENT OF NATURAL RESOURCES.

WHEREAS, this grant will allow the City, as a Tree City USA, to further enhance its Community Forestry Program; and

WHEREAS, the grant agreement and associated documents require the signature of an authorized representative of our local government;

The City Council of the City of Bonney Lake, Washington, does hereby resolve that the Mayor is authorized to sign the grant agreement and certifications in connection with an acceptance of a 2010 Community Forestry Grant from the Washington State Department of Natural Resources.

PASSED by the City Council this 13th day of July, 2010

Neil Johnson Jr., Mayor

ATTEST:

Harwood T. Edvalson, CMC
City Clerk

APPROVED AS TO FORM:

James Dionne, City Attorney



May 15, 2010

Brian Hartsell
City of Bonney Lake
19360 Bonney Lake Blvd
Bonnie Lake, WA 98391

Dear Mr. Hartsell:

Congratulations! The Department of Natural Resources (DNR) Urban and Community Forestry Program is pleased to approve funding of your community forestry assistance grant proposal. The grants were very competitive, and I commend you on your strong project.

Your accepted project, Urban Tree Canopy Assessment Project, is a "one-year special project." The amount of the grant will be \$10,000. It must be completed by June 30, 2011. Please be advised that no extensions are possible with these funds. Funding assistance is provided by the USDA Forest Service. As you move forward with your project, you will need to acknowledge both the "Department of Natural Resources" and the "USDA Forest Service" on all project materials. Detailed information will be provided after the contract is fully executed.

The mission of the Urban and Community Forestry Program is to provide leadership to create self-sustaining urban and community forestry programs that preserve, plant, and manage forests and trees for public benefits and quality of life. Your project is helping to carry forward that mission.

Within a month, Department staff will draw up a contract, and they may be calling you with questions. Please do not start your project until you have a signed, written agreement. If you need additional information, feel free to call Sarah Foster at (360) 902-1704.

We want to be involved in your project and assist with whatever expertise we can. My staff and I look forward to working with you in what we know will be a successful effort.

Sincerely,

Joseph P. Shramek
Resource Protection Division Manager





**INTERAGENCY AGREEMENT WITH THE
City of Bonney Lake**

Agreement No. IAA-10-324/K244-07-DG-599

This Agreement is between the City of Bonney Lake and the Washington State Department of Natural Resources, Resource Protection Division, referred to as DNR.

DNR falls under authority of RCW Chapter 43.30 of Washington State, Department of Natural Resources. DNR and the City of Bonney Lake enter into this agreement under Chapter 39.34, Interlocal Cooperation Act.

The purpose of this Agreement is to provide a tree canopy assessment, provide GIS data and a summary report to serve as a planning tool to assist with tree inventory prioritization, risk assessment, and environmental impact analysis for the City of Bonney Lake.

IT IS MUTUALLY AGREED THAT:

1.01 Statement of Work. The City of Bonney Lake shall furnish the necessary personnel, equipment, material and/or services and otherwise do all things necessary for or incidental to performing work set forth in the Attachment "A".

1.02 The City of Bonney Lake shall produce a mid-report, and a final report summarizing work performed and evaluating the performance and results of this agreement.

2.01 Period of Performance. The period of performance of this Agreement shall begin upon final execution by both parties, and end on June 30, 2011, unless terminated sooner as provided herein.

3.01 Payment. Pay for the work provided is established under RCW 39.34.130. The parties estimate that the cost of accomplishing the work will not exceed ten thousand dollars \$10000. Payment for satisfactory performance of work shall not exceed this amount unless the parties mutually agree to a higher amount before beginning any work that could cause the maximum payment to be exceeded. Pay for services shall be based on the rates and terms described in Attachment "B".

4.01 Billing Procedures. The City of Bonney Lake shall submit invoices no more than 4 times during the period of performance stated in section 2.01. Payment to the City of Bonney Lake for approved and completed work will be made by warrant or account transfer within 30 days of receiving invoice. When the contract expires, any claim for payment not already made shall be submitted within 30 days after the expiration date or the end of the fiscal year, whichever is earlier.

5.01 Records Maintenance. The City of Bonney Lake shall maintain books, records, documents and other evidence, to sufficiently document all direct and indirect costs incurred by the City of Bonney Lake in providing the services. These records shall be available for inspection, review, or audit by personnel of the DNR, other personnel authorized by the DNR, the Office of the State Auditor, and federal officials as authorized by law. The City of Bonney Lake shall keep all books, records, documents, and other material relevant to this Agreement for six years after agreement expiration. The Office of the State Auditor, federal auditors, and any persons authorized by the parties shall have full access to and the right to examine any of these materials during this period.

Records and other documents in any medium furnished by one party to this agreement to the other party will remain the property of the furnishing party, unless otherwise agreed. The receiving party will not disclose this material to any third parties without first notifying the furnishing party and giving it a reasonable opportunity to respond. Each party will use reasonable security procedures and protections to assure that records and documents provided by the other party are not erroneously disclosed to third parties.

6.01 Rights to Data. Unless otherwise agreed, data originating from this Agreement shall be “works for hire” as defined by the U.S. Copyright Act of 1976 and shall be owned by the DNR and the City of Bonney Lake. Data shall include, but not be limited to, reports, documents, pamphlets, advertisements, books, magazines, surveys, studies, computer programs, films, tapes, and/or sound reproductions. Ownership includes the right to use, copyright, patent, register and the ability to transfer these rights.

7.01 Independent Capacity. The employees or agents of each party who are engaged in performing this agreement shall continue to be employees or agents of that party and shall not be considered for any purpose to be employees or agents of the other party.

8.01 Amendments. This Agreement may be amended by mutual agreement of the parties. Amendments shall be in writing and signed by personnel authorized to bind each of the parties.

9.01 Termination. Either party may terminate this Agreement by giving the other party 30 days prior written notice. If this Agreement is terminated, the terminating party shall be liable to pay only for those services provided or costs incurred prior to the termination date according to the terms of this Agreement.

10.01 Termination for Cause. If for any cause either party does not fulfill in a timely and proper manner its obligations under this Agreement, or if either party violates any of the terms and conditions, the aggrieved party will give the other party written notice of the failure or violation. The aggrieved party will give the other party 15 working days to correct the violation

or failure. If the failure or violation is not corrected within 15 days, the aggrieved party may immediately terminate this Agreement by notifying the other party in writing.

11.01 Disputes. If a dispute arises, a dispute board shall resolve the dispute like this: Each party to this agreement shall appoint a member to the dispute board. These board members shall jointly appoint an additional member to the dispute board. The dispute board shall evaluate the facts, contract terms, applicable statutes and rules, then determine a resolution. The dispute board's determination shall be final and binding on the parties. As an alternative to the dispute board, either of the parties may request intervention by the Governor, as provided by RCW 43.17.330. In this case, the Governor's process will control the dispute resolution.

12.01 Governance. This contract is entered into the authority granted by the laws of the State of Washington and any applicable federal laws. The provisions of this agreement shall be construed to conform to those laws.

If there is an inconsistency in the terms of this Agreement, or between its terms and any applicable statute or rule, the inconsistency shall be resolved by giving precedence in the following order:

- (1) Applicable State and federal statutes and rules;
- (2) Statement of Work; and
- (3) Any other provisions of the agreement, including materials incorporated by reference.

13.01 Assignment. The work to be provided under this Agreement and any claim arising from this agreement cannot be assigned or delegated in whole or in part by either party, without the express prior written consent of the other party. Neither party shall unreasonably withhold consent.

14.01 Waiver. A party that fails to exercise its rights under this agreement is not precluded from subsequently exercising its rights. A party's rights may only be waived through a written amendment to his agreement.

15.01 Severability. The provisions of this agreement are severable. If any provision of this Agreement or any provision of any document incorporated by reference should be held invalid, the other provisions of this Agreement without the invalid provision remain valid.

16.01 Insurances. The City of Bonney Lake and DNR are part of the State of Washington and are protected by the State's self-insurance liability program as provided by Chapter 4.92 RCW. These agencies have entered into this agreement to provide/perform the Urban Tree Canopy Assessment Project described therein. This agreement will terminate on the date listed in the period of performance. The agencies agree to share responsibility equally for losses that arise out of this agreement.

(1) General Insurance Requirements

At all times during the term of this agreement, the Contractor shall, at its cost and expense, buy and maintain insurance of the types and amounts listed below. Failure to buy and maintain the required insurance may result in the termination of the agreement at DNR's option.

All insurance shall be issued by companies admitted to do business in the State of Washington and have a rating of A-, Class VII or better in the most recently published edition of Best's Reports unless otherwise approved by DNR. Any exception must be reviewed and approved by the DNR Risk Manager or in the absence of, the Contracts Specialist at FMD, before the contract is accepted. If an insurer is not admitted, all insurance policies and procedures for issuing the insurance policies must comply with Chapter 48.15 RCW and 284-15 WAC.

Before starting work, Contractor shall furnish DNR, with a certificate(s) of insurance, executed by a duly authorized representative of each insurer, showing compliance with the insurance requirements specified in the bid/proposal, if applicable, and Agreement. Said certificate(s) shall contain the Contract number IAA-10-324/K244-07-DG-599, name of DNR Project Manager, a description, and include the State of Washington, DNR, its elected and appointed officials, agents, and employees as additional insured on all general liability, excess, umbrella and property insurance policies.

Contractor shall include all subcontractors as insureds under all required insurance policies, or shall furnish separate certificates of insurance and endorsements for each subcontractor. Subcontractor(s) must comply fully with all insurance requirements stated herein. Failure of subcontractor(s) to comply with insurance requirements does not limit Contractor's liability or responsibility.

All insurance provided in compliance with this contract shall be primary as to any other insurance or self-insurance programs afforded to or maintained by DNR. Contractor waives all rights against DNR for recovery of damages to the extent these damages are covered by general liability or umbrella insurance maintained pursuant to this Agreement.

DNR shall be provided written notice before cancellation or non-renewal of any insurance referred to therein, in accord with the following specifications.

- (1) Insurers subject to Chapter 48.18 RCW (Admitted and Regulated by the Insurance Commissioner): The insurer shall give DNR 45 days advance notice of cancellation or non-renewal. If cancellation is due to nonpayment of premium, DNR shall be given 10 days advance notice of cancellation.
- (2) Insurers subject to Chapter 48.15 RCW (Surplus lines): DNR shall be given 20 days advance notice of cancellation. If cancellation is due to nonpayment of premium, DNR shall be given 10 days advance notice of cancellation.

In lieu of the coverages required under this section, DNR at its sole discretion may accept evidence of self-insurance by the Contractor, provided Contractor provides the following:

Contractor shall provide a statement by a CPA or actuary, satisfactory to DNR that demonstrates Contractor's financial condition is satisfactory to self-insure any of the required insurance coverages.

DNR may require Contractor to provide the above from time to time to ensure

Contractor's continuing ability to self-insure. If at any time the Contractor does not satisfy the self insurance requirement, Contractor shall immediately purchase insurance as set forth under this section.

By requiring insurance herein, DNR does not represent that coverage and limits will be adequate to protect Contractor and such coverage and limits shall not limit Contractor's liability under the indemnities and reimbursements granted to DNR in this contract.

The limits of insurance, which may be increased by DNR, as deemed necessary, shall not be less than as follows:

- (1) Commercial General Liability (CGL) Insurance: Contractor shall maintain general liability (CGL) insurance, and, if deemed necessary as determined by DNR, commercial umbrella insurance with a limit of not less than \$1,000,000 per each occurrence and \$2,000,000 for a general aggregate limit. The products-completed operations aggregate limit shall be \$2,000,000.

CGL insurance shall be written on ISO occurrence form CG 00 01 (or substitute form providing equivalent coverage). All insurance shall cover liability arising out of premises, operations, independent contractors, products-completed operations, personal injury and advertising injury, and liability assumed under an insured contract (including the tort liability of another assumed in a business contract), and contain separation of insureds (cross liability) conditions.

- (2) Employers Liability (Stop Gap) Insurance: If Contractor shall use employees to perform this contract, Contractor shall buy employers liability insurance, and, if deemed necessary as determined by DNR, commercial umbrella liability insurance with limits not less than \$1,000,000 each accident for bodily injury by accident or \$1,000,000 each employee for bodily injury by disease.
- (3) Business Auto Policy (BAP) Insurance: Contractor shall maintain business auto liability and, if deemed necessary as determined by DNR, commercial umbrella liability insurance with a limit not less than \$1,000,000 per accident. Such insurance shall cover liability arising out of "any Auto." Business auto coverage shall be written on ISO form CA 00 01, or substitute liability form providing equivalent coverage. If necessary, the policy shall be endorsed to provide contractual liability coverage and cover a "covered pollution cost or expense" as provided in the 1990 or later editions of CA 00 01.

Contractor waives all rights against DNR for the recovery of damages to the extent they are covered by business auto liability or commercial umbrella liability insurance.

- (4) Workers' Compensation Insurance: Contractor shall comply with all State of Washington workers' compensation statutes and regulations. Workers' compensation coverage shall be provided for all employees of Contractor and employees of any subcontractor or sub-subcontractor. Coverage shall include

bodily injury (including death) by accident or disease, which arises out of or in connection with the performance of this contract. Except as prohibited by law, Contractor waives all rights of subrogation against DNR for recovery of damages to the extent they are covered by workers' compensation, employer's liability, commercial general liability or commercial umbrella liability insurance.

Contractor shall indemnify DNR for all claims arising out of Contractor's, its subcontractor's, or sub-subcontractor's failure to comply with any State of Washington workers' compensation laws where DNR incurs fines or is required by law to provide benefits to or obtain coverage for such employees. Indemnity shall include all fines, payment of benefits to Contractor or subcontractor employees, or their heirs or legal representatives, and the cost of effecting coverage on behalf of such employees. Any amount owed to DNR by Contractor pursuant to the indemnity may be deducted from any payments owed by DNR to Contractor for performance of this Contract.

- (5) To the fullest extent permitted by law, Contractor shall indemnify, defend and hold harmless DNR, its officials, agents and employees, from and against all claims arising out of or resulting from the performance of the Agreement. "Claim" as used in this agreement means any financial loss, claim, suit, action, damage, or expense, including but not limited to attorneys' fees, attributable for bodily injury, sickness, disease or death, or injury to or destruction of tangible property including loss of use resulting therefrom. Contractor's obligation to indemnify, defend, and hold harmless includes any claim by Contractor's agents, employees, representatives, or any subcontractor or its employees. Contractor expressly agrees to indemnify, defend, and hold harmless DNR for any claim arising out of or incident to Contractor's or any subcontractor's performances or failure to perform the Agreement. Contractor's obligation to indemnify, defend, and hold harmless DNR shall not be eliminated or reduced by any actual or alleged concurrent negligence of DNR or its agents, agencies, employees and officials. Contractor waives its immunity under Title 51 RCW to the extent it is required to indemnify, defend and hold harmless DNR and its agencies, officials, agents or employees.

