

COUNCIL WORKSHOP

**February 15, 2011
5:30 p.m.**

AGENDA

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.

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

"Where Dreams Can Soar"

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

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

Roll Call:

Elected Officials: Mayor Neil Johnson, Deputy Mayor Dan Swatman, Councilmember Laurie Carter, Councilmember Dan Decker, Councilmember Mark Hamilton, Councilmember Donn Lewis, Councilmember Randy McKibbin and Councilmember James Rackley.

Expected Staff Members: 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 City Attorney Jim Dionne.

Agenda Items

	Page Number
1. Council Open Discussion	
2. Review of Council Minutes: February 1, 2011 Council Workshop and February 8, 2011 Council	3
3. Discussion: AB11-28 – Ordinance D11-28 - At-large vs. Wards for Council representation	15
4. Discussion: AB11-04 – Ordinance D11-04 - False Alarm Ordinance	19
5. Discussion: AB11-05 – Resolution 2092 - Agreement with ATB Services to administer the false alarm ordinance	29
6. Discussion: AB11-31 - Resolution 2106 - Hazard Mitigation Plan	37
7. Discussion: Council Retreat (3/5/11) Potential Agenda Items, Location and Participants. (No advanced materials available for this item.)	
8. Executive Session: Pursuant to RCW 42.30.110, the City Council may meet in executive session. The topic(s) and duration will be announced prior to the executive session.	
9. Adjournment.	

For citizens with disabilities requesting translators or adaptive equipment for listening or other communication purposes, the City requests notification as soon as possible of the type of service or equipment needed.

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COUNCIL WORKSHOP

February 1, 2011
5:30 P.M.



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

DRAFT MINUTES

"Where Dreams Can Soar"

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

Audio Time Stamp ↓

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

I. Call To Order – Mayor Neil Johnson, Jr. called the Workshop to order at 5:32 p.m.

5:32:14

II. 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, and Councilmember Jim Rackley. Councilmember Randy McKibbin was absent.

[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, City Attorney Jim Dionne, Administrative Services Director/City Clerk Harwood Edvalson, and Administrative Specialist Shawn Campbell.]

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

Motion approved 6-0.

III. Agenda Items:

5:32:39

A. Council Open Discussion:

Pierce County Council Community Development Committee: Director Vodopich stated he attended the meeting on January 31, 2011. He said the City had submitted three comprehensive plan amendments for the 2011 Pierce County Comprehensive Plan: the Fennel Creek corridor, the area north of Home Depot on 214th, and South of 96th Street between 214th and 234th in Eastown. He said all three have moved out of committee, the next step will be reviewing the amendments by Pierce County Planning and Land Services staff. He said the County has concerns about the Fennel Creek corridor area and the piece south of 96th street not being in the City's sewer comprehensive planning area. Councilmember Rackley asked if the County knew the City is installing sewer in the area. Director Vodopich said they are aware and he will remain in contact with the County on this project.

Swiss Sportsman's Club: Chief Mitchell said the Swiss Sportsman's Club has requested the City to provide a Hold Harmless agreement to continue use of the Gun Club facilities for training purposes.

Councilmember Rackley moved to suspend the rules and allow AB11-26, Authorizing the Mayor to Sign a Hold Harmless Agreement with the Swiss Sportsman's Club, to be added to the agenda as an action Item. Councilmember Decker seconded the motion.

Councilmember Lewis asked about the budget impact. Chief Mitchell said the fees for using the facilities will not change from what was approved in the 2011 – 2012 Biennial Budget. Councilmember Carter asked if the Swiss Park wants the agreement due to the issues of stray bullets at other gun ranges. Chief Mitchell said the Park's insurance carrier is requesting this agreement from all groups that rent the facility.

Motion approved 6-0.

Bonney Lake Community Resources: Director Leaf said he received a report from the Food Bank regarding the Community Garden. He said in 2010 they had 57 plots, 44 of which were for citizens to use at no charge. He said if the agreement is renewed the City would not need to donate as much staff time. He stated Wal-Mart has come forward to be a sponsor of the program. He said the Pierce County Arts Commission has proposed a poster contest. He said the posters would be turned into a calendar and the proceeds from the sale of the calendar will go to the Community Garden. Director Leaf said the Food Bank is considering revising its agreement with the people using the plots to include a section regarding making sure no produce goes to waste. Councilmember Hamilton asked how the City chooses who gets a plot. He said he wants the City to have a say in how plots are assigned. By consensus, Council agreed to move forward with renewal of the agreement for the Community Garden.

Swiss Sportsman's Club Development Agreement: Director Vodopich updated the Council on the status of the agreement. He said in the agreement the park must comply with all City building codes for a commercial development except the sewer tie in and the frontage improvements. He said one of the building codes for this project states they must have a fire hydrant within 400' of the structure. City Administrator Morrison said the Swiss Park is unhappy with the requirement. He said Swiss Park produced a letter written in the 1950's stating the City would provide a hydrant at no cost to the park. He said the development agreement signed during that period does not mention the hydrant. He said it does mention the Swiss Park purchased twelve water connections, he noted they have only used one at this time. He said the City does not know if one of the existing hydrants is the one mentioned in the letter or if the hydrant has been removed in the past due to upgrades to the water line. He said Swiss Park does not want to pay to have a hydrant installed. Director Vodopich stated they were made aware of the requirement at the pre-application meeting. Mayor Johnson said the City will try to come up with a solution.

Pierce County Council: Mayor Johnson said he and City Administrator Morrison meet with Pierce County Councilmember Dan Roach. He said they updated Councilmember Roach on the City's concerns about the flood control district and annexation. He said Councilmember Roach is against the flood control district, and invited Councilmembers to call and meet with him.

