

**COUNCIL WORKSHOP**

**June 7, 2011  
5:30 p.m.**

**AGENDA**

City of



*“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)*

*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.*

**Location:** Bonney Lake Justice Center, 9002 Main Street East, Bonney Lake, Washington.

**Call to Order:** Mayor Neil Johnson, Jr.

**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.

**Agenda Items**

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4. <b>Discussion:</b> AB11-69 - Planning Commission Workplan. <ul style="list-style-type: none"> <li>o Update of Title 16.14 – landscaping to enhance buffering between commercial and residential properties.</li> <li>o Update the definition of “Nightclub” and determine in which zones they should be allowed.</li> </ul>	27
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11. <b>Executive Session:</b> RCW 42.30.110 – Review the Performance of a Public Employee RCW 43.30.110 (1)(g). The Mayor will announce the expected duration of the session.	
12. <b>Adjournment.</b>	

**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**

**May 17, 2011  
5:30 p.m.**

**DRAFT MINUTES**



*“Where Dreams Can Soar”*

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**Location:** Bonney Lake Justice Center, 9002 Main Street East, Bonney Lake, Washington.

Audio Time Stamp ↓

- I. Call to Order:** Deputy Mayor Dan Swatman called the Workshop to order at 5:30 p.m.
- II. Roll Call:** [A1.3]

Administrative Services Director/City Clerk Harwood Edvalson called the roll. In addition to Deputy Mayor Dan Swatman, elected officials attending were Councilmember Laurie Carter, Councilmember Dan Decker, Councilmember Mark Hamilton, Councilmember Randy McKibbin and Councilmember James Rackley. Deputy Mayor Swatman explained that Mayor Johnson was absent due to employment obligations for the evening.

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, Community Services Maintenance Worker H.D. Messinger, Administrative Services Director/City Clerk Harwood Edvalson, and Administrative Specialist Shawn Campbell.

**III. Agenda Items:**

5:30:44

- A. Presentation/Discussion:** Community Forestry Report – Urban Tree Canopy Assessment.

City Arborist and Community Services Maintenance Worker H.D. Messinger said the assessment covered the City limits as well as possible future growth areas through annexation. He said 61% of the tree canopy is within the City limits. He said 43% of the land in the City is within the tree canopy cover classification, and the recommendation from American Forest Association is a minimum of 40%. He showed areas that are at risk of losing tree canopy due to development, most of which are along the SR410 corridor. He shared ideas to increase the tree canopy and suggested a tree bank fund for developers. He discussed the ways Community Development, Public Works and Community Services are working together to help citizens save or create tree canopy.

Councilmember Carter asked for the definition of tree canopy. She said the current codes require developers to maintain the landscaping for one year, but the enforcement of that is a problem. She asked if the City codes need to be updated. Mr. Messinger said a tree canopy is a tree of a minimum of 20 feet. He also said the different departments are working together to update the development standards. Councilmember Rackley asked about the mix of trees being planted in the City. Mr. Messinger listed the different types of trees and the types of areas each variety could be planted. He said it is important to have a large mix of trees to protect against disease. Councilmember Hamilton said he has noticed some trees being illegally cut down in the WSU forest.

5:32:18

**B. Council Open Discussion:**

Cottage Housing: Councilmember Rackley said the Community Development Committee will be submitting a two-year extension to the cottage housing ordinance for consideration at the next Council Meeting.

AWC Conference: Councilmember Lewis noted the Council needs to decide on the voting delegates for the conference at the next meeting.

Bonney Lake History Book: Councilmember Carter said the Bonney Lake History Book is now available to purchase from the Historical Society.

Senior Boards: Councilmember Carter noted the Bonney Lake High School Senior Boards are Wednesday, May 18, 2011. She encouraged others to participate in the judging.

YMCA Tour: Councilmember Carter asked Council if they are interested in having a tour of either the Gig Harbor or the Mel Korum YMCA. Several Councilmembers are interested in touring both facilities, and will invite the Design Commission to join the Council on the tour. Councilmember Carter noted an article in the Nation's Cities Weekly newspaper, which said the teen unemployment rate is extremely high and YMCAs employ a large number of teens. Deputy Mayor Swatman asked for confirmation that the swimming pool planned for the Bonney Lake YMCA will be competition size.

Lake Tapps Park: Councilmember Carter listed several items that are a concern regarding Pierce County needing more assistance from the Bonney Lake Police Department. Police Chief Mitchell said the Police Department is seeing an increase in cases where the City is backing up the County.

Justice Center: City Administrator Morrison said the City's leasing agent has contacted him, and there are a couple businesses interested in leasing space at the Justice Center. He said neither is walk-in retail. He asked Council for direction regarding moving City staff from other locations to the Justice Center or leasing to a non walk-in retail tenant, and explained some funding options. Councilmember Rackley said he would like to have staff move into the Justice Center. He said the potential revenue of leasing the space is not enough to make having a tenant a viable option. Councilmember Decker said he would like to vacate the City Hall Annex, cancel the lease on the modular building and lease the existing Annex building. Councilmember Lewis said having staff together in one location adds more than just monetary value. Council consensus was that staff provide the council with options to move additional staff to the Justice Center.

Swiss Park: Community Development Director Vodopich said he has made two attempts to contact the Swiss Park regarding the restroom issue. He said they have not returned his calls.

Council Meeting Schedule: Councilmember Carter stated National Night Out is August 2<sup>nd</sup>. She asked if Council would like to consider canceling the workshop so Council could attend National Night Out. Councilmember Lewis asked if Council would like to cancel the June 21, 2011 due to the AWC conference starting at 11:30am in Spokane, WA the following morning.

**Councilmember Rackley moved to cancel the June 21, 2011 Council Workshop. Councilmember Decker seconded the motion.**

Councilmember McKibbin said it is too early to decide. He said several people have not finalized their travel plans.

**Motion Approved 5-2.  
Deputy Mayor Swatman and  
Councilmember Lewis voted no.**

Pierce Transit: Councilmember Hamilton said the Bonney Lake Courier Herald stated that Pierce Transit is eliminating all bus routes to East Pierce County as of October 2011. He asked if the City is going to send the Transit Authority a letter stating the City will no longer be collecting sales tax for Pierce Transit as of October 2011. Councilmember Decker said the transit authority is also collecting a tax on vehicle registrations. He said if the transit authority does not service this area, citizens should not be paying a tax to them.

6:39:54

- C. **Review of Council Minutes:** April 17, 2011 Council Workshop, and April 24, 2011 Council Meeting

Councilmember Carter said the May 3, 2011 minutes p. 2, need to read Pierce County Regional Council. Councilmember Hamilton said Heather Stinson is on the Growth Management Coordinating Committee, while he is on the Pierce County Regional Council. The corrected minutes were forwarded to the May 10, 2011 Meeting for action.

- D. **Discussion:** AB11-57 – Ordinance D11-57 – Updating Title 14 of the Municipal Code Regarding the Development Code.

Planning Commission Chair Grant Sulham said there is a disconnect between the Municipal Code and the Growth Management Act. He said as the Municipal Code is currently written, all Comprehensive Plan Amendments have to go before the GMA Committee. He said per the GMA requirements not all amendments are required to go through the full process. He said this ordinance will clear up the confusion.

- E. **Discussion:** AB11-58 – Ordinance D11-58 – Updating the Municipal Code Regarding Impacts between Commercial and Residential Development.

Planning Commission Chair Grant Sulham said this ordinance considers the potential for light and noise pollution. He said the definition for nightclubs as defined would prohibit an outdoor beer garden or a second story restaurant with an outdoor patio. He said the Planning Commission could not find a way to prohibit outdoor seating or piped in music without hurting businesses. He said the Planning Commission recommends using the noise ordinance to regulate noise issues from these businesses. He said the City could require landscaping to mitigate the noise and light pollution.

Councilmember Lewis suggested the Council add two items to the Planning Commission workplan at the next Council Meeting; updating of Title 16.14 Landscaping to enhance buffering between commercial and residential properties and updating the definition of “Nightclub” and determine which zones they should be allowed. Councilmember Carter said the Code should require a buffer between R1 and High Density zones also. She said the City should only allow nightclubs along the transportation corridor. She asked about the businesses that currently have outdoor seating. Director Vodopich said nightclubs are

talked about in the business section of the Bonney Lake Municipal Code. Councilmember Hamilton said the Council should allow nightclubs only in the downtown core. Deputy Mayor Swatman said the Council needs to have more discussion and a clear vision before sending this item back to the Planning Commission.

**IV. Executive Session:** None

**V. Adjournment:**

6:57pm

**At 6:57:p.m. Councilmember Rackley moved to adjourn the Workshop. Councilmember Lewis seconded the motion.**

**Motion to adjourn approved 7 – 0.**

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Harwood T. Edvalson, CMC  
City Clerk

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Neil Johnson, Jr.  
Mayor

**CITY COUNCIL MEETING**

**May 24, 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](http://www.ci.bonney-lake.wa.us)

Audio Time  
Stamp ↓

**Location:** Bonney Lake Justice Center, 9002 Main Street East, Bonney Lake, Washington.

**I. CALL TO ORDER** – Mayor Neil Johnson, Jr. called the meeting to order at 7:00 p.m.

A. Flag Salute: Mayor Johnson led the audience in the Pledge of Allegiance.

B. Roll Call:

Administrative Services Director/City Clerk Harwood Edvalson called the roll. In addition to Mayor 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, Public Works Assistant Engineer Andrew Fonda, Community Development Director John Vodopich, Assistant Police Chief Dana Powers, Chief Financial Officer Al Juarez, Community Services Director Gary Leaf, Administrative Services Director/City Clerk Harwood Edvalson, City Attorney Jim Dionne, and Administrative Specialist Shawn Campbell.

C. Announcements, Appointments and Presentations:

1. Announcements:

a. **Proclamation**: Paint the Town Purple Day – Relay for Life – June 9, 2011.

Mayor Johnson read the proclamation aloud, and proclaimed Thursday, June 9, 2011 as Paint the Town Purple Day in Bonney Lake. He thanked Katrina Minton-Davis for all her hard work and dedication.

Katrina Minton-Davis thanked the Mayor and Council for their continued support of Relay for Life. She said Team Bonney Lake has always been a big Relay for Life supporter. She said this year's theme is Night at the Movies. She presented the Council with Relay for Life Mugs.

2. Appointments: None.

3. Presentations:

a. **Presentation**: AB11-55 – Stormwater Pollution Prevention Art Contest Winners.

Assistant City Engineer Andrew Fonda gave a brief description of the Stormwater Pollution Prevention Project. He said one of the criteria of the grant is public education. He said the City met this criteria with the calendar contest. Mayor Johnson and Mr. Fonda presented the awards to the contest winners. The twelve

winners are - Friendly Vehicle Washing: Natalie Gleason and Baylee Littlefield, Household Hazardous Waste Disposal: Breanna Zirnelman and Julia Medrano, Pet Waste Disposal, Megan Body and Zach Lewandowski, Pollution / Illegal Dumping Reporting: Makenna Pope and Anna Gomez, Used Oil Recycling: Whuckara Jensen and Emma Sulkosky, Water Conservation: Tristan Glivar and Jacob Bohl.

Mayor Johnson thanked Mr. Fonda for his hard work and dedication to this project.

At 7:14 p.m. Councilmember Rackley moved for a ten-minute break. Mayor Johnson reconvened the Meeting at 7:23 p.m.

D. Agenda Modifications: None.

7:23 p.m.