17.01 Complete Agreement in Writing. This Agreement contains all the terms and conditions agreed upon by the parties. No other understanding, oral or otherwise, regarding the subject matter of this Agreement shall be deemed to exist or to bind any of the parties.

18.01 Contract Management. The Project Coordinator for each of the parties shall be the contact person for this agreement. All communications and billings will be sent to the project coordinator.

19.01 Project Coordinators.

- (1) The Project Coordinator for the Agency is Nicki Eisfeldt. Telephone Number 360-902-1330.
- (2) The Project Manager for DNR is Sarah Foster. Telephone Number 360-902-1704.

IN WITNESS WHEREOF, the parties have executed this Agreement.

City of Bonney Lake

Dated: _____, 20__

By: _____

Title: _____

Address: _____

Phone: _____

STATE OF WASHINGTON
DEPARTMENT OF NATURAL RESOURCES

Dated: _____, 20__

By: _____
Joseph P. Shramek

Title: Division Manager

Address: 1111 Washington St SE
Olympia, Wa 98504-7037

Interagency Agreement
Approved as to Form 9/29/97
By the Assistant Attorney General
State of Washington

2010 Community Forestry Assistance Grant Proposal

APPLICATION FORM

Project name (five words or less) Urban Tree Canopy Assessment Project _____
Location (City) City of Bonney Lake, Pierce County, WA ____ Tree City USA Y N
Name of Applicant City of Bonney Lake _____ Daytime Phone #253-862-8602
Address of Applicant 19306 Bonney Lake Blvd _____
City Bonney Lake _____ State WA ____ Zip 98391 _____
Contact Person Brian Hartsell _____ Daytime Phone #253-447-3102
Fax # 253-862-8538 _____ E-mail Address hartsellb@ci.bonney-lake.wa.us
Applicant's Federal I.D. Number 91-0753552 _____

Brief Description of Project and Objective: The City will contract for urban tree canopy assessment and analysis services. Services will include the canopy assessment itself, GIS data for import into our local GIS system, and a summary report. These deliverables will allow the City to realize four key goals and objectives outlined in the program narrative. In short, the assessment will serve as a planning tool to assist with tree inventory prioritization, risk assessment, and environmental impact analysis.

Is this project currently funded through another entity? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Was this project previously funded through another entity? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

DNR funds requested	from budget work sheet	\$10,000 _____
Applicant share provided	from budget work sheet	\$7,157.10 _____
In-kind share	from budget work sheet	\$0 _____
Cash donations	from budget work sheet	\$0 _____
Total amount of project	from budget work sheet	\$17,157.10 _____

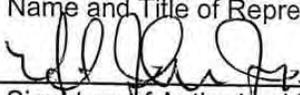
By signing this grant proposal application form the undersigned agrees that all information is accurate to the best of their knowledge.

Neil Johnson, Jr., Mayor

March 23, 2010

Name and Title of Representative

Date



Signature of Authorized Representative

March 23, 2010

Date

Program Narrative

Introduction

The City of Bonney Lake respectfully requests \$10,000 set forth in the 2010 Community Forestry Assistance Grant Program. The grant would fund the City of Bonney Lake's first ever urban tree canopy assessment and analysis.

Program Overview

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." Funds made available through this Washington Department of Natural Resource administered program will allow for the City to execute an urban tree canopy (UTC) analysis. The UTC analysis will help the city realize specific goals in connection with its overall mission to protect its remarkable scenic beauty through responsible growth:

GOAL #1

Ensure net tree canopy is not lost due ongoing and anticipated development within City Limits and potential annexation areas. This goal is consistent with the City's Community Forestry Program Plan goal to "minimize loss of forest canopy cover on city-owned public lands" and "provide an example [to the public] through the highest standard of care and management for all publicly-owned trees.

Objective #1

Establish canopy baseline percentage through a UTC assessment study.

GOAL #2

Enhance impervious surface modeling and analysis to support ongoing implementation of Phase II municipal stormwater National Pollutant Discharge Elimination System (NPDES) permits.

Objective #2

Utilize GIS layers generated from UTC assessment to overlay onto existing storm water GIS data to improve overall management of city stormwater runoff.

GOAL #3

Update Community Forestry Program recommendations and priorities to manage and respond to ongoing and future development.

Objective #3

City arborist to update City Street Tree Plan and provide recommendations to Mayor, City Council, Park Board and/or Planning Commission.

GOAL #4

Maintain and enhance our Tree City USA designation by actively pursuing data and information to improve planning and decision making that ultimately supports the City's livability and scenic beauty.

Objective #4

Develop and distribute marketing tools generated from the canopy assessment for community service groups and private investors that in turn are instrumental in assisting the City implement its Community Forestry Program goals and strategies.

Project Description**BACKGROUND**

The City of Bonney Lake, which is located 20 minutes east of Tacoma, has experienced staggering growth in the last ten years. In response to this growth and associated impact on the environment, the City Council initiated its Community Forestry Program in 2005—which includes a City-employed arborist. The City has since developed a Street Tree Management Plan, a Community Forestry Program Plan, and established the supportive City ordinance. As the City looks to expand its overall Forestry Program, an urban tree canopy assessment study is a critically needed planning tool to take the program to the next level.

PROJECT DETAILS/SCOPE

The City will contract for UTC assessment and analysis services. Services will include the canopy assessment itself, GIS data for import into our local GIS system, and a summary report. These deliverables will allow the City to realize the aforementioned goals and objectives. The assessment will cover all or the majority of the target areas outlined in the Target Area Map found at Attachment 6. The key target areas include the entire city limits and three sub-areas that constitute areas that have the potential to be annexed in the near future. A larger target area, Cascadia, has also been included in the map since it will be potentially annexed, but this area would only be included in the assessment if vendor quotes were favorable enough to allow for inclusion.

In summary, the UTC assessment will be a vital planning tool to better understand the current status of our forests so that we can make the best decisions to strategically mitigate associated environmental impacts on air quality, soil and water pollutants, stormwater, and aesthetic beauty. Similarly, the assessment will serve as a planning tool to assist with tree inventory prioritization and risk assessment. The City anticipates periodic UTC assessments every few years to substantiate the effectiveness and success of objectives on the overall canopy. Further, the City's assessment data can be shared as requested or combined with other area canopy studies to examine trends or anomalies.

TIMELINE

Upon notification of award, city staff will move forward immediately to select a qualified vendor for UTC assessment study. The agreement will stipulate that all deliverables and

invoicing will be due to the city within 8-9 months to ensure reimbursement requests are completed well within the grant program completion date of June 30, 2011.

ORGANIZATION INFORMATION/ADMINISTRATION

The City's Community Forestry Ordinance (#1124) establishes the City's full commitment to a forestry program. A key element of the City's Community Forestry Program is our on staff arborist. The arborist provides the technical expertise to interpret and utilize the UTC assessment. The city also has a dedicated grant coordinator to ensure all reimbursement requests and reporting requirements are processed in a timely and appropriate manner. The finance department will establish a project code to track and document applicant share.

PERFORMANCE MEASUREMENT

The success of the project will be measured by documenting realization of the aforementioned four objectives in connection with stated goals.

BUDGET NARRATIVE

Grant funds in the amount of \$10,000 would specifically be used to pay for the contracted UTC assessment service with associated data and report files. City staff time constitutes the applicant share and will be contributed to the project to utilize the assessment to realize the stated goals and objectives. This city staff time equates to an estimated 250 hours totaling \$7,157.10 in wages and benefits. Attachment 3, Budget Worksheet, details the work to be performed by the city staff and the associated time estimates.

BUDGET WORKSHEET

Applicant City of Bonney Lake, Pierce County, WA _____

Project Name Urban Tree Canopy Assessment Project _____

ITEM	Grant Share	Applicant	In-Kind	TOTAL
GIS Analyst—Review, quality control, formatting and map creation from UTC assessment GIS data—80 hours at \$41.32/hr.		\$3,305.60		\$3,305.60
GIS Analyst—Review, quality control, formatting and map creation from UTC assessment GIS data—120 hours at \$15.10/hr.		\$1,812.00		\$1,812.00
Arborist—Review and update elements of the Street Tree Plan—15 hours at \$40.79/hr.		\$611.85		\$611.85
Arborist—Ground tree inventory—35 hours at \$40.79/hr.		\$1,427.65		\$1,427.65
Urban Tree Canopy Assessment & Analysis Report	\$10,000			\$10,000
TOTAL	\$10,000	\$7,157.10	\$0	\$17,157.10

FINANCE COMMITTEE

DATE: July 13, 2010

ORIGINATOR: King Cooper II

TITLE: Project Manager

SUBJECT/DISCUSSION: Motion to approve the contract by KPG Consultants for Construction Survey
The city has opened bids for the TWD Intertie project and determined the low bidder for the contract award. Due to the complexity and diversity of this project, the Project Manager will need Construction Survey from the design team KPG Consultants to meet our commitments for the success of this endeavor. This contract will not exceed \$18,897.46.

ORDINANCE NUMBER:

REQUEST OR RECOMMENDATION BY ORIGINATOR: Consider and Move Forward

ISSUE AND DOCUMENTS HAVE BEEN REVIEWED AND APPROVED BY THE MAYOR

FINANCE DIRECTOR _____

CITY ATTORNEY _____

BUDGET INFORMATON

2010 Budget Amount

\$28,500.02

Required Expenditure

\$18,897.46

Remaining Balance

\$9,602.56

Explanation:

The Budget amount of \$28,500.02 is the dollars requested for the construction engineering services (5%) as part of Resolution 2045 (AB10-102), construction of the TWD Intertie S. Prairie Road E Waterline Project

COMMITTEE ACTION: RECOMMEND APPROVAL TO COUNCIL

	DATE	APPROVED	DISAPPROVED
Dan Swatman, Chair, Finance	_____	_____	_____
Mark Hamilton, Chair, Public Safety	_____	_____	_____
James Rackley, Chair, CDC	_____	_____	_____

COMMITTEE COMMENTS: _____

COMMITTEE'S RECOMMENDATION TO FORWARD TO:

CITY CLERK

FINANCE DIRECTOR

CITY ATTORNEY

Please schedule for Council Meeting date of: _____ July 13, 2010 _____

Consent Agenda: _____

RESOLUTION NO. 2052

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON, AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH KPG CONSULTANTS FOR CONSTRUCTION SERVICES AND SURVEY FOR THE TWD INTERTIE S. PRAIRIE ROAD E WATERLINE PROJECT

Whereas, the City Council approved the design of the TWD Intertie S. Prairie Road E Waterline Project by Resolution 1829; and

Whereas, the City advertised and opened bids for construction on June 16, 2010 and has awarded the contract to the lowest responsible bidder by Resolution 2045 to Mountain West.; and

Whereas, the City Council approved in Resolution 2045, Construction Engineering funding for management, inspection and survey services in the amount of \$28,500.02 based on the contract bid.

Now therefore, be it resolved; that the City of Bonney Lake Council does hereby authorize the Mayor to sign the attached contract with KPG Consultants construction services and survey in the amount of \$18,987.46 which will be covered under the Construction Engineering budget for this project.

PASSED and adopted by the City Council this 13th day of July 2010.

Neil Johnson , Mayor

ATTEST:

Harwood T. Edvalson, CMC
City Clerk

APPROVED AS TO FORM:

James Dionne, City Attorney

PROFESSIONAL SERVICES AGREEMENT

THIS PROFESSIONAL SERVICES AGREEMENT ("Agreement") is made and entered into this _____ day of _____, 2010, by and between the City of Bonney Lake (" City") and KPG (" Consultant").

The parties hereby agree as follows:

1. **Scope of Work.** The Consultant shall perform all work and provide all materials described in the Scope of Work set out in Exhibit A attached hereto and incorporated herein by this reference. Such work shall be performed using facilities, equipment and staff provided by Consultant, and shall be performed in accordance with all applicable federal, state and local laws, ordinances and regulations. The Consultant shall exercise reasonable care and judgment in the performance of work pursuant to this Agreement. The Consultant shall make minor changes, amendments or revisions in the detail of the work as may be required by the City, such work not to constitute Extra Work under this Agreement.
2. **Ownership of Work Product.** Documents, presentations and any other work product produced by the Consultant in performance of work under this Agreement shall be tendered to the City upon completion of the work, and all such product shall become and remain the property of the City and may be used by the City without restriction; *provided*, that any such use by the City not directly related to the particular purposes for which the work product was produced shall be without any liability whatsoever to the Consultant.
3. **Payment.** The Consultant shall be paid by the City for completed work and services rendered under this Agreement pursuant to the rates and charges set out in Exhibit B, attached hereto and incorporated herein by this reference. Such payment shall be full compensation for work performed or services rendered and for all labor, materials, supplies, equipment, and incidentals necessary to complete the work. All billings for compensation for work performed under this Agreement shall list actual time and dates during which the work was performed and the compensation shall be figured using the rates set out in Exhibit B; *provided*, that payment for work within the Scope of Work (Exhibit A) shall not exceed the fee/hour estimate set out in Exhibit B without written amendment to this Agreement, agreed to and signed by both parties.

Acceptance of final payment by the Consultant shall constitute a release of all claims, related to payment under this Agreement, which the Consultant may have against the City unless such claims are specifically reserved in writing and transmitted to the City by the Consultant prior to acceptance of final payment. Final payment shall not, however, be a bar to any claims that the City may have against the Consultant or to any remedies the City may pursue with respect to such claims.

The Consultant and its sub consultants shall keep available for inspection, by the City, for a period of three years after final payment, the cost records and accounts pertaining to this Agreement and all items related to, or bearing upon, such records. If any litigation, claim or audit is started before the expiration of the three-year retention period, the records shall be retained until all litigation, claims or audit findings involving the records have been resolved. The three-year retention period shall commence when the Consultant receives final payment.

4. **Changes in Work.** The Consultant shall make all revisions and changes in the work completed under this Agreement as are necessary to correct errors, when required to do so by the City, without additional compensation.

5. **Extra Work.** The City may desire to have the Consultant perform work or render services in addition to or other than work provided for by the expressed intent of the Scope of Work. Such work will be considered Extra Work and will be specified in a written supplement which will set forth the nature and scope thereof. Work under a supplement shall not proceed until authorized in writing by the City. Any dispute as to whether work is Extra Work or work already covered by this Agreement shall be resolved before the work is undertaken. Performance of the work by the Consultant prior to resolution of any such dispute shall waive any claim by the Consultant for compensation as Extra Work.

6. **Employment.** Any and all employees of Consultant, while engaged in the performance of any work or services required by the Consultant under this Agreement, shall be considered employees of the Consultant only and not of the City, and any and all claims that may or might arise under the Workman's Compensation Act on behalf of said employees, while so engaged; any and all taxes arising out of Consultant's or Consultant's employees' work under this Agreement; and any and all claims made by a third party as a consequence of any acts, errors, or omissions on the part of the Consultant's employees, while so engaged, shall be the sole obligation and responsibility of the Consultant, except as provided in Section 12 of this agreement. The Consultant's relation to the City shall at all times be as an independent contractor.