Mayor Johnson said he also met with Pierce County Councilmember Tim Farrell. He said they talked about Pierce Transit, and Councilmember Farrell said he wants to work together to find a solution. He said Councilmember Farrell is against the flood control district but wanted to know what the City would like to have happen in the future. Mayor Johnson said he would like Bonney Lake to have representation in the discussion of creation of a flood control district in the future.

Flood Control District: Councilmember Hamilton stated he is opposed to any new taxing district. He said he could support a flood control district if it is pinpointed to the problem areas. He said the problem is the Puyallup River, and more levies will cause more problems. He said if flood control is done properly, it could do a lot of good but the current plan is focused on protecting the Port of Tacoma and not taking care of the problem. He said he believes the port is primarily to blame for the current flooding problems, and would like to see a tax put on containers that come into the port to fund a flood control district. City Administrator Morrison explained the flood control district recommended to the Pierce County Council to disband the flood control district. He said the Pierce County Council could vote to rescind the ordinance that created the district before the Boundary Review Board's meeting at the end of the month. Councilmember Rackley reminded Council that the Puyallup River has not been dredged for a decade and the purpose of the river is to let water come down from the mountains to the ocean. He said without dredging the river will continue to rise. He also said the County should stop allowing people to build in flood plains. He said a river needs flood plains. Councilmember Carter stated there is not just one place to put the blame for the flooding in the valley. She encouraged everyone to watch a program on UW TV called "Water Undone, Efforts to Save the Puyallup River Watershed". She said the City of Auburn is doing some levy widening to prevent flooding. She said she would like to see more input from the stakeholders on a flood control district.

Transportation Funds: Mayor Johnson said he received a phone call from Senator Pam Roach's office saying there could be up to \$100,000 earmarked for Bonney Lake for a Transportation project. He said the Public Works department is working on projects that fit the requirements of the funding.

Duane Tidball: Councilmember Decker said Mr. Tidball's funeral was on January 30, 2011. He said over 400 people attended the service. Mr. Tidball was a long-time resident and was active in the community serving on the Historical Society.

Growth Management Act: Deputy Mayor Swatman said he listened to a program on National Public Radio regarding the Growth Management Act. He said it specifically talked about Pierce County and how well (or not well) the Growth Management Act is working.

Council Workshop: Deputy Mayor Swatman asked the Council for their opinion on having a Council Workshop if there are no items on the agenda. He reminded Council that workshops are statutorily mandated. Councilmember Rackley said a meeting can be cancelled if no business needs to be discussed. He said he does not want to waste the staff time. He said many years ago when the City was going from a small town to a City the workload was much larger. Councilmember Carter said she read in the City Vision Magazine the City of Port Orchard only has one workshop

per month. She said the Council could have a discussion time during the Council Meetings if needed. Councilmember Hamilton stated the workshop is an important part of the process. He said he likes the camaraderie and it would be hard to have the open discussion during a regular meeting. Deputy Mayor Swatman said he does not have a problem with meeting. His concern is the staff time involved in planning the meetings.

City Towing: Councilmember Decker said he received an email from a citizen whose car was towed and they were left stranded in the City. He said he is going to bring this issue forward to the safety committee to draft a policy for the police department to follow in these situations in the future. He said he wants to make sure the City is not liable. Chief Mitchell said in this instance the officer had several options. He said the Police were short staffed and the officer did not take the person to jail, but he did not have time to give him a ride. He said the police department is looking into making sure these types of complaints do not happen in the future. Mayor Johnson asked the Chief to update the Council once he has made contact with the person.

Main Street: Councilmember Carter said the curbing, compost and landscaping bark being installed on the corner of Main Street and 182nd Ave E looks great.

Council Packets: Councilmember Carter said the City of Port Orchard has stopped producing paper Council packets for their meetings. She stated they have purchased iPads for the Council to view the agenda packet on. She said the savings to Port Orchard is \$40,000 per year. Mayor Johnson said the City can look into this. Director Vodopich said the clerk of Port Orchard assigns each councilmember an iPad at each meeting and collects them at the end of each meeting.

Council Wards: Councilmember Carter asked if any further work has been done to convert the City from Council Wards to all At-Large Council representation. Councilmember Rackely said his understanding is that when and if the annexation goes through then the Council would convert to an all At-Large system. Deputy Mayor Swatman said it would be better to convert before the annexation goes through. He said he favors an At-Large representation system because it makes all Councilmembers responsible for the whole City. He said the City gets a better pool of candidates in an At-Large system. He said most citizens are not aware they only get to vote for three of the seven councilmembers. Councilmember Carter said the City will have to redistrict with the 2010 census and then again with the annexation. She said if the City went to an all At-Large system, it would save the City money with redistricting. Councilmember Lewis said when he attended AWC's New Councilmember Training that most Cities have already converted to an all At-Large system. He said that in some Cities they have wards that have no representation because of the resident requirement. Councilmember Decker said the Council should send the question to the voters and see if they want the City to go to an all At-Large representation system. Councilmember Lewis asked staff to prepare a report of what would have to happen and bring this item back to workshop for further discussion.

Pierce County Regional Council: Councilmember Lewis said now that Councilmember Hamilton is the primary representative for Bonney Lake he would like to be the City's alternate. By Council consensus, Council Councilmember

Hamilton will serve as as the primary and Councilmember Lewis will serve as the alternate representative for Bonney Lake at the PCRC meetings.

YMCA: Councilmember Carter said a citizen asked her why the City is considering funding a YMCA instead of opening a City-run community center. She asked if the YMCA would be available to use as a warming or cooling center, disaster relief, and community rentals. She questioned whether the YMCA would be flexible enough for the needs of our City. Mayor Johnson said any agreement the City signs will have the needs of the City put into the agreement. Councilmember Decker noted the cities of Puyallup and Tacoma have both YMCA's and recreation departments.