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

A. Public Hearings: None.

B. Citizen Comments:

Keith Martin, 5202 Rainier Drive E., Bonney Lake, said he is concerned about an article he read in the Courier Herald regarding updates to the City ordinance for recreational vehicles. He said this ordinance could have a huge impact on a large number of citizens in Bonney Lake. He said he does not feel for a lakeside community these restrictions are practical and this ordinance will be a hardship on many citizens. He asked about the definition of adjacent. He said some citizens choose not to live in a neighborhood with a homeowners association and this ordinance needs to be revised.

Community Development Director Vodopich clarified this ordinance has been on the books since 1967. He clarified the regulations for Recreational Vehicles and the setbacks required. Mayor Johnson said the City is not actively looking for violations of this ordinance. He said it would take a complaint to have code enforcement come to investigate. He said each case would be reviewed individually. Councilmember Carter said the only update to this ordinance is in the penalty portion. She said this ordinance was meant to dovetail with the City's nuisance ordinance.

Debbie McDonald, PO Box 7125, Bonney Lake, she thanked Council for signing the Paint the Town Purple proclamation. She said Pierce County Relay for Life is in the top ten in the nation for raising money and Pierce County is number one per capita. She presented Council with a framed certificate for their continued support.

Shawn Hoey, MBA Pierce County, He said the Master Builders Association would like to share two concerns with proposed Ordinance D11-58, the restrictions and design standards being placed on the residential builders instead of commercial developers and the 500 feet buffer requirement. He said 500 feet is a substantial amount of land. He said this requirement would have a large impact and builders.

C. Correspondence:

A letter from Lance and Patricia Davis, dated May 23, 2011, regarding a commercial nightclub property adjacent to residential property and the associated noise, was received for the meeting and entered into the record.

7:27p.m.

### 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, minutes review, and a utility latecomer agreement, which is being referred back to legal council to clear up language. He said they also discussed how utility taxes are assessed on wireless telecommunications.
- B. Community Development Committee: Councilmember Rackley said the committee met on May 17, 2011 and discussed water system backflow testing, and forwarded AB11-62 – Resolution 2125 – Cottage Housing extension, AB11-60 – Resolution 2123 – Agreement with Parametrix for design of VFD Installation Project, AB11-61 – Resolution 2124 – Agreement with Parametrix for design of 97<sup>th</sup> Street and 208<sup>th</sup> Ave Improvement Project, and AB11-59 – Resolution 2122 – 2011 Street Striping and Pavement Marking to the May 24, 2011 Council Meeting.
- C. Public Safety Committee: Councilmember Hamilton said the committee has not met since the last Council Meeting.
- D. Other Reports:

Pierce County Regional Council: Councilmember Hamilton said he attended the May 19, 2011 meeting. He noted there was not a quorum. He said they discussed the amount each jurisdiction pays to belong to the PCRC. He said the Port District is currently only paying \$100. He said the discussion indicated they should pay closer to the amount the City of Tacoma pays.

White River Families First Coalition: Councilmember Carter said she, Councilmember Lewis, and David Wells attended the May 23<sup>rd</sup> meeting. She said they have nomination forms for acknowledging the behind the scenes people. She said the Buckley activities center has dovetailed their summer program with the City of Bonney Lake's. She invited people to the Pierce County Council meeting on May 31, 2011 at the Bonney Lake Justice Center and to the Pierce Transit Save our Buses meeting in June. She said the Franciscan Foundation may have grant money available for future use in the area.

Rainier School: Councilmember Lewis said the Mayor of Buckley said the Rainier School will have funding through the end of the 2011. He said they will need to find additional funding for next year.

Pierce Transit: Mayor Johnson said he attended the Pierce Transit Board meeting. He said Pierce Transit is looking to eliminate service in Bonney Lake but keep the tax revenue from the City. He said the City would need to have Pierce Transit give up the area as a taxing district for the small cities in the area to set up their own transportation district. He added the Souder service will not be affected.

7:42 p.m.

### IV. CONSENT AGENDA:

- A. ~~**Approval of Corrected Minutes:** May 3, 2011 Council Workshop and May 10, 2011 Council Meeting.~~
- B. **Approval of Accounts Payable Checks/Vouchers:** Accounts Payable checks/vouchers #61056 thru 61100 (including wire transfer #'s 5032011 & 5042011) in the amount of \$269,899.82; Accounts Payable checks/vouchers #61101 thru 61121 in the amount of \$5,304.89; Accounts Payable checks/vouchers #61122 thru 61154 (including wire transfer #'s 5052011, 5132011, 20110516 & 20110517) in the amount of \$318,109.03 for a grand total of \$593,313.74.
- C. **Approval of Payroll:** Payroll for April 16-30th 2011 for checks 29739-29769 including Direct Deposits and Electronic Transfers in the amount of \$ 579,574.28. Payroll for May 1<sup>st</sup>-15th 2011 for checks 29770-29792 including Direct Deposits and Electronic Transfers in the amount of \$ 404,042.73.
- D. **AB11-59 – Resolution 2122** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing A Professional Services Agreement With Strip Ripe Rite, Inc. For The 2011 Street Striping And Pavement Markings Project.
- E. **AB11-60 – Resolution 2123** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing A Contract With Paramatrix Engineering For The Design Effort Of The VFD Installation Grant Project.

**Councilmember Carter requested that Item A., Approval of Corrected Minutes be moved for consideration as Full Council Issues, Item E.**

**Consent Agenda approved as amended 7 – 0.**

**V. FINANCE COMMITTEE ISSUES:** *None.*

**VI. COMMUNITY DEVELOPMENT COMMITTEE ISSUES:**

- A. **AB11-61 – Resolution 2124** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing A Contract With Paramatrix Engineering For The 97th Street And 208th Avenue Sidewalk, Watermain, And Sewermain Improvements.

**Councilmember Rackley moved to approve Resolution 2124. Councilmember Lewis seconded the motion.**

Deputy Mayor Swatman said it is very important to connect open spaces within the City. He said even though Cerderview is zoned R2, residents cannot build duplexes until the City puts in sewers. He asked Public Works Director Grigsby to give some background information on the sewers. Director Grigsby said the City will place a dry line sewer in the area since the road will already be under construction. He said

7:43 p.m.

the septic systems in this area are old and the area needs to be connected to the City sewer system. He said part of the funding for this project will be used to make a priority list for adding sewers.

**Resolution 2124 approved 7 – 0.**

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

7:49 p.m.

**VIII. FULL COUNCIL ISSUES:**

- A. **AB11-57 – Ordinance 1389 [D11-57]** – An Ordinance Of The City Of Bonney Lake, Pierce County, Washington, Amending Title 14 Of Bonney Lake Municipal Code.

**Councilmember Hamilton moved to approve Ordinance 1389. Councilmember Lewis seconded the motion.**

Deputy Mayor Swatman asked the City Attorney if this ordinance would give citizens increased ability to challenge the regulations. City Attorney Dionne said this should reduce the challenges.

**Ordinance 1389 approved 6-1.  
Councilmember Decker voted no.**

- B. **AB11-58 – Ordinance D11-58** – An Ordinance Of The City Of Bonney Lake, Pierce County, Washington, Amending Bonney Lake Municipal Code Chapter 18.22 And 18.31 To Provide Performance Standards For Commercial And Residential Zones And Uses Within 500 Feet Of Each Other.

**Councilmember Swatman moved to approve Ordinance D11-58.  
Councilmember Carter seconded the motion.**

Mayor Johnson said two citizens signed up to speak on the proposed ordinance. Kirk Tower, 8416 182<sup>nd</sup> Ave E, Bonney Lake, He said he believes this ordinance needs to add a section regarding buffers between R1 and R3 as well.

Deputy Mayor Swatman asked if Mr. Tower would like to have similar buffers between R1 and R3 that are proposed between commercial and R1. Mr. Tower said the City needs to have similar buffers.

Shawn Hoey, Master Builders Association of Pierce County, reiterated his concern with the 500 foot requirement and asked Council to consider changing the requirement. Deputy Mayor Swatman asked if Mr. Hoey has a different number in mind. Mr. Hoey said the regulation is normally put on the commercial builders and not the residential builders.

Councilmember Carter said the commercial property already exists in the area. She said it would be difficult to require existing commercial businesses to retrofit to the new requirements.

Councilmember Lewis moved to table Ordinance D11-58 to the June 7, 2011 workshop. Councilmember Decker seconded the motion.

**Motion approved 7-0.**

- C. **AB11-62 – Resolution 2125** – A Resolution Of The City Of Bonney Lake, Pierce County, Washington, Extending The Submittal Period For Cottage Housing Proposals Per Ordinance No. 1347.

**Councilmember Rackley moved to approve Resolution 2125. Councilmember Decker seconded the motion.**

Councilmember Rackley said the only change is extending the deadline by two years. Councilmember Carter asked if the City was only going to accept one application. She referenced the section in the ordinance that states the City will choose from a pool of applications. Councilmember Rackley said the City has not had one application to date. He said the City needs to get one to be able to move forward. Community Development Director Vodopich said all extensions need to be approved by Council. Deputy Mayor Swatman said the City of Puyallup is also looking at Cottage Housing options. He said they have not had much interest either.

**Resolution 2125 approved 6-1.  
Councilmember Decker voted no.**

- D. **AB11-63** – A Motion Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Appointing Three Voting Delegates To The 2011 AWC Annual Conference.

Mayor Johnson asked for volunteers. Deputy Mayor Swatman, Councilmember McKibbin, and Councilmember Lewis volunteered to be the voting delegates.

**Councilmember Rackley moved to approve motion AB11-63 to include volunteers. Councilmember Decker seconded the motion.**

**Motion approved 7-0.**

- E. **Approval of Corrected Minutes:** May 3, 2011 Council Workshop and May 10, 2011 Council Meeting.

Councilmember Carter noted that Council received a corrected set of the May 3, 2011 minutes. She said the only change is on p. 1, removing Regional in the section titled Pierce County Regional Council.

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

**Motion approved 7-0.**

8:04p.m.

- I. EXECUTIVE SESSION:** Pursuant to RCW 42.30.110(1)(i) the Council recessed to an executive session with the City Attorney at 8:04 p.m. for 10 minutes to discuss potential litigation. The Council returned to Chambers at 8:16 p.m.

8:17p.m.

**X. ADJOURNMENT:**

**At 8:17 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 May 24, 2011 Meeting:

- City of Bonney Lake – *May 3, 2011 Council Workshop Minutes* – Harwood Edvalson.
- Letter – *Noise Concern between Commercial and Residential* – Lance and Patricia Davis

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

<b>Department/Staff Contact:</b> CD / Heather Stinson	<b>Meeting/Workshop Date:</b> 7 June 2011	<b>Agenda Bill Number:</b> AB11-58
<b>Agenda Item Type:</b> Ordinance	<b>Ordinance/Resolution Number:</b> D11-58	<b>Councilmember Sponsor:</b>

**Agenda Subject:** Adding buffering standards between commercial and residential properties.

**Full Title/Motion:** A Motion Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Amending Blmc Chapter 18.22 And 18.31 To Provide Performance Standards For Commercial And Residential Zones And Uses Within 500 Feet Of Each Other.