7. **Nondiscrimination and Legal Compliance.** Consultant agrees not to discriminate against any client, employee or applicant for employment or for services because of race, creed, color, national origin, marital status, gender, age or handicap except for a bona fide occupational qualification with regard to, but not limited to, the following: employment upgrading; demotion or transfer; recruitment or any recruitment advertising; layoff or termination; rates of pay or other forms of compensation; selection for training; and rendition of services. The consultant represents and warrants that it is in compliance with and agrees that it will remain in compliance with the provisions of the Immigration Reform and Control Act of 1986, including but not limited to the provisions of the Act prohibiting the hiring and continued employment of unauthorized aliens and requiring verification and record keeping with respect to the status of each of its employees' eligibility for employment. The consultant shall include a provision substantially the same as this

section in any and all contracts with sub consultants performing work required of the contractor under this contract. The consultant agrees to indemnify and hold the City harmless from any and all liability, including liability for interest and penalties, the City may incur as a result of the consultant failing to comply with any provisions of the Immigration Reform and Control Act of 1986. Consultant understands and agrees that if it violates this section, this Agreement may be terminated by the City, and that Consultant shall be barred from performing any services for the City in the future unless and until a showing is made satisfactory to the City that discriminatory practices have terminated and that recurrence of such action is unlikely.

8. **Term.** This Agreement shall become effective upon the day of its execution by both parties, and shall terminate upon completion of the work and delivery of all materials described in Exhibit A.

9. **Termination by City.** The City may terminate this Agreement at any time upon not less than ten (10) days written notice to Consultant, subject to the City's obligation to pay Consultant in accordance with subsections A and B below.

A. In the event this Agreement is terminated by the City other than for fault on the part of the Consultant, a final payment shall be made to the Consultant for actual cost of work complete at the time of termination of the Agreement. In addition, the Consultant shall be paid on the same basis as above for any authorized Extra Work completed. No payment shall be made for any work completed after ten (10) days following receipt by the Consultant of the termination notice. If the accumulated payment(s) made to the Consultant prior to the termination notice exceeds the total amount that would be due as set forth in this subsection, then no final payment shall be due and the Consultant shall immediately reimburse the City for any excess paid.

B. In the event the services of the Consultant are terminated by the City for fault on the part of the Consultant, subsection A of this section shall not apply. In such event the amount to be paid shall be determined by the City with consideration given to the actual costs incurred by the Consultant in performing the work to the date of termination, the amount of work originally required which was satisfactorily completed to date of termination, whether that work is in a form or of a type which is usable by the City at the time of termination, the cost to the City of employing another person or firm to complete the work required and the time which may be required to do so, and other factors which affect the value to the City of the work performed at the time of termination. Under no circumstances shall payment made under this subsection exceed the amount which would have been made if subsection A of this section applied.

C. In the event this Agreement is terminated prior to completion of the work, the original copies of all work products prepared by the Consultant prior to termination shall become the property of the City for its use without restriction; *provided*, that any such use by the

City not directly related to the particular purposes for which the work product was produced shall be without any liability whatsoever to the Consultant.

10. **Termination by Consultant.** Consultant may terminate this Agreement only in response to material breach of this Agreement by the City, or upon completion of the work set out in the Scope of Work and any Extra Work agreed upon by the parties.

11. **Applicable Law; Venue.** The law of the State of Washington shall apply in interpreting this Agreement. Venue for any lawsuit arising out of this Agreement shall be in the Superior Court of the State of Washington, in and for Pierce County.

12. **Indemnification / Hold Harmless**

Consultant shall defend, indemnify and hold the City, its officers, officials, employees and volunteers harmless from any and all claims, injuries, damages, losses or suits including attorney fees, arising out of or resulting from the acts, errors or omissions of the Consultant in performance of this Agreement, except for injuries and damages caused by the sole negligence of the City.

Insurance

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

A. Minimum Scope of Insurance

Consultant shall obtain insurance of the types described below:

1. Automobile Liability insurance covering all owned non-owned, hired and leased vehicles. Coverage shall be written on Insurance Services Office (ISO) form CA 00 01 or a substitute form providing equivalent liability coverage. If necessary, the policy shall be endorsed to provide contractual liability coverage.

2. Commercial General Liability insurance shall be written on ISO occurrence form CG 00 01 and shall cover liability arising from premises, operations, independent contractors and personal injury and advertising injury. The City shall be named as an insured under the Consultant's Commercial General Liability insurance policy with respect to the work performed for the City.

3. Workers' Compensation coverage as required by the Industrial Insurance laws of the State of Washington.

4. Professional Liability insurance appropriate to the Consultant's profession.

B. Minimum Amounts of Insurance

Consultant shall maintain the following insurance limits:

1. Automobile Liability insurance with a minimum combined single limit for bodily injury and property damage of \$1,000,000 per accident.

2. Commercial General Liability insurance shall be written with limits no less than \$1,000,000 each occurrence, \$2,000,000 general aggregate.

3. Professional Liability insurance shall be written with limits no less than \$1,000,000 per claim and \$1,000,000 policy aggregate limit.

C. Other Insurance Provisions

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

1. The Consultant's insurance coverage shall be primary insurance as respect the City. Any insurance, self-insurance, or insurance pool coverage maintained by the City shall be excess of the Consultant's insurance and shall not contribute with it.

2. The Consultant's insurance shall be endorsed to state that coverage shall not be cancelled by either party, except after thirty (30) days prior written notice by certified mail, return receipt requested, has been given to the City.

D. Acceptability of Insurers

Insurance is to be placed with insurers with a current A.M. Best rating of not less than A:VII.

E. Verification of Coverage

Consultant shall furnish the City with original certificates and a copy of the amendatory endorsements, including but not necessarily limited to the additional insured endorsement, evidencing the insurance requirements of the Consultant before commencement of the work.

13. **Subletting or Assigning.** The Consultant shall not sublet or assign any of the work covered by this Agreement without the express written consent of the City.

14. **Entire Agreement.** This Agreement represents the entire Agreement between the parties. No change, termination or attempted waiver of any of the provisions of the Agreement shall be binding on any party unless executed in writing by authorized representatives of each party. The agreement shall not be modified, supplemented or otherwise affected by the course of dealing between the parties.

15. **Waiver.** Failure by any party to this Agreement to enforce any provision of this Agreement or to declare a breach shall not constitute a waiver thereof, nor shall it impair any party's right to demand strict performance of that or any other provision of this Agreement any time thereafter.

16. **Severability.** If any provision of this Agreement or its application is held invalid, the remainder of the Agreement or the application of the remainder of the Agreement shall not be affected.

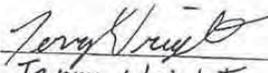
17. **Execution and Acceptance.** This Agreement may be executed in several counterparts, each of which shall be deemed to be an original having identical legal effect. The Consultant hereby ratifies and adopts all statements, representations, warranties, covenants, and agreements contained in the supporting materials submitted by the Consultant, and does hereby accept the Agreement and agrees to all of the terms and conditions thereof.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the date first above written.

CITY OF BONNEY LAKE

CONSULTANT

By: _____
Neil Johnson Jr., Mayor

By: 
Terry Wright

Attachments:

Exhibit A: Scope of Work/Deliverables/Fee

EXHIBIT A

**City of Bonney Lake
Tacoma Water District (TWD) Intertie
South Prairie Road East Water Line Project - Construction**

**KPG
Scope of Work
June 22, 2010**

INTRODUCTION

This scope of work covers effort required to provide construction surveying and construction engineering on an as requested basis to the City of Bonney Lake for the Construction of the Tacoma Water District (TWD) Intertie South Prairie Road East Water Line Project. The scope of work and corresponding budget are based on our understanding of the project needs but may be decreased based on the City staffing levels and needs.

The following assumptions were made when preparing the scope and budget:

- Construction is scheduled for 60 working days, 12 weeks.
- City will be lead and provide construction contract manager.
- City will provide full time inspector and construction contract management.
- Improvements to be constructed are as shown on the Project bid set.
- Engineering services will be as requested by the City and may exceed the estimated budget shown or may not be needed at all

*City of Bonney Lake
Tacoma Water District (TWD) Intertie
South Prairie Road East Water Line Project
Project No. 08024*

*KPG, Inc.
6/22/10*

EXHIBIT A

SCOPE OF WORK

Task 1.0 – Management/Coordination/Administration

This task covers the effort required to manage the contract and to ensure that the project meets the client's expectations for schedule, budget, and quality of product:

- 1.1 The Consultant shall provide project management and administration to coordinate staffing level to meet project needs.
- 1.2 Provide monthly progress reports (4 assumed).
- 1.3 Coordinate with City staff at project meetings to review project needs and construction issues.
- 1.4 Address construction issues via phone calls and letters. This is a critical component to assure that there is a quick response to construction issues and avoid possible delay claims from contractors.

Products:

- Monthly invoicing.
- Meeting minutes for Consultant/City Meeting.
- Records of letters and phone call.

Assumptions:

- Construction Duration 60 working days.
- City to run all meeting and create meeting minutes.

Task 2.0 – Construction Staking

This task cover the effort to provide construction staking as described within Section 1-05.4 of the contract documents. In addition to field staking, this task includes preparation for staking crews, QA/QC of points to be staked, and points staked and preparing cut sheets for use by the contractor and City inspector.

Budget shown for this task assumes that the Contractor will request all improvement items to be staked. Contractors vary greatly in the amount of construction staking required.

*City of Bonney Lake
Tacoma Water District (TWD) Intertie
South Prairie Road East Water Line Project
Project No. 08024*

*KPG, Inc.
6/22/10*

EXHIBIT A

Budget for this task will be reduced if staking allowed by the Contract is not required by the Contractor.

Record Drawings - KPG will Survey as-built locations of all water system surface features and use record drawing provide by the Contractor to complete a complete set of Construction Record drawings.

Products:

- Construction stakes.
- Cut sheets.
- QA/QC of survey staking.

Assumptions:

- As described in the Construction Contract Documents, all required re-staking will be at the cost of the Contractor and deducted from monies due to the Contractor.

Task 3.0 – Construction Services

All construction inspection and construction contract management will be provided by the City. Effort under this task will only be used as requested by City

EXHIBIT B

KPG PROJECT SUMMARY			
<p>KPG Architecture Landscape Architecture Civil Engineering</p>			
<p>CLIENT: City of Bonney Lake PROJ NAME: Main Street Improvements - Construction Staking Job # 09052 PROJ MGR.: Terry Wright DATE: June 22, 2010</p>			
Task	Description	KPG ARCHIT/ENG	Totals
1.0	Management/Coordination/Admi	\$1,882	\$1,882
2.0	Construction Staking	\$18,897	\$18,897
3.0	Construction Engineering	\$7,000	\$7,000
Totals			\$28,128
Direct Expense			\$349
Totals			\$28,128

City of Bonney Lake
Main Street Improvements.

Page 1 of 5

KPG#09033
Date: 6/22/2010

EXHIBIT B



CLIENT: City of Bonney Lake
 PROJ NAME: Main Street Improvements - Construction Staking
 Job # 09052
 DATE: June 22, 2010

SUMMARY OF STAFF LABOR HOURS REQUIRED BY TASK											
TASK NO.	TASK DESCRIPTION	Project Manager	Project Engineer	Design Engineer	Surveyor Manager	Project Surveyor, PLS	Survey Crew	Technician	Clerical	Total Hours	Task Total
1.0	Management/Coordination/Admin. Task 1 Hours =	170.60	115.08	71.49	145.00	113.57	133.49	95.00	88.00		
2.0	Construction Staking Task 2 Hours =	10.0							2.0	12.0	\$1,882
3.0	Construction Engineering Task 3 Hours =	4.0	24.0	4.0	4.0	40.0	66.0	16.0		154.0	\$18,897
	Estimated Budget to be used as requested by City										\$7,000
OTHER DIRECT COSTS											
	Other Direct Costs										\$349
	Hours	14.0	24.0	4.0	4.0	40.0	66.0	16.0	2.0	166.0	
	Total	\$2,388	\$2,762	\$580	\$4,543	\$1,520	\$8,810	\$1,520	\$176		
TOTALS											
										KPG DESIGN SERVICES LABOR TOTAL =	#####

EXHIBIT B
OTHER DIRECT COSTS
EXPENSE ESTIMATE



DATE: June 22, 2010

CLIENT: City of Bonney Lake
 PROJ NAME: Main Street Improvements - Construction Staking
 Job # 09052

EXPENSE ITEM	Cost / Unit	Qty	Total
Travel - Mileage	0.55 \$ / mile	100	\$55
Final Design	9.00 \$ / 4 hrs	0	\$0
Maps and Charts	- estimate	LS	\$0
11 X 17 Copies	0.10 \$ea	0	\$0
	0.35 \$ea		\$0
	0.35 \$ea	0	\$0
11 X 17 Plot Check Prints	1.00 \$ea	0	\$0
Color Reduction Prints 8 1/2 x 11	1.00 \$ea	0	\$0
Color Reduction Prints 11 x 17	1.50 \$ea	0	\$0
22 X 34 Copies	2.00 \$ea	0	\$0
22X34 Plot Check Prints Copy (Bond)	6.00 \$ea		\$0
Plots Large Vellum	8.00 \$ea	0	\$0
Plots Large Mylar	14.00 \$ea	21	\$294
Mountings 22 x 34	15.00 \$ea	0	\$0
Plot Prints Large Bond Color	22.00 \$ea	0	\$0
Photo Documentation	- estimate	LS	-
Postage	- estimate	LS	-
Courier Service	- estimate	LS	-
Title Reports	400.00 \$ea	0	\$0
Infiltration Test	\$ea	0	\$0
Outside Plan Reproduction Cost	500.00 LS	0	\$0
Total KPG In-House Expense =			\$349

City of Bonney Lake
 Main Street Improvements.