6:44:04

B. Review of Council Minutes: January 18, 2011 Council Workshop; January 25, 2011 Council Meeting.

Councilmember Decker asked that the January 18, 2011 minutes be amended to include that he seconded and withdrew his second of Councilmember Rackley's motion. Councilmember Carter asked that the January 25, 2011 minutes be amended to say, "the ~~Coalition~~ Prairie Ridge community is working to provide more resources". Councilmember Lewis asked that the January 25, 2011 minutes be amended to say, "the current Pierce Transit plan is bad and needs a new tighter plan B with more management cuts". The corrected minutes were forward to the February 8, 2011 Meeting for approval.

7:04:37

C. Discussion: Council Retreat (3/5/11) Potential Agenda Items, Location and Participants

Mayor Johnson said representatives from YMCA offered to attend the retreat. City Administrator Morrison presented the proposed discussion agenda to Council. Deputy Mayor Swatman asked to ensure all boards and commissions have been notified of the meeting. Councilmember Decker asked to have the amount owed and amount paid on the Moriarty property. Deputy Mayor Swatman asked if the City attorney would be attending the retreat for informational purposes so he is aware of the Council's plans and intentions for future projects. He asked the Council to think about the Midtown Plan and boundaries. Mayor Johnson said if the Council wants to pay attorney fees for the retreat then the Attorney can be at the retreat. He said the Attorney has not historically attended the retreat and no final decisions are made during the retreat. Administrative Services Director Edvalson said the retreat could be recorded if Council wants. Councilmember Carter asked if the Council can get talking points from the Boards and Commissions.

7:04:37

D. Action: AB11-26 – Hold Harmless Agreement with Swiss Sportsmen's Club of Tacoma for the Use of the Club's Gun Range.

Councilmember Rackley moved to approve AB11-26. Councilmember Decker seconded the motion.

Councilmember Hamilton asked if the Swiss Park is asking all groups that use their facilities for this agreement. Chief Mitchell said all entities that use the Gun Club

are required to provide a hold harmless agreement to the club. City Attorney Dionne suggested removal of the word “and/or their guests”.

**Councilmember Lewis moved to remove the words “and/or their guests”.
Councilmember Decker seconded the motion.**

Approved 6-0

Councilmember Lewis moved to approve the amended motion. Councilmember Carter seconded the motion.

Approved 6-0

IV. Executive Session: None

V. ADJOURNMENT:

7:07:01

At 7:07 p.m., Councilmember Lewis moved to adjourn the meeting. Councilmember Carter seconded the motion.

Motion to adjourn approved 6 – 0.

Harwood Edvalson, CMC
City Clerk

Neil Johnson
Mayor

Items submitted to Council at the February 1, 2011 Workshop:
City of Bonney Lake-“AB11-26 – Hold Harmless Agreement with Swiss Park ”- Mike Mitchell.
City of Bonney Lake-“Bonney Lake Community Garden 2010 Annual Report ”- Gary Leaf.
City of Bonney Lake-“Discussion Draft Agenda for Council Retreat ”- Don Morrison.

CITY COUNCIL MEETING

**February 8, 2011
7:00 P.M.**



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

DRAFT MINUTES

"Where Dreams Can Soar"

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

Audio Time
Stamp ↓

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

I. CALL TO ORDER – Mayor Neil Johnson, Jr. called the meeting to order at 7:01 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, and Councilmember Jim Rackley. Councilmember Randy McKibbin was absent.

Councilmember Rackley moved to excuse Councilmember McKibbin's absence. Councilmember Lewis seconded the motion.

Motion approved 6 – 0.

[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:

Councilmember Rackley moved to place item AB11-19 from Community Development Issues to Consent Agenda Issues, Item F. Councilmember Decker seconded the motion.

Motion approved 6 – 0.

7:03:40

II. PUBLIC HEARINGS, CITIZEN COMMENTS & CORRESPONDENCE:

A. Public Hearings: None.

B. Citizen Comments:

Jonathan Kohl, Tacoma, and Mary Wisner, Bonney Lake, told the Council they are interested in opening a teen center in Bonney Lake. They presented the Council with a proposal for 'Club 101,' which could include a supervised dance floor, music, arcade, computer lab and lounge area. They said their focus is to provide a safe, controlled environment for youth. Mr. Kohl said they are in the early planning stages and have not picked a location for the center. They said teens would check in and out of the center by swiping a card, and they would have to follow strict rules to use the center. They said they plan to work with the City and the School Board, and are happy to meet with anyone who has questions or interest in their project.

Debbie McDonald, P.O. 7125, Bonney Lake, told the Council about upcoming events for the 2011 Relay for Life. She said the national theme is "Lights, Camera, Action Against Cancer", and the Bonney Lake team's theme is based on the movie "Up". Future fundraising events include the City of Bonney Lake vs. City of Sumner staff softball game on June 18th, a six-legged 'doggie dash' at Bark in the Park on June 25th, and the fun run at the Healthy Living Expo on July 23rd. Team Bonney Lake will be running concessions to raise funds at summer events. The Relay for Life event is on July 29 and 30, 2011.

Winona Jacobsen, 9100 189th Ave Ct E, Bonney Lake, said she learned the City has applied to the County to increase the City's UGA. The proposed expansion includes areas partially surrounded by the City limits, particularly Fennel Creek and Kelly Lake Farm (north of Sumner-Buckley Hwy). She said the City requested this same area to be included in the UGA eight years ago but was denied. At that time a group was formed which drafted a plan for the area. She said she has concerns that there has been no public process, and that the existing plan may not be followed.

Community Development Director Vodopich said the City submitted its application to the County, and the County Council will schedule public hearings while it goes through the review process. City Administrator Morrison said the County usually schedules initial hearings in August and final hearings in November before the County Council makes its final decision. He noted that if these areas are added to the City's UGA and eventually annexed into the City, they would still go through the City's Planning Commission review process for zoning and land use considerations. He confirmed that the City is slated to acquire about 100 acres of land in this area under the Conservation Futures Grant, but noted that ownership does not affect the current process.

C. Correspondence:

An e-mail from Maryanne Zukowski dated February 4, 2011, regarding code enforcement near 18714 McGhee Dr E, was received for the meeting and entered into the record.

7:19:30

III. COUNCIL COMMITTEE REPORTS:

- A. Finance Committee: Deputy Mayor Swatman said the committee met at 5:30 p.m. earlier in the evening and forwarded proposed changes to the False Alarm Ordinance to the next workshop. The committee also forwarded other housekeeping ordinances to the Council for action and reviewed the Emergency Management plan.
- B. Community Development Committee: Councilmember Rackley said the committee met on February 7, 2011 and forwarded AB11-19 to the current agenda. The Committee discussed the Dahl property, and recommended that no changes be made to the intersection. The committee also considered the request for a temporary septic system on the McGruder property, and recommended not to allow temporary septic upgrades on this Eastown property. The committee has scheduled a special meeting for February 28, 2011.
- C. Public Safety Committee: Councilmember Hamilton said the committee met on February 7, 2011 and discussed amendments to BLMC Chapter 6, Animal Control. Proposed changes include animal license fees, minimum lot sizes required to have chickens, and revised definitions of dangerous dogs and potentially dangerous dogs. The committee made final revisions to the proposed nuisance ordinance and sent it to various homeowner's associations for review. The committee discussed medical marijuana dispensary. Citizens in Ward 5 expressed concern about speeding on Church Lake Drive and on 70th and 71st Streets. Police Chief Mitchell said he is working with Public Works staff to place speed monitoring equipment on the road, so his staff can make the best use of resources to add extra enforcement. Councilmember Hamilton said the committee also discussed a complaint from a citizen who was pulled over and had to walk home late at night after their car was impounded, and the officer did not offer them a ride. Chief Mitchell said the department had already handled the issue administratively.

D. Other Reports:

Communities for Families: Councilmember Lewis attended the Communities for Families meeting on February 3rd. He said the Community Summit is scheduled on March 17th at Calvary Community Church in Sumner. Mayor Johnson encouraged Councilmembers and staff to attend this event. He noted that the break-out session for Bonney Lake will focus on transit needs in the community. He said the group is also accepting applications for the 'Unsung Hero 2011' awards now.

Councilmember Lewis added that the Sumner-Bonney Lake Family Center is sponsoring a Job & Resource Fair on April 11th from 6:00 to 7:30 p.m.

Pierce County Regional Council: Councilmember Rackley said the annual PCRC meeting is scheduled on February 17th at 6:00 p.m.

YMCA: Mayor Johnson said he has spoken with YMCA representatives and Michelle LaRue plans to attend the Council retreat in March. He said they plan to send a response to the City's letter about the YMCA soon.

Bonney Lake High School Senior Boards: Mayor Johnson said the BLHS Senior Boards are on May 18th and 19th, and asked any Councilmembers or others who want to participate to contact himself, the City Administrator or the City Clerk.

7:32:04

IV. CONSENT AGENDA:

- A. **Approval of Corrected Minutes:** January 18, 2011 Council Workshop; January 25, 2011 Council Meeting.
- B. **Approval of Accounts Payable Checks/Vouchers:** #60412 thru 60430 (including wire transfer #'s 1182011, 6863676) in the amount of \$340,778.17 for 2010 expenses; Accounts Payable checks/vouchers #60431 thru 60457 in the amount of \$10,267.97 for 2011 expenses; Accounts Payable checks/vouchers #60458 for hydrant meter deposit refunds in the amount of \$146.73; Accounts Payable checks/vouchers #60459 in the amount of \$4,140.00 for 2010 expense for a grand total of \$355,332.87.
- C. **Approval of Payroll:** Payroll for January 16-31st 2011 for checks 29584-29613 including Direct Deposits and Electronic Transfers in the amount of \$ 585,131.65.
- D. **AB11-10 – Resolution 2093** - A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing The Mayor To Sign An Agreement With Qwest To Provide ISDN PRI Circuit For A Term Of 36 Months With A Monthly Charge Of \$580.00.
- E. **AB11-15 – Resolution 2096** - A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing The City To Award A Contract To Seahurst Electric To Complete The Public Safety Building Lighting Retrofit Project.
- F. **AB11-19** – A Motion of the City Council of the City of Bonney Lake, Pierce County, Washington, Accepting the Fennel Creek Trail & 192nd Ave Sidewalks, Phase 1 Project as Complete. *Added to Consent Agenda during Agenda Modifications.*

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

Consent Agenda approved 6 – 0.

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

- A. ~~**AB11-19** – A Motion of the City Council of the City of Bonney Lake, Pierce County, Washington, Accepting the Fennel Creek Trail & 192nd Ave Sidewalks, Phase 1 Project as Complete. *Moved to Consent Agenda, Item F. during Agenda Modifications.*~~

VII. PUBLIC SAFETY COMMITTEE ISSUES: *None*

VIII. FULL COUNCIL ISSUES: *None*

IX. EXECUTIVE SESSION: *None*

X. ADJOURNMENT:

7:32:11

At 7:32 p.m., Councilmember Rackley moved to adjourn the meeting. Councilmember Lewis seconded the motion.

Motion to adjourn approved 6 – 0.

Harwood Edvalson, CMC
City Clerk

Neil Johnson
Mayor

Items presented to Council at the February 8, 2011 Meeting:

- “Club 101” Proposal – Jonathan Kohl and Mary Wisner.
- E-mail: “FW: 19714 McGhee Dr E”, February 4, 2011 – Mary Zukowski.

