

**CITY COUNCIL MEETING**

City of

*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.*

**January 25, 2011  
7:00 P.M.**



**AGENDA**

**"Where Dreams Can Soar"**

Website: [www.ci.bonney-lake.wa.us](http://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 such items 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 sign-up sheets near the Council Chamber doorway. (See Item II B. for Citizen Comments on other items of City business.)*

**I. CALL TO ORDER – Mayor Neil Johnson, Jr.**

A. Flag Salute – Mayor Neil Johnson, Jr.

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 James Rackley.

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

C. Announcements, Appointments and Presentations:

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

D. Agenda Modifications:

**II. PUBLIC HEARINGS, CITIZEN COMMENTS & CORRESPONDENCE:**

A. Public Hearings: None.

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: None. [A 1.2]

**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.*

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- A. **Approval of Corrected Minutes:** January 4, 2011 Council Workshop; January 11, 2011 Council Meeting.
- B. **Approval of Accounts Payable Checks/Vouchers:** #60248 thru 60249, and 60348 thru 60363 in the amount of \$956,460.49 for 2011 expenses; Accounts Payable checks/vouchers #60250 thru 60309 in the amount of \$108,573.75 for 2010 expenses; Accounts Payable checks/vouchers #60310 thru 60347 for Utility refunds in the amount of \$3,697.21; Accounts Payable checks/vouchers #60364 thru 60404 (including wire transfer #'s 71610, 121610, 1032011, 1042011, 1112011, 1162011, 1172011,9032010, 10042010, 10052010 and 90320101) in the amount of \$254,852.26 for 2010 expenses; Accounts Payable checks/vouchers #60405 thru 60411 (including wire transfer #1122011) in the amount of \$143,876.61 for a grand total of \$1,467,460.32. VOIDED CHECKS: 59921 – lost or misplaced. Replaced with check number 60285; and 60258 – duplicate payment (paid on p-card).
- C. **Approval of Payroll:** Police Uniform Allowance 2011 for checks 29523-29559 in the amount of \$ 23,380.49. Payroll for January 1-15th 2011 for checks 29560-29583 including Direct Deposits and Electronic Transfers in the amount of \$ 401,306.64.

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- D. **AB11-03 – Resolution 2091** - A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing The Mayor To Sign An Agreement With Murrey’s Disposal Co. Inc. For Infectious Waste Disposal.

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- E. **AB11-12 – Resolution 2094** - A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing The Mayor To Sign An Interlocal Agreement With The City Of Sumner And The Sumner School District For Recreation Services.

**V. FINANCE COMMITTEE ISSUES:**

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- A. **AB11-04 – Ordinance D11-04** – An Ordinance Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Adding A New Section 5.08.065, Repealing Chapter 18.48, And Adding A New Chapter 18.48 To The Bonney Lake Municipal Code, Relating To False Alarms.

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- B. **AB11-05 – Resolution 2092** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing The Mayor To Sign An Agreement With ATB Services To Administer The City's False Alarm Ordinance.

**VI. COMMUNITY DEVELOPMENT COMMITTEE ISSUES: None.**

**VII. PUBLIC SAFETY COMMITTEE ISSUES:**

- Page 43 A. **AB11-08 – Ordinance D11-08** – An Ordinance Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Amending Chapters 9.86 And 12.12 Of The Bonney Lake Municipal Code And Ordinance Nos. 454, 703, 947, 1058, 1232 And 1338, Relating To Possession Of Firearms On City Property.
- Page 47 B. **AB11-09 – Ordinance D11-09** – An Ordinance Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Amending Chapter 9.60 Of The BLMC, Relating To Criminal Trespass.

**VIII. FULL COUNCIL ISSUES:**

- Page 51 A. **AB11-14 – Ordinance D11-14** – An Ordinance Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Editing Bonney Lake Municipal Code Chapters 2.08, 2.12, 2.16 And 2.32, To Make Minor Semantic Changes.
- Page 57 B. **AB11-16 – Resolution 2097** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Opposing Pierce Transit Proposition 1, A Sales And Use Tax Increase.

**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**

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**COUNCIL WORKSHOP**

*January 4, 2011*

*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](http://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 Johnson, elected officials attending were Deputy Mayor Dan Swatman, Councilmember Laurie Carter, Councilmember Dan Decker, Councilmember Mark Hamilton, Councilmember Donn Lewis, and Councilmember Randy McKibbin. Councilmember James Rackley was absent.

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

**Councilmember Decker moved to excuse Councilmember Rackley from attendance at the meeting. Councilmember McKibbin seconded the motion.**

**Motion approved 6-0.**

**III. Agenda Items:**

5:35:15

**A. Council Open Discussion:**

Senator Patty Murray: Mayor Johnson stated that Senator Murray’s Representative Sean Murphy, who represents the South Sound Regional Area, met with him, City Administrator Morrison and Executive Assistant Hartsell. He said they spoke about the City’s plans for different projects, transportation, earmarks, Eastown and Downtown. He stated Mr. Murphy is charged with coordinating the veterans’ memorial committees in the area and the Mayor shared the City’s plan for a veteran’s memorial. He stated that after lunch City Administrator Morrison and Executive Assistant Hartsell took Mr. Murphy on a tour of the City.

Pierce Transit: Mayor Johnson stated he sent a letter to all the small cities that he represents as the Small Cities Representative on the Pierce Transit Board, asking for their input on the transit tax. He said he only received responses from Councilmember Carter and the City of Steilacoom. He thanked Councilmember Carter for her detailed response. He stated as of December 24, 2010 a “No” Committee had not been established for the voters’ pamphlet. He added the “Yes” committee is being led by Terry Lee and Claudia Thomas. He said Pierce Transit will hold Town Hall meetings to inform the public about the different budget options.

Park Place Condos: Councilmember Hamilton asked if the development has tenants living in it. Community Development Director Vodopich said the development is abandoned and bank owned. He said there is no one living in the units and they are secure.

WSU Forest: Councilmember Hamilton stated a citizen informed him a large tree fell across one of the main trails in the forest. He asked if it had been cleared or what the procedure is for taking care of it. Community Services Director Leaf said he had not heard about it and the City does not patrol the trails. He said he will have a staff member go out and make sure the trail is clear.

Sumner School District: Councilmember Lewis asked for a status update on the traffic light on 104<sup>th</sup> St. Public Works Director Grigsby stated Pierce County has signed off on the project. He will contact the County and report back with a status update.

Mayor Johnson said Bonney Lake High School is holding a Youth Summit on January 11<sup>th</sup> from 8:00am to 12:00pm. He stated all of the directors in the City will be attending the summit and the students are excited to have the opportunity to work with them.

Eastown Easements: Councilmember Lewis asked for a status update on the easements for the Eastown project. Director Grigsby stated several easements have been received; he is working on getting a few more. He said Compass Point has not submitted anything to the City at this point.

Charitable Donations: Councilmember Carter asked about the City's policy on payroll deductions for charitable donations. Chief Financial Officer Juarez said the City does payroll deductions, and he will prepare a report on how it would work for charitable organizations. Councilmember Carter said Marilee Hill-Anderson from the Sumner School District plans to hold a training class to help nonprofits in the area fill out the paperwork for grant programs.

Bonney Lake YMCA: Councilmember Carter said the Bonney Lake YMCA now has a fund raising account. She said donors can specify on their check "restrict to fund Bonney Lake YMCA" and the funds will only be used toward the Bonney Lake YMCA.

Business Licensing: City Attorney Ganson stated the City has received a business license application for a marijuana dispensary. He said he met with staff and drafted a letter to the company stating the type of business they have applied for is illegal in the State of Washington. He said the City denied their application and returned their application fee.

Condolences: Councilmember Carter shared that Duane Tidball passed away on December 31, 2010. She said he was a great member of the community. Director Vodopich pointed out the contributions the Tidball family made to the 90<sup>th</sup> St E project. Council expressed their condolences to the Tidball family.

5:54:23

- B. **Review of Council Minutes:** December 7, 2010 Council Workshop; December 14, 2010 Council Meeting.

The corrected minutes were forward to the January 11, 2011 Meeting for Council action.

5:55:22

- C. **Discussion:** City/County Staff Meeting Regarding the CUGA Annexation Proposal on January 3, 2010.

City Administrator Morrison said he and Community Development Director Vodopich meet with staff from Pierce County to discuss the proposed annexation. He said the County asked the City to withdraw the application for annexation and work on an annexation agreement for the area. He said the City has tried to work on an annexation agreement previously and had no response from the County. He said if the County invokes jurisdiction the election process could be delayed by several months and would be difficult to complete in 2011. He said the City could offer to dedicate all Park and Traffic development Impact Fees for use only in the area for which they are being taken. Alternatively, the City could withdraw their application in good faith and negotiate with Pierce County for an annexation agreement. Deputy Mayor Swatman said he would want to make sure the resources were not taken off the plateau. He said he liked the idea of dedicating the funds to the area from which they are taken. Mayor Johnson said the County has not had a plan for this area and he wants the City to move forward with the annexation. City Attorney Ganson stated if the County does invoke jurisdiction the City and the County can still negotiate and work toward an agreement. City Administrator Morrison said any group that is affected has the right to invoke jurisdiction. He said the City has received a letter from the Pierce County Health Department in support of the annexation. Mayor Johnson said he will schedule a meeting with County Commissioner Dan Roach to discuss the annexation. Council consensus was that the Mayor send a letter to Pierce County and move forward with annexation.

6:17:31

- D. **Discussion:** Council Retreat Dates, Including Potential Agenda Items and Participants.

City Administrator Morrison discussed several options for the 2011 Council Retreat. He asked the Council if they would like to have a retreat, who they would like to invite, and when they would like to have the meeting. The Council expressed a preference to have the 2011 Retreat on Saturday, February 26, 2011 at the Reed Property, and to invite one representative from each commission to give a presentation at the retreat. Mayor Johnson asked that the suggested list of agenda items be ready to discuss at the next workshop.

**IV. Executive Session:** None

6:37:51

**V. Adjournment:**

**At 6:37 p.m. Councilmember Lewis moved to adjourn the Workshop. Councilmember Decker seconded the motion.**

**Motion approved 6 – 0.**

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Harwood T. Edvalson, CMC  
City Clerk

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Neil Johnson, Jr.  
Mayor

Items submitted to Council at the January 4, 2011 Workshop: None

**CITY COUNCIL MEETING**

**January 11, 2011  
7:00 P.M.**

**MINUTES**



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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 7:01 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 Johnson, elected officials attending were Deputy Mayor Dan Swatman, Councilmember Laurie Carter, Councilmember Dan Decker, Councilmember Mark Hamilton, Councilmember Donn Lewis, Councilmember Randy McKibbin, and Councilmember Jim Rackley.

[Staff members in attendance were City Administrator Don Morrison, Public Works Director Dan Grigsby, Community Development Director John Vodopich, Police Chief Mike Mitchell, Chief Financial Officer Al Juarez, Community Services Director Gary Leaf, 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: None.

D. Agenda Modifications: None.

7:01:58

**II. PUBLIC HEARINGS, CITIZEN COMMENTS & CORRESPONDENCE:**

A. Public Hearings: None.

B. Citizen Comments:

Louie Dahl, 18512 74<sup>th</sup> St E, Bonney Lake, said he lives on a corner at the bottom of a hill, and multiple cars have slid onto his property and damaged his fence. He said he has spoken to Public Works staff and the Director many times in past years, and asked that the City sand the hill near this corner when it is icy, but he has been told his street is not a priority. He provided Councilmembers with a police report of one of the accidents. He said he has spent thousands of dollars to repair his fence over the years. He asked the City to help make the intersection safer. He believes even sanding the corner earlier on the City’s priority list will help.

Councilmember Rackley said the Community Development Committee will review this concern at a future meeting. Mayor Johnson said Director Grigsby is working to gather information, and Councilmember Carter has looked at this issue as well.

John Gustafson, 21521 134<sup>th</sup> St E, Bonney Lake, and Ron Lavigne, 4910 Jenks Pt Way E, Lake Tapps, said they are considering purchasing a property near 223<sup>rd</sup> St E in Eastown to build a new veterinary clinic on SR 410. However, they learned that the City would require them to connect the parcel to the City sewer, which is not realistic since sewer has not yet been extended to Eastown. They said tests show the site could be developed with a commercial septic system, if the Council allowed it.

Mayor Johnson said the Council has considered commercial septic systems in Eastown many times in the past, but so far have not allowed property owners to develop on septic systems. He said the City is working to build out the sewer system in Eastown, and residents are now submitting easements and moving the project forward. Councilmember Rackley invited Mr. Gustafson and Mr. Lavigne to attend an upcoming CDC Meeting to discuss the issue and options in depth. Mayor Johnson asked them to speak with Director Grigsby to get more information on the history of Eastown sewers and concerns related to septic systems.

- C. Correspondence: None.

7:14:21

**III. COUNCIL COMMITTEE REPORTS:**

- A. Finance Committee: Deputy Mayor Swatman said the committee met at 5:30 p.m. earlier in the evening and discussed personnel updates, health insurance rebates, a proposed contract for infectious waste disposal, and a proposed false alarm ordinance and related contract. The committee forwarded items AB11-06 and AB11-07 to the current agenda for action. The committee also reviewed its minutes, discussed the draft social media policy presented by staff, and reviewed Finance Department accomplishments. They also discussed how the timing of a future annexation might affect the City’s budget.
- B. Community Development Committee: Councilmember Rackley said the committee has not met since the last Council Meeting.
- C. Public Safety Committee: Councilmember Hamilton said the committee met January 3<sup>rd</sup> and started reviewing the City’s firearm code to bring it in compliance with State law. The committee also discussed weapons check-in at the new court facility, and reviewed the draft nuisance ordinance and fines. The committee also discussed medical marijuana dispensaries, but the State law is not clear on what is legal and this discussion has been put on hold until new legislation comes forward. The committee plans to discuss possible changes to BLMC Chapter 6 at a future meeting.
- D. Other Reports:

Pierce Transit: Mayor Johnson said he attended the Pierce Transit Board work session and meeting on Monday, January 10. The board discussed the agency’s

‘reduction plan’, and heard from members of the ‘pro’ committee for the transit tax ballot measure. He said services to the plateau will likely be reduced whether or not the proposed tax passes. He said he will provide updates as available and encouraged others to share their opinions about the proposed tax and budget to local newspapers.

YMCA: Mayor Johnson said he, Councilmembers McKibbin and Hamilton, and City Administrator Morrison met with Bob Ecklund and Michelle LaRue from the YMCA. He said it was a very positive meeting and they hope the City can open a new YMCA by 2018, or as soon as 2014. He thanked Councilmember Carter for her donation to the newly created Bonney Lake YMCA fund.

Annexation: Mayor Johnson said he and Deputy Mayor Swatman met with residents of Autumn Crest Homeowner’s Association, in the proposed annexation area, to answer their questions about annexation. He said City Administrator Morrison has been working with Pierce County Executive Pat McCarthy on annexation issues.

Youth Forum: Mayor Johnson said he, all department heads, and staff members Kathy Seymour and David Wells attended the Bonney Lake High School Youth Forum earlier in the day. He said students discussed what they saw as the city’s strengths and weaknesses. Among the strengths they said the City has good sidewalks, is clean and nice, and they are excited about getting a YMCA. For weaknesses, they cited trees being cut down, a lack of things to do, and traffic issues. He thanked staff for attending, and said it is important to get this input from the kids.

7:28:31

#### IV. CONSENT AGENDA:

- A. **Approval of Corrected Minutes:** December 7, 2010 Council Workshop; December 14, 2010 Council Meeting.
- B. **Accounts Payable Checks/Vouchers:** #60122 thru 60164 (including wire transfer #'s 11152010, and 11262010) in the amount of \$290,312.05; Accounts Payable checks/vouchers #60165 thru 60210 (including wire transfer #'s 11032010, 12032010, 12062010, 12152010, 12162010, and 12172010) in the amount of \$334,103.22; Accounts Payable checks/vouchers #60211 thru 60246 (including wire transfer #'s 6705517 and 12092010) in the amount of \$678,875.38; Accounts Payable checks/vouchers #60247 for a utility overpayment refund in the amount of \$9.99 for a grand total of \$1,303,300.64. VOIDED CHECKS: 59839 – lost or misplaced. Replaced with check number 60227.
- C. **Approval of Payroll:** Payroll for December 1-15th, 2010 for checks **29473-29495** including Direct Deposits and Electronic Transfers in the amount of **\$ 393,738.99** Payroll for December 16-31st 2010 for checks **29496-29522** including Direct Deposits and Electronic Transfers in the amount of **\$618,583.19**.

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

**Consent Agenda approved 7 – 0.**

7:28:39

**V. FINANCE COMMITTEE ISSUES:**

- A. **AB11-06 ~~AB10-173~~** – A Motion Of The City Council of the City of Bonney Lake Accepting as Complete the 2010 Chip Seal Project by Doolittle Construction.

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

City Clerk Edvalson noted that this agenda item and the following item were listed on the agenda with incorrect agenda bill numbers.

**Motion approved 7 – 0.**

- B. **AB11-07 ~~AB10-173~~** – A Motion Of The City Council of the City of Bonney Lake Accepting as Complete the 199<sup>th</sup> Ave Ct E Sanitary Sewer Improvements by SLEAD, LLC.

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

**Motion approved 7 – 0.**

**VI. COMMUNITY DEVELOPMENT COMMITTEE ISSUES:** *None.*

**VII. PUBLIC SAFETY COMMITTEE ISSUES:** *None.*

**VIII. FULL COUNCIL ISSUES:** *None.*

**IX. EXECUTIVE SESSION:** *None.*

7:30:13

**X. ADJOURNMENT:**

**At 7:30 p.m., Councilmember Rackley moved to adjourn the meeting. Councilmember Lewis seconded the motion.**

**Motion to adjourn approved 7 – 0.**

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Harwood Edvalson, CMC  
City Clerk

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Neil Johnson  
Mayor

Items presented to Council at the January 11, 2011 Meeting: *None.*

City of Bonney Lake, Washington  
**City Council Agenda Bill (AB)**

<b>Department/Staff Contact:</b> Fin / Al Juarez	<b>Meeting/Workshop Date:</b> 25 January 2011	<b>Agenda Bill Number:</b> AB11-03
<b>Agenda Item Type:</b> Resolution	<b>Ordinance/Resolution Number:</b> 2091	<b>Councilmember Sponsor:</b>

**Agenda Subject:** Agreement with Murrey's Disposal Co. for Infectious Waste Disposal

**Full Title/Motion:** A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing The Mayor To Sign An Agreement With Murrey's Disposal Co., Inc. For Infectious Waste Disposal .

**Administrative Recommendation:**

**Background Summary:** Infectious waste can include human waste, animal waste, objects and materials that have been contaminated with blood and body fluids and that may contain disease-causing micro-organisms or viruses. Often times disease causing micro-organisms are found in sharps such as hypodermic needles and syringes. Regulations by local and federal agencies require that infectious waste be segregated, packaged and disposed of in a specific manner. Periodically the police department has a need to dispose of items classified as infectious waste that may have been confiscated during various policing activities. This contract is to establish a conduit in order to handle infectious waste disposal pursuant to local and federal guidelines.

**Attachments:** Yes

BUDGET INFORMATION			
Budget Amount	Current Balance	Required Expenditure	Budget Balance
<b>Budget Explanation:</b> Exhibit "A" of the agreement is a price list for Bio-medical Waste Disposal			

COMMITTEE, BOARD & COMMISSION REVIEW			
<b>Council Committee Review:</b>	Finance Committee Date: 11 January 2011	<i>Approvals:</i> Chair/Councilmember Deputy Mayor Swatman Councilmember Mark Hamilton Councilmember James Rackley	Yes No <input checked="" type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>
	Forward to: 1/25/2011 Council Meeting	<b>Consent Agenda:</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Commission/Board Review:</b>			
<b>Hearing Examiner Review:</b>			

COUNCIL ACTION	
Workshop Date(s):	Public Hearing Date(s):
Meeting Date(s):	Tabled to Date:

APPROVALS		
<b>Director:</b> Al Juarez	<b>Mayor:</b>	<b>Date Reviewed by City Attorney:</b> standard (if applicable):

**RESOLUTION NO. 2091**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BONNEY LAKE,  
PIERCE COUNTY, WASHINGTON, AUTHORIZING THE MAYOR TO SIGN AN  
AGREEMENT WITH MURREY'S DISPOSAL CO. INC. FOR INFECTIOUS WASTE  
DISPOSAL.**

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

**PASSED by the City Council this 25<sup>th</sup> day of January, 2011.**

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Mayor Neil Johnson, Jr.

AUTHENTICATED:

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Harwood T. Edvalson, CMC  
City Clerk

APPROVED AS TO FORM:

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James J. Dionne, City Attorney

# MURREY'S DISPOSAL COMPANY, INC.

POST OFFICE BOX 399  
PUYALLUP, WASHINGTON 98371  
(253) 414-0353 (253) 922-6681

## INFECTIOUS WASTE DISPOSAL SERVICE AGREEMENT

This Agreement is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_  
by and between:

Name _____	and Murrey's Disposal Co., Inc.
Address _____	4622 70 <sup>th</sup> Ave E
_____	PO Box 399
Phone _____	Puyallup, WA 98371-0158

1. **Form of Organization:** Customer is a (check one):

- Corporation EIN # \_\_\_\_\_
- Partnership SSN # \_\_\_\_\_
- Sole Proprietorship SSN # \_\_\_\_\_

2. **Packaging of Infectious Waste Material:** Infectious waste material will be packaged in Murrey's Disposal Co., Inc. containers by Customer using suitable standards of care, and will stored and made available for pickup at a location accessible only to authorized Customer and Murrey's Disposal personnel. Murrey's Disposal will not accept any wet, damaged, over filled, leaking or improperly filled containers.
3. **Billing:** Murrey's Disposal will bill Customers monthly at rates as set forth in its tariff on file with the Washington State Utilities and Transportation Commission. A current copy of Murrey's Disposal is attached hereto as Exhibit "A" and incorporated herein by reference. Murrey's Disposal rates will be changed only in accordance with the procedures of the Washington Utilities and Transportation Commission. Murrey's Disposal agrees that Customers will receive no less than thirty (30) days notice before any revised tariff becomes effective.
4. **Invoices:** Invoices submitted by Murrey's Disposal to Customer shall be paid no later than thirty (30) days from the date of invoice. Service charges shall be imposed for overdue payments as set forth in Murrey's Disposal tariff.
5. **Records:** Murrey's Disposal shall retain copies of all invoices, delivery receipts and disposal records for a period of five (5) years.

Murrey's Disposal Co., Inc. containers by Customer using suitable

- 6. **Term:** The term of this Agreement shall commence immediately upon execution of this Agreement by both customer and Murrey's Disposal and shall continue in effect for twelve (12) months, unless terminated as provided herein. Murrey's Disposal may terminate this (12) months, unless terminated as provided herein. Murrey's Disposal may terminate this Agreement if customer fails to pay any invoice within thirty (30) days from date of invoice. Unless either party notifies the other no later than sixty (60) days prior to the expiration of the original or renewal term. This agreement will automatically renew for an additional twelve (12) months.
- 7. **Disposal Responsibility:** Murrey's Disposal shall accept responsibility for proper disposal of Infectious waste material when the waste is loaded on Murrey's Disposal vehicle and the standard form manifest is completed and signed by both Customer and Murrey's Disposal.
- 8. **Non-conforming Infectious Waste:** Any waste that is not in accordance with the Infectious Waste Profile Sheet, attached hereto an exhibit "B" and incorporated herein by this reference, shall be deemed non-conforming infectious waste. Murrey's Disposal will return to Customer any non-conforming infectious waste. Responsibility for disposal of any non-conforming waste packed in Murrey's Disposal containers shall remain with the Customer.
- 9. **Authorized Representative:** The individuals whose signature appears below represent and warrant that they have been authorized to Customer or Murrey's Disposal, as the case may be, to execute this Agreement.

Murrey's Disposal Co., Inc.  
A Washington Corporation

By: \_\_\_\_\_

By: \_\_\_\_\_

Its: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

# EXHIBIT "A"

Murrey's Disposal Co., Inc.

Price list for Bio-medical Waste

Rates effective 12/15/07

<u>Quantity</u>	<u>Rate</u>	<u>Quantity</u>	<u>Rate</u>	<u>Quantity</u>	<u>Rate</u>
0-05	\$4.00	101-105	\$1.39	291-300	\$0.84
6-10	\$2.26	106-110	\$1.34	301-310	\$0.82
11-15	\$2.03	111-115	\$1.32	311-320	\$0.81
16-20	\$1.87	116-120	\$1.30	321-330	\$0.80
21-25	\$1.86	121-130	\$1.25	331-340	\$0.79
26-30	\$1.85	131-140	\$1.20	341-350	\$0.78
31-35	\$1.84	141-150	\$1.15	351-360	\$0.77
36-40	\$1.83	151-160	\$1.12	361-370	\$0.76
41-45	\$1.82	161-170	\$1.08	371-380	\$0.75
46-50	\$1.81	171-180	\$1.06	381-390	\$0.73
51-55	\$1.78	181-190	\$1.03	391-400	\$0.73
56-60	\$1.76	191-200	\$1.00	401-410	\$0.72
61-65	\$1.72	201-210	\$0.98	411-420	\$0.72
66-70	\$1.66	211-220	\$0.96	421-430	\$0.71
71-75	\$1.63	221-230	\$0.93	431-440	\$0.71
76-80	\$1.58	231-240	\$0.91	441-450	\$0.70
81-85	\$1.55	241-250	\$0.90	451-460	\$0.70
86-90	\$1.49	251-260	\$0.88	461-470	\$0.69
91-95	\$1.46	261-270	\$0.87	471-480	\$0.69
96-100	\$1.41	271-280	\$0.86	481-490	\$0.68
		281-290	\$0.85	491-500	\$0.68

Note: Minimum charge of \$20.85 on a 5-gallon box and \$22.60 on a 10-gallon box.

## EXHIBIT "B"

The term Non-conforming Infectious Waste includes Ignitable, corrosive, reactive, radioactive, toxic material or waste listed as antineoplastic agents and other hazardous wastes and substances as defined in any applicable Federal, State or Municipal laws, regulations and guidelines.

Marlene E.  
 Customer Service Representative  
 PO Box 399  
 Royallup, WA 98371  
 Phone (253) 414-0353  
 Fax (253) 414-0366  
 Email marlene@wastecorrections.com

# Fax

To: Kouss From: Marlene  
 Fax: 253-863-2661 Pages: 5  
 Phone: \_\_\_\_\_ Date: 12-7-10  
 Re: Fictitious Waste Agreements cc: \_\_\_\_\_  
 Urgent   
  For Review   
  Please Comment :   
  Please Reply   
  Please Recycle

If you should have any questions, feel free to give us a call.

Thank-you,  
Marlene

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City of Bonney Lake, Washington  
**City Council Agenda Bill (AB)**

<b>Department/Staff Contact:</b> Exec / Don Morrison	<b>Meeting/Workshop Date:</b> January 18, 2011	<b>Agenda Bill Number:</b> AB11-12
<b>Agenda Item Type:</b> Resolution	<b>Ordinance/Resolution Number:</b> 2094	<b>Councilmember Sponsor:</b>

**Agenda Subject:** Renewal of Tri-Agency Recreation Agreement

**Full Title/Motion:** A Motion Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing The Mayor To Sign An Interlocal Agreement Between The City Of Bonney Lake And The City Of Sumner And The Sumer School District For Recreation Services.

**Administrative Recommendation:** Approve

**Background Summary:** This is a renewal agreement of the long standing recreation program service agreement between Bonney Lake, Sumner, and the Sumner School District. Funds are included in the adopted 2011-2012 biennial budget. The only change is the term. It now is for two years to coincide with the biennial budget.  
**Attachments:** Resolution 2094, Interlocal Agreement

<b>BUDGET INFORMATION</b>			
Budget Amount	Current Balance	Required Expenditure	Budget Balance
\$34,000	\$34,000	\$34,000	0
<b>Budget Explanation:</b>			

<b>COMMITTEE, BOARD &amp; COMMISSION REVIEW</b>			
<b>Council Committee Review:</b>	<i>Approvals:</i>		<b>Yes No</b>
Date:	Chair/Councilmember NAME	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember NAME	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember NAME	<input type="checkbox"/>	<input type="checkbox"/>
Forward to:	<b>Consent</b>		
	<b>Agenda:</b> <input type="checkbox"/> Yes <input type="checkbox"/> No		
<b>Commission/Board Review:</b>			
<b>Hearing Examiner Review:</b>			

<b>COUNCIL ACTION</b>	
Workshop Date(s): January 18, 2011	Public Hearing Date(s):
Meeting Date(s):	Tabled to Date:

<b>APPROVALS</b>		
<b>Director:</b>	<b>Mayor:</b>	<b>Date Reviewed by City Attorney:</b> (if applicable):

**RESOLUTION NO. 2094**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON, AUTHORIZING THE MAYOR TO SIGN AN INTERLOCAL AGREEMENT WITH THE CITY OF SUMNER AND THE SUMNER SCHOOL DISTRICT FOR RECREATION SERVICES.

The City Council of the City of Bonney Lake, Washington, does hereby resolve that the Mayor is authorized to sign the Interlocal Agreement between the City of Bonney Lake and the City of Sumner, and the Sumer School District for recreation services, attached hereto and incorporated herein by this reference.

**PASSED** by the City Council this 25<sup>th</sup> day of January, 2011.

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Neil Johnson, Mayor

ATTEST:

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Harwood T. Edvalson, CMC  
City Clerk

APPROVED AS TO FORM:

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James Dionne, City Attorney

**INTERLOCAL AGREEMENT**  
**BETWEEN**  
**THE SUMNER SCHOOL DISTRICT**  
**AND**  
**THE CITY OF BONNEY LAKE**  
**AND**  
**THE CITY OF SUMNER**

THIS IS AN INTERLOCAL AGREEMENT between the **SUMNER SCHOOL DISTRICT**, a common school district and municipal corporation of the State of Washington, and **THE CITY OF SUMNER**, a municipal corporation of the State of Washington, and **THE CITY OF BONNEY LAKE**, a municipal corporation of the State of Washington (collectively referred to as the “parties”), relating to the creation and operation of a Joint Recreation Program. The initial effective date of this agreement is **January 1, 2011**.

WHEREAS, there is a need for additional recreation and arts programs in the geographic area encompassed by the Sumner School District, the City of Bonney Lake and the City of Sumner; and

WHEREAS, the Sumner School District, the City of Bonney Lake, and the City of Sumner desire to provide the citizens of their respective communities enhanced opportunities for recreation and arts; and

WHEREAS, each part by itself does not have sufficient resources to provide such enhanced recreation and arts opportunities; and

WHEREAS, it is in the public interest that the parties cooperate to provide resources to provide efficient, cost-effective recreation and arts programs; and

WHEREAS, each of the parties is a “public agency” within the meaning of Chapter 39.34 RCW.

NOW, THEREFORE, pursuant to Chapter 39.34 RCW, the Sumner School District, the City of Bonney Lake, and the City of Sumner hereby agree to create and operate a Joint Recreation Program, as follows:

**1. JOINT ADVISORY BOARD FOR INTERGOVERNMENTAL COOPERATION.**

1.1 Formation of a Joint Advisory Board. Pursuant to RCW 39.34.030(4), the parties hereby establish a Joint Advisory Board for Intergovernmental Cooperation (“Joint Advisory Board”). The Joint Advisory Board is not a separate legal entity.

1.2 Composition of Joint Advisory Board. The Joint Advisory Board shall have three members: one each from the Sumner School District, the City of Bonney Lake and the City of Sumner. The members of the Joint Advisory Board shall be the mayor of the City of Bonney Lake, the mayor of the City of Sumner and the Superintendent of the Sumner School District, or their respective appointees. Each party may appoint its member to the Joint Advisory Board according to its own procedures and policies.

**1.3 Joint Advisory Board Responsibilities**

1.3.1 The Joint Advisory Board will advise the Joint Recreation Program Coordinator on issues related to the administration of the Joint Recreation Program

1.3.2 The Joint Advisory Board will determine the salary of the Joint Recreation Program Coordinator and other Joint Recreation Program employees and will advise the Superintendent of the Sumner School District or his designee regarding the responsibilities of the Joint Recreation Program Coordinator.

1.3.3 The Joint Advisory Board, through its individual members, shall authorize the Joint Recreation Program Coordinator to make arrangements, when feasible, for use of facilities owned or controlled by the parties to the Joint Recreation Program. It is expressly understood that such facilities will be made available to the Joint Recreation Program without charge to the Joint Recreation Program.

## 2. JOINT OPERATING ACCOUNT

2.1 **Establishment of Operating Accounts.** The Joint Advisory Board hereby establishes a separate account to carry out the recreation program. It shall be designated by the appropriate state-defined account title and account code. The Joint Recreation Program Coordinator shall be designated as the administrator of the account.

### 2.2 Sources of Funding

2.2.1 The Sumner School District, the City of Bonney Lake, and the City of Sumner are on different fiscal year and budget cycles. As a consequence, the advisory board will begin the process of determining the contributions needed from each member of the joint agreement based on a budget submitted to the advisory board no later than June 1 of each year. The Joint Advisory Board will make a final determination of each member's contribution to the operating account no later than August 1 of each year. No party to this agreement shall be required to make contributions to the Operating Fund without the mutual agreement of all parties to the agreement.

2.2.2 Additional funding will be provided through fees charged to participants in programs of the Joint Recreation Program. It shall be the responsibility of the Joint Recreation Program Coordinator to develop a viable fee structure, with approval of the Joint Advisory Board.

2.2.3 **Use of Funds.** The Operating Account will be used to pay all expenses necessary for the efficient operation of the Joint Recreation Program. Such expenses include all costs involved in employing the Joint Recreation Program Coordinator and other staff, including but not limited to worker's compensation contributions, F.I.C.A., employment security contributions, and employee benefits. Other necessary expenses may be paid as the need arises.

2.2.4 **Accounting.** The Joint Recreation Program Coordinator will keep an account of the manner acquiring, holding, and disposing of funds and real and personal property used in the Joint Recreation Program.

## 3. ADMINISTRATION OF THE JOINT RECREATION PROGRAM.

3.1 Administration of the Joint Recreation Program shall be the responsibility of the Superintendent of the Sumner School District or his designee.

3.2 The Joint Recreation Program shall be administered as a program of the Sumner School District.

3.3 The Superintendent of the Sumner School District or his designee shall call a meeting of the Joint Advisory Board on at least a quarterly basis to advise the Joint Advisor Board on the status of the Joint Recreation Program and to seek the advice and counsel of the Joint Advisory Board on matters related to the operation and administration of the Joint Recreation Program.

#### 4. **RESPONSIBILITIES OF EACH PARTY.**

4.1 **Sumner School District Responsibilities.** The Sumner School District shall have the following responsibilities regarding the operation of the Joint Recreation Program:

- 4.1.1 Appointing a member to the Joint Advisory Board.
- 4.1.2 Hiring, evaluating, supervising, and terminating services of a Joint Recreation Program Coordinator. The Joint Recreation Program Coordinator and the other Joint Recreation Program staff will be considered to be employees of the Sumner School District.
- 4.1.3 Providing a suitable facility for the office of the Joint Recreation Program, including office space.
- 4.1.4 Seeking, on at least a quarterly basis, the advice of the Joint Advisory Board on matters related to the operation and administration of the Joint Recreation Program.
- 4.1.5 Overseeing and supervising the work of the Joint Recreation Program Coordinator on a day-to-day basis, consistent with guidelines established by the Joint Advisory Board.
- 4.1.6 Provide payroll administration and services for the Joint Recreation Program.
- 4.1.7 Cooperating with the Joint Recreation Program by making Sumner School District facilities available, when feasible, for programs and activities of the Joint Recreation Program.

#### 4.2 **Cities of Bonney Lake and Sumner Responsibilities**

- 4.2.1 The Cities of Bonney Lake and Sumner shall appoint a member of the Joint Advisory Board who shall participate actively in carrying out the responsibilities of the Joint Advisory Board.
- 4.2.2 The Cities of Bonney Lake and Sumner shall cooperate with the Joint Recreation Program by making their facilities available, when feasible, for use for the programs and activities of the Joint Recreation Program.

#### 5. **RENEWAL AND DURATION OF AGREEMENT**

- 5.1.1 **Renewal.** The Agreement may be renewed for succeeding two year terms by agreement of all of the parties.
- 5.1.2 **Duration.** This term of this agreement is from January 1, 2011 through December 31, 2012.

6. **TERMINATION.** The Agreement terminates automatically at the end of each two-year contract term. The Agreement may be terminated at any time by mutual written agreement of all of the parties. Neither the parties, the Joint Advisory Board, nor the Joint Recreation Program Coordinator shall commit the Joint Recreation Program to any contractual obligation that extends

beyond the duration of the Agreement. Upon termination of the Agreement, unexpended and uncommitted joint funds shall be distributed to each of the parties.

7. **INSURANCE.** Insurance coverage obtained by the Sumner School District, the City of Bonney Lake and the City of Sumner shall be individually secured and maintained with responsible insurers. The coverage shall be for damages because of personal or bodily injury, including death resulting from such injuries, damage to or loss of use of building, contents and personal property and other coverage as is customarily maintained for recreation programs to the extent that such insurance can be secured and maintained at a reasonable cost. If the activities of the Joint Recreation program cannot be insured at a reasonable cost through either new policies or riders to existing policies, the Joint Advisory Board shall declare that insurance is unavailable and this agreement shall be terminated immediately.
8. **NONDISCRIMINATION.** The parties to this Agreement declare that they are committed to the principle of equal opportunity consistent with applicable laws.
9. **AUDITS AND INSPECTIONS.** The records and document with respect to all matters covered by this Agreement shall be subject to inspection, review or audit by each of the parties during the term of this agreement and for three years after termination.
10. **AMENDMENTS.** The Agreement may be amended at any time by mutual written agreement of all of the parties.
11. **ENTIRE AGREEMENT.** The parties agree that this Agreement is the complete expression of the terms hereto and any oral representations or understandings not incorporated herein are excluded.

**IN WITNESS WHEREOF**, the parties have executed this agreement.

**CITY OF BONNEY LAKE**

By \_\_\_\_\_  
Its \_\_\_\_\_  
Date \_\_\_\_\_

**CITY OF SUMNER**

By \_\_\_\_\_  
Its \_\_\_\_\_  
Date \_\_\_\_\_

**SUMNER SCHOOL DISTRICT**

By \_\_\_\_\_  
Its \_\_\_\_\_  
Date \_\_\_\_\_

City of Bonney Lake, Washington  
**City Council Agenda Bill (AB)**

<b>Department/Staff Contact:</b> Fin / Al Juarez	<b>Meeting/Workshop Date:</b> 25 January 2011	<b>Agenda Bill Number:</b> AB11-04
<b>Agenda Item Type:</b> Ordinance	<b>Ordinance/Resolution Number:</b> D11-04	<b>Councilmember Sponsor:</b>

**Agenda Subject:** Revise the City's False Alarm Ordinance and Related Municipal Code

**Full Title/Motion:** An Ordinance Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Adding A New Section 5.08.065, Repealing Chapter 18.48, And Adding A New Chapter 18.48 To The Bonney Lake Municipal Code, Relating To False Alarms.

**Administrative Recommendation:**

**Background Summary:** The City's False Alarm Ordinance is in need of update to clarify provisions and aid in the enforcement of the ordinance. The purpose of the ordinance is to protect against false alarms that may hinder or diminish the availability of police services to the general public and to safeguard public resources. In essence the intent is to diminish false alarm occurrences allowing scarce police resources to better focus on real time non-misleading tasks.  
**Attachments:** Yes

<b>BUDGET INFORMATION</b>			
Budget Amount	Current Balance	Required Expenditure	Budget Balance
<b>Budget Explanation:</b> NA			

<b>COMMITTEE, BOARD &amp; COMMISSION REVIEW</b>			
<b>Council Committee Review:</b>	Finance Committee Date: 11 January 2011	<i>Approvals:</i> Chair/Councilmember Deputy Mayor Swatman Councilmember Mark Hamilton Councilmember James Rackley	Yes No <input checked="" type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>
Forward to: 1/25/2011 Council Meeting		<b>Consent Agenda:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<b>Commission/Board Review:</b>			
<b>Hearing Examiner Review:</b>			

<b>COUNCIL ACTION</b>	
Workshop Date(s):	Public Hearing Date(s):
Meeting Date(s):	Tabled to Date:

<b>APPROVALS</b>		
<b>Director:</b> Al Juarez	<b>Mayor:</b>	<b>Date Reviewed by City Attorney:</b> 12/22/2010 (if applicable):

ORDINANCE NO. D11 - 04

AN ORDINANCE OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON  
ADDING A NEW SECTION 5.08.065, REPEALING CHAPTER 18.48, AND ADDING A  
NEW CHAPTER 18.48 TO THE BONNEY LAKE MUNICIPAL CODE,  
RELATING TO FALSE ALARMS.

WHEREAS, the City's "False Alarm Ordinance" is in need of update to clarify provisions, aid in enforcement, and facilitate a contract with a private provider of alarm administration services.

NOW, THEREFORE, the City Council of the City of Bonney Lake do hereby ordain as follows:

Section 1. A new Section 5.08.065 shall be added to the Bonney Lake Municipal Code to read as follows:

**BLMC § 5.08.065 – Alarm Business License Endorsement**

- A. For purposes of this Section, "alarm business" means any business engaged in the selling, leasing, installing or responding to security alarms, as defined in BLMC Chapter 8.48. Alarm businesses also include any person, business or organization that monitors security alarm systems and initiates alarm dispatch requests, including units or divisions of larger businesses or organizations that provide proprietary security alarm monitoring services only to affiliates of the parent business or organization.
- B. All alarm businesses engaged in the business of selling, leasing, installing, responding to, or monitoring security alarms to individuals and businesses within the City of Bonney Lake shall obtain an Alarm Business License Endorsement from the City, regardless of whether they are otherwise required to have a City business license.
- C. Alarm businesses must complete the license endorsement application form available from the City's finance department and pay an annual license fee of ten dollars (\$10.00) for every alarm site within the City of Bonney Lake, up to a maximum of one hundred dollars (\$100.00). Failure to pay the annual license fee within thirty days of notification shall result in a twenty-five dollar (\$25.00) late fee. Upon applying for a license endorsement, and prior to each annual renewal, the alarm business shall provide the City with a list of current customers owning or operating alarm systems within the city limits.
- D. No alarm business shall presume, anticipate, or expect that emergency response will result solely from the activation of any security alarm system sold, leased, installed, or monitored by an alarm business that lacks an endorsement from the City.

- E. Alarm businesses shall not market, sell, install, or monitor alarm systems that fail to comply with all requirements of Chapter 8.48 BLMC.
- F. Alarm businesses shall cooperate fully with the Alarm Administrator in enforcing the provisions of the City's False Alarm Ordinance, Chapter 8.48 BLMC. Cooperation shall include, but not be limited to, answering the Alarm Administrator's requests for customer lists, alarm call data, the identity of each alarm business's Alarm Response Manager, and other information in a prompt manner; facilitating the Alarm Administrator's efforts to issue permits to alarm systems in existence prior to the effective date of this Ordinance; and notifying the Alarm Administrator of new and disconnected accounts.
- G. Failure to cooperate with the Alarm Administrator may constitute grounds for penalties under BLMC § 5.08.220, and/or revocation of the alarm business's endorsement, subject to the appeal provisions of BLMC § 5.08.210. Alarm businesses shall cooperate fully with requests made by the Police Department or Citycom dispatcher as to the method of communicating dispatch requests, including use of Enhanced Call Verification (a minimum of two telephone calls attempting to reach a responsible party prior to notification of a CityCom dispatcher). Failure to cooperate fully may constitute grounds for penalties under BLMC § 5.08.220, and/or revocation of the alarm business's endorsement, subject to the appeal provisions of BLMC § 5.08.210.

**Section 2.** Bonney Lake Municipal Code Chapter 8.48 is hereby repealed in its entirety.

**Section 3.** A new Chapter 8.48 is hereby added to the Bonney Lake Municipal Code to read as follows:

#### **Chapter 8.48 – False Alarms**

- 8.48.010 Purpose.
- 8.48.020 Definitions.
- 8.48.030 Alarm permits required – permit fees.
- 8.48.040 Responsibilities of alarm users.
- 8.48.050 Prohibited alarm devices.
- 8.48.060 False alarms.
- 8.48.070 False alarm fines.
- 8.48.080 Appeals.
- 8.48.090 Exceptions.

#### **8.48.010 Purpose**

The purpose of this Chapter is to protect against false alarms hindering or diminishing the availability of police services to the general public, and to safeguard public resources. This Chapter is not intended to convey any special benefit to any entity, individual, or group of individuals.

#### 8.48.020 Definitions

- A. Alarm Administrator means the person designated by the City Administrator to administer the City's False Alarm Ordinance. The City may contract with a private provider to serve as the Alarm Administrator.
- B. Alarm Appeals Officer means the person designated by the City Administrator to hear and decide appeals related to false alarm fines. The Alarm Appeals Officer shall be a different person and entity than the Alarm Administrator.
- C. Alarm business means any business, individual, partnership, corporation or other entity engaged in the selling, leasing, maintaining, servicing, repairing, altering, replacing, moving, installing or responding to security alarms. Alarm businesses also include any person, business or organization that monitors security alarm systems and initiates alarm dispatch requests, including units or divisions of larger businesses or organizations that provide proprietary security alarm monitoring services only to affiliates of the parent business or organization.
- D. Alarm dispatch request means the initiating of a communication to the police, via the regional communications agency, by an alarm business indicating that a security alarm system has been activated at a particular alarm site and requesting emergency response to that alarm site.
- E. Alarm site means a structure or portion thereof served by a single security alarm system. In a multi-tenant building or complex, each portion of the structure or complex having its own security alarm system is considered a separate alarm site.
- F. Alarm system means a device or series of interconnected devices, including, but not limited to, systems interconnected with hard wiring or radio frequency signals, which are designed to emit and/or transmit a remote or local audible, visual or electronic signal indicating that an intrusion may either be in progress or is being attempted at the alarm site. Security alarm systems do not include those devices designed to alert only the inhabitants of specific premises and that have no sounding or signaling devices which can be heard or seen on the exterior of the alarm site.
- G. Alarm user means any person, firm, partnership, corporation or other entity that controls a security alarm system at an alarm site, who is the holder of the alarm permit, and who is financially responsible for the operation of an alarm system.
- H. Burglary alarm (also property/intrusion alarm) means an alarm system that is used to detect and report unauthorized entry or attempted unauthorized entry upon real property.
- I. Monitoring means the process an alarm business uses to keep watch on alarm systems; to receive alarm activation signals from alarm systems; to verify alarm activations; to relay alarm dispatch requests for emergency response to an alarm site; and to cancel alarm dispatch requests.
- J. Multi-unit complex means any building or group of buildings located/co-located on the same real property and comprised of two or more separately occupied units.

K. Robbery alarm (also duress alarm, hold-up alarm or panic alarm) means an alarm signal generated by the manual or automatic activation of a device, or any system, device, or mechanism on or near the premises intended to signal that a robbery or violent crime is in progress, and that one or more persons are in need of immediate police assistance in order to avoid injury, serious bodily harm or death at the hands of the perpetrator of the robbery or other crime. All robbery/panic alarms installed after the effective date of this ordinance are required to possess a dual activation mechanism.

L. Security alarm monitoring business means any person, firm or corporation who is engaged in the monitoring of security alarm systems and the summoning of police response to activations thereof. This includes both businesses that are engaged in alarm monitoring for profit and businesses that have specialized units or subsidiaries that monitor only their own alarm systems.

M. Unmonitored alarm system means an alarm system that is not actively monitored by an alarm business and whose function it is to evoke police response solely by means of a generally audible and/or visible signal.

**8.48.030 Alarm permits required – permit fees.**

A. Every alarm user in the City of Bonney Lake, including those in possession of an alarm system prior to the effective date of this Ordinance, must obtain an alarm permit by providing the following information to the Alarm Administrator:

1. Name and address of the alarm user (i.e., the person financially responsible for operation of the alarm system);
2. The home and business telephone number of the alarm user;
3. The name, address and telephone number of the alarm business providing monitoring service to the system;
4. An alternate telephone number for verification (cell phone or other telephone designated by the alarm user);
5. The signature of the alarm user verifying that he or she has read and understood this Chapter and any information brochures provided by the Alarm Administrator, and agrees to pay any false alarm fines levied.
6. The non-refundable alarm permit fee.

B. On receipt of the application, fee and verification statement, the Alarm Administrator shall issue a security alarm permit number to the alarm user, which shall remain the same for as long as the alarm user maintains a permit for the alarm site. Alarm permits are valid for one year, and must be renewed annually by providing verification that permit information is still current and paying the non-refundable alarm permit renewal fee.

C. No alarm user shall presume, anticipate, or expect that emergency response will result solely from the activation of any unmonitored security alarm system, or a monitored security alarm system for which the alarm user has not obtained an alarm permit.

D. Once each year, the City Finance Director shall establish permit fees that are sufficient to cover the City's costs in administering this Chapter.

**8.48.040 Responsibilities of alarm users.**

A. Each alarm user is responsible for assuring that his or her alarm system is used properly and in accordance with the manufacturer's directions and the law. Inherent in this responsibility is assuring that all persons with access to the alarm system are properly trained on correct use of the system and are authorized to cancel accidental activations, and assuring that procedures and practices are followed that minimize the risk of false alarms.

B. Each alarm user is responsible for keeping his or her alarm system properly maintained and in good working order.

C. Each alarm user is financially responsible for paying any false alarm fines.

**8.48.050 Prohibited alarm devices.**

A. No person shall install or operate a monitored security alarm system in the City of Bonney Lake that fails to differentiate burglary alarm activations from robbery/panic alarm activations.

B. No person shall install or operate a monitored security alarm system in the City of Bonney Lake that fails to differentiate crime-related incidents from fire, medical or other non-crime-related incidents.

C. No person shall operate a security alarm system in the City of Bonney Lake that has a siren, bell, light or other device audible or visible from any property adjacent to the alarm site that signals for longer than ten (10) consecutive minutes after the alarm is activated, or that repeats the ten-minute alarm cycle more than three (3) consecutive times without resetting.

D. No person shall operate a security alarm system in a multi-unit complex in the City of Bonney Lake that fails to identify alarm activations by the specific unit involved.

**8.48.060 False alarms.**

A. When, in the opinion of the responding officers, an alarm dispatch request cannot be reasonably attributed to actual or attempted criminal offense at the involved alarm site, the incident is a false alarm and the alarm user is subject to a false alarm fine.

B. When the responding officer is unable to determine if an alarm is valid or false because of inaccessibility of the alarm site, the response is presumed to be a false alarm and the user is subject to a false alarm fine.

C. An alarm dispatch request may be canceled by the alarm business initiating the request at any time up to the point at which the responding officer or service reports arrival at the alarm site to the dispatcher. Alarm dispatch requests canceled in accordance with the procedures established by the Alarm Administrator prior to arrival of emergency services at the alarm site are not subject to false alarm fines.

#### **8.48.070 False alarm fines.**

A. The fine for a false burglary alarm shall be one hundred dollars (\$100.00) per false alarm. The fine for a false robbery/panic alarm shall be two hundred dollars (\$200.00) per false alarm.

B. Any alarm user having a permit from the City may request that his or her first false alarm fine be waived if the alarm user provides proof that he or she has successfully completed the on-line false alarm class provided by the Alarm Administrator within 30 days of the fine.

C. Fines shall be assessed based on the response requested. An alarm dispatch request reporting a robbery/panic alarm, for example, is subject to the false alarm fine applicable to robbery/panic alarms, even if the alarm activation should properly have been reported as a burglary alarm.

D. False alarm fines assessed for any alarm site that does not have a permit from the City shall be double the applicable fine referenced in this Section. Provided, however, that the fine shall be reduced by \$50.00 for a burglary alarm and \$100.00 for a panic alarm if the alarm user obtains a permit within thirty (30) days of the fine. No alarm user lacking a permit from the City shall have the option to waive any false alarm fines in exchange for completing an on-line false alarm class.

E. All fines are due and payable on receipt of invoice. Fines that are unpaid thirty (30) days or more after the date of invoice are considered past due for purposes of this Chapter.

F. A late fee of \$25.00 shall be imposed on past due accounts to cover the cost of processing and collection.

#### **8.48.080 Appeals**

A. False alarm fines may be appealed to the Alarm Appeals Officer by sending a letter to the Alarm Administrator requesting an appeal conference and specifying the reasons for the appeal. This letter, along with the \$35.00 non-refundable appeal fee, must be received by the Alarm Administrator within ten (10) working days after receipt of the notice of fine.

B. The Alarm Appeals Officer, on receipt of an appeal request, shall conduct an appeal conference in Bonney Lake within fifteen (15) working days after receiving the appeal request, and shall determine if grounds exist to waive or cancel the fee or action.

C. False alarm fines may be appealed on the grounds that the incident cited as the basis for the fine was, in fact, not a false alarm response. The alarm user has the burden of proving, by a preponderance of the evidence, that the incident was not a false alarm.

D. An alarm user may also argue that mitigating circumstances support waiver or reduction of the fine. The Alarm Appeals Officer is not obligated to reduce or waive any fines, but has discretion to do so for extraordinary mitigating circumstances.

E. The Alarm Appeals Officer shall render a decision and notify the appellant and the Alarm Administrator thereof in writing within ten (10) working days after the appeal conference is held.

**8.48.090 Exceptions.**

The provisions of this Chapter shall not apply to temporary alarm systems used by the Police Department or other public law enforcement agencies for investigative or protective purposes (e.g., VARDA, WAVE or similar systems).

Section 4. This Ordinance shall take effect and be in force thirty (30) days from its passage, approval, and publication as required by law.

PASSED by the City Council this 25<sup>th</sup> day of January, 2011.

-----  
Mayor Neil Johnson, Jr.

AUTHENTICATED:

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Harwood T. Edvalson, CMC  
City Clerk

APPROVED AS TO FORM:

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James J. Dionne, City Attorney

City of Bonney Lake, Washington  
**City Council Agenda Bill (AB)**

<b>Department/Staff Contact:</b> Fin / Al Juarez	<b>Meeting/Workshop Date:</b> 25 January 2011	<b>Agenda Bill Number:</b> AB11-05
<b>Agenda Item Type:</b> Resolution	<b>Ordinance/Resolution Number:</b> 2092	<b>Councilmember Sponsor:</b>

**Agenda Subject:** Contract with ATB Services to Administer the City's False Alarm Ordinance

**Full Title/Motion:** A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing The Mayor To Sign An Agreement With A.T.B. Services To Administer The City's False Alarm Ordinance.

**Administrative Recommendation:**

**Background Summary:** The City recently updated it's False Alarm Ordinance, # D11-04, in order to clarify provisions that will aid in the enforcement of the ordinance. The intended benefit is to diminish actual false alarm occurrences allowing our police department to conserve scarce resources to better focus on real time policing activities.

As the City has experienced, it is not cost effective to create and maintain our own system of tracking and billing for false alarm violations. The attached proposed contract with ATB Services offers an alternative to continuing this process in-house. ATB Services provides specialized expertise in this area, established systems, people and processes to administer false alarm programs for many judisdiction, thus spreading their infrastructure cost to make it affordable for most communities. Other local jurisdictions that utilize ATB Services include, but are not limited to: Pierce County, City of Lakewood, and the City of Olympia.

**Attachments:** Yes

<b>BUDGET INFORMATION</b>			
Budget Amount	Current Balance	Required Expenditure	Budget Balance
<b>Budget Explanation:</b> See attached contract for pricing schedule			

<b>COMMITTEE, BOARD &amp; COMMISSION REVIEW</b>			
<b>Council Committee Review:</b>	Finance Committee Date: 11 January 2011	<i>Approvals:</i> Chair/Councilmember Deputy Mayor Swatman Councilmember Mark Hamilton Councilmember James Rackley	Yes No <input checked="" type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>
	Forward to: 1/25/2011 Council Meeting	<b>Consent Agenda:</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Commission/Board Review:</b>			
<b>Hearing Examiner Review:</b>			

<b>COUNCIL ACTION</b>	
Workshop Date(s):	Public Hearing Date(s):
Meeting Date(s):	Tabled to Date:

<b>APPROVALS</b>			
<b>Director:</b> Al Juarez	<b>Mayor:</b>	<b>Date Reviewed by City Attorney:</b>	12/22/2010

**RESOLUTION NO. 2092**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BONNEY LAKE,  
PIERCE COUNTY, WASHINGTON, AUTHORIZING THE MAYOR TO SIGN AN  
AGREEMENT WITH ATB SERVICES TO ADMINISTER THE CITY'S FALSE  
ALARM ORDINANCE.**

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

**PASSED by the City Council this 25<sup>th</sup> day of January, 2011.**

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Mayor Neil Johnson, Jr.

AUTHENTICATED:

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Harwood T. Edvalson, CMC  
City Clerk

APPROVED AS TO FORM:

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James J. Dionne, City Attorney

## AGREEMENT FOR SERVICES

THIS AGREEMENT dated **January 25, 2011** by and between ATB Services Company, LLC, hereinafter referred to as ATB Services with principal offices located at 2930 Austin Bluffs Parkway, Suite 301 Colorado Springs, Colorado 80918 and the City of Bonney Lake, Washington hereinafter referred to as **Bonney Lake** with principal offices located at 19306 Bonney Lake Blvd., P.O. Box 7380, **Bonney Lake, Washington 98391**.

1. **Engagement.** **Bonney Lake** agrees to engage the services of ATB Services to provide the false alarm tracking and billing functions to support the enforcement of **Bonney Lake's** False Alarm ordinance, Bonney Lake Municipal Code Chapter 8.48.
2. **Term.** The term of this Agreement shall commence on February 1, 2011 and shall expire on **January 31, 2013**, provided that the parties may mutually agree to extend the Agreement for additional two-year terms. At any time, **Bonney Lake** can cancel the contract with ATB Services after providing 90 days advance written notice.
3. **Services.** ATB Services shall, subject to the general direction and approval of Bonney Lake, provide the following services:
  - A. **Alarm Permits.** ATB Services shall be responsible for administering the alarm permit requirements of BLMC 8.48.030. To this end, the City authorizes ATB Services to have direct communication with local alarm service companies and local alarm service users on behalf of the City. ATB Services shall maintain a record of all persons within the City that have alarm services. ATB Services shall be responsible for issuing permits to all known, existing alarm service users in **Bonney Lake**. ATB Services shall collect and process new alarm permit applications and issue permits for same. ATB Services shall communicate to each alarm installation or monitoring company serving any customers within the Bonney Lake city limits the requirements of the City's False Alarm ordinance, and shall use its best efforts to secure the cooperation of these companies with the False Alarm ordinance. ATB Services will remind alarm permit holders annually that permits are subject to annual renewal and that the renewal fee is due. ATB Services will give such notice at least 45 days in advance of the permits' expiration dates.
  - B. **Alarm Tracking.** Each month or twice a month, **Bonney Lake** Police Department shall provide to ATB Services a log of false alarms. ATB Services shall keep a record of the number of false alarms for each person.

- C. **Alarm Billing.** ATB Services shall issue false alarm fees in accordance with Bonney Lake Municipal Code § 8.48.020. ATB Services shall issue reminder letters for all fees that are more than 30 days past due.
  
- D. **Citizen Customer Support.** ATB Services shall provide telephone support for all citizen inquiries related to permitting, billing, and questions about **Bonney Lake's** False Alarm program. Telephone customer support for the citizens of Bonney Lake will be provided Monday through Friday 8:00 am to 5:00 pm Pacific time except on government holidays. ATB Services shall provide customer support in English and Spanish. ATB Services shall provide a toll free number for the citizens of **Bonney Lake** to call for inquiries and support. ATB Services shall publish the toll free support number on all warning letters, alarm brochures, billings, and alarm permit notices. ATB Services shall provide alarm users with online information about their individual accounts and additional educational material about how to reduce false alarms. ATB Services shall also develop a false alarm brochure specifically for **Bonney Lake** and send it out with all new permits, warning letters and billings. ATB Services shall provide **Bonney Lake** with its standard online alarm school to help educate the citizens and businesses of **Bonney Lake** about the issues of false alarms. ATB Services shall, subject to the approval of the **Bonney Lake** Finance Director, develop all letters, permits, fee statements, warning letters and correspondence to be used in conjunction with this Agreement.
  
- E. **Reporting.** ATB Services shall provide to **Bonney Lake** on a monthly basis; reports of its services, including alarm permit fee issuance, permit status, billings issued for false alarms, fees collected by ATB Services and all unpaid fees. Report information will also be provided promptly to **Bonney Lake** on a requested basis.
  
- F. **Remittance Processing.** Bonney Lake shall be provided two remittances options in which to make a selection. The first one, ATB Services shall state on the billing statements it sends to citizens that fees shall be sent directly to the Bonney Lake Finance Department. ATB Services shall advise citizens that all correspondence not including fees shall be mailed to ATB Services. ATB Services shall provide the City with a copy of all correspondence upon request, and shall promptly advise the City if any correspondence raises issues requiring city attention.

The second remittances options is that all remittance correspondence shall be mailed to ATB Services processing center in Colorado

Springs, Colorado for depositing, posting, and any additional processing.

The citizens of **Bonney Lake** will be given the option to pay their fees online with a credit card or electronic check. ATB Services will create and maintain a web site for the citizens of **Bonney Lake** to make credit card or electronic check payments. The citizens of **Bonney Lake** will be charged an agreed upon convenience fee for making credit card or electronic check payments and this convenience fee will be charged on the credit card or bank account number used for payment.

- G. **Training.** ATB Services will provide to the City of Bonney Lake Police Communications on site training within the first six months of the effective date of this contract, on how to use Enhanced Call Verification procedures as defined in accordance with Bonney Lake Municipal Code § 8.48.
- H. **Consulting.** ATB Services will provide the City of Bonney Lake consulting services as needed and requested by the City of Bonney Lake to ensure that the City is using best methods and techniques to reduce false alarms and to recover the costs for response and managing the program.
- I. **Compensation.** ATB Services shall invoice **Bonney Lake** at the end of each month for the processing fees set forth in this subparagraph I. **Bonney Lake** shall have 30 days from the date of receipt of the invoice to make payment. All invoices from ATB Services shall be accompanied by a detailed statement, in a form acceptable to **Bonney Lake**, containing sufficient information to identify the basis for the payment. ATB Services shall receive for its services hereunder the following compensation:

ATB Services' compensation is a portion of the fees paid. ATB Services fee is the following:

1. \$20 of all paid permit fees
2. \$20 of all paid late fees

If an alarm user fails to pay their fees after 120 days, ATB Services will send their fines and information to a certified bad debt collection agency, after advising the user in writing that failure to pay will result

in referral to a collection agency. Fees for bad debt if collected through ATB Services' collection agency are the following:

- 1) 33% of fees collected
- 2) If bad debt is collected through the courts the fee is 50%

All bad debt collections fees are in addition to ATB Services compensation set in this contract..

4. **Expenses.** ATB Services shall be solely responsible for all of its expenses in performing its services under this Agreement.
5. **Indemnity.** ATB Services shall defend and indemnify the City of Bonney Lake and hold it harmless for all claims arising from ATB Services' performance of the Services, except to the extent caused by the negligence of Bonney Lake or its employees or agents. ATB Services shall procure and maintain throughout the Term a Fidelity Bond from a surety company in an amount not less than \$10,000.00 per occurrence and in an acceptable form and containing provisions acceptable to the City Attorney, as well as commercial general liability insurance in the amount not less than \$100,000.00 per occurrence.
6. **Notices.** All notices, requests, demands and other communications under this Agreement shall be in writing and shall be deemed to have been give when mailed at any general or branch United States Post Office enclosed in a certified postpaid envelope and addressed to the party stated below:  
  
To ATB Services Company, LLC  
2930 Austin Bluffs Parkway, Suite 301  
Colorado Springs, Colorado 80918  
  
To City of Bonney Lake  
19306 Bonney Lake Blvd.  
Bonney Lake, Washington 98391  
  
Any notice of change of address shall only be effective, however, when received.
7. **Successors and assigns.** This Agreement shall inure to the benefit of and be binding upon ATB Services, the **City of Bonney Lake**, its successors and assigns.
8. **Applicable law.** This Agreement shall be governed by the laws of the State of Washington without giving effects to the principles of conflicts of law. All legal issues shall be resolved by the courts of the State of Washington.

9. **Other agreements.** This Agreement supersedes all prior understandings and agreements between the parties. It may not be amended orally, but only by writing signed by the parties hereto.
10. **Non-waiver.** Delay or failure by either party in exercising any right under the Agreement shall not constitute a waiver of that or any other right.
11. **Headings.** Headings in this Agreement are for convenience only and shall not be used to interpret or construe its provisions.
12. **Counterparts.** This Agreement may be executed in two or more counterparts, each of which shall be deemed an original but all of which together shall constitute one and the same instrument.
13. **Confidentiality.** The database of information of registered alarm users and false alarms maintained by ATB Services shall remain at all times the property of **Bonney Lake**. ATB services shall not disclose any information collected in connection with this agreement to anyone other than its employees. ATB Services shall notify its employees who are given access to this information that they have an obligation not to disclose or use this information except for in the performance of services under this contract. ATB Services shall use all reasonable security measures to safeguard this information.

ATB Services Company, LLC

Bonney Lake, Washington

By: \_\_\_\_\_  
Michael G. Zelesnik, Manager

By: \_\_\_\_\_  
Neil Johnson Jr., Mayor

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ORDINANCE NO. D 11-08

AN ORDINANCE OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON, AMENDING CHAPTERS 9.86 AND 12.12 OF THE BONNEY LAKE MUNICIPAL CODE AND ORDINANCE NOS. 454, 703, 947, 1058, 1232 AND 1338, RELATING TO POSSESSION OF FIREARMS ON CITY PROPERTY.