Page 3 of 5

KPG#08033
 Date: 6/22/2010

EXHIBIT B



CLIENT: City of Bonney Lake
 PROJ NAME: Main Street Improvements - Construction Staking
 Job # 09052
 DATE: June 22, 2010

TASK 1 HOUR BREAKDOWN											
STAFF LABOR HOURS REQUIRED BY TASK											
TASK NO.	TASK DESCRIPTION	Project Manager	Project Engineer	Design Engineer	Surveyor Manager	Project Surveyor, PLS	Survey Crew	Technician	Clerical	Total Hours	Task Total
1.0	Management/Coordination/Admin. On-going Project Management (4 Months) Monthly Progress Invoices Coordination Meeting w/ City (2 assumed) Misc. Phone Calls and Letters	170.60	115.08	71.49	145.00	113.57	133.49	95.00	88.00		\$341.20
		2.0								2	\$341.20
		2.0								4	\$517.20
		4.0								4	\$682.40
		2.0								2	\$341.20
OTHER DIRECT COSTS											
	Other Direct Costs										
	Hours Total	10.0							2.0	12	
	TOTALS	\$1,706							\$176		\$1,882.00

EXHIBIT B



CLIENT: City of Bonney Lake
 PROJ NAME: Main Street Improvements - Construction Staking
 Job # 09052
 DATE: June 22, 2010

TASK NO.	TASK DESCRIPTION	Classification	TASK 2 HOUR BREAKDOWN										Task Total	
			Project Manager	Project Engineer	Design Engineer	Surveyor Manager	Project Surveyor PLS	Survey Crew	Technician	Clerical	Hours	Dollars		
		Initials	170.60	115.08	71.49	145.00	113.57	133.49	95.00	88.00				
2.0	Construction Staking													
	Survey oversight and Scheduling												4	\$580.00
	Staking for Project Control				4.0								12	\$1,522.20
	Office Preparation for Staking				24.0								24	\$2,725.68
	Field staking of water main							50.0					50	\$6,674.50
	Preparation of Cut Sheets					12.0							12	\$1,362.84
	Record Drawing survey									8.0			8	\$1,067.92
	Preparation of Record Drawings		4.0	24.0							16.0		44	\$4,964.32
OTHER DIRECT COSTS														
	Other Direct Costs													
	Hours		4.0	24.0		4.0	40.0	66.0	16.0				154	
	Total		\$682	\$2,762	\$580	\$4,543	\$8,810	\$1,520						
TOTALS														\$18,897.46

ORDINANCE NO. D10-117

AN ORDINANCE OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON, AMENDING CHAPTER 15.16 OF THE BONNEY LAKE MUNICIPAL CODE AND ORDINANCE NOS. 699, 851, AND 988, AND REPEALING ORDINANCE NO. 1354, RELATING TO ADOPTION OF REVISED REGULATIONS RELATED TO THE INSTALLATION OF AUTOMATIC FIRE EXTINGUISHING SYSTEMS.

WHEREAS, the City of Bonney Lake is required by RCW 19.27.050 to enforce the provisions of certain uniform codes of technical building and related regulations as adopted by the Washington State Building Code Council (“WSBCC”); and

WHEREAS, the WSBCC has recently adopted new editions of several of such International codes; and

WHEREAS, the City Council of the City of Bonney Lake finds that both Washington law and the Council’s interest in the safety of its citizens require the Council to ensure that its building codes are kept up to date;

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

Section 1). BLMC section 15.16.010 and the corresponding portions of Ordinance No. 699 § 1 are hereby amended to read as follows:

15.16.010 Where required – Specific occupancies – New construction.

Subsections 903.1, 903.1.1, and 903.2 of the International Fire Code, 2009 Edition, are hereby amended to read as follows:

Section 903.1 General. Automatic sprinkler systems shall comply with this section.

1. For structures with unknown tenants, the sprinkler density of .39 per 5,600 square feet shall be used for design purposes where required by the Fire Chief.

Section 903.1.1 Alternative Protection. Alternative automatic fire-extinguishing systems complying with Section 904 shall be permitted in lieu of automatic sprinkler protection where recognized by the applicable standard and approved by the fire code official.

Section 903.2 Where Required. Approved automatic sprinkler systems in new buildings and structures shall be provided in the locations described in this section.

For provisions on special hazards and hazardous materials, see the fire code.

Gross floor area defined. For purposes of this chapter, gross floor area shall be as defined in Chapter 10, International Building Code, 2009 edition.

1. All buildings hereinafter constructed or enlarged as defined by the International Fire Code, 2009 edition, shall be equipped with a fully automatic sprinkler system designed, installed, maintained and tested per NFPA 13, 13D, 13R, or 25, the edition currently adopted by the city, where the gross floor area or occupant load exceeds those listed below, or the building is 35 feet in height or three or more stories.

Buildings protected by a fire sprinkler system. Canopies 4 feet or more in width shall be protected by a fire sprinkler system.

In Addition, alterations or repairs to any structure shall conform to that required for a new structure without requiring the existing structure to comply with all the requirements of this code except that a 50% or greater change to an existing floor area shall meet the provisions of this code and shall apply to existing and proposed additional square footage in their entirety.

(Ord. 699 § 1, 1995).

Section 2). BLMC section 15.16.011 and the corresponding portions of Ordinance No. 699 § 1 are hereby amended to read as follows:

15.16.011 Group A occupancies.

Subsections 903.2.1, 903.2.1.1, 903.2.1.2, 903.2.1.3, 903.2.1.4, and 903.2.1.5 of the International Fire Code, 2009 Edition, are hereby amended to read as follows:

Section 903.2.1 Group A. An automatic sprinkler system shall be provided throughout buildings and portions thereof used as Group occupancies as provided in this section. For Group A-1, A-2, A-3 and A-4 occupancies, the automatic sprinkler system shall be provided throughout the gross floor area where the Group A-1, A-2, A-3 or A-4 occupancy is located, and in all floors between the Group occupancy and the level of exit discharge. For Group A-5 occupancies, the automatic sprinkler system shall be provided in the spaces indicated in Section 903.2.1.5.

Section 903.2.1.1 Group A-1. An automatic sprinkler system shall be provided for Group A-1 occupancies where one of the following conditions exists:

1. The gross floor area exceeds 5,000 square feet;
 2. The gross floor area has an occupant load of 100 or more;
 3. The gross floor area is located on a floor other than the level of exit discharge;
- or

4. The gross floor area contains a multi-theater complex.

Section 903.2.1.2 Group A-2. An automatic sprinkler system shall be provided for Group A-2 occupancies where one of the following conditions exists:

1. The gross floor area exceeds 5,000 square feet;
2. The gross floor area has an occupant load of 100 or more; or
3. The gross floor area is located on a floor other than the level of exit discharge.

Section 903.2.1.3 Group A-3. An automatic sprinkler system shall be provided for Group A-3 occupancies where one of the following conditions exists:

1. The gross floor area exceeds 5,000 square feet;
2. The gross floor area has an occupant load of 100 or more; or
3. The gross floor area is located on a floor other than the level of exit discharge.

Exception: Areas used exclusively as participant sports areas where the main floor area is located at the same level as the level of exit discharge of the main entrance and exit.

Section 903.2.1.4 Group A-4. An automatic sprinkler system shall be provided for Group A-4 occupancies where one of the following conditions exists:

1. The gross floor area exceeds 5,000 square feet;
2. The gross floor area has an occupant load of 100 or more; or
3. The gross floor area is located on a floor other than the level of exit discharge.

Exception: Areas used exclusively as participant sports areas where the main floor area is located at the same level as the level of exit discharge of the main entrance and exit.

Section 903.2.1.5 Group A-5. An automatic sprinkler system shall be provided in concession stands, retail areas, press boxes, and other accessory use areas in excess of 1,000 square feet of gross floor area.

Section 3). BLMC section 15.16.012 and the corresponding portions of Ordinance No. 699 § 1 are hereby amended to read as follows:

15.16.012 Group B occupancies.

Group B. Businesses as described in Chapter 2 of the International Fire Code, 2009 Edition. An automatic sprinkler system shall be provided throughout all buildings with a Group B occupancy where one of the following conditions exists:

1. Where the gross floor area of a Group B occupancy exceeds 5,000 square feet;
2. Where the gross floor area of a Group B occupancy is located more than three stories above grade; or
3. Where the combined gross floor area of all Group B occupancies on all floors, including any mezzanines, exceeds 5,000 square feet.

(Ord. 699 § 1, 1995).

Section 4). BLMC section 15.16.013 and the corresponding portions of Ordinance No. 699 § 1 are hereby amended to read as follows:

15.16.013 Group E occupancies.

Subsection 903.2.3 of the International Fire Code, 2009 Edition, is hereby amended to read as follows:

Section 903.2.3 Group E. An automatic sprinkler system shall be provided for Group E occupancies as follows:

1. Throughout all Group E occupancies where the gross floor area exceeds 5,000 square feet.
2. Throughout every portion of educational buildings below the level of exit discharge.

Exception: An automatic sprinkler system is not required in any fire area or area below the level of exit discharge where every classroom throughout the building has at least one exterior exit door at ground level.

(Ord. 699 § 1, 1995).

Section 5). BLMC section 15.16.014 and the corresponding portions of Ordinance No. 699 § 1 are hereby amended to read as follows:

15.16.014 Group F occupancies

Subsections 903.2.4 and 903.2.4.1 of the International Fire Code, 2009 Edition, are hereby amended to read as follows:

Section 903.2.4 Group F-1. An automatic sprinkler system shall be provided throughout all buildings containing a Group F-1 occupancy where one of the following conditions exists:

1. Where the gross floor area of a Group F-1 occupancy exceeds 5,000 square feet;
2. Where the gross floor area of a Group F-1 occupancy is located more than three stories above grade; or
3. Where the combined gross floor area of all Group F-1 occupancies on all floors, including any mezzanines, exceeds 5,000 square feet.

Section 903.2.4.1 Woodworking Operations. An automatic sprinkler system shall be provided throughout all Group F-1 occupancy fire areas that contain woodworking operations in excess of 2,500 square feet in gross floor area which generate finely divided combustible waste or which use finely divided combustible materials.

Section 6). BLMC section 15.16.015 and the corresponding portions of Ordinance No. 699 § 1 are hereby amended to read as follows:

15.16.015 Group H occupancies.

Subsections 903.2.5, 903.2.5.1, 903.2.5.2, and 903.2.5.3 of the International Fire Code, 2009 Edition, are hereby amended to read as follows:

Section 903.2.5 Group H. Automatic sprinkler systems shall be provided in high-hazard occupancies as required in Sections 903.2.5.1 through 903.2.5.3.

Section 903.2.5.1 General. An automatic sprinkler system shall be installed in Group H occupancies.

Section 903.2.5.2 Group H-5 Occupancies. An automatic sprinkler system shall be installed throughout buildings containing Group H-5 occupancies. The design of the sprinkler system shall not be less than that required under the International Building Code for the occupancy hazard classifications in accordance with Table 903.2.5.2.

Where the design area of the sprinkler system consists of a corridor protected by one row of sprinklers, the maximum number of sprinklers required to be calculated is 13.

**TABLE 903.2.5.2
GROUP H-5 SPRINKLER DESIGN CRITERIA**

LOCATION	OCCUPANCY HAZARD CLASSIFICATION
Fabrication areas	Ordinary Hazard Group 2
Service corridors	Ordinary Hazard Group 2

Storage rooms without dispensing	Ordinary Hazard Group 2
Storage rooms with dispensing	Extra Hazard Group 2
Corridors	Ordinary Hazard Group 2

Section 903.2.5.3 Pyroxylin Plastics. An automatic sprinkler system shall be provided in buildings, or portions thereof, where cellulose nitrate film or pyroxylin plastics are manufactured, stored or handled in quantities exceeding 100 pounds.

Section 7). BLMC section 15.16.016 and the corresponding portions of Ordinance No. 699 § 1 are hereby amended to read as follows:

15.16.016 Group I occupancies.

Subsection 903.2.6 of the International Fire Code, 2009 Edition, is hereby amended to read as follows:

Section 903.2.6 Group I. An automatic sprinkler system shall be provided throughout buildings with a Group I fire area.

Exception: An automatic sprinkler system installed in accordance with Section 903.3.1.2 or 903.2.1.3 shall be allowed in Group I-1 facilities.

Section 8). BLMC section 15.16.0165 is hereby created to read as follows:

15.16.0165 Group M occupancies.

Subsection 903.2.7 and 903.2.7.1 of the International Fire Code, 2009 Edition, are hereby amended to read as follows:

Section 903.2.7 Group M. An automatic sprinkler system shall be provided throughout buildings containing a Group M occupancy where one of the following conditions exists:

1. Where the gross floor area of a Group M occupancy exceeds 5,000 square feet;
2. Where the gross floor area of a Group M occupancy is located more than three stories above grade; or
3. Where the combined gross floor area of all Group M occupancies on all floors, including any mezzanines, exceeds 5,000 square feet.

Section 903.2.7.1 High-Piled Storage. An automatic sprinkler system shall be provided as required in Chapter 23 in all buildings of Group M occupancy where storage of merchandise is in high-piled or rack storage arrays. Permits may be required.

Section 9). BLMC section 15.16.017 and the corresponding portions of Ordinance No. 699 § 1 are hereby amended to read as follows:

15.16.017 Group R occupancies.

Subsection 903.2.8 of the International Fire Code, 2009 Edition, is hereby amended to read as follows:

Section 903.2.8 Group R. An automatic sprinkler system installed in accordance with section 903.3 shall be provided throughout all buildings with a Group R fire area.

Section 10). BLMC section 15.16.018 and the corresponding portions of Ordinance No. 699 § 1 are hereby amended to read as follows:

15.16.018 Group S occupancies.

Subsections 903.2.9, 903.2.9.1, 903.2.9.2, 903.2.10, and 903.2.10.1 of the International Fire Code, 2009 Edition, are hereby amended to read as follows:

Section 903.2.9 Group S-1. An automatic sprinkler system shall be provided throughout all buildings containing a Group S-1 occupancy where one of the following conditions exists:

1. Where the gross floor area of a Group S-1 occupancy exceeds 5,000 square feet;
2. Where the gross floor area of a Group S-1 occupancy is located more than three stories above grade; or
3. Where the combined gross floor area of all Group S-1 occupancies on all floors, including any mezzanines, exceeds 5,000 square feet.

Section 903.2.9.1 Repair Garages. An automatic sprinkler system shall be provided throughout all buildings used as repair garages in accordance with the International Building Code, as follows:

1. Buildings two or more stories in height, including basements, with a gross floor area containing a repair garage exceeding 5,000 square feet.
2. One-story buildings with a gross floor area containing a repair garage exceeding 5,000 square feet.
3. Buildings with a repair garage servicing vehicles parked in the basement.

Section 903.2.9.2 Bulk Storage of Tires. Buildings and structures where the area for the storage of tires exceeds 20,000 cubic feet shall be equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1.

Section 903.2.10 Group S-2. An automatic sprinkler system shall be provided throughout buildings classified as an enclosed parking garage in accordance with the International Building Code or where located beneath other groups.

Exception: Enclosed parking garages located beneath Group R-3 occupancies.

Section 903.2.10.1 Commercial Parking Garages. An automatic sprinkler system shall be provided throughout buildings used for storage of commercial trucks or buses where the gross floor area exceeds 5,000 square feet.

Section 11). BLMC section 15.16.019 and the corresponding portions of Ordinance Nos. 699 § 1 and 851 § 18 are hereby amended to read as follows:

15.19.019 General requirements.

Subsections 903.2.11, 903.2.11.1, 903.2.11.1.1, 903.2.11.1.2, 903.2.11.1.3, 903.2.11.3, 903.11.4, and 903.3.7 of the International Fire Code, 2009 Edition, are hereby amended to read as follows:

Section 903.2.11. Windowless stories in all occupancies. An automatic sprinkler system shall be installed in the locations set forth in Sections 903.2.11.1 through 903.2.11.6.