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

Department/Staff Contact: Executive / Don Morrison	Meeting/Workshop Date: 15 February 2011	Agenda Bill Number: AB11-28
Agenda Item Type: Ordinance	Ordinance/Resolution Number: Ord. D11-28	Councilmember Sponsor: Deputy Mayor Swatman

Agenda Subject: At-Large System of Council Representation

Full Title/Motion: An Ordinance Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Approving Ordinance No. D11-28 Requiring Councilmembers To Be Elected At-Large.

Administrative Recommendation: Approve

Background Summary: RCW 35A.12.040 requires councilmembers in Code cities to be elected at-large, unless an ordinance provides for election by wards. After reviewing the pros and cons of a ward vs. an at-large system or Council representation, the City Council has determined to abandon the combined at-large/ward system of Council representation in favor of a completely at-large system of Council representation.

Attachments: Ordinance D11-28; Pro and Con Sheet

BUDGET INFORMATION			
Budget Amount	Current Balance	Required Expenditure	Budget Balance
Budget Explanation:			

COMMITTEE, BOARD & COMMISSION REVIEW			
Council Committee Review:	<i>Approvals:</i>		Yes No
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:	Consent		
	Agenda:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Commission/Board Review:			
Hearing Examiner Review:			

COUNCIL ACTION	
Workshop Date(s): 2-15-2011	Public Hearing Date(s):
Meeting Date(s):	Tabled to Date:

APPROVALS		
Director:	Mayor:	Date Reviewed by City Attorney: 2-4-11 (if applicable):

ORDINANCE NO. D11-28

AN ORDINANCE OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON, AMENDING CHAPTER 2.04 OF THE BONNEY LAKE MUNICIPAL CODE AND ORDINANCE NO. 1061, AND REPEALING ORDINANCE NOS. 1231 § 2, 1223 § 1, 1118 § 1, 1030 § 1, 923 § 2, 816 § 1, 648 § 1, 556 § 1, AND 388 § 1, RELATING TO CITY COUNCIL REPRESENTATION.

WHEREAS, RCW 35A.12.040 requires councilmembers in Code cities to be elected at-large, unless an ordinance provides for election by wards; and

WHEREAS, the City Council has determined to abandon the combined at-large/ward system of Council representation in favor of a completely at-large system of Council representation; and

WHEREAS, this change requires an amendment to BLMC Chapter 2.04, Council Policies and Procedures, and a repeal of BLMC Chapter 1.12, Ward System.

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

Section 1. BLMC § 2.04.1060 and Section 1 of Ordinance No. 1061 are hereby amended to read as follows:

2.04.1060 Number of councilmembers.

The City of Bonney Lake is a noncharter code city under the laws and statutes of the State of Washington and its city council shall consist of seven members, ~~five of whom shall be elected by wards in addition to two at-large positions.~~ all of whom shall be elected at large.

Section 2. BLMC § 2.04.950 and Section 1 of Ordinance No. 1061 are hereby amended to read as follows:

2.04.950 Correspondence.

All correspondence received by the council shall be answered in a timely manner. All correspondence or phone calls from citizens received by City Hall regarding policy or legislative issues shall indicate the date received and which department they were referred to for follow up and response. Copies of the information shall be provided to ~~the councilmember representing the appropriate ward for their information, as well as copies provided to the two at-large councilmembers.~~ all council members.

The city clerk is authorized to open and examine all mail or other written communications addressed to the city council. No mail shall be opened which is addressed to the personal attention of any one member of the council.

Section 3. BLMC Chapter 1.12 and Ordinance Nos. 1231 § 2, 1223 § 1, 1118 § 1, 1030 § 1, 923 § 2, 816 § 1, 648 § 1, 556 § 1, and 388 § 1, are hereby repealed in their entirety.

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

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

Neil Johnson, Jr., Mayor

ATTEST:

APPROVED AS TO FORM:

Harwood T. Edvalson, CMC
City Clerk

James J. Dionne, City Attorney

Passed:
Valid:
Published:
Effective Date:

Ward System Pros and Cons

ARGUMENTS MADE IN SUPPORT OF A WARD SYSTEM

Wards ensure that city leaders come from every section of the city

Wards give voters the feeling that they have better representation on the city council - that they know who their representative is.

The community feels more connected to its government because of the ward system

It is easier to achieve racial and economic diversity with a ward system.

At-large positions make it easier for candidates with the most name recognition to win.

Election campaign costs are cheaper with wards.

Ensures greater balance of representation for all geographic areas.

Brings politics closer to the people

Requires elected representatives to be more knowledgeable about the needs and concerns of their ward residents.

Councilors represent a more reasonable number of residents than with the at-large system.

Encourages councilors to liaise and consult with neighborhood groups and organizations.

ARGUMENTS MADE IN SUPPORT OF AN AT-LARGE SYSTEM

The ward system creates “tunnel vision” on the Council since the primary focus is the ward, not the City as a whole.

The ward system creates a fragmented community and detracts from a sense of community and a vision of the community as a whole.

With a ward system, council members can bog down staff and budget processes with requests for special projects or services in their wards.

Ward system accentuates divisions within council.

In ward system residents may have to work with a councilor they do not know or like

Easier for Council member to play NIMBY (Not in my back yard)

Ward system more costly to administer and manage.

Councilors view city needs as a whole from a long-term perspective; most issues affect the city at large

More likely to make balanced decisions, especially with budgets

System promotes the election of the best candidates

Easy to administer and understand

Least costly system to manage

Everyone is accountable for all areas of the city

Councilors focus on city-wide issues and are more strategic in their thinking

Reduces perceived power of ‘ward bosses’

Electors can vote for all councilors and the mayor.

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

Department/Staff Contact: Fin / Al Juarez	Meeting/Workshop Date: 15 February 2011	Agenda Bill Number: AB11-04
Agenda Item Type: Ordinance	Ordinance/Resolution Number: D11-04	Councilmember Sponsor:

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 8.48, And Adding A New Chapter 8.48 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. By diminishing false alarm occurrences we are enabling scarce police resources to better focus on current, real time policing activities.

Attachments: Yes

BUDGET INFORMATION			
Budget Amount	Current Balance	Required Expenditure	Budget Balance
Budget Explanation: NA			

COMMITTEE, BOARD & COMMISSION REVIEW			
Council Committee Review:	Finance Committee Date: 8 February 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 - pulled and remanded to 2/8/2011 Fin. Committee Meeting; Forward to 2/15 workshdop for discussion	Consent Agenda: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Commission/Board Review:			
Hearing Examiner Review:			

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

APPROVALS		
Director: Al Juarez	Mayor:	Date Reviewed by City Attorney: 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 8.48, AND ADDING A
NEW CHAPTER 8.48 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. (a) The non-refundable annual alarm permit fee of \$24.00 (residential and/or commercial)
(b) The non-refundable annual renewal fee of \$24.00 (residential and/or commercial)
 - (1) Reduced rates for Senior Citizens, 65 years of age or older, and individuals with a permanent disability (residential only):

- Non-refundable annual alarm permit fee of \$12.00
- Non-refundable annual renewal fee of \$12.00

In order to qualify for the senior rate, applicants must provide proof of age, be listed as the property owner or lessee and must have the alarm contract in their name.

In order to qualify as an individual with a permanent disability the individual must provide proof of permanent disability. Proof may be in the form of a U.S. Department of Veterans Affairs Identification Card or documentation showing at least 30 percent permanent disability; a Washington Department of Licensing parking placard issued for permanent disability under RCW 46.16.381; or any other means that the Alarm Administrator deems an appropriate proof of permanent disability. In addition, the individual must be listed as the property owner or lessee and must have the alarm contract in their name.

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.

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 a \$50.00 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 and/or appeal fees, 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 22nd day of February, 2011.

Mayor Neil Johnson, Jr.

AUTHENTICATED:

Harwood T. Edvalson, CMC
City Clerk

APPROVED AS TO FORM:

James J. Dionne, City Attorney

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

Department/Staff Contact: Fin / Al Juarez	Meeting/Workshop Date: 15 February 2011	Agenda Bill Number: AB11-05
Agenda Item Type: Resolution	Ordinance/Resolution Number: 2092	Councilmember Sponsor:

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 intent is to diminish actual false alarm occurrences allowing our police department to conserve scarce resources and to better focus on real time policing activities.

As experienced, it is not cost effective to create and maintain our own system of tracking and billing for false alarm violations. The 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, which spreads their infrastructure cost to make it affordable for most communities. Local jurisdictions that also utilize ATB Services include: Pierce County, City of Lakewood, and the City of Olympia.

Attachments: Yes

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

COMMITTEE, BOARD & COMMISSION REVIEW											
Council Committee Review:	Finance Committee Date: 8 February 2011	<i>Approvals:</i> Chair/Councilmember Deputy Mayor Swatman Councilmember Mark Hamilton Councilmember James Rackley	<table style="width: 100%; border: none;"> <tr> <td style="padding: 0 5px;">Yes</td> <td style="padding: 0 5px;">No</td> </tr> <tr> <td style="text-align: center; padding: 0 5px;"><input checked="" type="checkbox"/></td> <td style="text-align: center; padding: 0 5px;"><input type="checkbox"/></td> </tr> <tr> <td style="text-align: center; padding: 0 5px;"><input checked="" type="checkbox"/></td> <td style="text-align: center; padding: 0 5px;"><input type="checkbox"/></td> </tr> <tr> <td style="text-align: center; padding: 0 5px;"><input checked="" type="checkbox"/></td> <td style="text-align: center; padding: 0 5px;"><input type="checkbox"/></td> </tr> </table>	Yes	No	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Forward to:	1/25/2011 Council Meeting - pulled and remanded to 2/8/2011 Fin. Committee meeting; Forward to 2/15 workshop for discussion	Consent Agenda: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No									
Commission/Board Review:											
Hearing Examiner Review:											

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

APPROVALS

Director:
Al Juarez

Mayor:

**Date Reviewed
by City Attorney:** 12/22/2010
(if applicable):

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 22nd day of February, 2011.

Mayor Neil Johnson, Jr.

AUTHENTICATED:

Harwood T. Edvalson, CMC
City Clerk

APPROVED AS TO FORM:

James J. Dionne, City Attorney

AGREEMENT FOR SERVICES

THIS AGREEMENT dated **February 22, 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 March **1, 2011** and shall expire on **February 28, 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

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

Department/Staff Contact: Executive / Don Morrison	Meeting/Workshop Date: 15 February 2011	Agenda Bill Number: AB11-31
Agenda Item Type: Resolution	Ordinance/Resolution Number: 2106	Councilmember Sponsor:

Agenda Subject: Hazard Mitigation Plan Update

Full Title/Motion: A Motion Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Adopting An Updated Hazard Mitigation Plan For The City.