**Administrative Recommendation:**

**Background Summary:** Council added two agenda items to the Planning Commission workplan intended to address noise from nightclubs and other high impact commercial uses adjacent to residential properties. The attached ordinance adds some buffering enhancements between these properties.  
**Attachments:** Ordinance D11-58, Planning Commission recommendation memo

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

<b>COMMITTEE, BOARD &amp; COMMISSION REVIEW</b>			
<b>Council Committee Review:</b>	<i>Approvals:</i>	<b>Yes</b>	<b>No</b>
Date:	Chair/Councilmember	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember	<input type="checkbox"/>	<input type="checkbox"/>
Forward to:	<b>Consent</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<b>Commission/Board Review:</b>	6 Apr 2011		
<b>Hearing Examiner Review:</b>			

<b>COUNCIL ACTION</b>	
Workshop Date(s): 17 May 2011	Public Hearing Date(s):
Meeting Date(s): 24 May 2011	Tabled to Date:

<b>APPROVALS</b>		
<b>Director:</b> <i>John P. Vodopich, AICP</i>	<b>Mayor:</b>	<b>Date Reviewed by City Attorney:</b> (if applicable):



# Memo

**Date** : April 20, 2011  
**To** : Mayor and City Council  
**From** : Grant Sulham, Planning Commission Chair  
**CC** :  
**Re** : **Buffering nuisances between residential and commercial properties**

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In discussion with the Planning Commission in the last few months, we've talked about the possibility of Design Standards for Nightclubs and other commercial uses that may impact adjacent residential uses. When we heard from Council member Carter on her idea of what these might be, she spoke about potential noise and light issues. The possibility of prohibiting outdoor speakers and soundproofing buildings has been part of the discussion.

One of the challenges that the Commission faces is that the way BLMC defines "nightclub," the definition could be interpreted to mean any restaurant or bar that sells liquor:

**BLMC 5.17.010(B):** "Nightclub" means any for-profit business open to the public:

1. In which at any time between the hours of 10:00 p.m. and 12:00 a.m. liquor is sold to the public; and
2. Which has any assembly space on the premises with a maximum occupancy of 30 or more persons as provided in a certificate of occupancy issued by the city.

There is no zoning designation in the City that lists nightclubs as an allowed use. This fact leaves the code administrator to interpret the code in such a way that allowed uses that also fit the definition of a nightclub must meet the nightclub standards.

The Commission is concerned about limiting outdoor seating or noise generated by restaurants or pubs specifically in the Downtown as the Commissioners see this as an activity that would be consistent with the vision of Downtown.

The attached ordinance addresses some nuisances that may be caused by placing residential and commercial development adjacent to each other, however, the Planning Commission is of the

opinion that there is no way to limit outdoor seating or piped music in a way that won't hamper business unnecessarily. The Planning Commission feels that the noise ordinance should be relied upon to address noise impacts rather than prohibiting outdoor seating or music.

Having said that, the Commission also believes that the landscaping requirements of BLMC 16.14 should be reviewed to allow improved buffering between residential and commercial properties. Currently, landscaping requirements allow for cutting down native vegetation and installing small, immature plantings that may not obscure visibility between commercial and residential developments for many years.

**Recommendation:**

The Planning Commission voted 6-0 to recommend that the City Council adopt the attached draft ordinance which further limits impacts between residential and commercial developments.

The Planning Commission also recommends that City Council add two items to the Planning Commission workplan:

1. Update of Title 16.14 Landscaping to enhance buffering between commercial and residential properties.
2. Update the definition of "Nightclub" and determine which Zones they should be allowed.

**ORDINANCE NO. D11-58**

**AN ORDINANCE OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON, AMENDING BONNEY LAKE MUNICIPAL CODE CHAPTER 18.22 AND 18.31 TO PROVIDE PERFORMANCE STANDARDS FOR COMMERCIAL AND RESIDENTIAL ZONES AND USES WITHIN 500 FEET OF EACH OTHER**

WHEREAS, the City Council wishes to protect residential developments from the nuisances of adjacent commercial activity, and

WHEREAS, the Planning Commission conducted a public hearing on April 6, 2011 and issued a recommendation for passage of this Ordinance on April 20, 2011; and

WHEREAS, a Determination of Non-Significance was issued on March 29, 2011 meeting the requirements of the State Environmental Policy Act; and

WHEREAS, Washington State Department of Commerce has completed their required review.

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

**Section 1.** A new Section 18.22.110 of the Bonney Lake Municipal Code is hereby added to read as follows:

**18.22.110 Residential adjacent to Commercial**

The following special requirements and performance standards shall apply to all new single-family, duplex, and multi-family residential buildings within 500 feet of a commercial zone or use:

Placement of design elements and mechanical equipment:

- A. To the extent feasible, new residential buildings shall be designed so that windows, doors and outdoor living spaces are minimized on the side of the building facing the commercial zone or use.
- B. To the extent feasible, stand-alone air conditioning units associated with residential buildings shall be placed on the side of the building adjacent to the commercial zone or use.

**Section 2.** Section 18.31.030 of the Bonney Lake municipal code shall be amended to read as follows:

**18.31.030 Performance standards.**

The following special requirements and performance standards shall apply to all properties located in the neighborhood commercial; commercial; heavy commercial, warehousing and light industrial; and manufacturing districts.

A. Odor.

1. No use shall be permitted which creates annoying odor in such quantities as to be readily detectable beyond the boundaries of the site.

B. Radioactivity and Electrical Disturbances.

1. Radioactivity and electrical disturbances shall be limited to measuring, gauging and calibration devices, medical purposes, and the processing and preservation of foods.

2. In no event shall radio activity, when measured at such exterior boundaries of the property, be in excess of  $2.7 \times 10^{-11}$  microcuries per milliliter of air at any moment of time. Radio and television transmitters shall be operated at the regularly assigned wave length (or within the authorized tolerances thereof) as assigned thereto by the appropriate governmental agency. Subject to such exception, all electrical and electronic devices and equipment shall be suitably wired, shielded and controlled so that in operation they shall not emit any electrical impulses or waves which will adversely affect the operation and control of any other electrical or electronic devices or equipment.

C. Vibration.

1. No use except a temporary construction operation shall be permitted which generates inherent and recurrent ground vibration perceptible without instruments at the boundary of the lot in which the use is located.

D. Gases, Fumes and Vapors.

1. The emission of any dust, dirt, fly ash, gases, fumes or vapors dangerous to human health, animal life, vegetation or property, or which can cause any soiling or staining of persons or property

at any point beyond the exterior property lines, is prohibited.

2. No emission of liquid or solid particles from any chimney or other source shall exceed three-tenths grains per cubic foot of the carrying gas at any point beyond the lot line of the use creating the emission.

3. For measurement of the amount of particles in gases resulting from combustion, standard correction shall be applied to a stack temperature of 500 degrees Fahrenheit and 50 percent excess air in stack at full load.

E. Heat.

1. No use shall produce heat significantly perceptible beyond its exterior property lines.

F. Glare.

1. No use shall produce a strong dazzling light, or a reflection of a strong dazzling light, beyond its exterior property lines.

2. All outdoor lighting associated with a commercial use shall be minimized and focused away from residential zones and uses that are within 500 feet. New commercial buildings proposing drive-thrus or associated driveways shall design the drive-thrus and associated driveways in a way that minimizes headlights shining into residential zones and uses.

G. Storage and Waste Disposal.

1. All materials and waste which might cause fumes, dust, constitute a fire hazard, produce offensive odors, or which may be edible or otherwise attractive to rodents or insects shall be stored in closed containers and in a manner to eliminate or prevent such hazards.

2. No highly flammable or explosive liquids, solids, or gases shall be stored in bulk above ground, except tanks or drums of fuel connected directly with energy or heating appliances located and operated on the same lot as the tanks or drums of fuel.

3. All outdoor storage facilities for fuel, raw materials and products, stored outdoors, shall be enclosed by an approved safety fence.

4. No material or wastes shall be deposited upon a lot in such form or manner that they may be transported off the lot by natural causes or forces, nor shall any substance which can contaminate a stream or watercourse or otherwise render such stream or watercourse undesirable as a source of water supply or recreation, or which will destroy aquatic life, be allowed to enter any stream or watercourse.

5. Any facilities processing, storing or disposing of hazardous wastes shall be sited in accordance with the provisions of Chapter 70.105 RCW and shall meet the state's siting criteria and receive a State Hazardous Waste Management Facility Permit.

H. Noise

1. Noise standards shall be consistent with BLMC 9.44, Public Disturbance Noises

**Section 3.** If any portion of this Ordinance shall be invalidated by a court of competent jurisdiction, the remainder shall remain in full force and effect.

**Section 4.** 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:

**ORDINANCE NO. D11-58**

**AN ORDINANCE OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON, AMENDING BONNEY LAKE MUNICIPAL CODE CHAPTER 18.22 AND 18.31 TO PROVIDE PERFORMANCE STANDARDS FOR COMMERCIAL AND RESIDENTIAL ZONES AND USES WITHIN 500 FEET OF EACH OTHER**

WHEREAS, the City Council wishes to protect residential developments from the nuisances of adjacent commercial activity, and

WHEREAS, the Planning Commission conducted a public hearing on April 6, 2011 and issued a recommendation for passage of this Ordinance on April 20, 2011; and

WHEREAS, a Determination of Non-Significance was issued on March 29, 2011 meeting the requirements of the State Environmental Policy Act; and

WHEREAS, Washington State Department of Commerce has completed their required review.

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

**Section 1.** A new Section 18.22.110 of the Bonney Lake Municipal Code is hereby added to read as follows:

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B. Radioactivity and Electrical Disturbances.

1. Radioactivity and electrical disturbances shall be limited to measuring, gauging and calibration devices, medical purposes, and the processing and preservation of foods.

2. In no event shall radio activity, when measured at such exterior boundaries of the property, be in excess of  $2.7 \times 10^{-11}$  microcuries per milliliter of air at any moment of time. Radio and television transmitters shall be operated at the regularly assigned wave length (or within the authorized tolerances thereof) as assigned thereto by the appropriate governmental agency. Subject to such exception, all electrical and electronic devices and equipment shall be suitably wired, shielded and controlled so that in operation they shall not emit any electrical impulses or waves which will adversely affect the operation and control of any other electrical or electronic devices or equipment.

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1. No use except a temporary construction operation shall be permitted which generates inherent and recurrent ground vibration perceptible without instruments at the boundary of the lot in which the use is located.

D. Gases, Fumes and Vapors.

1. The emission of any dust, dirt, fly ash, gases, fumes or vapors dangerous to human health, animal life, vegetation or property, or which can cause any soiling or staining of persons or property

at any point beyond the exterior property lines, is prohibited.

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3. All outdoor storage facilities for fuel, raw materials and products, stored outdoors, shall be enclosed by an approved safety fence.

4. No material or wastes shall be deposited upon a lot in such form or manner that they may be transported off the lot by natural causes or forces, nor shall any substance which can contaminate a stream or watercourse or otherwise render such stream or watercourse undesirable as a source of water supply or recreation, or which will destroy aquatic life, be allowed to enter any stream or watercourse.

5. Any facilities processing, storing or disposing of hazardous wastes shall be sited in accordance with the provisions of Chapter 70.105 RCW and shall meet the state's siting criteria and receive a State Hazardous Waste Management Facility Permit.

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**Section 4.** 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:

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

<b>Department/Staff Contact:</b> CD / Heather Stinson	<b>Meeting/Workshop Date:</b> 7 June 2011	<b>Agenda Bill Number:</b> AB11-69
<b>Agenda Item Type:</b> Motion	<b>Ordinance/Resolution Number:</b>	<b>Councilmember Sponsor:</b>

**Agenda Subject:** Amending the Planning Commission workplan.

**Full Title/Motion:** A Motion Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Amending Bonney Lake Planning Commission Workplan.

**Administrative Recommendation:**

**Background Summary:** On May 24, 2011 City Council accepted the Planning Commission recommendation that landscape buffers should be enhanced between incompatible uses and that Nightclubs should be better defined. These items are listed as additions to the attached Planning Commission workplan. In addition, the proposed additions to the workplan reflect updates to the Land Use and Sewer Comprehensive Plans to address proposed UGA areas and the legislative extension of the Comprehensive Plan major update.  
**Attachments:** Planning Commission workplan

<b>BUDGET INFORMATION</b>			
Budget Amount	Current Balance	Required Expenditure	Budget Balance
<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		<input type="checkbox"/> <input type="checkbox"/>
	Councilmember		<input type="checkbox"/> <input type="checkbox"/>
	Councilmember		<input type="checkbox"/> <input type="checkbox"/>
Forward to:	<b>Consent</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):	Public Hearing Date(s):
Meeting Date(s):	Tabled to Date:

<b>APPROVALS</b>		
<b>Director:</b> <i>John P. Vodopich, AICP</i>	<b>Mayor:</b>	<b>Date Reviewed by City Attorney:</b> (if applicable):

## City of Bonney Lake 2011-2013 Planning Commission Workplan

	Description	Department	Tentative PC Review Completion Date	Note	Initiated By	Date Added
2011	Update Title 14	CD	1st Quarter	Modify the definition / procedures for updating the Development Code	Staff	5/25/2010
	Design Standards for Nightclubs	CD	1st Quarter	Addressing noise and accoustics between nightclubs and residential areas	CC	5/25/2010
	Noise Control Standards for New Construction or Redevelopment	CD	3rd Quarter	Develop standards and options for controlling noise in mixed use zones or on commercial/residential borders	CC	12/14/2010
	Adopt provisions for Stormwater Permits	PW / CD	3rd Quarter	Required to be consistent with State law	Staff	12/14/2010
	Adopt provisions for Civil Permits	CD	3rd Quarter	Administrative provisions for Civil Permits	Staff	12/14/2010
	Update Comp Plan Land Use Element to include CUGA subareas 1, 2, and 3		4th Quarter		Staff	5/25/2010
	Pre-zone CUGA subareas 1, 2, and 3		4th Quarter		Staff	5/25/2010
	Cultural Resources Plan	CD, CS	4th <del>3rd</del> Quarter	Update Comp Plan with Cultural Resource Plan including Historically significant items	CC, Exec	5/25/2010
	Midtown Plan	CD	4th Quarter		CC	5/25/2010
	Year Three -Shoreline Master Plan Update	CD	6/30/12		Staff	5/12/2009
	Update Title 18	CD	4th <del>2nd</del> Quarter	Use Matrix, allowed uses in C-2/C-3	CC	5/25/2010
	Update Transportation Plan	CD	4th Quarter	Update Transportation Plan / Transportation element of the Comprehensive Plan to be consistent with the Land Use element and certifiable by PSRC	Exec/PW	12/14/2010
	Update Eastown Plan	CD	4th Quarter		Mayor	1/5/2011
	Complete update of Parks Element of Comprehensive Plan	CD, CS	3rd Quarter	General update of Parks Element, revisit Moriarty Plan	Staff / Exec	5/25/2010
	<u>Define Nightclub and decide on which zones it should be allowed in.</u>	CD	<u>4th Quarter</u>		<u>PC</u>	<u>6/7/2011</u>
<u>Update of Title 16.14 to enhance landscape buffering between incapatible uses.</u>	CD	<u>4th Quarter</u>		<u>PC</u>	<u>6/7/2011</u>	

	Description	Department	Tentative PC Review Completion Date	Note	Initiated By	Date Added
<b>2012</b>	Complete Shoreline Master Plan Update	CD	2nd Quarter		Staff	5/12/2009
	Update Economic Development Element of Comp Plan	CD	4th Quarter	Update with new Census population numbers	Staff / Exec	
	Begin work on <u>2015</u> <del>2014</del> major Comp Plan update	CD	4th Quarter <u>2015</u> <del>2014</del>	State legislature pushed out due date another year	Staff	6/7/2011
	Add "proposed UGA" to Zoning Map	CD	4th Quarter		Exec	6/7/2011
	Update Comp Plan to include Falling Water as proposed UGA area	CD	4th Quarter	Add to FLUM as "proposed UGA", update Comp Plan	Exec	6/7/2011
	Update Comp Plan to include Cascadia as proposed UGA	CD	4th Quarter	Add to FLUM as "proposed UGA", update Comp Plan	Exec	6/7/2011
	Amend Comprehensive Sewer Plan to include analysis of proposed UGA areas.	PW / CD	4th Quarter		Exec	6/7/2011
	Amend BLMC to include new zoning designations for proposed annexation areas, if applicable	CD	4th Quarter		Exec	6/7/2011
<b>2013</b>	Continue work on <u>2015</u> <del>2014</del> major Comp Plan update including update of Transportation Element	CD	4th Quarter <u>2015</u> <del>2014</del>			

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## Agenda Placeholder

For the Council Workshop of  
June 7, 2011

ITEM 5. **Discussion:** Funding Options for Easttown Sewer  
ULA.

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**Cover Sheet**

**For the Council Workshop of  
June 7, 2011**

**ITEM 6. Discussion: RV Parking - Updating Ordinance 1385.**

The Bonney Lake City Council recently amended Chapter 10.16 of the Municipal Code which addresses Recreational Vehicles (Ordinance 1385 attached).

These amendments have brought attention to a portion of the code which has been in existence since 1967 that addresses the parking of recreational vehicles (BLMC 10. 16.020) which reads, in part:

. . . that the **provisions of this chapter shall not apply to unoccupied trailers, recreational vehicles or boats** in sales lots, or within public or private garages, **or on private property if adequately screened from view from adjacent structures in accordance with BLMC 8.20.030 and placed with a setback the same as or greater than that required for the dwelling or primary** building as specified in the Bonney Lake zoning ordinance for the applicable zone or district.

This section of code indicates that unoccupied trailers, RV's, and boats on private property need to be screened from view from adjacent structures (homes) and cannot be within building setbacks.

There have been a number of questions raised as to what the building setbacks are on Inlet Island, what 'adjacent' means, and what screening would be required.

- Inlet Island is zoned R-1 and the setbacks are as follows: front setback 10 feet; side yard 5 feet; and rear setback 20 feet; other than on Lake Tapps which has a rear setback of 30 feet. Unoccupied trailers, recreational vehicles or boats cannot be placed within these setbacks in R-1 zones.
- Adjacent, while not defined in the Zoning Code is defined as not distant; nearby; or having a common border. A specific question has been asked as to whether or not a structure across a street would be considered as 'adjacent' and thus requiring screening from view. The determination as to what is considered to be 'adjacent' will need to be made on a case-by-case basis.
- Screening, is defined in BLMC 8.20.030 as: "Screening," for the purposes of this chapter, shall include, but not be limited to, solid wood fencing, chain link fencing with slats, and/or solid landscaping capable of concealing storage from sight by standing individuals at or near the property lines; however, such screening must be at least six feet in height. Tarps and plastic sheeting are not permissible means of screening.

Please feel free to share this information with anyone who inquires about the Ordinance.

The Council has indicated that we will not be actively pursuing violations of this code, enforcement will be complaint driven.

Something like this may work for the upcoming discussion at the June 6<sup>th</sup> Public Safety Committee meeting.

**10.16.020 Parking of recreational vehicles - Prohibited where and when.**

It is unlawful to park or stand any trailer, recreational vehicle or boat, or use or occupy same on any tract of ground except as provided in this chapter or as specified in BLMC 10.48, and no trailer, recreational vehicle or boat shall be parked on any street, alley or public place in Bonney Lake for a period exceeding 24 hours and shall not be parked for any period of time between sunset and sunrise in any city park or upon any city-owned property, unless that area is posted granting permission to so use or as specified in BLMC 12.12; provided, that a trailer, recreational vehicle or boat may be parked, used or occupied on the premises of any occupied dwelling with the permission of the lawful occupant thereof for a period not to exceed two weeks, provided that such occupancy does not create a public health hazard or nuisance and, provided, further, that the provisions of this chapter shall not apply to unoccupied trailers, recreational vehicles or boats in sales lots, or within public or private garages, or on private property if parked on a hard, drivable surface and that such surface does not exceed the maximum allowable impervious surface lot coverage limitations for the zone in which the property is located. Unoccupied trailer coaches, trailers, campers or boats park along the side of or in the rear of a residence must be adequately screened from view from the right-of-way. For the purposes of this chapter, screening shall include, but not be limited to, solid wood fencing, chain link fencing with slats, and/or solid landscaping capable of concealing storage from sight by standing individuals at or near the right-of-way lines; however, such screening must be at least six feet in height. Tarps and plastic sheeting are not permissible means of screening. adjacent structures and placed with a setback the same or greater than the dwelling or primary building as specified in the Bonney Lake zoning ordinance for each zone or district.

*John P. Vodopich, AICP  
Community Development Director*

**ORDINANCE NO. 1385**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BONNEY LAKE,  
PIERCE COUNTY, WASHINGTON REVISING  
CHAPTER 10.16 OF THE BONNEY LAKE MUNICIPAL CODE  
WITH REGARDS TO THE REGULATION OF RECREATIONAL VEHICLES.**

WHEREAS, Chapter 10.16 was last revised in 1967 and outdated definitions created confusion (i.e. mobile home vs. motor home), causing a need to bring this Chapter up-to-date and in alignment with the recently enacted nuisance ordinances.

WHEREAS, there was a need to emphasize that adequate screening is now required for parked recreational vehicles.

WHEREAS, occasionally camping is needed for security at our parks, such as Allan Yorke for Bonney Lake Days.

WHEREAS, residents are also allowed to have temporary recreational vehicle visitors stay in their yard for up to 2 weeks.

WHEREAS, a civil penalties provision was added with court costs.

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

**Section 1.** Chapter 10.16 of the Bonney Lake Municipal Code, entitled "Recreational Vehicles" and corresponding portions of Ordinance No. 244 §§ 5.17.010 – 5.17.013, 1967 and § 5.17.020, 1967 are hereby amended to read as follows:

**Chapter 10.16  
RECREATIONAL VEHICLES**

Sections:

10.16.010 Definitions.

10.16.020 Parking of recreational vehicles - Prohibited where and when.

10.16.030 Storage provisions.

10.16.040 Civil Penalty.

**10.16.010 Definitions.**

As used in this chapter, the following words and phrases shall have the meanings ascribed to them in this section:

A. "Boat" means any water vessel designed to carry persons and/or property upon water, propelled by engine, oars or sail.

B. "Recreational vehicle" means a vehicular-type unit primarily designed for recreational camping or travel use that has its own motive power or is mounted on or towed by another vehicle. The units include travel trailers, fifth-wheel trailers, folding camping trailers, truck campers, and motor homes.

C. "Trailer" means a unit without its own motive power, designed to carry property, designed to be towed by a motor vehicle, including semi-trailer.

D. "Recreational vehicle park and campground" means any tract of land in a public facilities district per Chapter 18.34 and divided into lots or spaces, under the ownership or management of one person, firm or corporation for the purpose of locating three or more recreational vehicles for nightly or short-term use. Said campground shall have an on-site caretaker.

#### **10.16.020 Parking of recreational vehicles - Prohibited where and when.**

It is unlawful to park or stand any trailer, recreational vehicle or boat, or use or occupy same on any tract of ground except as provided in this chapter, and no trailer, recreational vehicle or boat shall be parked on any street, alley or public place in Bonney Lake for a period exceeding 24 hours and shall not be parked for any period of time between sunset and sunrise in any city park or upon any city-owned property, unless that area is posted granting permission to so use or as specified in BLMC 12.12; provided, that a trailer, recreational vehicle or boat may be parked, used or occupied on the premises of any occupied dwelling with the permission of the lawful occupant thereof for a period not to exceed two weeks, provided that such occupancy does not create a public health hazard or nuisance and, provided, further, that the provisions of this chapter shall not apply to unoccupied trailers, recreational vehicles or boats in sales lots, or within public or private garages, or on private property if adequately screened from view from adjacent structures in accordance with BLMC 8.20.030 and placed with a setback the same as or greater than that required for the dwelling or primary building as specified in the Bonney Lake zoning ordinance for the applicable zone or district.

#### **10.16.030 Storage provisions.**

Trailers, recreational vehicles and boats shall be suitably blocked to prevent rolling in either direction and the body firmly supported at four points under the frame as close to the extremities thereof as practical. Truck campers, when not mounted, shall be stored supported on four firm supports placed under the frame as close to the extremities as practical and designed to elevate the main floor not more than 24 inches from the ground, to be measured at center point of the truck camper.

#### **10.16.040 Civil Penalty**

Violation of this chapter constitutes a civil violation, subject to monetary penalties payable to the city of Bonney Lake in the following amounts, plus court costs and fees:

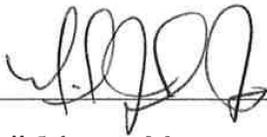
A. For a first violation of any provision of this chapter by any individual or business, the

penalty shall be \$50.

B. For a second violation of any provision of this chapter by any individual or business, the penalty shall be \$250.

C. For a third or subsequent violation of any provision of this chapter by any individual or business, and for any violation posing an imminent threat to human life, the penalty shall be \$500.

PASSED by the City Council and approved by the Mayor this 26<sup>th</sup> day of April, 2011.



Neil Johnson, Mayor

ATTEST:



Harwood Edvalson

City Clerk

APPROVED AS TO FORM:



James Dionne

City Attorney

Passed: 4/26/11

AB11-53

Valid: 4/26/11

Published: 5/3/11

Effective Date: 5/26/11

There are 3 Pages to this Ordinance



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## Cover Sheet

For the Council Workshop of  
June 7, 2011

ITEM 7. **Discussion:** Administration Reorganization and Budget Impact.



Executive  
Department

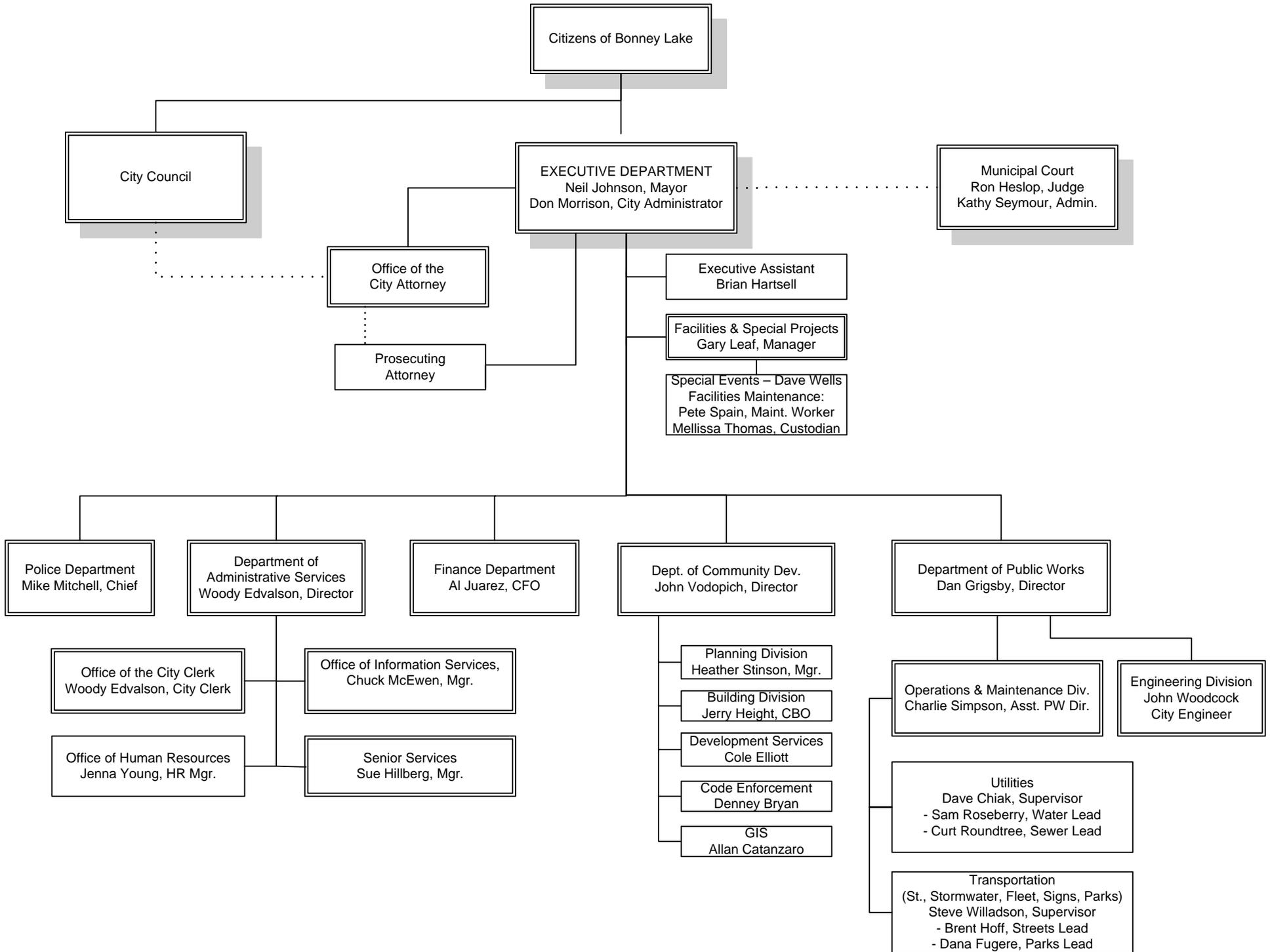
## Memo

**Date** : May 25, 2011  
**To** : Affected City Employees  
**Cc** : City Council  
**From** : Mayor Johnson  
**Re** : Organizational Change

---

When the Community Services administrative staff moved to the Justice Center, it made coordination within that department more distant and challenging. Accordingly, we are making a few modifications to the City's organizational structure, which have been reviewed with the Council Finance Committee. These changes will go into effect June 1, 2011 and any elements that need to be reflected in the budget will take place during the mid-biennial budget adjustment.

1. Gary Leaf has been assigned an increased emphasis on special projects, such as park planning, Fennel Creek, AYP dike expansion, YMCA, and other special projects that I need additional help with. Accordingly, Gary has been reassigned to the Executive Department.
2. David Wells has been reassigned to the Executive Department. Thus, all employees on the 2<sup>nd</sup> Floor North wing of the JC will be part of the Executive Department. Gary will continue to supervise Dave as well.
3. Gary will maintain his role as the City's facility manager. Pete Spain and Melissa Thomas will continue to report to Gary. Gary's new title will be something like Facility and Special Projects Manager. His position will be reclassified.
4. Due to the close proximity of the Senior Center to City Hall, Senior Services has been reassigned to the Administrative Services Department, much as it was when Don was the Administrative Services Coordinator. Sue will report to Woody.
5. Parks maintenance and community forestry has been reassigned back to public works. This is the maintenance function only. Park planning, park capital projects, and non-maintenance park and recreation activities will remain under Gary's management.
6. The Office of Financial Services will be removed from the executive department and returned to full department status. Al's title will likely remain Chief Financial Officer.



CITY OF BONNEY LAKE  
POSITION DESCRIPTION

Class Title: Facilities and Special Projects Manager  
Department: Executive  
Division: NA  
Date: June 1, 2011

Job Code Number:  
Grade Number: 22  
FLSA Status: Exempt  
Location: Justice Center

GENERAL PURPOSE

Performs a variety of high level administrative, technical and professional work in planning, organizing, coordinating special projects and facility activities and programs of the City.

SUPERVISION RECEIVED:

Works under the general direction of the City Administrator, with broad policy guidance provided by the mayor on assigned special projects.

SUPERVISION EXERCISED

Exercises supervision over facilities maintenance and special events staff. Directly supervises the positions of Facilities Maintenance Worker, Custodian, and Special Events Coordinator.

ESSENTIAL DUTIES AND RESPONSIBILITIES,

Manages the facilities operations of the City to achieve goals within available resources; plans and organizes workloads and staff assignments; trains, motivates and evaluates assigned staff; reviews progress and directs changes as needed.

Provides leadership and coordination in the development of short and long range plans; gathers, interprets, and prepares data for studies, reports and recommendations; coordinates department activities with other departments and agencies as needed.

Makes presentations to supervisors, boards, commissions, civic groups and the general public. Communicates official plans, policies and procedures to staff and the general public.

Assures that assigned areas of responsibility are performed within budget; performs cost control activities; monitors revenues and expenditures in assigned area to assure sound fiscal control; prepares annual budget requests; assures effective and efficient use of budgeted funds, personnel, materials, facilities, and time.

Determines work procedures, prepares work schedules, and expedites workflow; studies and standardizes procedures to improve efficiency and effectiveness of operations. Issues written and oral instructions; assigns duties and examines work for exactness, neatness, and conformance to policies and procedures.

Maintains harmony among workers and resolves grievances. Performs or assists subordinates in performing duties; adjusts errors and complaints. Trains and develops staff.

Prepares a variety of studies, reports and related information for decision-making purposes.

Serves as the Facility Manager of the City. Ensures structural integrity and operating efficiency of City buildings and systems. including but not limited to, City Hall, Public Works Shops, Senior Center, City Hall Annex, Justice Center, and the Public Safety Building. Coordinates with the City's contracted property manager and leasing agent on City own leased facilities.

Coordinates the planning, acquisition, design, and construction city facilities, including building, parks, trails and open spaces. Provides staff support to the Parks Board. Coordinates city beautification efforts, such as gateways, banners, flower baskets, planter boxes, etc.

Manages selected City grant contracts as assigned. Assists in the development of funding plans and grants for City acquisition or development projects. Coordinates with other staff and departments as needed.

Serves as a liaison to various community service groups, such as the Kiwanis, Lions, Chamber of Commerce, Greater Bonney Lake Historical Society, Veteran's Memorial Committee, and Beautify Bonney Lake.

Coordinates long range high level development projects for the Executive Department, such as but not limited to, park and trail acquisition and development, Fennel Creek Corridor acquisition and development, YMCA/Community Center, and Downtown civic center.

Serves as the liaison and/or coordinator for assigned City service contracts, such as the solid waste collection and disposal contract, cable franchise agreement, AYP concession stand, community garden, etc.

Represents the mayor at various inter-governmental meetings as assigned.

Assists the City Administrator and Mayor with various executive activities or projects as assigned.

#### PERIPHERAL DUTIES

May serve as a member of various City committees.

Provides backup to subordinate positions as needed.

#### DESIRED MINIMUM QUALIFICATIONS

Education and Experience:

- A. Graduation from a college or university with a Bachelor's degree in finance, economics,

- public administration, business management, construction management, parks and recreation administration, or a related field; and
- B. Seven (7) years of related local government experience including at least 3 years successful supervisory experience in the field of facilities or leisure services; or
  - C. Any equivalent combination of education and progressively responsible experience, with additional work experience substituting for the required education on a year for year basis.

Necessary Knowledge, Skills and Abilities:

- A. Considerable knowledge of parks planning and development; Considerable knowledge of facilities planning and maintenance; Working knowledge of the principles and practices of modern public administration; Considerable knowledge of the equipment, materials and supplies used in building and grounds maintenance; Considerable knowledge of equipment and supplies used to do minor building repairs; Considerable knowledge in the proper and safe techniques of building maintenance; Working knowledge of first aid and applicable safety precautions.
- B. Skill in operation of listed tools and equipment; and
- C. The Ability to establish and maintain effective working relationships with employees, other departments, officials and the public; Ability to communicate effectively verbally and in writing; Ability to successfully plan, organize and supervise work. This position requires considerable knowledge, ability and skill in the principles and practices of excellent customer service as practiced in both the private and public sectors. It requires the ability to effectively meet and deal with the public; the ability to handle stressful situations; the ability to greet and respond to customers in a friendly, pleasant and professional manner using appropriate inflection, grammar and syntax; the ability to maintain a professional, courteous, and pleasant demeanor in difficult and stressful situations; and the ability to diplomatically deal with difficult people.

SPECIAL REQUIREMENTS:

Valid State Driver's License, or ability to obtain one; notary public certification within six months.

TOOLS AND EQUIPMENT USED

Typewriter, personal computer, including word processing, spreadsheet and data base software; computer terminal; 10-key calculator; phone; copy machine; fax machine.

PHYSICAL DEMANDS

The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

While performing the duties of this job, the employee is frequently required to sit and talk or hear, use hands to finger, handle, feel or operate objects, tools, or controls; and reach with hands and arms. The employee is occasionally required to walk.

The employee must occasionally lift and/or move up to 25 pounds. Specific vision abilities required by this job include close vision and the ability to adjust focus.

#### WORK ENVIRONMENT

The work environment characteristics described here are representative of those an employee encounters while performing the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

The noise level in the work environment is usually quiet.

#### SELECTION GUIDELINES

Formal application, rating of education and experience; oral interview and reference check; job related tests may be required.

The duties listed above are intended only as illustrations of the various types of work that may be performed. The omission of specific statements of duties does not exclude them from the position if the work is similar, related or a logical assignment to the position.

The job description does not constitute an employment agreement between the employer and employee and is subject to change by the employer as the needs of the employer and requirements of the job change.

Reviewed: \_\_\_\_\_  
Sr. HR Analyst

Approval: \_\_\_\_\_  
City Administrator/Mayor

Effective Date: June 1, 2011

Position History: Position originally created 1/06 as Community Service Director.

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RESOLUTION NO. 2128

A RESOLUTION OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON, AUTHORIZING THE MAYOR TO HIRE A FULL TIME GRANT FUNDED WASHINGTON TRAFFIC SAFETY FOR YOUTH STATE PROGRAM DIRECTOR TO BE PART OF THE BONNEY LAKE POLICE DEPARTMENT ORGANIZATION. THE STATE PROGRAM DIRECTOR SALARY AND BENEFIT PACKAGE OF UP TO 100,200.00 PER YEAR WILL BE REIMBURSED BY THE WASHINGTON TRAFFIC SAFETY COMMISSION GRANT FUNDING SOURCE.

WHEREAS, Bonney Lake Police Department has applied for a grant with the Washington Traffic Safety Commission regarding the coordination and staffing of a Washington Traffic Safety for Youth Program Director; and

WHEREAS, the City of Bonney Lake will receive 25% of the grant total. The grant will cover the Washington Traffic Safety for Youth Program Director's salary \$75,000.00 and benefits \$25,200.00; and

WHEREAS, the Bonney Lake Police Department will provide supervision, administration support as well as office space, phone, computer, printer and office supplies.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BONNEY LAKE, WASHINGTON DOES RESOLVE AS FOLLOWS:**

**Section 1.** The Mayor is hereby authorized to allow the Bonney Lake Police Department to expand their organization to include the Washington Traffic Safety for Youth State Program Director whereas up to 100,200.00 per year of this salary and benefits will be reimbursed by the Washington Traffic Safety Commission's Grant funding source.

PASSED BY THE CITY COUNCIL this \_\_\_\_\_ day of June 14, 2011.

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

ATTEST:

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

APPROVED AS TO FORM:

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

**Project Agreement**

Washington Traffic Safety Commission  
PO Box 40944, Olympia, Washington 98504-0944  
360.753.6197 • 360.586.6489 (fax)  
http://www.wtsc.wa.gov/ • dhernandez@wtsc.wa.gov

**Section 1—Authorization**

**Project title:** Washington's Traffic Safety for Youth

**Applicant agency/organization:** Bonney Lake Police Department

**Project Director:**

Mike Mitchell, Chief of Police

*Name, Title*

18421 Old Buckley Hwy, Buckley, WA 98321 mitchellm@ci.bonney-lake.wa.us 360-829-3157  
*Address, City/Zip email telephone*

**Project Manager (if different from Director):**

Cesi Velez, State Project Coordinator

*Name, Title*

722 10<sup>th</sup> St. SE, Puyallup, WA 98372, cesibones@yahoo.com, 253-677-3791  
*Address, City/Zip, email, telephone*

**Agency/organization authorizing official (person with contracting authority):**

CHIEF MIKE L. MITCHELL CHIEF OF POLICE  
*Name Title*  
18421 Old Buckley Hwy mitchellm@ci.bonney-lake.wa.us 253-863-2218  
*Address (if different than above) email Telephone*  
*[Signature]* 5/13/2011  
*Signature Date*

Check the box(es) that best describes your proposal:

**PRIORITY ONE**

- Impaired Driving Collisions  Speed Related Collisions  
 Run Off the Road Issues

**PRIORITY TWO**

- Young Drivers  Occupant Protection  
 Distracted Drivers  Intersection Collisions  
 Traffic Data Systems

**PRIORITY THREE**

- Unlicensed Drivers  Opposite direction crashes  
 Motorcycle Safety  Pedestrian Safety  
 Heavy trucks  Emergency Medical Services

**PRIORITY FOUR**

- Older Drivers  Drowsy Drivers  
 Bicycle Safety  Vehicle Train Crashes  
 Wildlife Collisions  Pupil Transportation

**WTSC Use Only**

WTSC Program Manager: \_\_\_\_\_ Performance Period: Oct. 1, 2011 to Sept 30, 2012

**WTSC Approved by:**

\_\_\_\_\_  
*Name Title*  
\_\_\_\_\_  
*Signature Date*

Federal (HSP) Project Number: \_\_\_\_\_ Federal Funds (obligated) \$ \_\_\_\_\_

CFDA Number \_\_\_\_\_  
March 2011

WTSC Grant Application

**Section 2—Description of Activity**

In this section, describe the elements of your proposal in narrative form. Please clearly label each element using the titles listed below. Narratives may not exceed three single-sided pages. Use at least a 12-point font. Hand-written proposals will not be accepted.

**If your project includes any PI&E materials or incentive-type items**, this section must include a description of your distribution plan. Contact MJ Haight, WTSC Communications Director, at (360) 725-9879 with any questions.

**1. Problem Identification**

On a national level...in 2008, there were nearly 61 million children age 14 and younger in the United States. This age group made up 20 percent of the total U.S. resident population in 2008. Motor vehicle crashes are the leading cause of death for ages 3 to 14. In 2008, there were a total of 37,261 traffic fatalities in the U.S. with the 14-and-younger age group accounting for 4% (1,347) of those traffic fatalities. This same age group accounted for 3% (968) of all vehicle occupant fatalities; 8% (193,000) of all the people injured in motor vehicle crashes; and 8% (168,000) of all the vehicle occupants injured in crashes. On average, four children age 14 and younger are killed and more than 490 are injured each day in motor vehicle crashes in the United States. (NHTSA's National Center for Statistics and Analysis)

Washington State represented 68 of the passenger vehicle occupant deaths and serious injuries in 2008 for children 0-14 years old.

AGE	Infant / child car seat	Booster seat	Lap shoulder belt	Lap belt	Shoulder belt	None used	Unknown
<1 year	1	0	0	0	0	2	0
1-3 years	7	2	1	0	0	0	1
4-7 years	1	5	4	1	0	2	2
8-14 years	0	3	18	8	0	5	5

(WSDOT Collision Database as of 4/11/2011)

\*2009 had 62 deaths and serious injuries and even though less than 2008; it showed an increase of no restraint used from 9 to 18.

When looking at the trends of 2008 and 2009, it can appear that an emphasis needs to continue to increase restraint use.

In order to thoroughly address issues of child occupants, the following data would prove essential in determining audience and approach:

- Child position in vehicle (illegally sitting in front seat? Center or outboard position in back seat?)
- Income level of driver/parent (are the able to afford the cost of a new seat?)
- Ethnicity of driver
- Literate (able to read and comprehend manufacturer's instructions to car seat?)

## **2. Agency Qualifications**

The Bonney Lake Police Department will house the project's Program Director. The BLPD is lead by Chief Mike Mitchell and Assistant Chief Dana Powers. In addition to their Administrative Assistant and the Operations Lieutenant, there are five sergeants and 31 employees made up of commissioned and civilian positions.

The BLPD has been actively participating in emphasis patrols funded by the Washington Traffic Safety Commission (WTSC) the Pierce County DUI Task Force. Chief Mitchell has been the Chair of the Advisory Board which demonstrates the department's commitment to traffic safety and supporting the State's Highway Safety Plan: Target Zero.

Cesi Velez will be the State Project Coordinator of this program; reporting to Chief Mitchell of the Bonney Lake Police Department. Ms. Velez comes to this project with over nine years of traffic safety program management at the Kent Police Department. She has been a Public Education Specialist in addition to the South King County Target Zero Manager; managing the funding and coordinating DUI, speed and seatbelt patrols for 15 active law enforcement agencies; and has been on the executive board of Safe Kids – King County South. She has been a nationally certified car seat technician for nine years and has developed innovative child passenger safety materials and programs to reach multi-cultural and extremely diverse populations throughout the State of Washington. Programs include PASS-IT (distribution of previously owned child car seats to families in need), car seat program for Public Health Clinics, establishment of automobile safety questions when intake of children for the HeadStart and ECEAP classes, Safe Sound & Green event, Brat Trot fundraising 5k event, Walk and Roll (elementary age presentation addressing personal, auto, bike and pedestrian safety, and monthly car seat inspection stations staffed by numerous community partners and their employees. Certain programs have received statewide reach as well as national recognition and duplication.

## **3. Project Goal(s)**

Reduce the number of youth involved in fatal and serious injury collisions from year 2009 by 3.41 each year to align and achieve Target Zero in 2030; by placing importance on the "none used" occupant fatalities and serious injuries.

## **4. Project Activities**

- Attend in the May 24, 2011 Child Passenger Safety Advisory Committee Meeting identified at Step One in reviewing and evaluating current child passenger safety service offerings.
- Actively participate in Step Two; a stakeholder meeting to provide feedback on suggested priorities, review past offerings, and provide input about any recommended changes.
- Establish an Advisory Board consisting of a Chair and 6-8 board members with representation from both Eastern and Western Washington child passenger safety advocates. Advisory Board will commence meetings on a monthly basis and move to quarterly if deemed appropriate.
- Obtain data needed (listed in Problem Identification) to establish priority audiences for education and/or resources.
- Work with major hospitals with most deliveries. Also look at hospitals servicing at-risk populations identified from data obtained. Provide them the program successfully used and administered in King County which provides car seat education to expecting parents and resources of local car seat inspection stations.
- Encourage additional PASS-IT programs throughout the state; the program allows for the distribution of free previously owned car seats – inspected by a seasoned car seat technician for age, use, recalls, instructions, etc. These programs generally target the culturally diverse populations and those who can't afford to purchase a new seat.

- Establish a “mini-grant” process for the child passenger safety teams in Washington to ensure funds and resources are available to the “locals”. Funding can be applied to offset expenses for technician and instructor trainings at the local level, car seats, supplies for inspection events, educational materials, program development.
- Develop a state website for child occupant education and resources; not limited but to include Continuing Education Unit opportunities, location of CPS technicians and instructors, local resources, educational material, state laws regarding youth occupants, upcoming technician training classes.
- Establish a state Facebook and Tweeter account; use for updates, announcements, tidbit sharing, etc.
- Utilize existing programs to eliminate duplication of efforts; SafeKids, NHTSA, National Child Passenger Safety Board, National Child Passenger Safety Certification Training Program.
- Attend relevant conferences and workshops; KIM conference, Lifesavers, SafeKids, TZM’s conferences,
- Work to get child passenger safety module back into the CJTC.
- Maintain, update and distribute the recall list to child passenger safety advocates.
- Media; work with WTSC Communications Team to add or incorporate child passenger safety to media releases and activities.
- Partner with WTSC Communications Team to develop an awareness campaign for the State of Washington regarding this project.

## **5. Project Evaluation**

The amount of fatal and serious injury collisions involving children under 14 will be measured to project goal.

Number of fatalities and serious injuries caused by non-use of a restraint will also be tracked towards project goal.

## **6. Budget Narrative**

The City of Bonney Lake Police Department will receive 25% of the grant total. The State Project Coordinator’s salary and benefits will be paid. Travel and per diem will be included in order to attend conferences/trainings to stay current on relevant data regarding child occupants and traffic safety. Other expenses will be used in the following manner: mini-grants, contractual services, website, graphics, printing and materials.

## **7. Project Summary**

Washington Traffic Safety for Youth project will support Target Zero by reducing the number of youth involved in fatal and serious injury collisions. This will be achieved by providing education, access to resources, and utilizing programs and personnel at the local level.

**Washington Traffic Safety Commission**

Project Approval

**Section 3—Budget Summary**

<b>Budget:</b>	<b>WTSC Funds</b>	<b>Applicant Matching Funds</b>	
1. Salaries and Wages:	\$75,000.00	\$	
2. Employee Benefits	\$25,200.00	\$	
3. Travel and Subsistence:	\$8,500.00	\$	
4. Contractual Services: (Bonney Lake PD + Graphics/web design)	\$67,500.00 \$7,000.00	\$16,050	(5% of supervisor, admin support, advisory board hours,...)
5. Equipment (Each individual piece of equipment valued at \$5000 or more must be identified in the Budget Narrative):	\$5,000.00	\$111,000	(phone, computer, print, office supplies, furniture, space)
6. Goods and Services: (mini-grants, program support, trainings)	\$81,800.00	\$15,000	Utilization of existing resources/funding (SafeKids, NHTSA, etc.)
<b>7. Total lines 1-6 (Amount Requested from WTSC)</b>	<b>\$270,000.00</b>		
8. Total lines 1-6 (Amount provided by applicant)		\$142,050.00	
<b>Total Project Cost (Add lines 7 &amp; 8):</b>	<b>\$412,050.00</b>		

**WTSC Use Only**

<b>Cost Sharing</b> (Washington Traffic Safety Commission use only)			<b>Matching Share:</b> WSP Field Salaries FY _____
Share	Amount	Percent	<b>Applies To:</b> State: _____ Local: _____
Federal:	\$ _____	_____	
State:	\$ _____	_____	
Political Subdivision	\$ _____	_____	
<b>Total Estimated Cost</b>	<b>\$ _____</b>	_____	

### Section 4 – Certifications and Assurances

It is hereby understood that this application and attachments hereto, when approved and signed by all concerned parties as indicated, shall constitute an agreement by and between the applicant organization to perform in accordance with the terms of this application and attachments, taken as a whole. This agreement is based on guidelines found in the Common Rule, the Office of Management and Budget (OMB) Circular A-102, in order to standardize and simplify federal grants. The signature below of an authorized representative of the applicant agency certifies and ensures that all the following conditions will be met.

- 1) Reports – The Contractor shall submit quarterly reports, a final report at end of the project, and submit special reports as outlined in the Project Agreement. Please read Reporting Requirements, following this section.
- 2) Copyrights, Publications, and Patents – Where activities supported by this project produce original copyright material, the Contractor may copyright such, but the WTSC reserves nonexclusive and irrevocable license to reproduce, publish, and use such materials and to authorize others to do so. The Contractor may publish, at its own expense, the results of project activities without prior review by the WTSC, provided that any publications (written, visual, or sound) contain acknowledgment of the support provided by the National Highway Traffic Safety Administration (NHTSA) and the WTSC. Any discovery or invention derived from work performed under this project shall be referred to the WTSC, who will determine through NHTSA whether patent protections will be sought, how any rights will be administered, and other action required to protect the public interest.
- 3) Termination – This project agreement may be terminated or fund payments discontinued or reduced by WTSC at any time upon written notice to the Contractor due to non-availability of funds, failure of the Contractor to accomplish any of the terms herein, or from any change in the scope or timing of the project.
- 4) Fiscal Records – Complete and detailed accounting records will be maintained by the Contractor of all costs incurred on this project, including documentation of all purchases of supplies, equipment, and services; travel expenses; payrolls; and time records of any person employed part-time on this project. Federal, state, or WTSC auditors shall have access to any records of the Contractor. These records shall be retained for three years after the final audit is completed or longer, if necessary, until all questions are resolved.
- 5) Funding – The Contractor will utilize funds provided to supplement and not to supplant state and local funds otherwise available for these purposes. Funds are to be expended only for purposes and activities approved in the project agreement. Reimbursement will be made periodically by WTSC based on approved requests for reimbursement. If matching funds are required, the Contractor will expend them from nonfederal sources, which must be spent not later than 30 days following the completion of the project.
- 6) Cost Principles and Grant Management – The allowability of costs incurred and the management of this project shall be determined in accordance with OMB 2 CFR Part 225 and 49 CFR Part 18 for state and local agencies, OMB Circulars A-21 and A-110 for educational institutions, and OMB Circular A-122 for nonprofit entities.
- 7) Obligation Funds – Federal funds may not be obligated prior to the effective date or subsequent to the termination date of the project period. Requests for reimbursement outstanding at the termination date of the project must be made within 30 days or those funds may not be paid.
- 8) Changes – The Contractor must obtain prior written approval from the WTSC for major project changes including: changes of substance in project objectives, evaluation, activities, the project manager, key personnel, or project budget. The period of performance of the project, however, cannot be changed.
- 9) Income – Income earned by the Contractor with respect to the conduct of the project (sale of publications, registration fees, service charges, etc.) must be accounted for and income applied to project purposes or used to reduce project costs.
- 10) Purchases – Purchase of equipment or services must comply with state or local regulations. After the end of the project period, equipment should continue to be utilized for traffic safety purposes and cannot be disposed of without written approval of the WTSC. The Contractor shall make and maintain an

inventory of equipment to include descriptions, serial numbers, locations, costs or other identifying information, and submit a copy to the WTSC.

- 11) Third Party Participants – No contracts or agreements may be entered into by the Contractor related to this project, which are not incorporated into the project agreement and approved in advance by the WTSC. The Contractor will retain ultimate control and responsibility for the project. WTSC shall be provided with a copy of all contracts and agreements entered into by Contractors. Any contract or agreement must allow for the greatest practical competition and evidence of such competition or justification for a negotiated contract or agreement shall be provided to the WTSC.
- 12) Participation by Disadvantaged Business Enterprises – The Contractor agrees to take all necessary and reasonable steps in accordance with Title 49, CFR, Subtitle A, Part 26 to ensure that minority business enterprises have the maximum opportunity to compete for and perform contracts. Recipients and their contractors shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any subcontracts financed in whole or in part with federal funds.
- 13) Americans with Disabilities Act – In the performance of this agreement, the Contractor shall comply with the provisions of Title VI of Civil Rights Act of 1964 42 USC 200d, Section 504 of the Rehabilitation Act of 1973 29 USC 794 Chapter 49.60 RCW, and the Americans with Disabilities Act (42 USC § 12101, *et seq.*; PL 101-336), which prohibits discrimination on the basis of disabilities (and 49 CFR Part 27). The Contractor shall not discriminate on the grounds of race, color, national origin, sex, religion, marital status, age, creed, Vietnam-Era and Disabled Veterans status, or the presence of any sensory, mental, or physical handicap in any terms and conditions of employment to induce taking affirmative action necessary to accomplish the objectives of this Act and denying an individual the opportunity to participate in any program provided by this agreement through the provisions of services, or otherwise afforded others.
- 14) Political Activities – No funds, materials, equipment, or services provided in this project agreement shall be used for any partisan political activity or to further the election or defeat of any candidate for public office or to pay any person to influence or attempt to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any federal loan or the entering into of any cooperative agreements.
- 15) Certification Regarding Federal Lobbying  
Certification for Contracts, Grants, Loans, and Cooperative Agreements.  
The undersigned certifies, to the best of his or her knowledge and belief, that:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
3. The undersigned shall require that the language of this certification be included in the award documents for all sub-award at all tiers (including subcontracts, sub-grants, and contracts under grant, loans, and cooperative agreements) and that all sub-recipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

- 16) Single Audit – State and local governments and nonprofit organizations that receive federal assistance are subject to the audit requirements of OMB Circular A-133.
- 17) Federal Funding Accountability and Transparency Act: The Contractor will report for each grant awarded:
  - Name of the entity receiving the award;

- Amount of the award;
- Information on the award including transaction type, funding agency, the North American Industry Classification System code or Catalog of Federal Domestic Assistance number (where applicable), program source;
- Location of the entity receiving the award and the primary location of performance under the award, including the city, State, congressional district, and country; and an award title descriptive of the purpose of each funding action;
- A unique identifier (DUNS);
- The names and total compensation of the five most highly compensated officers of the entity if-- of the entity receiving the award and of the parent entity of the recipient, should the entity be owned by another entity;

(i) the entity in the preceding fiscal year received—

(I) 80 percent or more of its annual gross revenues in Federal awards; and(II) \$25,000,000 or more in annual gross revenues from Federal awards; and(ii) the public does not have access to information about the compensation of the senior executives of the entity through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986;

- Other relevant information specified by the Office of Management and Budget in subsequent guidance or regulation.

- 18) Seat Belt Policy – No funds, materials, property, or services will be provided to any political subdivision that does not have a current and actively enforced policy requiring the use of seat belts.
- 19) Policy to Ban Text Messaging While Driving - Contractors are encouraged to adopt and enforce workplace safety policies to decrease crashes caused by distracted driving including policies to ban text messaging while driving.
- 20) Drug Free Workplace – In accordance with the Anti-Drug Act of 1988 41 USC 702-707 and Drug Free Workplace 42 USC 12644, WTSC has the responsibility to ensure that unlawful manufacture, distribution, dispensing, possession or use of a controlled substance by any employees, grantees, and/or sub-grantees of the Contractor and/or any such activity is prohibited in the Contractor's workplace.
- 21) Debarment and Suspension – The applicant certifies, by signature below, that neither it nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.

**I have read and understand the above Certifications and Assurances.**

Mark J. Mitchell  
Authorized Applicant Signature

May 13, 2011  
Date

Bonney Lake Police Dept.  
Agency/Organization Name

Washington's Traffic Safety for Youth  
Project Name

\_\_\_\_\_  
DUNS Number

**Section 4—Reporting Requirements**

**Reporting:** The Washington Traffic Safety Commission requires three types of reports in conjunction with traffic safety projects:

1. Quarterly reports during the life of a project;
2. A final report at the conclusion of a project. This is to include training and consultant reports, if applicable; and
3. Special reports as required.

Quarterly project reports should reflect the progress of a project and be directly aligned with the projects goals and activities as identified in the original project proposal. Any original or innovative ideas or methods employed in your project, or any difficulties encountered, should be incorporated into your reports. Agencies/organizations who document match funds in their proposals will be required to report on the use of these funds as part of their quarterly project reports.

A report is required even if there has been no activity with the project.

**Quarterly Reports:** A quarterly report must be submitted to the WTSC office within fifteen (15) calendar days after the end of the reporting calendar quarter as follows:

First Quarter:	October 1 – December 31	Report due January 15
Second Quarter:	January 1 – March 31	Report due April 15
Third Quarter:	April 1 – June 30	Report due July 15
Fourth Quarter:	July 1 – September 30	Report due October 15

Reimbursement will be withheld if quarterly reports are not received as required under the provisions of this agreement.

**Final Report:** Final reports are to be detailed and must describe whether the project objectives were accomplished, if technical and fiscal problems were encountered, and what improvements in traffic safety have resulted or probably will result. Included in final reports will be copies of publications, training reports and any statistical data generated in project execution. These final reports should discuss the following:

1. Accomplishments compared to the original project objectives;
2. Were all activities of the project completed as scheduled? Include dates and milestones when studies were completed; equipment acquired, installed and operated;
3. Any unanticipated proceedings that affected the project;
4. Funding and costs for completion of the project in relationship to original estimates; and
5. Third party performance if applicable. A copy of any consultant reports should be included with the final report.

Final reports are due no later than October 30, 2012 - Reimbursement will be withheld if final reports are not received as required under the provisions of this agreement.

**Special Reporting:** Special reporting procedures may be required. If so, reporting content and frequency will be detailed in writing from the WTSC program manager.

**I have read and understand the above reporting requirements.**

  
 \_\_\_\_\_  
 Authorized Applicant Signature

5/13/2011  
 \_\_\_\_\_  
 Date

**Section 6—Invoicing Requirements**

Invoices should be submitted to the Traffic Safety Commission on a monthly basis.

Agencies/organizations who identified match funds in their project agreements should report on the use of these funds as part of their requests for reimbursement.

All invoices for goods received or services performed on or prior to June 30, 2012, **must be received by WTSC no later than August 15, 2012.**

Invoices for goods received or services performed between July 1, 2012, and September 30, 2012, **must be received by WTSC no later than November 15, 2012.**

Invoices received after the above cutoff dates will not be reimbursed.

Please make sure your accounting office is aware of the above cutoff dates.

I have read and understand the above invoicing requirements.

**I have read and understand the above reporting requirements.**

\_\_\_\_\_  
**Authorized Applicant Signature**

\_\_\_\_\_  
**Date**

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

<b>Department/Staff Contact:</b> PD / Mike Mitchell	<b>Meeting/Workshop Date:</b> 7 June 2011	<b>Agenda Bill Number:</b> AB11-68
<b>Agenda Item Type:</b> Resolution	<b>Ordinance/Resolution Number:</b> 2129	<b>Councilmember Sponsor:</b>

**Agenda Subject:** Swiss Sportsmen's Club of Tacoma Rental Hold-Harmless Agreement

**Full Title/Motion:** A Resolution of the City Council of the City of Bonney Lake, Pierce County, Washington, Sign The Swiss Sportsmen's Club Of Tacoma Rental Hold-Harmless Agreement .

**Administrative Recommendation:** Approve

**Background Summary:** The Bonney Lake Police Department needs a location for firearms training on a (at minimum) quarterly basis. The Swiss Park facility has been a satisfactory location to accomplish our training requirements. Without the use of this facility, the Bonney Lake Police Department will need to look elsewhere for a training facility for officers in order to stay proficient at an inflated cost.  
**Attachments:** Swiss Sportsmen's Club Of Tacoma Rental Hold-Harmless Agreement

<b>BUDGET INFORMATION</b>			
<b>Budget Amount</b> 3,000.00	<b>Required Expenditure</b> 5,000.00	<b>Budget Impact</b> 2,000.00	<b>Budget Balance</b> (2,000.00)
<b>Budget Explanation:</b> No Anticipated Budget Impact.			

<b>COMMITTEE, BOARD &amp; COMMISSION REVIEW</b>			
<b>Council Committee Review:</b>	Finance Committee Date: 14 June 2011	<b>Approvals:</b>	<input type="checkbox"/> Swatman, Chair <input type="checkbox"/> Rackley, Councilmember <input type="checkbox"/> Hamilton, Councilmember
	<b>Forward to:</b> Council Meeting	<b>Consent Agenda:</b> <input type="checkbox"/> Yes <input type="checkbox"/> No	
<b>Commission/Board Review:</b>			
<b>Hearing Examiner Review:</b>			

<b>COUNCIL ACTION</b>	
<b>Workshop Date(s):</b> 7 June 2011	<b>Public Hearing Date(s):</b>
<b>Meeting Date(s):</b> 14 June 2011	<b>Tabled to Date:</b>

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

RESOLUTION NO. 2129

A RESOLUTION OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON, AUTHORIZING THE MAYOR SIGN A HOLD HARMLESS AGREEMENT WITH THE SWISS SPORTSMEN'S CLUB OF TACOMA FOR THE USE OF THEIR FIREARMS TRAINING FACILITY AND INCREASE THE BONNEY LAKE POLICE DEPARTMENT'S FACILITY RENTAL AGREEMENT BY \$2,000.00.

WHEREAS, Bonney Lake Police Department requires a firearms training facility to ensure officers are adequately qualified to carry a firearm while working in their capacity as a Commissioned Officer for the City of Bonney Lake; and

WHEREAS, the Swiss Sportsmen's Club of Tacoma has offered such a facility within the City of Bonney Lake pending the signing of the hold harmless agreement; and

WHEREAS, this agreement's additional cost has not been budgeted; and

WHEREAS, the City will have to increase the budget of the Bonney Lake Police Department facility rental agreement by \$2,000.00 to cover the additional cost of utilizing the Swiss Sportsmen's Club of Tacoma's facility.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BONNEY LAKE, WASHINGTON DOES RESOLVE AS FOLLOWS:**

**Section 1.** The Mayor is hereby authorized to sign the hold harmless agreement with the Swiss Sportsmen's Club of Tacoma and to increase the budget of the Bonney Lake Police Department's facility rental by \$2,000.00.

PASSED BY THE CITY COUNCIL this \_\_\_\_\_ day of June 14, 2011.

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

ATTEST:

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

APPROVED AS TO FORM:

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

## **SWISS SPORTSMEN'S CLUB OF TACOMA RENTAL HOLD-HARMLESS AGREEMENT**

This agreement is made this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ and entered between the Swiss Sportsmen's Club of Tacoma, a non-profit organization, here after referred to as "SSCT", and the City of Bonney Lake, here after referred to as "COBL".

1. **DAYS OF USE:** Whereas the COBL desires to use the SSCT Facilities for firearm shooting, practice and training, **two (2)** days per month. These days of use shall be mutually scheduled and reserved in advanced by the Training Officer for the COBL, and the SSCT Park Manager. The COBL will schedule days of use no less than 14 days in advance.
2. **COMMISSION OFFICERS ONLY:** No other person, other than Commissioned Law Enforcement Officers **employed by the COBL**, may use the facility without written approval from the SSCT.
3. **SAFETY RULES:** All Commissioned Officers using the facility shall conduct themselves in accords with the standard firearm safety practices and observe all established shooting rules of the SSCT as set forth in the attached Outdoor Range and Safety Rules.
4. **USING THE FACILITIES:** The COBL shall furnish to the SSCT, prior to using the facilities, a city approved safety plan. When the COBL is using the facilities, there shall be at least one COBL designated Range Supervisor to ensure all safety rules and regulations are followed. Upon finishing after each use of the facility, the facility grounds shall be inspected by COBL and returned to its original condition with specific concern given to recovering any live ammunition.
5. **HOLD HARMLESS AND INSURANCE:** The COBL shall be fully responsible for all acts, commissions, or omissions, of Officers or Agents using the facility for firearm shooting, training, and practice. The COBL hereby agrees to save and hold SSCT, its officials, members, board members, employees, and agents, harmless from all damages directly or indirectly incurred as a result of any acts, omissions, errors, or negligence of its Officers or Agents using the SSCT Facility. The COBL agrees to indemnify and hold the SSCT harmless from any such acts and/or omissions. The COBL shall provide a certificate of insurance naming the SSCT as an additional insured prior to use of the facilities.
6. **EFFECTIVE DATE:** This agreement shall be effective upon execution and shall be renewed on an annual basis. Either party privy to this agreement may terminate this agreement by delivering a written notice of termination at least thirty (30) days in advance of the termination date.

7. **CHANGE IN WRITING ONLY:** This agreement represents the entire agreement between the parties. No change or modification attempt to waive any of the provisions of this agreement shall be binding by either party unless the authorized representative of each party agrees to the change in writing. This agreement shall not be modified, supplemented, or otherwise affected by the course and dealings between the parties.
8. **ANNUAL FEE:** The annual fee in the amount of Five Thousand (\$5,000.00) Dollars shall be charged to the COBL and shall be paid within thirty (30) days of signing this agreement and must be paid before the facility may be used by the COBL.
9. **NOTICES:** All notices shall be sent to the named party as listed below.

Swiss Sportsmen's Club of Tacoma  
9205 198<sup>th</sup> Avenue East  
Bonney Lake, WA 98391

Dated this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

By (print name) \_\_\_\_\_, President SSCT

By (signature) \_\_\_\_\_

**CITY OF BONNEY LAKE**

By (print name) \_\_\_\_\_

By (signature) \_\_\_\_\_

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

<b>Department/Staff Contact:</b> Admin Services / Edvalson	<b>Meeting/Workshop Date:</b> 7 June 2011	<b>Agenda Bill Number:</b> AB11-66
<b>Agenda Item Type:</b> Discussion	<b>Ordinance/Resolution Number:</b>	<b>Councilmember Sponsor:</b>

**Agenda Subject:** Consideration of Possible Council Meeting/Workshop Cancellations

**Full Title/Motion:** n/a .

**Administrative Recommendation:** Discuss and provide direction.

**Background Summary:** The City Council has recently canceled the June 21<sup>st</sup> Council Workshop to allow Councilmembers to participate in the annual AWC conference starting that same day. There are several more days in the coming months which Council may wish to consider regarding possible meeting cancellations. The 4<sup>th</sup> of July falls on the day before the July 5<sup>th</sup> Council Workshop. National Night Out Against Crime is scheduled to be observed the evening of Tuesday, August 2<sup>nd</sup>. And finally, Labor Day will fall on the day before the September 6<sup>th</sup> Council Workshop. Typically, the Council has not canceled meetings due to observed holidays on the day before the meeting. The Council has, however, canceled their workshop when the National Night Out Against Crime observance has fallen on their workshop night. The administration would like Council to discuss these dates and allow for advance planning for any desired meeting cancellations.

**Attachments:**

<b>BUDGET INFORMATION</b>			
Budget Amount	Current Balance	Required Expenditure	Budget Balance
<b>Budget Explanation:</b> There are no significant budget impact from this discussion.			

<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): 7 June 2011	Public Hearing Date(s):
Meeting Date(s):	Tabled to Date:

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