Exception: Group R-3 and Group U.

Section 903.2.11.1 Stories and Basements Without Openings. An automatic sprinkler system shall be installed in every floor or basement of all buildings where the gross floor area exceeds 1,500 square feet and where there is not provided at least one of the following types of exterior wall openings:

1. Openings below grade that lead directly to ground level by an exterior stairway complying with Section 1009 or an outside ramp complying with Section 1010. Openings shall be located in each 50 linear feet (15,240 mm), or fraction thereof, of exterior wall in the story on at least one side.
2. Openings entirely above the adjoining ground level totaling at least 20 square feet (1.86 m²) in each 50 linear feet (15,240 mm), or fraction thereof, of exterior wall in the story on at least one side.

Section 903.2.11.1.1 Opening Dimensions and Access. Openings shall have a minimum dimension of not less than 30 inches (762 mm). Such openings shall be accessible to the fire department from the exterior and shall not be obstructed in a manner that fire fighting or rescue cannot be accomplished from the exterior.

Section 903.2.11.1.2 Openings on One Side Only. Where openings in a story are provided on only one side and the opposite wall of such story is more than 75 feet (22,860 mm) from such openings, the story shall be equipped throughout with an approved automatic sprinkler system or openings as specified above shall be provided on at least two sides of an exterior wall of the story.

Section 903.2.11.1.3 Basements. Where any portion of a basement is located more than 75 feet (22,960 mm) from openings required by Section 903.2.11.1, the basement shall be equipped throughout with an approved automatic sprinkler system.

Section 903.2.11.3 Building height. An automatic sprinkler system shall be installed throughout buildings 35 feet in height or three or more stories.

Exceptions:

1. Airport control towers
2. Open parking structures
3. Occupancies in Group F-2

Section 903.2.11.4 Special storage locations. Ducts conveying hazardous exhaust. Where required by the International Mechanical Code, automatic sprinklers shall be provided in ducts conveying hazardous exhaust, flammable or combustible materials.

Section 903.3.7 Fire department connections. The location of fire department connections shall be approved by the fire chief. Where possible, fire department connections shall be located not less than 50 feet from the protected building and not more than 50 feet from a fire hydrant.

Section 12). BLMC section 15.16.020 and the corresponding portions of Ordinance Nos. 699 § 1 and 851 §19 are hereby amended to read as follows:

15.16.020 Where required – Specific occupancies – Existing structures.

Subsection 903.6 of the International Fire Code, 2009 Edition, is hereby amended to read as follows:

Section 903.6 Existing buildings. The provisions of this section are intended to provide a reasonable degree of safety in existing structures not complying with the minimum requirements of the *International Building Code* by requiring the installation of an automatic sprinkler system in all existing structures with a gross floor area exceeding 5,000 square feet that are altered 50% or more of floor area as defined by the 2009 International Building and Fire Code.

The project may be exempt from the requirements for automatic sprinkler systems provided:

1.
 - a. There is no increase in occupied space, including existing areas previously vacant; and
 - b. There is no change in occupancy; and
 - c. The project complies with all other fire and life safety requirements of adopted construction codes; or
2. The structure is of noncombustible construction with wholly noncombustible contents, provided automatic sprinklers are not required to satisfy other requirements of adopted codes.

Existing basements in other than R-3 occupancies, in excess of 1,500 square feet may be exempt from automatic sprinkler requirements provided the following conditions are met:

1. A one-hour fire-resistive occupancy separation is installed between the basement and the remainder of the building; and
2. The entire building must be provided with a fully automatic fire alarm system; and
3. No residential occupancy is located in the building.

Section 13). BLMC section 15.16.030 and the corresponding portions of Ordinance Nos. 699 § 1 and 851 § 20 are hereby amended to read as follows:

15.16.030 Where required – Specific conditions.

A fully automatic extinguishing system shall be required by the building official, with the concurrence of the fire chief of Pierce County Fire Protection District No. 22, for a new building with lesser gross floor area when in his judgment any of the following conditions exist:

- A. Hazardous operation or hazardous conditions;
- B. Critical exposure problems where buildings are inaccessible on more than two sides;
- C. Limited access to the building or property, as defined by the International Fire Code;
- D. Where the available fire flow is less than 80 percent of the required fire flow;
- E. Other factors which may contribute to an extreme fire hazard.

Section 14). BLMC section 15.16.040 and the corresponding portions of Ordinance Nos. 699 § 1 and 851 § 21 are hereby amended to read as follows:

15.16.040 Permissible sprinkler omissions.

Subsection 903.3.1.1.1 of the International Fire Code, 2009 Edition, is hereby amended to read as follows:

Section 903.3.1.1.1 Exempt locations. Subject to the approval of the Fire Chief, automatic sprinklers may be omitted in the following rooms or areas where such rooms or areas are protected with an approved automatic fire detection system in accordance with Section 907.2 that will respond to visible or invisible particles of combustion. Sprinklers shall not be omitted from any room merely because it is damp, of fire-resistance rated construction or contains electrical equipment.

1. Any room where the application of water, or flame and water, constitutes a serious life or fire hazard.
2. Safe deposit or other vaults of fire-resistive construction, when used for the storage of record files and other documents, when stored in metal cabinets.
2. Any room or space where sprinklers are considered undesirable because of the nature of the contents, when approved by the fire code official.
3. Generator and transformer rooms separated from the remainder of the building by walls and floor/ceiling or roof/ceiling assemblies having a fire-resistance rating of not less than 2 hours.
4. In rooms or areas that are of non-combustible construction with wholly non-combustible contents.
5. Fire service access elevator machine rooms and machinery spaces.

Section 15). BLMC section 15.16.50 and the corresponding portions of Ordinance Nos. 699 § 1 and 851 § 22 are hereby amended to read as follows:

15.16.050 Sprinkler system alarms

Subsection 903.4.2 of the International Fire Code, 2009 Edition, is hereby amended to read as follows:

Section 903.4.2 Alarms. Approved audible devices shall be connected to every automatic sprinkler system. Such sprinkler water-flow alarm devices shall be activated by water flow equivalent to the flow of a single sprinkler of the smallest orifice size installed in the system. Alarm devices shall be installed on the exterior

of the building in an approved location. An approved audible sprinkler flow alarm to alert the occupants shall be provided in the interior of the building in a normally occupied location. Where a fire alarm system is installed, actuation of the automatic sprinkler system shall actuate the building fire alarm system.

Section 16). BLMC section 15.16.060 and the corresponding portions of Ordinance No. 699 § 1 and 851 § 23 are hereby amended to read as follows:

15.16.060 Indicating Valves.

Subsection 903.4.3 of the International Fire Code, 2009 Edition, is hereby amended to read as follows:

Section 903.4.3 Indicating valves. All automatic sprinkler systems shall be provided with a listed and approved indicating valve. Such valve shall be provided on the exterior of the building in a location to be determined by the Fire Chief. When possible, such valve shall be located not less than 50 feet from the protected structure.

Section 17). BLMC section 15.16.070 and the corresponding portions of Ordinance No. 699 § 1 are hereby amended to read as follows:

15.16.070 Testing and maintenance.

Subsection 903.5 of the International Fire Code, 2009 Edition, is hereby amended to read as follows:

Section 903.5 Testing and maintenance. Sprinkler systems shall be tested and maintained in accordance with Section 901. A copy of the annual inspection report shall be signed by the individual conducting the inspection, and a copy of the report shall be forwarded to the fire department.

Section 18). BLMC section 15.16.080 and the corresponding portions of Ordinance No. 699 § 1 are hereby amended to read as follows:

15.16.080 Separation walls – Floor area calculations.

Area and occupancy separation walls as defined in the International Building Code shall not be used to separate a building into smaller areas in order to delete the automatic extinguishing system requirement. In buildings with mixed occupancy groups, the floor area shall be calculated with the structure's gross square footage and computed with the highest group in place. For the purposes of this chapter, when buildings are attached by common walls and each building is located on a separate parcel of land, each building shall be considered as a separate building.

Section 19). BLMC section 15.16.090 and the corresponding portions of Ordinance Nos. 699 § 1 and 851 § 24 are hereby amended to read as follows:

15.16.090 Plans – Professional approval.

Only plans approved by the Washington State Survey and Rating Bureau, NICET level as approved by the Washington State Fire Marshal certification program, or certified and stamped by a fire protection engineer shall be accepted. Four sets of approved automatic sprinkler system plans shall be submitted to the building official or fire code official.

Section 20). BLMC section 15.16.100 and the corresponding portions of Ordinance No. 699 § 1 are hereby amended to read as follows:

15.16.100 Plans–City approval.

No building shall be occupied prior to installation and approval of required automatic sprinkler and fire alarm systems as set forth in this chapter.

Section 21). BLMC section 15.16.110 and the corresponding portions of Ordinance Nos. 699 § 1, 851 § 25, and 988 § 2 are hereby amended to read as follows:

15.16.120 Appeals – Filing.

Whenever the Fire Chief disapproves an application or refuses to grant a permit applied for, or when it is claimed that the provisions of the code do not apply or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant may appeal the decision of the Fire Chief to the board of appeals within 20 days from the date of the decision as provided by chapter 15.04 BLMC.

Section 22). BLMC section 15.16.120 and the corresponding portions of Ordinance No. 699 § 1 are hereby amended to read as follows:

15.16.120 Conflict with the Building Code.

In the event there is a conflict between the provisions of this chapter and the provisions of the International Code Council’s International Building Code 2009 edition, the more restrictive shall apply.

Section 23). Ordinance No. 1354, and BLMC section 15.04.095 and Ordinance Nos. 1035 § 9, 2004 and 851 § 16, 2000, are hereby repealed.

Section 24). The city clerk shall sign and file with the adopting ordinance a copy of the statutes and regulations referenced herein and shall also file and maintain in the city clerk’s office one copy of each of the adopted laws in the form in which they were adopted for use and examination by the public.

Section 25). This Ordinance shall take effect thirty (30) days after its passage, approval and publication as required by law.

PASSED by the City Council and approved by the Mayor this 13th day of July, 2010.

Neil Johnson, Mayor

ATTEST:

Harwood T. Edvalson, CMC

City Clerk

APPROVED AS TO FORM:

James J. Dionne, City Attorney

Passed:

Valid:

Published:

Effective Date:

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

<u>Department / Staff Contact:</u> CD / Jerry E Hight	<u>Workshop / Meeting Date:</u> 13 Jul 2010	<u>Agenda Bill Number:</u> AB10-123
<u>Ordinance Number:</u> D10-123	<u>Resolution Number:</u>	<u>Councilmember Sponsor:</u>

Agenda Subject: 2009 International Codes 15.04 15.08 15.24

Proposed Motion: AB10-123 - Ordinance D10-123 - An Ordinance Of The City Of Bonney Lake, Pierce County, Washington, Amending Chapter 15.04, 15.08, And 15.24 Of The Bonney Lake Municipal Code And Ordinance Nos. 700, 711,778,826, 851 And 885, And Repealing Ordinance No. 1353, Relating To Adoption Of Revised International Codes Of Building And Related Regulations.

Administrative Recommendation: Approve

Background Summary: On June 22nd council adopted this ordinance as 1353, with an effective date of five (5) days after passage. However, this type of ordinance is subject to initiative and thus required a 30 day effective date. Ordinance 1353 is repealed and replaced with D10-123 to correct this deficiency.

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

COMMITTEE/BOARD REVIEW:

Subcommittee Review Date: -
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. D10-123

AN ORDINANCE OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON, REPEALING ORDINANCE NO. 1353, AND AMENDING CHAPTER 15.04, 15.08, AND 15.24 OF THE BONNEY LAKE MUNICIPAL CODE AND ORDINANCE NOS. 700, 711, 778, 826, 851, AND 885, RELATING TO ADOPTION OF REVISED INTERNATIONAL CODES OF BUILDING AND RELATED REGULATIONS.

WHEREAS, the City of Bonney Lake is required by RCW 19.27.050 to enforce the provisions of certain uniform codes of technical building and related regulations as adopted by the Washington State Building Code Council (“WSBCC”); and

WHEREAS, the WSBCC has recently adopted new editions of several of such International codes; and

WHEREAS, the City Council of the City of Bonney Lake finds that both Washington law and the Council’s interest in the safety of its citizens require the Council to ensure that its building codes are kept up to date;

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

Section . BLMC section 15.04.020 and the corresponding portions of Ordinance Nos. 700 § 1, 778 § 1 and 885 § 1 are hereby amended to read as follows:

15.04.020 International codes – Adopted by Reference.

Pursuant to RCW 35A.12.140, the following codes of technical regulations are adopted by this reference as if fully set forth, subject to the modifications or amendments set forth in this chapter, and with the exception of those provisions of the codes set forth in this chapter:

A. Adoption of the International Building Code. The International Building Code, 2006⁹ Edition, Appendix I (Patio Covers) and Appendix H (Signs) excluding Sections H101, H102, H105.2, H109.1, H109.2, H110.3, H110.4, and H110.5, published by the International Code Council, as amended by the Washington State Building Code Council, and published in Chapter 51-50 WAC, are adopted by this reference.

B. Adoption of the International Residential Code. The International Residential Code, 2006⁹ Edition, Appendix C, Exit Terminals of Mechanical Draft and Direct-Vent Venting Systems, Appendix H (Patio Covers) except Section AH107, Appendix G Sections AG105 (Swimming Pool and Hot Tub Barriers) and AG106 (Entrapment Protection for Swimming Pool and Spa Suction Outlets), Appendix R (Dwelling Unit Fire Sprinkler Systems), Appendix S (Fire Sprinklers) published by the International Code Council, as amended by the Washington State Building Code Council, and published as Chapter 51-51 WAC, are adopted by this reference.

C. Adoption of the International Mechanical Code. The International Mechanical Code, 2009 Edition, published by the International Code Council, Section 621 Unvented Room Heaters in the International Fuel Gas Code is hereby not adopted, as amended by the Washington State Building Code Council, and published as Chapter 51-52 WAC, is adopted by this reference.

D. Adoption of the Uniform Plumbing Code. The Uniform Plumbing Code, 2006~~9~~ Edition, published by the International Association of Plumbing and Mechanical Officials; Appendix H (Recommended Procedures for Design, Construction and Installation of Commercial Kitchen Grease Interceptors), as amended by the Washington State Building Code Council and published as Chapters 51-56 and 51-57 WAC, are adopted by this reference.

E. Adoption of the International Fire Code. The International Fire Code, 2006~~9~~ Edition, published by the International Code Council, as amended by the Washington State Building Code Council and published as Chapter 51-54 WAC, is adopted by this reference.

F. Adoption of the International Property Maintenance Code. The International Property Maintenance Code, 2006~~9~~ Edition, published by the International Code Council is adopted by this reference.

G. Adoption of the Washington State Energy Code. The Washington State Energy Code, current edition as adopted by the State of Washington, or the 2006 edition whichever is more current, as amended by the Washington State Building Code Council and filed as Chapter 51-11 WAC, is adopted by this reference.