Administrative Recommendation: Approve

Background Summary: The City of Bonney Lake adopted its first Hazard Mitigation Plan in 2004 by Resolution 1347. This made the City eligible for FEMA grants for hazard mitigation. Now, cities must also have an approved Hazard Mitigation Plan in order to apply for FEMA Disaster funds. During 2010, the City participated with other East Pierce cities, EPFR, and the Pierce County Department of Emergency Management in the development of an updated Hazard Mitigation Plan. The Hazard Mitigation Plan is completed and ready for adoption by the City of Bonney Lake. It must be adopted by the City Council before it is sent to FEMA for final approval. Thus, the document is still technically a draft although the state has approved it, and we have been told that FEMA approval will be a formality. The entire plan is 139 pages. To save printing expense, the Finance Committee suggested that the entire plan not be printed, but made available electronically. It can be viewed in its entirety on the City's website at: http://www.ci.bonney-lake.wa.us/section_community/public_safety/emergency_preparedness.shtml

Attachments: Resolution No. 2106; Hazard Mitigation Plan (Summary)

BUDGET INFORMATION			
Budget Amount	Current Balance	Required Expenditure	Budget Balance
Budget Explanation: NA			

COMMITTEE, BOARD & COMMISSION REVIEW											
Council Committee Review:	Finance Committee Date: 8 February 2011	<i>Approvals:</i> Chair/Councilmember Swatman Councilmember Rackley Councilmember Hamilton	<table style="width: 100%; border: none;"> <tr> <td style="width: 50%;">Yes</td> <td style="width: 50%;">No</td> </tr> <tr> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> </table>	Yes	No	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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	Forward to: Next Workshop	Consent									
		Agenda: <input type="checkbox"/> Yes <input type="checkbox"/> No									
Commission/Board Review:											
Hearing Examiner Review:											

COUNCIL ACTION	
Workshop Date(s): February 15, 2011	Public Hearing Date(s):
Meeting Date(s):	Tabled to Date:

APPROVALS		
Director:	Mayor:	Date Reviewed by City Attorney: (if applicable):

RESOLUTION NO. 2106

A RESOLUTION OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON, ADOPTING AN UPDATED HAZARD MITIGATION PLAN FOR THE CITY OF BONNEY LAKE.

WHEREAS, the City of Bonney Lake adopted its first Hazard Mitigation Plan in 2004 by Resolution 1347; and

WHEREAS, the City of Bonney Lake has participated with the Pierce County Department of Emergency Management in the development of an updated Hazard Mitigation Plan; and

WHEREAS, the Federal Emergency Management Agency has mandated that all local and state governmental entities develop and submit for approval a Hazard Mitigation Plan to address pre-disaster planning issues; and

WHEREAS, the Hazard Mitigation Plan is completed and ready for adoption by the City of Bonney Lake; and

WHEREAS, the Hazard Mitigation Plan has been submitted and approved by the State Emergency Management Division and the Federal Emergency Management Agency; and

WHEREAS, the Bonney Lake City Council reviewed the Hazard Mitigation Plan preparation process in a Council Workshop on June 15, 2010; and

WHEREAS, the City of Bonney Lake could risk not receiving future disaster funding if the Hazard Mitigation Plan is not adopted;

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

Section 1. That the Hazard Mitigation Plan, attached hereto as Exhibit "A" and incorporated herein as if fully set forth, is hereby adopted.

Section 2. This Resolution shall be in full force and effect upon passage and signatures hereon.

PASSED BY THE CITY COUNCIL this _____ day of _____, 2011.

Neil Johnson, Jr., Mayor

ATTEST:

Harwood T. Edvalson, City Clerk

APPROVED AS TO FORM:

James J. Dionne, City Attorney



**CITY OF BONNEY LAKE ADDENDUM
REGION 5 HAZARD MITIGATION PLAN
2010-2015 EDITION**

Prepared for:

City of Bonney Lake
19306 Bonney Lake Blvd.
Bonney Lake, WA 98391

In Cooperation with:

Pierce County Department of Emergency Management
2501 S. 38th Street, Suite D
Tacoma, WA 98409

REGION 5 HAZARD MITIGATION PLAN CITY OF BONNEY LAKE ADDENDUM

Table of Contents

SECTION 1 – PROCESS	1-1
SECTION 2 – PROFILE.....	2-1
SECTION 3 – CAPABILITY IDENTIFICATION	3-1
SECTION 4 – RISK ASSESSMENT	4-1
SECTION 5 – MITIGATION STRATEGY	5-1
SECTION 6 – INFRASTRUCTURE	6-1
SECTION 7 – MAINTENANCE	7-1

Appendices

Plan Adoption	A
Planning Team	B
Plan Revisions	C

SECTION 1

REGION 5 HAZARD MITIGATION PLAN CITY OF BONNEY LAKE PLAN PROCESS SECTION

Table of Contents

PLAN PROCESS REQUIREMENTS	1
TABLE OF CONTENTS	2
CHANGES TO JURISDICTION PLAN IN THIS DOCUMENT	4
CHANGE MATRIX.....	4
PLAN PROCESS.....	7
PUBLIC INVOLVEMENT PROCESS.....	7
PLANNING TEAM	8
PLANNING TEAM MEETINGS	9
ONE-ON-ONE MITIGATION MEETINGS	11
SPECIFIC TRAININGS FOR MITIGATION PLANNING.....	12
ELECTED OFFICIAL’S MEETINGS/PUBLIC MEETINGS.....	13
FINAL ELECTED OFFICIAL’S MEETINGS.....	14
PUBLIC COMMENT	16
PUBLIC INFORMATION MEETINGS	17
PROFILE PROCESS	18
SERVICES SUMMARY	18
GEO-POLITICAL SUMMARY.....	18
POPULATION SUMMARY	18
INFRASTRUCTURE SUMMARY	19
<i>General</i>	19
<i>Jurisdiction Infrastructure</i>	19
LAND USE MAPS	20
ECONOMIC SUMMARY	20
CAPABILITY IDENTIFICATION PROCESS.....	21
RISK ASSESSMENT PROCESS	22
HAZARD IDENTIFICATION	22
THE JURISDICTIONS	24
<i>Hazard Identification</i>	24
<i>Vulnerability</i>	24
<i>Consequence Analysis</i>	25
MITIGATION STRATEGY PROCESS	26
MITIGATION MEASURES: IDENTIFICATION AND EVALUATION	33
MITIGATION MEASURES: PRIORITIZATION	34

INFRASTRUCTURE SUMMARY PROCESS..... 35

 DEFINITION.....35

 IDENTIFICATION36

 PROFILE36

 INFRASTRUCTURE SUMMARY36

 INFRASTRUCTURE CATEGORY SUMMARY36

 INFRASTRUCTURE DEPENDENCY SUMMARY.....37

 INFRASTRUCTURE HAZARD SUMMARY37

 DEPENDENCY37

 VULNERABILITY ASSESSMENT37

PLAN MAINTENANCE PROCESS 38

ENDNOTES.....40

DRAFT

Changes To Jurisdiction Plan in this Document

This Addendum to the Region 5 Hazard Mitigation Plan includes the following changes that are documented as a result of a complete review and update of the existing plan for the City of Bonney Lake. The purpose of the following change matrix is to advise the reader of these changes updating this plan from the original document approved in November 2004.

The purpose for the changes is three-fold: 1) the Federal Law (Code of Federal Regulations (CFR), Title 44, Part 201.4) pertaining to Mitigation Planning has changed since the original Plan was undertaken; 2) this Plan will be an Addendum to the 2008 comprehensive and FEMA approved Region 5 Hazard Mitigation Plan and 3) the Local Mitigation Planning Requirements of the Disaster Mitigation Act of 2000 201.6 (d) (3) Plan Review states Plans **must** be reviewed, revised if appropriate, and resubmitted for approval within five years in order to continue to be eligible for HMGP project grant funding. This document when completed and approved will become an additional Addendum to the other jurisdictions encompassed in the 2008 approved Region 5 Hazard Mitigation Plan.

Change Matrix

This Matrix of Changes documents the pertinent changes made from the November 2004 City of Bonney Lake Hazard Mitigation Plan to the 2010 Region 5 Hazard Mitigation Plan-Phase III Updates. The November 2004 plan was facilitated by Pierce County Department of Emergency Management. Most of the changes are a matter of additional detail, more information provided and reformatting to the current Pierce County DEM format. This 2010 version represents a complete review and update by Pierce County Department of Emergency Management using a detailed process for development and following an established format.

Table 1-1 Change Matrix

Section 1 – Plan Development, Process Section	
Section or Part of Plan	New in 2010 Plan
Section 1 – Process Section	Section 1 – Process Section
The original document was part of a Multi-Jurisdictional Plan for four jurisdictions: City of Bonney Lake, City of Sumner, East Pierce Fire & Rescue and Sumner School District.	This new group of plans is broken down into four different Addenda to the Region 5 Plan. You will now find separate sections for all four of the prior jurisdictions.
	Pierce County DEM wrote this original plan in 2004 so the format is very similar with only slight changes in the way the plan sections are completed.
	The 2010 Process Section contains this Change Matrix Table.

Section 1 – Plan Development, Process Section (Continued)	
	The 2010 Process Section contains a Mitigation Measure Matrix that reviews all the prior Mitigation Measures and shows those complete, those still viable and those no longer retained for further action.

Section 2 – Participating Jurisdiction Profiles		
Section or Part of Plan	Previous	2010 Plan
Section 2 – Profile	The prior Profile Section was written using an older style and so included much more narrative.	The current Profile for City of Bonney Lake follows the format we are using now for new plans.
	The old Profile included: History, Geography, Geology, Climate, Population, Economy and Transportation.	Some of the old categories are now located in the Risk Section or re-titled in the current plan which includes: Mission, Services Summary, Geo-Political, Population, Infrastructure, Economy and Resources.

Section 3 – Capability Identification		
Section or Part of Plan	Previous	2010 Plan
Section 3 – Capability	The Hazard Identification Summary has been expanded and moved to the Risk Section.	Hazard Identification is in the Risk Section.
	The Capability Tables shown in the prior plan are now in a different format.	Capability Identification uses new tables to show Capabilities in all categories as discussed in this document.

Section 4 – Vulnerability, Risk Analysis	
Section or Part of Plan	2010 Plan
The previous version of the plan contained one section for all four jurisdictions using charts and graphs to depict risk and vulnerability.	The new version of this plan uses the Hazard Summary Table, Specific Risk Maps for each Flood, Lahar, Seismic and Landslide, a spatial analysis per hazard for Area, Population, and Infrastructure and a Consequence Analysis.

Section 5 – Mitigation Strategy	
Section or Part of Plan	2010 Plan
The previous document contained a Mitigation Measure Matrix chart followed by written descriptions of each individual measure.	The new document uses the same format as the original plan with very little change. New measures have been added to both the Matrix and the individual measure descriptions. Measures completed in the past five years have been deleted.

Section 6 – Infrastructure	
Section or Part of Plan	2010 Plan
The previous plan used individual tables for each piece of Critical Infrastructure identified by the jurisdiction.	The current method of identifying infrastructure includes a full table with the detail on each piece of infrastructure (all infrastructures as opposed to just critical infrastructure) as well as summary information on hazards and dependencies in the jurisdiction.

Section 7 – Plan Maintenance	
Section or Part of Plan	2010 Plan
The original Plan Maintenance for the City of Bonney Lake was very similar in format to the newer version for 2010.	The 2010 version of the Plan Maintenance borrows from the format and content of the original; however the entire document has been reviewed and updated to current information.

Section 8 – Other Changes	
Section or Part of Plan	2010 Plan
The original document contained four Appendices in combined form for all four represented jurisdictions.	The 2010 City of Bonney Lake Plan contains three Appendices including place for the final resolution and approval letter from FEMA and also the team members for City of Bonney Lake and a chart for any changes. The Acronym list appears in the Base Plan for the entire project.