WHEREAS, existing City regulations prohibit the possession of firearms at public meetings, at City parks, and in other public places; and

WHEREAS, it has been determined that such regulations are likely contrary to the State of Washington's preemption of firearms regulation pursuant to RCW 9.41.290;

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

Section 1. BLMC section 9.86.020 and the corresponding portions of Ordinance Nos. 703 § 2, 947 § 1 and 1058 § 2 are hereby amended to read as follows:

**9.86.020 Weapons prohibited at public meetings.**

Every person who carries upon his person or in his hand or hands, concealed or otherwise, any weapon consisting of any instrument or weapon of the kind usually known as slung shot, sand club, or metal knuckles, or spring blade knife, or any knife the blade of which is automatically released by a spring mechanism or other mechanical device, or any knife having a blade which opens, or falls, or is ejected into position by the force of gravity, or by an outward, downward, or centrifugal thrust or movement, any stun gun, or "tazer," or any instrument by the use of which injury could be inflicted upon the person or property of another, at any public meeting within the city, shall be guilty of a gross misdemeanor. In addition to any penalty imposed, the dangerous weapon shall be subject to forfeiture by the court.

Section 2. BLMC section 12.12.140 and the corresponding portions of Ordinance Nos. 454 § 6(13), 1232 § 1 and 1338 § 1 are hereby amended to read as follows:

**12.12.140 Weapons.**

No person shall possess any air gun, BB gun, slingshot or any bow and arrow in a public park, or use or discharge any such weapon, or any firearm, in a public park or any other public place, unless otherwise authorized as a part of an organized recreation program of the park and recreation department of the city, or other public agency, or a special event specifically designated by the mayor or his or her designee. A violator of this section may be cited into an appropriate court of law and charged with a misdemeanor. Conviction of such misdemeanor shall be punished by a fine of not more than \$1,000, imprisonment for a term not to exceed 90 days, or both.

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

**PASSED by the City Council and approved by the Mayor this 25<sup>TH</sup> day of January, 2011.**

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Neil Johnson, Mayor

ATTEST:

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Harwood T. Edvalson, CMC, City Clerk

APPROVED AS TO FORM:

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James J. Dionne, City Attorney

Passed:

Valid:

Published:

Effective Date:

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**City of Bonney Lake, Washington**  
**Council Agenda Bill (CAB)**

<b>Department/Staff Contact:</b> Chief / Mitchell	<b>Meeting/Workshop Date:</b> 25 January 2011	<b>Agenda Bill Number:</b> AB11-09
<b>Agenda Item Type:</b> Ordinance	<b>Ordinance/Resolution Number:</b> D11-09	<b>Councilmember Sponsor:</b> Council Member Hamilton

**Agenda Subject:** Amending Chapter 9.60 of the Bonney Lake Municipal Code, Relating to Criminal Trespass.

**Full Title/Motion:** A Motion of the City Council of the City of Bonney Lake, Pierce County, Washington, To Amend Chapter 9.60 of The Bonney Lake Municipal Code, Relating to Criminal Trespass.

**Administrative Recommendation:** Approve.

**Background Summary:** For the past few years the police department has trespassed persons on private or city property that are being disrupted or for public safety issues. Persons are trespassed for a specific length of time from specific locations and police department feel the need to document these actions for court evidence purposes. The Police Department will produce a form for persons to sign acknowledging that they are being restricted from a specific location for a specific time thus providing the police a file for court if the trespass order is violated.

**Attachments:**

<b>BUDGET INFORMATION</b>			
<b>Budget Amount</b>	<b>Required Expenditure</b>	<b>Budget Impact</b>	<b>Budget Balance</b>
N/A			
<b>Budget Explanation:</b> No Anticipated Budget Impact.			

<b>COMMITTEE, BOARD &amp; COMMISSION REVIEW</b>			
<b>Council Committee Review:</b>	Public Safety Date: 3 January 2011	Approvals:	<input checked="" type="checkbox"/> Hamilton, Chair <input checked="" type="checkbox"/> Carter, Councilmember <input checked="" type="checkbox"/> Decker, Councilmember
	Forward to: January 25, 2011 Meeting	Consent Agenda:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Commission/Board Review:</b>			
<b>Hearing Examiner Review:</b>			

<b>COUNCIL ACTION</b>	
Workshop Date(s):	Public Hearing Date(s):
Meeting Date(s): January 25, 2011	Tabled to Date:

<b>APPROVALS</b>			
Director:	Mayor:	Date Reviewed by City Attorney (if applicable):	December 29, 2010

ORDINANCE NO. D11-09

AN ORDINANCE OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON, AMENDING CHAPTER 9.60 OF THE BONNEY LAKE MUNICIPAL CODE, RELATING TO CRIMINAL TRESPASS.

WHEREAS, the Council finds that nuisances and disruptions in the City may be reduced and/or corrected if the Bonney Lake Police Department is able to issue orders prohibiting individuals from entering or remaining upon identified property; and

WHEREAS, the Council desires to establish procedures for the issuance and review of such orders;

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

Section 1. A new BLMC section 9.60.070 is hereby adopted to read as follows:

**9.60.070 No-trespass orders authorized.**

A. The police department has the authority to issue and serve no trespass orders informing the recipient that he or she is prohibited from entering or remaining on the city property identified in the order, upon the following:

1. Persons responsible for violation of BLMC 12.12.250; and
2. Persons whom the department has probable cause to believe have committed a criminal offense or nuisance on city property. For purposes of this provision, city property does not include streets and city rights-of-way.

B. No trespass orders shall be in writing and shall contain the following elements:

1. The signature of the issuing police officer;
2. The date of issuance;
3. The reason for issuance;
4. The duration of the order, not to exceed one year;
5. Identification of the property the recipient is prohibited from entering or remaining on;
6. Language notifying the recipient that violation of the terms of the order shall give rise to criminal prosecution under Chapter 9.60 BLMC; and
7. A description of how to appeal the order pursuant to subsection D of this section.

C. Appeal. The recipient of a no trespass order may appeal issuance or terms of the order by submitting a written appeal request to the police chief or designee.

1. Upon receipt of a request for appeal, the police chief or designee shall meet with the appellant, receive such evidence as the appellant chooses to present, and review any sworn statement of the issuing officer. If the police chief or designee determines it is more likely than not that the appellant committed the violation that prompted the trespass order, the order shall be affirmed. Upon affirming of an order, the police chief or designee may, at his or her discretion, reduce the duration of the no trespass order for good cause shown.
2. The decision of the police chief or designee shall be final.

**Section 2.** This Ordinance shall take effect thirty (30) days after its passage, subject to prior approval by the Mayor and prior publication for five days as required by law.

PASSED by the City Council and approved by the Mayor this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
Neil Johnson, Mayor

ATTEST:

\_\_\_\_\_  
Harwood T. Edvalson, CMC, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
James J. Dionne, City Attorney

Passed:

Valid:

Published:

Effective Date:

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City of Bonney Lake, Washington  
**City Council Agenda Bill (AB)**

<b>Department/Staff Contact:</b> Admin. Services / Edvalson	<b>Meeting/Workshop Date:</b> 25 January 2011	<b>Agenda Bill Number:</b> AB11-14
<b>Agenda Item Type:</b> Ordinance	<b>Ordinance/Resolution Number:</b> D11-14	<b>Councilmember Sponsor:</b>

**Agenda Subject:** Update of Title 2 of the Bonney Lake Municipal Code

**Full Title/Motion:** An Ordinance Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Editing Bonney Lake Municipal Code Chapters 2.08, 2.12, 2.16 And 2.32, To Make Minor Semantic Changes.

**Administrative Recommendation:** Approve.

**Background Summary:** In 2009, City staff conducted an indepth review of the Bonney Lake Municipal Code. The proposed changes in the accompanying ordinance include semantic changes to clarify and update Chapter 2. Incorporated into these changes is a proposed title change for the Human Resources Officer and the Information Services Coordinator. Each of these two employees have completed a master degree in their respective fields, and currently supervise one employee as well as the manage their respective budgets and programs. It is proposed the titles of these two employees be changed, respectively, to Human Resources Manager and Information Services Manager. The change in will have no impact on their salary, but gives them greater standing within their professional associations.  
**Attachments:** Ordinance D11-14

<b>BUDGET INFORMATION</b>			
Budget Amount	Current Balance	Required Expenditure	Budget Balance
0			
<b>Budget Explanation:</b> There is no fiscal impact to the proposed changes in Title 2.			

<b>COMMITTEE, BOARD &amp; COMMISSION REVIEW</b>											
<b>Council Committee Review:</b>	Finance Committee Date: 14 December 2010	<b>Approvals:</b> Chair/Councilmember Councilmember Councilmember	<table style="width: 100%; border: none;"> <tr> <td style="text-align: right;"><b>Yes</b></td> <td style="text-align: left;"><b>No</b></td> </tr> <tr> <td style="text-align: right;"><input type="checkbox"/></td> <td style="text-align: left;"><input type="checkbox"/></td> </tr> <tr> <td style="text-align: right;"><input type="checkbox"/></td> <td style="text-align: left;"><input type="checkbox"/></td> </tr> <tr> <td style="text-align: right;"><input type="checkbox"/></td> <td style="text-align: left;"><input type="checkbox"/></td> </tr> </table>	<b>Yes</b>	<b>No</b>	<input type="checkbox"/>					
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	Forward to: Workshop	<b>Consent</b> <b>Agenda:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No									
<b>Commission/Board Review:</b>											
<b>Hearing Examiner Review:</b>											

<b>COUNCIL ACTION</b>	
Workshop Date(s): 01/18/11	Public Hearing Date(s):
Meeting Date(s): 01/25/11	Tabled to Date:

<b>APPROVALS</b>		
<b>Director:</b> <i>HTE</i>	<b>Mayor:</b> <i>NJ</i>	<b>Date Reviewed</b> <b>by City Attorney:</b> 01/13/11 (if applicable):

## ORDINANCE NO. D11-14

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON, EDITING BONNEY LAKE MUNICIPAL CODE CHAPTERS 2.08, 2.12, 2.16 AND 2.32, TO MAKE MINOR SEMANTIC CHANGES.**

**WHEREAS**, the City Council has requested the City Administration to review the Bonney Lake Municipal Code and suggest changes designed to update and improve the City's code; and

**WHEREAS**, the Bonney Lake City Council has determined that the current BLMC Title 2 is out-of-date and can be made current with minor semantic changes;

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

**Section 1.** BLMC Chapter 2.08 is hereby modified to read as follows:

**2.08.010 City appointive officers.**

A. Pursuant to RCW 35A.12.020, the following shall be appointive officers of the city: city administrator, administrative services director/city clerk, police chief, city attorney, public works director, community development director, community services director, and chief financial officer.

B. The general functions, powers and duties of appointive officers shall be as provided in this chapter; provided, however, that the general functions, powers and duties of the municipal court judge shall be as provided in Chapter 2.16 BLMC.

C. Persons appointed by the mayor to an appointive office described in this section shall be subject to confirmation by a majority vote of the city council. In the case of vacancies, the mayor is authorized to employ an interim or acting officer for up to 12 months without council confirmation. Thereafter, any continued or new interim appointment shall be subject to council approval.

D. All appointive officers shall serve at the pleasure of the mayor as per the provisions of RCW 35A.12.090. (Ord. 1181 § 2, 2006).

**2.08.020 City departments and offices created.**

There are hereby created in the city of Bonney Lake the following offices and departments of city government: executive department, office of the city attorney, office of financial services, department of administrative services, department of public works, department of community development, police department, department of community services, and municipal court. (Ord. 1181 § 2, 2006).

**2.08.090 B. Office of Human Resources.** The office of human resources shall be under the supervision of a human resources manager. It shall be the duty and responsibility of the human resources manager to recommend and administer the city's human resources policies and programs; ensure compliance with statutory requirements and city policies and procedures relative to employment law, collective bargaining, and safety issues; develop, maintain, and administer a comprehensive benefits program for the employees of the city; maintain and update the city's classification system; maintain the city's salary schedules; develop recruiting plans and administer the selection and hiring processes for all city employment; coordinate with departments on the use of contract employees and

employment agencies; represent the city in all collective bargaining and grievance issues; investigate and resolve employee relations issues; develop and administer the city's safety programs; administer the city's equal employment opportunities programs; and maintain the data in the city's human resources information system.

**2.08.090 C. Office of Information Services.** The office of information services shall be under the supervision of the information services manager. It shall be the duty and responsibility of the information services manager to manage the city-wide information technology/systems and telecommunications systems and activities; lead and develop technology strategic plans and implementation strategies; provide IT/IS leadership in integrating and aligning technology with city plans, goals and objectives; organize, manage and evaluate the information services office and its operations to ensure effective support for organizational objectives and efficient and effective implementation of initiatives.

**Section 2.** BLMC Chapter 2.12, AUXILIARY POLICE, is hereby modified to read as follows:

### **Chapter 2.12, RESERVE POLICE FORCE**

#### **2.12.010 Created – Membership.**

There is created and established a reserve police force of up to five members. Each member shall be appointed by the chief of police of the city. The reserve police force shall function as a unit of the city and shall be under the supervision of the chief of police of the city. (Ord. 347 § 1, 1971).

#### **2.12.020 Duties.**

The duties of the reserve police force are to supplement the regular police force; to aid in the control of traffic and maintenance of order at parades and general policing of large assemblies of people; to assist the regular police in the protection of life, property and preservation of peace and order, and to perform such other duties as may from time to time be assigned to them by the chief of police of the city. (Ord. 347 § 2, 1971).

#### **2.12.030 Membership – Application – Qualifications.**

A. To be eligible for membership in the reserve police force each applicant must file application with the chief of police of the city and indicate his willingness to serve an average minimum of 16 hours per month in the public service.

B. A member of the reserve police force shall:

1. Be a citizen of the United States;
2. Be 21 years of age;
3. Be trustworthy and of good moral character;
4. Not have been convicted of a felony or any offense involving moral turpitude;
5. Furnish his/her own uniform.

C. The chief of police is authorized to furnish each member of the reserve police force with a membership identification card and police badge. The membership identification card is to be carried by such member at all times, and the police badge is to be worn only when the reserve member is authorized to wear the prescribed uniform.

D. Membership of any person in the reserve police force may be revoked with or without cause at any time by the chief of police. Any member of the reserve police force may resign upon written notification to the chief of police. Upon separation from the organization, all equipment issued to him by the city must be surrendered to the chief of police within five days. (Ord. 347 § 3, 1971).

#### **2.12.040 Chief of police.**

The chief of police is the commanding officer of the reserve police force. He shall be responsible for establishing a training program, promulgating rules and regulations for their conduct, prescribing their uniform, and supervising their performance of duty. He shall, at his option, select and appoint men to civilian reserve police force and may appoint such subordinate officers as he deems suitable and necessary.

No member of the reserve police shall be regarded as a city employee for any purpose. (Ord. 347 § 4, 1971).

#### **2.12.050 Powers.**

Members of the reserve police force shall have all those powers vested in them by the chief of police while in the performance of officially authorized duties, but under no circumstances shall an reserve police officer exercise any power while not in the performance of duties ordered by the chief of police or by a regular police officer. (Ord. 347 § 5, 1971).

#### **2.12.060 Compensation.**

Members of the reserve police force shall serve without compensation, but the city council may, in its discretion, pay all or part of the cost of furnishing uniforms and equipment when the appropriation therefor has been indicated as an item in the city civil defense or police budget, as it may choose. (Ord. 347 § 6, 1971).

#### **2.12.070 Liability.**

The city may register all regular members of the reserve police force as civil defense workers so that in the event of injury or death in the performance of duty, such reserve police officer will be eligible for compensation available for this purpose as established by the state legislature and administered by the State Department of Civil Defense. (Ord. 347 § 7, 1971).

**Section 3.** BLMC Chapter 2.16.040, Municipal Judges – Compensation, is hereby modified to read as follows:

#### **2.16.040 Municipal judges – Compensation.**

The municipal court judge shall receive part-time compensation as established in the nonunion salary grid. The municipal court judge shall be entitled to prorated vacation and sick leave benefits based on the same rate of accrual as other employees within the city based on years of service with the city. The municipal court judge shall be entitled to benefit from the dental and vision plans provided by the city. The municipal court judge shall be entitled to medical benefits provided by the city. The municipal judge shall be entitled to participate in life insurance benefits provided by the city. The municipal judge shall be entitled to participate in disability insurance benefits offered by the city. The municipal judge shall be entitled to participate in the State Public Employees Retirement System. (Ord. 860 § 1, 2001; Ord. 814 § 1, 1999; Ord. 545A § 2, 1993; Ord. 545 § 1, 1984).

**Section 4.** BLMC Chapter 2.32.040, Bereavement leave, is hereby modified to read as follows:

#### **2.32.040 Bereavement leave.**

A. At the request of the employee, up to three days bereavement leave with pay shall be granted to the employee upon the death of a member of the employee's immediate family. This shall include: spouse or spouse equivalent, mother, father, mother-in-law,

father-in-law, brother, sister, child, stepchild, stepmother, stepfather, legally adopted child or grandparent of the employee and live-in dependant. (Ord. 678 § 4, 1993).

**Section 5.** If any one or more section, subsection or sentence of this ordinance is held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this ordinance and the same shall remain in full force and effect.

**Section 6.** This Ordinance shall take effect and be in force 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 25th day of January, 2011.

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Neil Johnson, Jr.  
Mayor

ATTEST:

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Harwood T. Edvalson, CMC  
City Clerk

APPROVED AS TO FORM:

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James Dionne  
City Attorney

Passed:  
Valid:  
Published:  
Effective Date:

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City of Bonney Lake, Washington  
**City Council Agenda Bill (AB)**

<b>Department/Staff Contact:</b> Exec. / Don Morrison	<b>Meeting/Workshop Date:</b> 25 January 2011	<b>Agenda Bill Number:</b> AB11-16
<b>Agenda Item Type:</b> Motion	<b>Ordinance/Resolution Number:</b> 2097	<b>Councilmember Sponsor:</b>

**Agenda Subject:** Voicing Opposition to Pierce Transit Proposition 1 - Sales and Use Tax Increase

**Full Title/Motion:** A Motion Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Opposing Pierce Transit Proposition 1, A Sales And Use Tax Increase.

**Administrative Recommendation:**

**Background Summary:** A special election will be held February 8, 2011 to vote on Pierce Transit Proposition 1, which proposition would add additional three-tenths of one percent (0.3%) sales and use tax to provide additional funding for Pierce Transit. Due to the economy and various transit service issues, the Council is considering whether to formally voice opposition to the ballot measure.  
**Attachments:** Resolution No. 2097

<b>BUDGET INFORMATION</b>			
Budget Amount	Current Balance	Required Expenditure	Budget Balance
<b>Budget Explanation:</b> This measure does not directly impact the City's budget, but the additional 0.3% sales tax increase would tax Bonney Lake area residents approximatley \$1million more per year for transit service.			

<b>COMMITTEE, BOARD &amp; COMMISSION REVIEW</b>			
<b>Council Committee Review:</b>	<i>Approvals:</i>	<b>Yes</b>	<b>No</b>
Date:	Chair/Councilmember NAME	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember NAME	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember NAME	<input type="checkbox"/>	<input type="checkbox"/>
Forward to:	<b>Consent</b>		
	<b>Agenda:</b> <input type="checkbox"/> Yes <input type="checkbox"/> No		
<b>Commission/Board Review:</b>			
<b>Hearing Examiner Review:</b>			

<b>COUNCIL ACTION</b>	
Workshop Date(s): January 18, 2011	Public Hearing Date(s):
Meeting Date(s):	Tabled to Date:

<b>APPROVALS</b>		
<b>Director:</b>	<b>Mayor:</b>	<b>Date Reviewed by City Attorney:</b> (if applicable):

**RESOLUTION NO. 2097**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON, OPPOSING PIERCE TRANSIT PROPOSITION 1, A SALES AND USE TAX INCREASE.**

WHEREAS, a special election will be held February 8, 2011 to vote on Pierce Transit Proposition 1, which proposition would add additional three-tenths of one percent (0.3%) sales and use tax to provide additional funding for Pierce Transit; and

WHEREAS, the City of Bonney Lake is the fifth (5<sup>th</sup>) largest of Pierce County's twenty (20) cities and towns, and the sales tax collections in the City of Bonney Lake in behalf of Pierce Transit contribute approximately \$2,000,000.00 annually to Pierce Transit; and

WHEREAS, the Bonney Lake City Council wishes to take action at an open public meeting to express a collective decision to oppose Proposition 1 for a variety of reasons; and

WHEREAS, required notice of the Council's intent to take a position has been given by publishing such ballot proposition title and number on the Council's Agenda;

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

**Section 1:** The City Council hereby opposes Pierce Transit Proposition 1 for the following reasons:

- A. In addition to Pierce Transit, Washington State and its local governments, including Bonney Lake, have experienced a significant decline in sales tax revenues since the recession began. Those public agencies have responded by economizing, instituting efficiencies, and otherwise reducing service levels as needed to match available revenues. The citizens of Bonney Lake are strapped. Everyone is working hard to cut costs to make ends meet. Pierce Transit should be no exception.
- B. A permanent sales tax increase will slow economic recovery. Pierce Transit is advised to do all it can to institute more efficiency and effectiveness measures with its current revenue base. This is not the time to propose a sales tax increase.
- C. Even if Proposition 1 passes, the nominal transit service Bonney Lake receives would be reduced over previous levels, despite the fact that the community currently contributes an estimated \$2,000,000.00 to Pierce Transit annually, and the contribution would increase to \$3,000,000.00 if Proposition 1 passed. To date, the City Council has not seen a good return on investment of the transit dollars provided to Pierce Transit to date. Bonney Lake wants to see transit service to small cities in outlying areas of the county improved before committing additional resources in the form of a sales tax increase.

- D. Pierce Transit has not yet done enough to re-invent an efficient and effective public transit system using current funding sources. Proposition 1 is an attempt to band-aid what is broken. Pierce Transit should go back to the drawing board and redesign a transit system that truly serves the entire county that funds it.

**Section 2:** The City Council encourages all citizens to study the relative advantages, disadvantages, and costs of increasing the sales tax to provide additional funding for Pierce Transit; and further encourages all registered voters to exercise their right to vote on the matter according to their individual findings as the benefit of Pierce Transit Proposition 1, and the impacts of such a decision upon the City of Bonney Lake. After due deliberation and study, the majority of current city council members encourage all registered voters to vote NO on Proposition 1 – Pierce Transit sales and use tax increase. .

**PASSED BY THE CITY COUNCIL this 25<sup>th</sup> day of January, 2011.**

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Neil Johnson, Jr., Mayor

ATTEST:

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Harwood T. Edvalson, City Clerk

APPROVED AS TO FORM:

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James J. Dionne, City Attorney