H. Minimum Design Requirements. The following climatic and geographic design criteria are adopted pursuant to Section R301.2 of the International Residential Code:

Ground snow load	Wind Design		Seismic design category	Weathering	Frost line depth	Termite	Decay	Winter design temp.	Ice shield underlayment required	Flood hazards	Air freeze index	Mean annual temp.
	Speed (mph)	Topographic effects										
25 psf	85	YES	D1	Moderate	12"	Slight	Moderate	27	No	1985	160	51.2

Section . BLMC section 15.04.072 and the corresponding portions of Ordinance Nos. 700 § 1 and 778 § 1 are hereby amended to read as follows:

15.04.072 Building permit – Fees.

Building permit fees for residential and commercial construction shall be charged in conformance to Section 109.2 of the 2009 International Building Code, Section R109.2 of

the 2009 International Residential Code, Section 106.5.2 of the 2006~~9~~ International Mechanical Code and Section 103.4.1 of the 2009 Uniform Plumbing Code. The value to be used in computing the building permit and building plan review fees shall be the total value of all construction work for which the permit is issued as well as all finish work, painting, roofing, electrical, plumbing, heating, air conditioning, elevators, profit, fire extinguishing systems, and any other pertinent equipment. Fees shall be calculated from Table 1 from the Building Valuation Data as published by the International Code Council with the regional cost modifier in Table 2 and the valuation as set forth in Table 3, except as follows:

A. Computation of fees for mobile homes located on individual lots shall be the same as for conventional houses.

B. Structures not classed as buildings such as retaining walls, dog kennels, decks, signs, docks and the like shall be charged fees based on the actual cost of labor and materials according to Table 3 of this code.

C. Repair to structures such as re-siding, painting, decks under 30 inches in height, replacing of doors or any other nonstructural repair shall not require a building permit.

D. The permit fee for the addition to any building shall be computed on the same basis as the building permit.

E. The building official may authorize refunding of not more than 80 percent of the permit fee paid when no work has been done under the issued permit.

F. Mechanical Permit Fees – 2006~~9~~ International Mechanical Code Section 106.5.2 Amended. Mechanical fees shall be calculated at 15 percent of the building permit fee.

G. Plumbing Permit Fees – 2006~~9~~ Uniform Plumbing Code Section 103.4.1 Amended. Plumbing fees shall be calculated at 15 percent of the building permit fee.

H. Permits requiring plan review and inspections that are required by the Washington State Energy Code shall require a \$60.00 plan review and inspection fee.

Tables 1, 2 and 3, attached to the ordinance codified in this section, are incorporated herein by this reference.* (Ord. 1242 § 2, 2007; Ord. 1035 § 3, 2004; Ord. 778 § 1, 1998; Ord. 700 § 1, 1995).

Section . BLMC section 15.04.083 and the corresponding portions of Ordinance Nos. 700 § 1, 788 § 1 and 826 § 4 are hereby amended to read as follows:

15.04.083 International Residential Code amended.

The International Residential Code, as adopted by BLMC 15.04.020, is hereby amended as follows:

A. Section R106.6 Construction documents. Section R106.6 is added as follows;

i) Section R106.6.1. Sites with slopes greater than 15 percent shall indicate slope on the site plan with topography lines in 2 foot increments.

ii) Section R106.6.2. Revisions to approved plans are to be submitted and approved three days prior to calling for frame inspection.

B. Section R302.6 Separation amended. See BLMC 15.04.082 Section 406.1.4 #1.

C. Section R319.1 Premises identification amended. Approved numbers or addresses shall be provided for all buildings in such a position as to be plainly visible and legible from the street or road fronting the property. Numbers or addresses shall be a minimum of 4 inches in height, with a 1 inch minimum stroke and have a highly contrasting background. Numbers or addresses shall be approved by the East Pierce Fire and Rescues Fire Marshal.

D. Section R105.2 #1. One-story detached structures accessory to a residence used as tool and storage sheds, playhouses and similar uses, shall not require a permit provided the projected roof area does not exceed 120 square feet and setbacks are approved per the Community Development Department.

Section . BLMC section 15.04.083 and the corresponding portions of Ordinance Nos. 700 § 1, 788 § 1 and 826 § 4 are hereby amended to read as follows:

15.04.084 International Fire Code Amended.

The International Fire Code , as adopted by BLMC 15.04.020, is hereby amended as follows:

Section 503.1.1 Buildings and Facilities. Approved fire apparatus access roads shall be provided for every facility, building or portion of building hereafter constructed or moved into or within the jurisdiction. The fire apparatus road shall comply with the requirements of this section and shall extend within 150 feet of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility.

Exceptions: The Fire Code Official is authorized to increase the dimension of 150 feet where:

1. The building is equipped with an approved automatic sprinkler system installed in accordance with Section 903.3.1.1, 903.3.1.2 or 903.3.1.3.
2. Fire apparatus roads cannot be installed because of location on property, topography, waterways, nonnegotiable grades or other similar conditions, and an approved alternative means of fire protection is provided.
3. There are not more than two Group R-3 or Group U occupancies.

Section 503.1.2 Additional Access. The Fire Code Official is authorized to require more than one fire apparatus access road based on the potential for impairment of a single road by vehicle congestion, condition of terrain, climatic conditions or other factors that could limit access.

Section 503.1.3 High-Piled Storage. Fire department vehicle access to buildings used for high-piled combustible storage shall comply with the applicable provisions of IFC Chapter 23.

Section 503.2 Specifications. Fire apparatus access roads shall be installed and arranged in accordance with Sections 503.2.1 through 503.2.7.

Section 503.2.1 Dimensions. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet or 28 feet with parking on one side except for approved security gates in accordance with Section 503.6 and an unobstructed vertical clearance of not less than 13 feet 6 inches.

Section 503.2.2 Authority. The Fire Code Official shall have the authority to require an increase in the minimum access widths where they are inadequate for fire or rescue operations.

Section 503.2.3 Surface. Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be surfaced so as to provide all weather driving capabilities.

Section 503.2.4 Turning Radius. The required turning radius of a fire apparatus access road shall have a minimum inside turning radius of 28 feet.

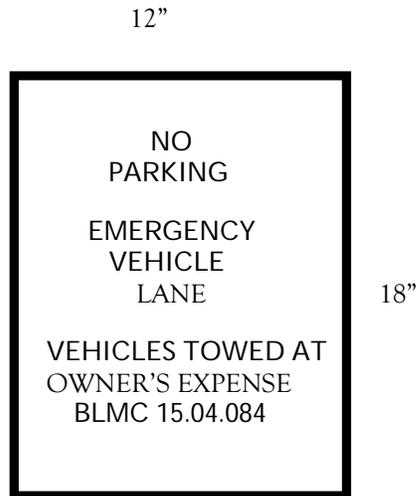
Section 503.2.5 Dead Ends. Dead-end fire apparatus access roads in excess of 150 feet in length shall be provided with an approved area for turning around fire apparatus (see Appendix D of the International Fire Code) and Bonney Lake Engineering Standards.

Section 503.2.6 Bridges and Elevated Surfaces. Where a bridge or an elevated surface is part of a fire apparatus access road, the bridge shall be constructed and maintained in accordance with AASHTO Standard Specification for Highway Bridges. Bridges and elevated surfaces shall be designed for a live load sufficient to carry the imposed loads of fire apparatus. Vehicle load limits shall be posted at both entrances to bridges when required by the Fire Code Official. Where elevated surfaces designed for emergency vehicle use are adjacent to surfaces which are not designed for such use, approved barriers, approved signs, or both shall be installed and maintained when required by the Fire Code Official.

Section 503.2.7 Grade. The grade of the fire apparatus access road shall be within the limits established by the Fire Code Official based on the fire department's apparatus.

Section 503.3 Marking. Where required by the Fire Code Official, approved signs or other approved notices shall be provided for fire apparatus roads to identify such roads or prohibit the obstruction thereof. Signs or notices shall be maintained in a clean and legible condition at all times and be replaced or repaired when necessary for adequate visibility.

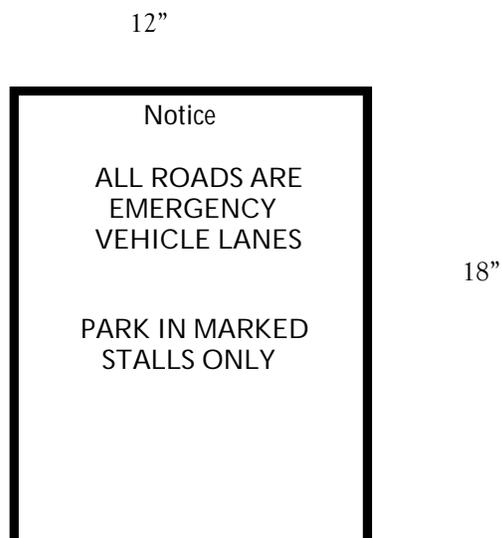
In accordance with the Washington State Highway Commission Sign Fabrication Manual M240-70 HT and the Manual of International Traffic Control Devices issued by the Federal Highway Administration, per illustration:



Lettering Specifications:

- 3" - Class C Width
- 2" - Class C Width
- 1/2" - Class C Width

Entrance Signs: The chief may allow the use of entrance signs for multi-family dwelling occupancies. When allowed, the signs shall be placed at each entrance to the property. Signs shall be in a clearly conspicuous location and shall clearly state "Notice, All Roads Are Emergency Vehicle Lanes, and Park in Marked Stalls Only".



VEHICLES TOWED AT
OWNER'S EXPENSE
BLMC 15.04.084

Lettering Specifications:

- 3" - Class C Width
- 2" - Class C Width
- 1/2" - Class C Width

Section 503.4 Obstruction of Fire Apparatus Access Roads. Fire apparatus access roads shall not be obstructed in any manner, including the parking of vehicles. The minimum widths and clearances established in Section 503.2.1 shall be maintained at all times.

Section 503.6 Security Gates. The installation of security gates across a fire apparatus access road shall be approved by the Fire Chief. Where security gates are installed, they shall meet the following requirements:

1. Locked gates shall have an approved key box or key override system installed.
2. Gates serving 10 or more dwelling units shall have an Opticom activation system, Knox key override system or an equivalent and compatible system approved by the Fire Chief.
3. All electrically activated gates shall have default capabilities to the unlock position.
4. The minimum clearance width of a gate shall be compatible with the required width of the fire apparatus access road. Gate posts, keypads and other gate appurtenances shall be located in such a manner that they will not obstruct or restrict ingress and egress of emergency vehicles.
5. The security gate and the emergency operation shall be maintained operational at all times.
6. Gates shall follow Pierce County Gate Standards.

Section 505.1 Premises Identification. New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of 6 inches high with a minimum stroke width of 0.5 inch. In addition, new and existing buildings located 100' or more from the street right of way shall have the same 6 inch address dimension on the building and at the street.

1. Multi-Family Residential, Commercial, or Small Business:

Amount of Setback	Number/Letter Size
50 Feet or less	6 inches
51 Feet to 100 Feet	12 inches
100 Feet or more	18 inches
Individual Apartment Units	4 inches

2. Large Commercial or Industrial Complexes:

Amount of Setback	Number/Letter Size
50 Feet or less	12 inches
51 Feet to 100 Feet	18 inches
100 Feet or more	24 inches

Section 907.1.3 Equipment. In addition to those requirements found in Section 907.2 of the 2009 International Fire Code, the following shall apply. System and components shall be listed and approved for the purpose for which they are intended and installed.

The automatic/manual fire alarm system shall consist of a minimum of the following:

1. Addressable fire alarm
2. Interior audible/visual alarm devices for the notification of the building occupants throughout. WAC 51.50.1101. and IBC Chapter 11.
3. Exterior horn/strobe shall be located on the address side of the building.
4. Visible devices in restrooms
5. Manual pull stations at each exit
6. Smoke detection in corridors
7. Monitoring of the automatic fire sprinkler systems/fire alarm systems
8. Buildings containing multiple tenants shall have an addressable fire alarm system capable of monitoring and sending notification of all protection systems and the individual suite address within the building to an approved central station.
9. Multiple story buildings shall have an addressable system capable of monitoring and sending notification of all protection systems within the building to an approved central station.

Section 907.2 Where required – new buildings and structures. An approved manual and automatic fire alarm system shall be provided in accordance with this section, and in all structures exceeding 5,000 square feet gross floor area Fire alarm systems required by Sections 907.2.1 through 907.2.24 shall be of an addressable type. In addition to the requirements of this section an approved addressable fire alarm system shall be provided in all buildings exceeding 5,000 square feet of gross floor area or greater.

907.3 Where required in existing buildings and structures. The provisions of this section are intended to provide a reasonable degree of safety in existing structures not complying with the minimum requirements of the *International Building Code* by requiring the installation of an automatic/manual fire alarm system where required by Chapter 46 and in all existing structures with a gross floor area exceeding 5,000 square feet that are altered 50% or more of floor area as defined by the 2009 International Building and Fire Code.

Section . BLMC section 15.04.085 and the corresponding portions of Ordinance Nos. 700 § 1, 711 § 3, 778 § 1, 826 § 5 and 885 § 3 are hereby amended to read as follows:

15.04.085 Deposit for damage to public infrastructure. (15.04.085 is deleted)

Section . BLMC section 15.04.090 and the corresponding portions of Ordinance Nos.

1242 § 3, 1035 § 8, 885 § 3, 826 § 5, 778 § 1, 711 § 3, and 700 § 1 are hereby amended to read as follows:

15.04.090 Section 110.1 of the International Building Code amended – Certificate of occupancy.

Section 110.1 of the International Building Code and Section R110.1 of the International Residential Code, 2006~~9~~ Edition, as adopted by BLMC 15.04.020, are amended to read as follows:

Use and Occupancy. No building or structure of Groups A, B, E, F, H, I, LC, M, R, or S occupancies shall be used or classification of a building or structure or portion thereof, shall be made until the Building Official has issued a Certificate of Occupancy therefor as provided herein. A Certificate of Occupancy shall be issued only:

(1) After compliance with applicable zoning regulations, concomitant agreement articles, construction permit conditions, conformity to the provisions of this code, and all relevant laws, ordinances, rules and regulations; and

(2) Upon satisfactory repair of, or payment for, any damage to city property occurring in the course of work done under the provisions of this code.

Section . BLMC section 15.04.095 and Ordinance No. 851 § 17 are hereby repealed.

Section . BLMC section 15.08.025 and the corresponding portions of Ordinance Nos. 1242 § 4, and 1137 § 1 are hereby amended to read as follows:

15.08.025 Design parameters.

A. The manufactured home shall be set upon a permanent foundation as specified by the manufacturer. The manufactured home shall comply with all local design parameters applicable to all other homes within the neighborhood in which the manufactured home is to be located. An energy calculation shall be submitted demonstrating that the home is thermally equivalent to the State Energy Code.

B. The minimum design requirements shall be per BLMC 15.04.020(J) with a 1,500 psi soil bearing pressure without a soils report.

C. All manufactured homes shall be installed per Chapter 296-150M WAC.

D. Unless stated otherwise in this chapter, all work shall conform to the 2006~~9~~ International Residential Code.

Section . BLMC section 15.24.010 and the corresponding portions of Ordinance No. 611 § 1 are hereby amended to read as follows:

15.24.010 Permit required – Building defined.

It is unlawful to move a building along or across any public place without a building moving permit. A building for purposes of this chapter shall be defined as in the International Building Code except that mobile homes as defined in BLMC 15.08.010 (E) shall not be considered a building.

Section . Ordinance No. 1353 is hereby repealed.

Section . The city clerk shall sign and file with the adopting ordinance a copy of the statutes and regulations referenced herein and shall also file and maintain in the city clerk's office one copy of each of the adopted laws in the form in which they were adopted for use and examination by the public.

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

PASSED by the City Council and approved by the Mayor this 13th day of July, 2010.

Neil Johnson, Mayor

ATTEST:

Harwood T. Edvalson, CMC
City Clerk

APPROVED AS TO FORM:

James J. Dionne, City Attorney

Passed:
Valid:
Published:
Effective Date:

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

<u>Department / Staff Contact:</u> PW / Director Dan Grigsby	<u>Workshop / Meeting Date:</u> 13 Jul 2010	<u>Agenda Bill Number:</u> AB10-115
<u>Ordinance Number:</u> D10-115	<u>Resolution Number:</u>	<u>Councilmember Sponsor:</u> Deputy Mayor Swatman

Agenda Subject: Water Municipal Code Modifications to Incorporate Residential Fire Sprinkler Systems

Proposed Motion: Water Municipal Code Modifications to Incorporate Residential Fire Sprinkler Systems In All New Residential Housing

Administrative Recommendation: Residents mandated to install fire sprinkler systems in their homes should not be doubly penalized by requiring an increased water SDC charge as well. The Administration recommends that this ordinance be approved.

Background Summary: The City Council passed an ordinance to require installation of Fire Sprinkler systems in all new construction family housing. This requires the use of a larger water meter and water service line. However, it does not have an impact on the water supply sources. Thus, the System Development Charge for this larger meter should remain the same as for the smaller meter size needed to support domestic water use only. These changes will avoid a \$10K increase in SDC charge for a 1-inch water meter compared to the SDC cost of a 3/4 inch water meter. Additionally, in order to avoid the use of back flow prevention devices, the water system within the structure needs to be a common one for both fire flow and domestic use. Finally, the water meter set and service charges have not been updated in over six years. These rates are increased to reflect current, actual, direct costs to the City to install these new meters. These changes have been incorporated into water chapter 13.04 of the Bonney Lake Municipal Code. All other rates remain the same that were effective 1 January 2010.

Attachments: Ordinance D10-115; Cost analysis for water meter set and service charges

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

COMMITTEE/BOARD REVIEW:

Subcommittee Review Date: Finance Committee - 13 Jul 2010
Commission/Board Review Date: -
Hearing Examiner Date:

COUNCIL ACTION:

Workshop Date(s): _____ **Public Hearing Date(s):** _____
Meeting Date(s): 13 July 2010 **Tabled To Date:** _____

Signatures:

Director Authorization DLG	Mayor	Date City Attorney Reviewed
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ORDINANCE NO. D10-115

AN ORDINANCE OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON, AMENDING CHAPTER 13.04 OF THE BONNEY LAKE MUNICIPAL CODE RELATING TO ADOPTION OF REVISED WATER REGULATIONS TO IMPLEMENT INSTALLATION OF RESIDENTIAL FIRE SPRINKLER SYSTEMS.

WHEREAS, the City Council of the City of Bonney Lake finds that both Washington law and the Council's interest in the safety of its citizens require the Council to ensure that its water system regulations and charges are kept up to date; and

WHEREAS, the City Council of the City of Bonney Lake finds that the benefits of requiring fire sprinkler systems in all new residential buildings outweigh the costs of doing so; and,

WHEREAS, most single family homes with both fire sprinkler and irrigation sprinkler systems will require a 1-inch water meter; and,

WHEREAS, the cost of materials, equipment, and labor for meter set costs have increased beyond the amount provided by annual CCI adjustments requiring their adjustment;

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

Section 1). BLMC section 13.04.070 and the corresponding portions of Ordinance Nos. 1276 § 1, 1221 § 2, 1220 § 1, 1192 § 1, 1100 § 1, 1094 § 1, 1083 § 1, 1073 § 1, 968 § 1, 919 § 1, 828 § 2, 763 § 1, 692A §§ 1, 2, 692 § 2, and 588 § 5 are hereby amended to read as follows:

13.04.070 Water service application.

A. All applications for water service shall be made at the City Hall by the property owner or his authorized agent. The records of the Pierce County auditor shall be prima facie proof of property ownership. The applicant shall furnish the city such information as may be required on the city's application form. At the time of filing the application the applicant shall pay the fee for such water services as required in this chapter. The applicant shall agree to conform to the rules and regulations for the operation of the city's water system as set forth in Articles I, II, III and V of this chapter.

B. Water Taps. The city reserves the right to regulate the size of water taps. Taps will be made only by ~~the~~ a Bonney Lake water ~~department~~ crew or a licensed contractor for an approved water extension.

C. Water Service Connection Charges. Effective September 1, 2010, ~~a~~All connections to the water system of the city and the charges to be paid by the property owner toward the construction thereof shall be as provided in this subsection:

1. Installation Charge. The following installation charges will be paid by the property owner as part of their connection charge at the time application is made for water service.

Meter Size	Meter Set Only	Meter Set and Service Line
5/8" or 3/4"	\$2001.00 <u>\$192.00</u>	\$1,1006.00 <u>\$1292.00</u>
3/4"	<u>\$228.00</u>	<u>\$1,328</u>
1" with Fire Sprinkler System	\$201.00 <u>\$228.00</u>	\$1,006.00 <u>\$1,328.00</u>
1" without Fire Sprinkler System	\$3002.00 <u>\$283.00</u>	\$1,1006.00 <u>\$1,383.00</u>
1-1/2" or larger	Actual time and materials plus indirect costs. If installation involves work underneath the roadway surface, the fee shall be according to the actual time and materials plus 20 percent for indirect costs.	

2. Charge for Equitable Share of System. Each new connection to the water system shall pay as part of their connection charges their equitable share of the cost of the system according to the following schedule:

a. Residential System Development Charge (SDC).

i. Single-Family.

Meter Size	City and County SDC Charge
5/8" or 3/4"	\$7,700 <u>45</u>
1" with Fire Sprinkler System	<u>\$7,745</u>
1" without Fire Sprinkler System	\$17,175 <u>276</u>
1-1/2" or larger	To be determined on each individual case, based on the projected amount of usage and peaking expected from the customer. These charges shall reflect residential equivalence (RE) values used for individual residential customers.

ii. ~~Duplex Units. Two Living Unit Residential Homes. Each duplex and townhouse style building unit will have a separate water meter and service for each living unit. If a single meter or two meters are installed, an SDC rate of \$13,630 (100 percent for first unit and 77 percent of the single-family rate for the second unit) will be charged for the duplex when those meters are either five-eighths inch or three-quarters inch. SDC charge for larger meters shall be determined on each individual case, based on the projected amount of usage and peaking expected from the customer. These charges shall reflect residential equivalence (RE) values used for individual residential customers.~~

iii. Accessory Dwelling Units (ADU). If no additional meter is required, no SDC will be charged. If a second meter is required, an SDC of \$5,93065 (77 percent of the single-family rate) will be charged when that new meter is five-eighths inch or three-quarters inch. An SDC of \$13,22503 (77 percent of the single-family rate) will be charged if the new, second meter is a one-inch meter. If the existing meter is replaced with a larger meter, the difference in the current SDC rates for the two meter sizes will be charged.

iv. Multifamily and Mobile Home Parks.

(A) Each unit shall be charged \$5,93065 (77 percent of the SDC charged to single-family units).

(B) SDC charges for meters 1.5 inches ~~two inches~~ or larger than ~~two inches~~ shall be determined on each individual case, based on the projected amount of usage and peaking expected from the customer. These charges shall reflect residential equivalence (RE) values used for individual residential customers.

(C) There shall be only one water meter installed for each building housing multiple residential units.

b. Nonresidential System Development Charge (SDC).

Meter Size	City and County SDC Charge
5/8"	\$9,790 <u>848</u>
3/4"	\$12,950 <u>3,027</u>
1"	\$19,260 <u>374</u>
1-1/2" or larger	To be determined on each individual case, based on the projected amount of usage and peaking expected from the customer. These charges shall reflect residential equivalence (RE) values used for individual residential customers.

c. Irrigation Only System Development Charge (SDC).

Meter Size	City and County SDC Charge
5/8"	\$6,310,347
3/4"	\$9,470,526
1"	\$15,790,883
1-1/2" or larger	To be determined on each individual case, based on the projected amount of usage and peaking expected from the customer. These charges shall reflect residential equivalence (RE) values used for individual residential customers.

d. The charges set out in this subsection (C)(2) shall not be applicable to an accessory dwelling unit (ADU) permitted pursuant to BLMC 18.22.090, so long as a second or larger water meter is not required by applicable codes or requested by the owner. Should the property upon which an accessory dwelling unit is located be sold, platted or otherwise segregated from the property upon which the primary residence is located, and, because of the exemption provided for in this subsection, the owner of the accessory dwelling unit did not previously pay a full, separate connection charge including equitable share charge for the accessory dwelling unit, then the following shall apply:

i. If no additional connection charge was paid for the accessory dwelling unit, the owner of the segregated accessory dwelling unit shall be required to pay a connection charge, including single-family equitable share charge, in the amounts provided for in this section at the time of segregation. A new water meter will be provided.

ii. If a reduced connection charge was paid for a second or larger meter and/or connection for the accessory dwelling unit, the owner of the segregated accessory dwelling unit shall be required to pay the difference between that reduced charge and the amount of the connection charge, including single-family equitable share charge, provided for in this section at the time of segregation. A new water meter will be provided if necessary.

e. Annual Adjustment. Beginning January 1, 2009, and for every year thereafter, the installation and connection charges listed in this section shall be updated annually at a rate adjusted in accordance with the Engineering News Record (ENR) Construction Cost Index (CCI) for the Seattle area, using a November through November annual measure to establish revised fee schedules effective January 1st of each year.

f. These charges are to apply in all cases where distance from the water main to the meter location does not exceed 60 feet. In such cases where the distance is over 60 feet there shall be an additional fee, based on cost of labor and materials.

g. Property Owner's Responsibility. Property owners are responsible for all leaks or damage due to leaks from privately installed and owned water lines. The property owner shall install and maintain at his own expense all water service from the water meter to the place of use.

Section 2). BLMC section 13.04.100 and the corresponding portions of Ordinance Nos. 1277 § 1, 1129 § 2, 1101 § 1, 1046 §1, 907 § 1, 828 § 3, 763 § 2, 692A § 3, and 588 § 9 are hereby amended to read as follows:

13.04.100 Water rates.

Effective September 1, 2010, the following rates shall apply:

A. Discount for Senior Citizens and Disabled Persons. Owners of single-family residences who have qualified for real estate property tax exemption through the Pierce County assessor-treasurer's office on the basis of age and/or disability, and who present proof thereof to the appropriate authority of the city, shall qualify and be entitled to a reduced water rate as may, from time to time, be set by the city council and established as a 50 percent reduction from the water availability charge.

B. Monthly Water Rates - Within City Limits.

Water Availability Charge

Meter Size	2008 Charge
5/8" - 3/4"	\$15.45 16.01
Qualified Senior, 5/8" - 3/4"	See subsection A.
1" with Fire Sprinkler System	\$16.01
1" without Fire Sprinkler System	\$25.70 26.63
1-1/4"	\$51.05 52.89
1-1/2"	\$51.05 52.89
2"	\$81.70 84.65
3"	\$153.10 58.62
4"	\$255.00 64.19
6"	\$510.00 28.39

In addition, the consumption charge per 100 cubic feet (CCF), or any part thereof used, shall be as follows:

Winter (October 1st through May 31st)	2008 Charge
0 - 10 CCF per month	\$1.0711
Over 10 CCF per month	\$2.1220
Summer (June 1st through September 30th)	
0 - 10 CCF per month	\$1.0711
Over 10 CCF per month	\$3.6376

C. Monthly Water Rates - Outside City Limits.

Water Availability Charge

Meter Size	2008 Charge
5/8" - 3/4"	\$20.0072
Qualified Senior, 5/8" - 3/4"	See subsection A.
1"	\$33.304.50
1-1/4"	\$66.358.74
1-1/2"	\$66.358.74
2"	\$106.109.93
3"	\$199.00206.18
4"	\$331.7043.66
6"	\$646.8070.12

In addition, the consumption charge per 100 cubic feet (CCF), or any part thereof used, shall be as follows:

Winter (November 1st through June 30th)	2008 Charge
0 - 10 CCF per month	\$1.5561
Over 10 CCF per month	\$3.0819

Summer (July 1st through October 31st)	
0 - 10 CCF per month	\$1.5561
Over 10 CCF per month	\$5.2746

D. Multiple Residential Units.

1. The water availability charge for a connection serving multiple residential units shall be the availability charge set forth above, multiplied by the number of dwelling units connected to the meter, as follows:

a. Each duplex unit will be billed as though separately connected to the water main, based on ~~five-eighths-~~ or ~~three-quarters-inch~~ meter rates.

b. In the case of apartment/trailer courts having one meter, each unit will be billed as though separately connected to the water main, occupied or not, based on ~~five-eighths-~~ or ~~three-quarters-inch~~ meter rates.

c. In the case of building lots which have been granted a conditional use permit to allow more than one dwelling on one service meter, each dwelling unit will be billed as though separately connected to the water main, based on ~~five-eighths-~~ or ~~three-quarters-inch~~ meter rates.

2. The consumption charge provided for in this section shall be applied to multiple residential units as provided for above, except that the lower consumption charge rate shall be applied to the first "X" CCF per month, where "X" is the number of units served by the connection multiplied by 10. All consumption greater than that threshold will be charged the higher consumption charge rate.

3. There shall be only one water meter for each building housing ~~multiple~~ more than two residential units.

E. Multiple Commercial and Industrial Buildings. Where all commercial or industrial buildings connected to a single service are used in the same business under single management, billing shall be made as for a single building.

F. Demand Charge.

1. Private fire hydrants, stand pipes, fire sprinkler systems, etc., shall have a monthly charge of ~~\$3,113.00~~.

2. Special purpose use of water from fire hydrants or stand pipes shall be ~~\$10.36~~~~10.00~~ plus ~~\$1.04~~~~1.00~~ per 100 cubic feet for all water used inside the city limits and ~~\$14.50~~~~14.00~~ plus ~~\$1.49~~~~1.44~~ for all water used outside the city limits.

3. Where the water meters are shut off, the monthly charge will be ~~\$5.18~~~~5.00~~ within the city limits and ~~\$7.15~~~~6.90~~ outside the city limits.

4. Where unusual circumstances prevent a meter reading, water consumption will be estimated at an average of 1,000 cubic feet per month.

G. Leakage - Rate Reduction.

1. In the event that there is a leak in the water service line on the property owner's side of the water meter;

2. That after the service line is repaired by the owner and upon written request by the property owner, the city water department will make an adjustment in the water bill;

3. The adjustment shall be two-thirds of that portion of the customer's water bill which is over the average normal water usage. The adjustment shall be limited to the period of 90 days prior to the repair of the leak and inspection thereof.

4. Only one leakage adjustment will be allowed in any two-year period. Additional leaks will require on-site inspection and verification of repairs.

H. Irrigation Meters.

1. New multifamily (three or more units) and nonresidential connections shall be required to install a separate meter for irrigation use, effective January 1, 2005.

2. Existing multifamily (three or more units) and nonresidential connections shall be required to install a separate meter for irrigation use no later than January 1, 2007.

3. There shall be no availability charge applicable to irrigation meters. The commodity charge shall be 25 percent greater than the applicable commodity charge for nonirrigation usage that exceeds 10 CCF per month (the "tailblock").

Section 3). BLMC section 13.04.110 and the corresponding portions of Ordinance Nos. 1230 § 20, 892 § 1, and 588 § 3 are hereby amended to read as follows:

13.04.110 General regulations.

A. All ordinances and water regulations shall be effective in the city and the water service area.

- B. All water connections shall be metered.
- C. Where more than one water connection supplies a premises, the consumption of water measured by each meter shall be computed and billed separately.
- D. Unless otherwise stated in Article I, II, III or V of this chapter, each and every occupancy or use shall be served by a separate connection and shall be billed separately.
- E. No new application for water connection will be honored until a septic tank permit or a sewer connection permit has been procured from the Pierce County health department or the city.
- F. New water connections will be charged the minimum water availability charge beginning on the date of installation.
- G. All water connections and all charges connected therewith are the responsibility of the owner of the property served.
- H. Every water connection within the city limits shall be provided with garbage service as per Chapter 8.04 BLMC and its amendments. Garbage, sewer and water charges will be billed together. Any delinquency in garbage or sewer bills shall be deemed a delinquency as to water service.
- I. All water taken or appropriated for use within the city shall be taken or appropriated from the municipal water supply of the city, pursuant to appropriate connections thereto in conformity with the ordinances of the city.
- J. All buildings or structures within the city, designed, intended or actually used for human occupancy shall contain such plumbing as may be required by the appropriate provisions of the building code of the city, and shall be connected to the aforesaid municipal water utility of the city.
- K. No building permit shall be issued unless and until a connection charge is paid to the aforesaid municipal water utility of the city in cases where it is appropriate under BLMC 13.04.030 and 13.04.070. If the building permit expires through suspension or abandonment under BLMC 15.04.081, the connection charge shall be refunded at the request of the applicant; provided, that if the applicant re-applies for a new permit pursuant to BLMC 15.04.081, the connection charge shall be re-calculated at current rates and the amount of the connection charge already paid and not refunded may be credited toward the new connection charge.

L. At such time as a property owner connects to city water service, through either development, new construction or when a property owner with a well chooses to connect to public water, the well must either be abandoned or deeded to the city.

M. All residential housing units within the City Limits of Bonney Lake built after 6 July 2010 shall have a fire sprinkler system installed. Duplex housing shall have a separate meter and service line to each living unit. Auxiliary Dwelling Units (ADU) shall have a service line that connects to the main residence service line between the main house and the meter, but not through the house water system to the ADU.

1. This water system shall be a common system serving both domestic and fire sprinkler uses. It will be a flow through system with a loop on each floor that limits runs to sprinkler heads to no more than three feet in length. Water treatment/filtration systems shall have an automatic bypass as required by NFPA 13D.

2. Water line taps and service lines to splitters and water meters shall be 1.5 inch size. Houses with water taps and meter setter(s) installed prior to the effective date of the ordinance codified in this chapter shall be exempt from this requirement.

3. Water meters shall be 1-inch or larger depending on fire flow requirements. Water service lines from the meter to the house shall be 1.5 inch size. Houses with meter setters installed prior to the effective date of the ordinance codified in this chapter shall be exempt from this requirement, unless a larger meter is required to meet fire flow requirements.

MN. Any property used or occupied in violation of the provisions of Articles I, II, III and V of this chapter shall be brought into conformity with the provisions hereof within 90 days of the effective date of the ordinance codified in this chapter.

Section 4). BLMC section 13.04.120 and the corresponding portions of Ordinance Nos. 1346 § 1 and 588 § 10 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 is 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 90 days in jail.

E. Single Family Fire Sprinkler Service. All single family houses, each duplex living unit, and each unit in other two living unit residential buildings shall have a one inch water meter and 1.5 inch water service line from the meter to the living unit installed.

Section 5). The city clerk shall sign and file with the adopting ordinance a copy of the statutes and regulations referenced herein and shall also file and maintain in the city clerk's office one copy of each of the adopted laws in the form in which they were adopted for use and examination by the public.

Section 6). This Ordinance shall take effect thirty (30) days after its passage, approval and publication as required by law.

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

Neil Johnson, Mayor

ATTEST:

Harwood T. Edvalson, CMC
City Clerk

APPROVED AS TO FORM:

James J. Dionne, City Attorney

Passed:
Valid:
Published:
Effective Date:

Meter Set Costs

8-Jul-10

Meter Set Only

Meter Size	Meter Cost to City	Labor	Vehicle Cost	Total Cost
5/8"	\$114.95	\$70.47	\$6.58	\$192
3/4"	\$150.95	\$70.47	\$6.58	\$228
1"	\$205.95	\$70.47	\$6.58	\$283

Meter Set and Service Line

Meter Size	Meter Cost to City	Labor	Vehicle Cost	Material Costs	Total Cost
5/8"	\$114.95	\$422.80	\$53.91	\$700.00	\$1,292
3/4"	\$150.95	\$422.80	\$53.91	\$700.00	\$1,328
1"	\$205.95	\$422.80	\$53.91	\$700.00	\$1,383

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

<u>Department / Staff Contact:</u> CD / Heather Stinson	<u>Workshop / Meeting Date:</u> 13 Jul 2010	<u>Agenda Bill Number:</u> AB10-111
<u>Ordinance Number:</u> D10-111	<u>Resolution Number:</u>	<u>Councilmember Sponsor:</u>

Agenda Subject: Adopting densities in R-2 and a minimum density in R-3

Proposed Motion: AN ORDINANCE OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON, UPDATING R-2 AND R-3 ZONING

Administrative Recommendation:

Background Summary: R-3 zoning currently has no required minimum density. Pierce County's buildable lands consistency report of 2009 recommended that the City adopt a minimum density to ensure that this zone be developed in a manner that would help the city meet it's population and housing goals. The attached recommended draft proposes a minimum density of 10 units per net acre.

R-2 is the only zone that currently has minimum lot sizes rather than densities. To make the code consistent, the Planning Commission recommends that densities be adopted for this zone as well. Density is calculated by taking the gross acreage, subtracting out acreage of critical areas, critical area buffers, streets, stormwater facilities, utility tracts, and public parks that will exist upon completion of the development, and dividing the remainder by the proposed density. Parcels in R-2 that meet the density of 5 to 9 units per acre would be at least 4,840 square feet and at most 8,540 square feet.

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

COMMITTEE/BOARD REVIEW:

Subcommittee Review Date: -
Commission/Board Review Date: Planning Commission -
Hearing Examiner Date:

COUNCIL ACTION:

Workshop Date(s): 06 July 2010 **Public Hearing Date(s):** 04 Nov 2009
Meeting Date(s): 22 June 2010 **Tabled To Date:**

Signatures:

Director Authorization John P. Vodopich, AICP	Mayor	Date City Attorney Reviewed
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ORDINANCE NO. D10-111

AN ORDINANCE OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON, UPDATING R-2 AND R-3 ZONING

WHEREAS, The purpose of this ordinance is to adopt a minimum density in the R-3 zone as recommended by the Pierce County Buildable Lands report, replace lot size requirements in the R-2 zone, and allow zero lot line development in R-3; and

WHEREAS, the State Environmental Policy Act was complied with through the issuance of a DNS on October 14, 2009; and

WHEREAS, the Planning Commission conducted a public hearing on November 4, 2009; and

WHEREAS, the Planning Commission issued a recommendation for passage of this Ordinance on May 19, 2010; and

WHEREAS, a letter informing the Washington state department of Commerce was mailed on October 15, 2009, more than 60 days ago informing it about the possible adoption of this ordinance;

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

Section 1. BLMC Chapter 18.04.200 is hereby amended to read as follows:

18.04.200 “T”.

“Tower” means any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers, or monopole towers. The term encompasses personal wireless service facilities including radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers or personal communications services towers, alternative tower structures, and the like.

“Townhouse” or “Townhome” means a type of attached dwelling in a row of at least three such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more vertical common fire-resistant walls.

“Toxic or noxious matter” is any solid, liquid, or gaseous matter or any combination of these containing properties which by their nature tend to impair the health and safety or welfare of individuals or to be destructive of property.

“Tract of land,” see “Lot.”

“Trailer” means a prefabricated living unit of less than 550 square feet in floor area capable of being moved by towing upon the public roads and highways. (Ord. 746 § 19, 1997; Ord. 740 § 2, 1997).

Section 2. BLMC Chapter 18.16.020 is hereby amended to read as follows:

18.16.020 Uses permitted outright.

The following uses are permitted in an R-2 zone, subject to the off-street parking requirements, bulk regulations and other provisions and exceptions set forth in this code:

A. Residential Uses.

1. Single-family residence;
2. Duplexes (two-family residences);
3. Accessory dwelling units.
4. Townhouses;

B. Educational Uses.

1. Elementary schools.

C. Cultural, Religious, Recreational, and Entertainment Uses.

1. Parks, opens space and trails;
2. Churches of less than 250 seats; provided the requirements of BLMC

[18.22.040](#) are met.

D. Resource Management Uses.

1. Agriculture and orchards;
2. Forestry and tree farms;
3. Raising of livestock, small animals and fowl; provided the requirements of

BLMC [18.22.060](#) are met.

E. Transportation, Communication, Utilities.

1. Public utility facility; provided the requirements of BLMC [18.22.050](#) are met;
2. Wireless communications facilities are permitted as principal or accessory uses provided the requirements of Chapter [18.50](#) BLMC are met. (Ord. 1137 § 3, 2005; Ord. 747 § 1, 1997; Ord. 746 § 3, 1997; Ord. 740 § 5, 1997).

Section 3. BLMC Chapter 18.16.050 is hereby amended to read as follows:

18.16.050 Setback and bulk regulations.

The following bulk regulations shall apply to the uses permitted in the district subject to the provisions for yard projections included in BLMC [18.22.080](#):

A. Density shall be a minimum of 5 and a maximum of 9 dwelling units per net acre

B. Minimum lot width: 55 feet.

C. Minimum front setback: 20 feet from the right-of-way line, except State Highway 410 where the setback shall be 55 feet from the right-of-way line. In areas where existing right-of-way is insufficient, additional setback may be required by the public works director.

D. Minimum side yard: five feet, with a total of 15 feet required for both side yards.

E. Minimum Rear Setback.

1. Residence: 20 feet;
2. Separated garage or accessory building: 10 feet;
3. Boathouse, if approved: no rear yard setback.

F. Maximum height: 35 feet above grade.

G. Maximum lot coverage by impervious surfaces shall be 60 percent. (Ord. 1302 § 2, 2009; Ord. 1099 § 18, 2005; Ord. 740 § 5, 1997).

Section 4. A new Section of Chapter 18.02 is hereby added to read as follows:

18.02.110 Rounding of Fractions of Dwelling Units

The number of dwelling units allowed on the subject property is determined by dividing the net area of the subject property by the number of permitted dwelling units. When this results in a fraction, the number of permitted dwelling units will be rounded up to the next higher whole number of units if the fraction is at least two-thirds. If the fraction is less than two-thirds, the number of permitted dwelling units will be rounded down to the next lower whole number of units.

Section 5. BLMC Chapter 18.18.010 is hereby amended to read as follows:

18.18.010 General intent.

This zone is intended to provide appropriately located areas for multifamily living at densities above 10 units per acre to meet the needs of households with a variety of income levels and lifestyles. They are further intended to protect the public health, safety and general welfare by assuring access to arterial or collector roads and transit, and the provision of adequate utility services, public facilities and amenities necessary to assure the comfort and enhance the lifestyles of their occupants. (Ord. 1250 § 2, 2007; Ord. 740 § 6, 1997).

Section 6. BLMC Chapter 18.18.050 is hereby amended to read as follows:

18.18.050 Setback and bulk regulations.

The following bulk regulations shall apply to the uses permitted in the district subject to the provisions for yard projections included in BLMC [18.22.080](#):

A. Density shall be a minimum of 10 units per net acre for residential uses, exclusive of public rights-of-way.

B. Minimum front setback: 15 feet from the right-of-way; provided, that a greater setback may be required from streets with inadequate rights-of-way at the discretion of the public works director.

C. Minimum side yard setback: five feet, with a total side yard setback of 15 feet for both side yards. Exception: Townhouse development may have zero side yard setbacks provided, that the end units of a group have a minimum of 5 and a total of 20 feet for both yards regardless of whether the yards are considered side, front or rear.

D. Minimum rear setback is 20 feet; provided, that a separated garage may be built within 10 feet of the rear property line.

E. Minimum setback to a single-family residential zone: 10 feet in addition to the required landscape buffer for buildings having an entrance or exit facing the landscape buffer. Exception: Buildings taller than 35 feet shall increase the setback by one foot from any single-family residential zone for every one foot of building height increase over 35 feet.

F. Maximum height: 35 feet; provided, that the director(s), with the concurrence of the fire chief of Pierce County Fire Protection District No. 22, may approve buildings up to four stories tall if adequate provision is made for fire protection.

G. Maximum impervious surface: 80 percent. (Ord. 1250 § 2, 2007; Ord. 1230 § 19, 2007; Ord. 1155 § 4, 2005; Ord. 1099 § 19, 2005; Ord. 851 § 32, 2000; Ord. 740 § 6, 1997).

Section 7. If any portion of this Ordinance shall be invalidated by a court of competent jurisdiction, the remainder shall remain in full force and effect.

Section 8. This Ordinance shall take effect thirty (30) days after its passage, subject to prior approval by the Mayor and prior publication for five days as required by law.

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

Neil Johnson, Mayor

ATTEST:

Harwood T. Edvalson, CMC, City Clerk

APPROVED AS TO FORM:

James J. Dionne, City Attorney

Passed:
Valid:
Published:
Effective Date: