

COUNCIL WORKSHOP

**July 5, 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*

*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

	Page Number
1. Council Open Discussion.	
2. Review of Council Minutes: May 31, 2011 Special Meeting, June 7, 2011 Council Workshop, June 14, 2011 Council Meeting, and June 28, 2011 Council Meeting.	Page 3
3. Discussion/Action: (Tabled from 6/28/11 Council Meeting) AB11-70 – Ordinance D11-70 – An Ordinance Of The City Council Of The City Of Bonney Lake, Pierce County, Washington Amending Chapter 5.04 Of The Bonney Lake Municipal Code, And The Corresponding Portions Of Ordinance Nos. 990 And 305, Relating To Utility Tax.	Page 25
4. Discussion: (Tabled from 5/24/11 Council Meeting) AB11-58 – Ordinance D11-58 – Updating the Municipal Code Regarding Impacts between Commercial and Residential Development.	Page 37
5. Discussion: Discussion: AB11-81 – A Letter of Understanding with the YMCA of Pierce and Kitsap Counties	Page 57
6. Executive Session: Pursuant to RCW 42.30.110, the City Council may hold an executive session. The topic(s) and the session duration will be announced prior to the executive session.	
7. Adjournment.	

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

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**SPECIAL CITY COUNCIL
MEETING**

**May 31, 2011
6:15 P.M.**

MINUTES

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

*****This meeting was held at the Zato Grill, 20609 SR410, Bonney Lake, WA*****

I. WORKING DINNER – Pierce County Councilmembers Roach, McDonald, Flemming, Muri and Farrell invited the Bonney Lake City Council to join them for a joint working dinner at the Zato Grill. The meeting started at approximately 6:15 p.m.

Attending from the City of Bonney Lake were 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. Also in attendance was City Administrator Don Morrison.

Various members from both Councils discussed matters of mutual interest, including flood control, growth and emergency communications.

II. ADJOURNMENT

The meeting adjourned by common consent at approximately 7:30 p.m.

Harwood Edvalson, CMC
City Clerk

Neil Johnson
Mayor

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COUNCIL WORKSHOP

June 7, 2011
5:30 p.m.

DRAFT MINUTES



“Where Dreams Can Soar”

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

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

I. Call to Order: Mayor Neil Johnson, Jr. called the Workshop to order at 5:30 p.m.

II. Roll Call: [A1.3]

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

Staff members in attendance were City Administrator Don Morrison, Chief Financial Officer Al Juarez, Police Chief Mike Mitchell, Community Development Director John Vodopich, Planning Manager Heather Stinson, Public Works Director Dan Grigsby, City Attorney Jim Dionne, Administrative Services Director/City Clerk Harwood Edvalson, and Administrative Specialist Shawn Campbell.

III. Agenda Items:

A. Council Open Discussion:

YMCA Tour: Councilmember Carter suggested July 16, 2011 for a tour of the Gig Harbor YMCA. She said some interested attendees have a scheduling conflict with the June 11, 2011 date. She said four Councilmembers, one Park Board member, one Planning Commissioner, and one reporter have signed up for the tour.

Fennel Creek Tour: Councilmember Carter noted there will be a Fennel Creek Tour to see Victor Falls on July 9, 2011. She reminded Council to confirm with Marian Betzer if they planned on attending.

Transit: Councilmember Carter said she received a call from a citizen named Anna Tucker asking people to attend the July 13th Pierce Transit meeting in Lakewood. She said Ms. Tucker asked people to wear blue to show solidarity for the area. Councilmember Hamilton said Wilsonville, Oregon is a small community and has its own transit authority with 35 busses and 8 routes. He said their budget is \$6 million. He said the City of Bonney Lake and surrounding communities pay \$4.5 million to Pierce Transit in taxes, and the surrounding areas could establish a transit authority using the tax monies they currently pay to Pierce Transit. Councilmember Carter noted a letter to the editor in the Tacoma News Tribune talking about contracting out transit services. She said 24.5% of the City of Bonney Lake population leaves the City everyday to go to work. She said the transit system needs to serve the citizens who do not leave the plateau.

County Council Meeting: Councilmember Hamilton thanked Councilmember Carter for suggesting the Special Meeting with Pierce County Council on May 31, 2011. He said this is a great way to get the community leaders together. He said the more the two entities can

communicate the better. He added it was good to see the Justice Center shown on television.

Bonney Lake / Sumner Sewer Treatment Facility: Deputy Mayor Swatman said there is a joint advisory meeting on June 8, 2011. He said a floodwall is on the agenda for the meeting. He said the City of Sumner has already sent the project out to bid and he expects that they will build the wall and send the City of Bonney Lake a bill for half the cost. He asked Council if they wanted to ask the City of Sumner to use future Flood Control District Funds to pay for the wall. Councilmember Hamilton said he got the impression when speaking to the Pierce County Council there will not be a Flood Control District in the near future. Director Grigsby said the floodwall is already in the 2011-2012 biennial budget.

Urban Growth Area Application Review: Deputy Mayor Swatman said the Pierce County Planning Department has a meeting scheduled to review the Urban Growth Applications. He encouraged staff to attend the meeting and testify on the City's applications. City Administrator Morrison said the County staff report is recommending denial of all applications. Councilmember Carter asked if the failure of the Sumner's UGA application would cause the Sumner YMCA to fall through. Mayor Johnson said the City of Sumner has backup locations if their first choice isn't available. He said his bigger concern is if the County approves Sumner's application to add rural farmland to their UGA and denies the City of Bonney Lake's application to fill in gaps within the City's current boundaries.

Vacant Council Seat: Councilmember Decker announced he will not run for a second term.

B. **Review of Council Minutes:** May 17, 2011 Council Workshop, and May 24, 2011 Council Meeting.

Councilmember Carter asked to add the following language to the May 24, 2011 Meeting Minutes under Other Committee Reports:

"Eastown Steering Committee Report: Councilmember Carter requested a Steering Committee report. Councilmember McKibbin stated one will be available at the end of the process."

The corrected minutes were forwarded to the June 14, 2011 meeting for action.

C. **Discussion:** (Tabled from 5/24/11 Council Meeting) AB11-58 – Ordinance D11-58 – Updating the Municipal Code Regarding Impacts between Commercial and Residential Development.

Councilmember Rackley asked about the justification for the 500 foot buffer zone. Planning Commission Chair Grant Sulham said it comes from past experience with businesses like Diamond Lounge, Lowes, and looking forward to the area behind the Safeway that will eventually become housing. He said in the examples of Diamond Lounge and Lowes, the commercial structure followed the current polices, and the homeowners were not aware of the extent of impact these businesses would have on their property. He said this proposed ordinance is intended to be proactive. Councilmember Rackley said 500 feet is a sizable amount of land that would no longer be usable. Commissioner Sulham said the land would still be buildable; the property owner would just have to make accommodations for a structure built within the 500 foot buffer zone. Councilmember Decker said the Council could require soundproofing insulation and

windows in these areas. Planning Manager Stinson said a structure within the 500 foot buffer zone could fulfill the requirements by not putting windows on the side of the property that faces the commercial structure. She said the market does not always consider light and noise pollution in the building process. Councilmember Carter stated if a property has a large amount of light and noise pollution the residence has a high turnover rate, which is not economically sound.

Deputy Mayor Swatman said he is concerned about the language, "to the extent feasible". He said this would allow builders to simply state the requirements are not feasible. He said as future residential development encroaches on existing commercial development the City needs to ensure the residential buildings have adequate sound control. He suggested using language such as, "building abutting commercial areas shall contain quantitative measures of sound control". Planning Manager Stinson said the proposed ordinance does not cover soundproofing. She said the Planning Commission could not agree on requirements they felt were fair. Councilmember Lewis stated the additional requirements would make the structures more expensive but he feels this is similar to the fire sprinkler ordinance, to protect the future residents of Bonney Lake.

Deputy Mayor Swatman stated the 500 foot buffer zone extends beyond residential streets. He said if this ordinance is passed as it is currently written, the City would require homes on the other side of a residential street to follow these rules. Councilmember Carter said the problem with using the noise ordinance only to mitigate the noise pollution is the noise must be maintained long enough to get a reading and for the duration that meets the state law. She shared the example of a song in an outdoor seating area would not be loud enough long enough to meet the state law for a noise violation. Deputy Mayor Swatman asked if the City could have a more restrictive noise ordinance than the state. City Attorney Dionne stated he believes the City could do so. Councilmember Hamilton asked staff to find the average distance from other jurisdictions similar in size to Bonney Lake. He asked why the restrictions are on residential builders and not making the structure that creates the light and noise pollution responsible for mitigating the pollution. Planning Manager Stinson said many in instances the commercial building is in place long before the residential area has been built up. She said the City could not go back to an existing business and require they modify their existing business due to new construction of a residential area. Councilmember Carter noted that in Seattle there are "community zones" within the city. She said each zone has individual regulations for each area. She said the City of Bonney Lake could consider similar regulations. She said the ordinance also needs to address high density abutting low density. Council asked for the Planning and Community Development staff to gather more information and tabled the discussion to the July 5, 2011 Workshop.

D. Discussion: AB11-69 - Planning Commission Workplan.

- Update the definition of "Nightclub" and determine in which zones they should be allowed.

Planning Manager Heather Stinson explained the City Municipal Code definition of nightclub, which encompasses many restaurants as well as nightclubs. She added the nightclubs are not a listed use in any of the City zones. Deputy Mayor Swatman said he does not want the Council to send this item back to the Planning Commission without clear guidance on what the Council is looking for. He said it is the Council's responsibility to ensure residents can enjoy their outdoor space without disturbance from surrounding establishments. He said it does not matter if the noise is coming from a nightclub or a church. Councilmember Rackley said the City can restrict noise

inside the building with soundproofing and other requirements but needs to come up with a clear solution for outdoor areas. He said the City needs to modify the noise ordinance until it is adequate to handle these concerns. Councilmember Carter said the Council needs to regulate outdoor seating at different establishments in the City. She suggested that businesses that have outdoor seating be allowed only in the transportation corridor or outside a certain number of feet from a residential neighborhood. Mayor Johnson said some noise is to be expected when living in a city. He said the City does not want to hinder business in the City. He said he believes this is more of a noise ordinance issue and the noise ordinance should be amended so the Police Department or Code Enforcement can take care of noise complaints. Councilmember Lewis said he does not want to restrict the zones that allow nightclubs. He asked staff to gather more information and bring it back to Council. By consensus, the item was not added to the Planning Commission work plan.

- Update of Title 16.14 – landscaping to enhance buffering between commercial and residential properties.

Councilmember Carter said she would like to add landscaping buffers to the Planning Commission's work plan. Deputy Mayor Swatman said he would like them to look at physical barriers for landscaping barriers. By consensus, the item was added to the Planning Commission work plan.

Councilmember Carter asked for an update on the Shoreline Master Plan. Planning Manager Stinson said the City is waiting for the final draft from The Davey Group and it will come back to the Planning Commission for review in the fall.

Councilmember Hamilton confirmed the Comprehensive Plan would be updated to add the Falling Water area and the area formally known as Cascadia.

Councilmember Rackley moved to take a 10-minute break at 6:52pm. Mayor Johnson called the meeting back to order at 7:05pm.

E. **Discussion:** Funding Options for Eastown Sewer ULA.

Deputy Mayor Swatman said the City needs to figure out a way to get sewers into the Eastown area. He said the Council needs to decide what is the acceptable amount for the Eastown property owners to partner with the City for sewers. He said it is important to remember the City is not paying for the sewer; it is only financing the sewers. He said the City has a stake in this also. He said the property owners need to know the amount the City will accept so they can move forward. Councilmember Rackley said the potential risk is offset from the potential development and tax revenue to the City from Eastown. He said five percent will offset the risk to the City. Mayor Johnson asked for an initial response on whether or not five percent is an acceptable amount for partnership from each councilmember. Councilmember Hamilton said he is willing to accept any amount that the utility can afford. He said he is not willing to put the utility into debt if it means raising rates for the existing ratepayers. He said the City would need to be able to ensure the system development charges would cover the debt payment with no revenue coming from the Eastown area to help cover expenses. He said if the City chooses to add sewers to the Eastown area, it will have to cut back on other projects. Deputy Mayor Swatman said the City will need to be fiscally responsible when moving forward and putting sewers

into Eastown. He said this is the only way sewers are going to make it into Eastown in the near future. He said he would agree to the five percent. Councilmember Carter said the City is in the business to provide utilities, roads, and public safety. She said this project would help protect the headwaters of Fennel Creek. She said she wants the sewers put in sooner rather than later. Councilmember McKibbin said he does not want to build the sewer system on the backs of the other ratepayers. He said he does not see the vision of other Councilmembers and he does not want to speculate on how the area will or will not develop if the City installs sewer lines. Councilmember Lewis said the City does not really have another direction to develop. He said if the mechanism to get sewers into the Eastown area is a ULA he would support the five percent partnership. Councilmember Decker said he does not believe today's economy supports this venture, but he still believed the City needed to put sewers in Eastown.

F. **Discussion:** RV Parking – Updating Ordinance 1385 (BLMC 10.16).

Deputy Mayor Swatman said he felt if a citizen went to the trouble of putting together a flier and going door to door to notify others of the ordinance the Council should revisit the issue. Councilmember Carter passed out proposed new verbiage for the recreational vehicle parking portion of BLMC chapter 10.16. Councilmember Hamilton clarified the new verbiage would take care of most of the concerns from citizens. By consensus, this item will move forward for Council action.

G. **Discussion:** Administration Reorganization and Budget Impact.

Mayor Johnson said the City recently reorganized the City departments to be more efficient. He said the reorganization will allow Gary Leaf to focus on issues important to the Mayor's office. Councilmember Carter asked about changes to the community services offered to the citizens, updating the municipal code, and budget impacts as the Community Services Department has been dissolved into other departments. City Administrator Morrison said line items on the budget will be transferred to the new departments and it will have virtually no budget impact. He said it includes a reclassification of an employee, with a few duties removed and a few duties added. Councilmember Carter said per MRSC this item should have come before the Council. Mayor Johnson said it is the Mayor's responsibility to manage the staff. He said the official reorganization will come before the council to update the municipal code during the midyear budget review. Deputy Mayor Swatman said this item did come before the Finance Committee. He said the City does have a strong Mayor and it is the Mayor's responsibility to manage the staff. He added the item does create a new position. Councilmember Lewis said he would have preferred to have been briefed on the change before it was public knowledge, and suggested an executive session be held in the future to keep the full Council informed on issues and concerns within the City. Mayor Johnson said he felt it was important to make the change when he did, and it is important to have all employees receive accurate information.

H. **Discussion:** AB11-67 – Resolution 2128 – Hiring A Washington Traffic Safety For Youth State Program Director.

Police Chief Mitchell said he brought this item to Council as an informational piece. He said this is a grant opportunity from the Traffic Safety Commission for the City to hire a Washington Traffic Safety for Youth State Program Director. He said the City will be

required to match the grant dollars with in-kind resources from the City such as supervision, office space, computer, printer and phone. He said he will bring this item back to Council if the City receives the grant.

I. Discussion: AB11-68 – Resolution 2129 – Facility Use and Hold Harmless Agreement with Swiss Park.

Police Chief Mitchell said the Swiss Sportsman’s Club contacted the Police Department regarding the use of the firing range at Swiss Park. He said Swiss Park is increasing the retail fees for using the firing range. He said the City has a few options: pay the increased fees to Swiss Park, start the permitting process to build a range on City property, keeping in mind the time involved in this process, and use the Washington State Training Commission firing range. He said the Washington State Training Commission contacted him with an informal proposal for the City to pay the salary and benefits of an employee to work the range two days per month, and the commission would allow the City to use the range free of charge. He said between the cost of salary, benefits and the extra travel time this option would cost the City more than paying the increased cost to the Swiss Park. He said he believes the most economical option is to sign the new agreement with the Swiss Sportsman’s Club. Councilmember McKibbin asked if the agreement was negotiable. Chief Mitchell said it is not. By consensus, this item was forward to June 14, 2011 Council Meeting for action.

J. AB11-66 – Upcoming Meeting Cancellations and/or Special Meetings.

Mayor Johnson asked for Council direction on upcoming proposed meeting cancellations. Councilmember Lewis said he believes it is important to cancel the August 2nd Council Workshop so Councilmembers can attend National Night Out. He said he does not have a problem attending the other two proposed meeting dates. Deputy Mayor Swatman said the Council Workshops and Meetings are important. He said he is not in favor of canceling meetings if it is not necessary. By consensus, the August 2, 2011 Council Workshop was cancelled.

IV. Executive Session: The Council recessed to an executive session with the City Attorney at 8:16p.m. for 20 minutes to review the performance of a public employee per RCW 42.30.110 (1)(g), property negotiations per RCW 42.30.110(1)(c), and potential litigation 42.30.110 (1)(i). The executive session was extend at 8:36pm for 10 minutes.

V. Adjournment:

At 8:48p.m. Councilmember Rackley moved to adjourn the Workshop. Councilmember Lewis seconded the motion.

Motion to adjourn approved 7 – 0.

Harwood T. Edvalson, CMC
City Clerk

Neil Johnson, Jr.
Mayor

Items Submitted to the June 7, 2011 Council Workshop:

- City of Bonney Lake –*BLMC 10.16.020 Parking of Recreational Vehicles* – Councilmember Carter .
- City of Bonney Lake –*System Development Charges for the City of Bonney Lake* – Councilmember Hamilton.

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CITY COUNCIL MEETING

June 14, 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.

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

DRAFT MINUTES

"Where Dreams Can Soar"

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, Community Development Director John Vodopich, Chief Financial Officer Al Juarez, Administrative Services Director/City Clerk Harwood Edvalson, City Attorney Jim Dionne, Assistant Public Works Director Charlie Simpson, and Records & Information Specialist Susan Duis.

C. Announcements, Appointments and Presentations:

1. Announcements:

a. **Proclamation:** Panther Day – Saturday, June 18, 2011.

Mayor Johnson read the proclamation aloud, and proclaimed Saturday, June 18, 2011 as 'Bonney Lake Panther Day' in the City of Bonney Lake. He said Bonney Lake High School is preparing to graduate its fifth class of seniors. He congratulated teachers, coaches, and students and encouraged the community to support local students and the high school.

2. Appointments: None.

3. Presentations: None.

D. Agenda Modifications: None.

II. PUBLIC HEARINGS, CITIZEN COMMENTS & CORRESPONDENCE:

A. Public Hearings: None.

B. Citizen Comments:

Lewis Whilden, Seattle, Washington, represents the LaRouche Political Action Committee and asked the council to consider a resolution in support of the Glass

Steele Act, written by Lyndon Larouche. He provided the Council with a packet of information materials on the proposed bill, and encouraged the Council to contact him if they are interested in learning more.

- C. Correspondence: None.

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, reviewed meeting notes, and considered a proposed utility tax ordinance and utility latecomer agreements for Eastown. The committee also discussed options to provide a system to accept credit card payments at the Permit desk.
- B. Community Development Committee: Councilmember Rackley said the committee met on June 7th and forwarded Resolution 2127 to the current agenda.
- C. Public Safety Committee: Councilmember Hamilton said the committee met on June 6th and discussed gun range facility options, and recommended renewing the agreement with Swiss Park for the current year, and to continue reviewing options to create a City-managed gun range. The committee discussed youth driving education and heard a report from Police Chief Mitchell on speeding and traffic controls. The recreation vehicle ordinance was also discussed. The committee discussed a reported oil sheen on Lake Bonney and its possible causes, including vehicles parking to close to the lakeshore, and the use of boats that have both electric and combustible motors attached.

Councilmember Hamilton thanked Councilmember Decker for working with the County to coordinate the posted speed limit signs on Church Lake Rd, so it shows the same speed limit for drivers in both directions. Police Chief Mitchell also discussed speeding on Church Lake Road and said officers have issued a number of speeding tickets. Also, the July 4th and September 5th Public Safety Committee meetings have been cancelled due to City holidays; meetings will be held July 18th and September 19th in those months.

- D. Other Reports:

Communities for Families: Councilmember Lewis attended the Communities for Families meeting on June 2, 2011, which included reports from the YMCA and Summer Parks & Recreation. Special Events Coordinator David Wells spoke about summer events in the City as well. This was the last meeting for the school year.

Puget Sound Regional Council: Councilmember Lewis attend the Puget Sound Regional Council annual meeting on Thursday, May 26, 2011 All cities were supposed to be represented to vote on the budget and elect new leaders. He said Pat McCarthy was elected to Vice President of the Regional Council. He explained the history, funding, and goals of the Council, and provided information on the Council's strategic growth and transportation plans.

Sumner Wastewater Treatment Plant: Deputy Mayor Swatman attended the Joint Advisory committee for Sumner WWTP last week. Councilmembers Hamilton and Rackley also attended, as well as councilmembers from Sumner, and staff from both cities. He said the joint meeting is mandated in the interlocal agreement for the treatment plan. He felt that Sumner Mayor Dave Enslow is not interested in working with the committee, and said he would prefer to work directly with the Bonney Lake administration. Deputy Mayor Swatman said the sewer plant is critically important to future planning, and it is important to expand capacity in a timely manner. He said he feels the City of Sumner is focusing on who should get what level of capacity, whereas Bonney Lake councilmembers and staff want to discuss what is needed to expand and who will pay what share.

Eastown Steering Committee: Councilmember Lewis said the Steering Committee has finished their work and developed a report, but the presentation was not ready to present to the Council at this meeting as planned. He said the boards and commissions have a good foundation to move forward. The committee will present information on their report at the June 28, 2011 Council Meeting.

Sumner School District: Mayor Johnson said Superintendent of the Sumner School District, Dr. Gil Mendoza, has been asked to leave his position, and an interim superintendent will fill his post. Mayor Johnson said he thanked Dr. Mendoza for his hard work and for being so involved in student activities and in the community.

City Population: Mayor Johnson said the WA state Office of Financial Management has reported the City's population as of April 1, 2011 as 17,500.

Wellness Committee: Mayor Johnson said the City received the 2011 Well City Award from the Association of Washington Cities. The City also received the 'Excellence Award' for receiving Well City awards for three years in a row. He thanked staff members on the Wellness Committee for their efforts and said the program provides good benefit to the City and staff members.

Pierce Transit: Mayor Johnson reported on the Pierce Transit board meeting on Monday, June 13th. The board voted to approve cuts, with himself and Tim Farrell as the lone dissenting voters. Route 496 between the Bonney Lake Park & Ride and the Sumner Sounder station was maintained, and is not likely to be eliminated in the future. However, Routes 406, 407, 408, 409 and the Orting Loop will be eliminated as of October 2011. Mayor Johnson said East Pierce County voted against the proposed tax measure, and was hit hardest by the cuts. He said other board members, including Pat McCarthy, spoke in favor of the cuts.

Mayor Johnson said he will continue pushing Pierce Transit to consider redrawing the service boundaries for communities whose services were reduced or eliminated. He said the agency should have shared the pain of cuts throughout the entire system, instead of focusing them on the outlying communities. He said transit is a social service and many people will lose their ability to get around, especially the elderly and disabled.

Councilmember Rackley said when Pierce Transit was formed it promised service to the entire County, but has not kept that promise. Councilmember Hamilton said

Councilmembers attending the upcoming AWC conference should take time to talk with representatives from other cities about alternatives to Pierce Transit. He said Pierce Transit has failed and the City should look at what it takes to run a separate transit district. He cited the town of Wilsonville, Oregon, which successfully manages its own transit system. Councilmember Lewis said he would like to see an East Pierce transit district before he leaves office.

IV. CONSENT AGENDA:

- A. **Approval of Corrected Minutes:** May 17, 2011 Council Workshop and May 24, 2011 Council Meeting.
- B. **Approval of Accounts Payable Checks/Vouchers:** #61155 thru 61214 (including wire transfer #'s 5162011 & 7529462) in the amount of \$314,761.38; Accounts Payable checks/vouchers #61215 thru 61276 (including wire transfer # 20110523) in the amount of \$435,905.74; Accounts Payable checks/vouchers #61277 in the amount of \$198.26; Accounts Payable checks/vouchers #61278 thru 61307 (including wire transfer #'s 20110601,20110602 & 201106011) in the amount of \$425,612.05; Accounts Payable checks/vouchers #61308 in the amount of \$456.22 for a grand total of \$1,176,933.65. Voided Checks: 60805 – Wrong vendor. Replaced with check number 61206; 61156 – Wrong vendor. Replaced with check number 61217; 61189 – Wrong vendor. Replaced with check number 61218.

Approval of Payroll: Payroll for May 16–31, 2011 for checks #29793-29819, including Direct Deposits and Electronic Transfers in the amount of \$602,947.75.

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

Consent Agenda approved 7 – 0.

V. FINANCE COMMITTEE ISSUES:

VI. COMMUNITY DEVELOPMENT COMMITTEE ISSUES:

- A. **AB11-65 – Resolution 2127** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing An Annexation And Utility Agreement With Capri Investment, LLC For The Falling Water Planned Development District.

Councilmember Rackley moved to approve Resolution 2127. Councilmember Lewis seconded the motion.

Councilmember Carter asked for more information on how the agreement was developed, since two divisions in Falling Water are already complete. City Administrator Morrison said the City approved an agreement in 2003 for a community septic system. The agreement did not, however, address inspection of dray lines, nor did it include standard language for potential future annexation that is usually included in this type of agreement. He said the Health Department inspects the septic System but not the dry lines. As builders install service lines to new homes, the City currently has no authority to inspect the lines and ensure they meet

standards. The proposed agreement was developed to address this issue, and includes the standard annexation language as well.

Assistant Public Works Director Charlie Simpson confirmed that seven of twelve septic Systems vaults failed around 2009, and the City had to reline them. He confirmed that those issues have been resolved and said they were due to problems with the septic system, not the dry lines. He said per the existing maintenance agreement, the City monitors the flow into the vaults and drainage fields; this task is preformed weekly by City staff.

Councilmember Lewis said the Falling Water development is near an aquifer, and the original agreement was created to address concerns that sewage could seep into the groundwater. He said the proposed revised agreement allows the City to capture information when pipes are installed and helps address any future issues.

City Administrator Morrison confirmed that the agreement allows the City to inspect the 'side sewer' that does inform the right of way into the homes, which is currently not being inspected. He said Falling Water is in Pierce County, so the agreement allows the City to conduct these inspections for new connections. Councilmember Hamilton said the utilities and annexation agreement should include language that the developer must be responsible for the full cost to extend the sewer. He said this has been an issue with the Eastown annexation area.

Councilmember Rackley said the proposed agreement is not urgent and proposed the item be tabled for continued discussion at a Workshop.

Councilmember Hamilton moved to table the item to the July 5, 2011 Workshop for discussion. Councilmember Rackley seconded the motion.

**Motion to table Resolution 2127
Approved 7-0**

Councilmember Carter asked whether expanding the sewer system in one area will affect future potential development and capacity. Councilmember Hamilton said the City does not have any available capacity, so new development will be served on a 'first-come, first served' basis.

VII. PUBLIC SAFETY COMMITTEE ISSUES: *None.*

VIII. FULL COUNCIL ISSUES: *None.*

IX. EXECUTIVE SESSION: Pursuant to RCW 42.30.110(1)(b), the Council recessed to an Executive Session with the City Attorney at 7:52 p.m. for ten minutes to discuss property acquisition. The Executive Session was extended for two minutes at 8:02 p.m. The Council returned to chambers at 8:04p.m.

X. ADJOURNMENT:

At 8:04 p.m., Councilmember Rackley moved to adjourn the meeting. Councilmember Lewis seconded the motion.

Motion to adjourn approved 7 – 0.

Harwood Edvalson, CMC
City Clerk

Neil Johnson
Mayor

Items presented to Council at the June 14, 2011 Meeting:

- LaRouche Political Action Committee – “Emergency Resolution - Glass Steagall” – Louis Whilden.

CITY COUNCIL MEETING

June 28, 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.

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

DRAFT MINUTES

"Where Dreams Can Soar"

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, Community Development Director John Vodopich, Planning Manager Heather Stinson, Chief Financial Officer Al Juarez, Police Chief Mike Mitchell, Administrative Services Director/City Clerk Harwood Edvalson, City Attorney Jim Dionne, Assistant Public Works Director Charlie Simpson, and Administrative Specialist Shawn Campbell.

C. Announcements, Appointments and Presentations:

1. Announcements: None.

2. Appointments: None.

3. Presentations:

a. AB11-76 – Eastown Steering Committee Report.

Planning Manager Heather Stinson recognized the committee members, Councilmembers McKibbin, Councilmember Lewis, Design Commission Chair Strous-Boyd, Planning Commission Chair Sulham, Eastown Property owners David Bowen and Bob Stobie, a property owner inside the City limits David Baus, for their hard work. She said the agenda included review of the Eastown Subarea Plan, Comprehensive Plan Element, review of Eastown Design Standards, and review of Eastown Zoning. She said the committee suggested recommendations for each agenda item. She said the recommendations will go to the Planning Commission to review, then back to council for consideration. She added all changes would require updates to the Comprehensive Plan, which is already on the schedule for 2011. Councilmember Lewis said one goal of the committee is to give Eastown a distinct look. He said the City has a sign welcoming people to the City designated for Eastown. He suggested when the edge of the area is developed the City could consider asking for an easement from the property owner for the sign. Councilmember Hamilton asked if access to SR 410 was discussed. Planning

Manager Stinson said SR 410 access is controlled by WSDOT. Councilmember Decker asked why sewers were not part of the discussion. Planning Manager Stinson said the resolution that created the steering committee was very specific on the agenda items that were allowed for discussion. Councilmember Carter asked about the number of citizens attending the Public Hearing. Planning Manager Stinson said there were approximately 10 - 12 people at the Public Hearing. She said it was more of an open discussion than a formal public comment period. Councilmember Rackley thanked the subcommittee for their work.

D. Agenda Modifications:

Councilmember Rackley moved to pull AB11-75 from Finance Committee Issues, Item C. Councilmember Decker seconded the motion.

Motion approved 7 – 0.

Councilmember Rackley moved to pull Ordinance D11-70 (AB11-70) from Full Council Issues, Item A. Councilmember Lewis seconded the motion.

Deputy Mayor Swatman moved to amend the motion to include “move to the July 5, 2011 Council Workshop for Action”; Councilmember Decker seconded the motion to amend.

Motion to amend approved 7 – 0.

Amended Motion approved 7 – 0.

II. PUBLIC HEARINGS, CITIZEN COMMENTS & CORRESPONDENCE:

A. Public Hearings: None.

B. Citizen Comments:

Brain Redpath, Main Stage Theater, said the theater has been involved in the area for the last four years. He said the upcoming performances are Peter Pan and Honk Jr. He invited Council to attend one of the performances and an open house that will kick off their fifth season. He provided Council with complimentary tickets and a schedule for the season. He said currently all performances are held at the Sumner Performing Arts Center.

Winona Jacobsen, 9100 189th Ave Ct E, Bonney Lake, said the Bonney Lake Plateau book is selling very well. She said the book is sold out at Costco and the Bonney Lake Market. She said the Historical Society still has a few books for sale if anyone would like to purchase one.

C. Correspondence: None.

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 vacation accruals, AB11-70 – Utility Tax, AB11-64 – 2011 Chip Seal, AB11-71 – Sidewalk Improvements, DM Disposal, accepting credit cards for permits, and additional funding for the Angeline Project.
- B. Community Development Committee: Councilmember Rackley said the committee has not met since the last Council Meeting.
- C. Public Safety Committee: Councilmember Hamilton said the committee has not met since the last Council Meeting.
- D. Other Reports:

Pierce County Regional Council: Councilmember Hamilton said the PCRC met on June 16, 2011. He said the agenda included discussions on elections of new board members, the Port of Tacoma's fee for belonging to the PCRC, and recommendations for all County Comprehensive Plan amendments. He listed each proposed amendment and the reason the PCRC will recommend either approval or denial of the proposed amendment. He said one of the main reasons the PCRC is recommending denial of most of the amendments is the land in the proposal is deemed as an agricultural resource land area and it is required to be replaced with other agricultural resource land area. He said the City of Bonney Lake submitted three amendments and two were denied for not being part of the Cities capital facilities plan and not have a replacement for the agricultural resource land. He said the PCRC did recommend approving the annexation of the City of Bonney Lake's Water Tank. He said the County could not approve an application that does not meet the requirements. He said if they did, it would open the County up to litigation. City Administrator Morrison said the City had put more planning into the proposed amendments than the PCRC recognized. He said the City is reviewing suggestion and working with the County to move the items forward.

Association of Washington Cities: Mayor Johnson said he and six Councilmembers along with City Administrator Morrison and Community Development Director Vodopich attended the AWC annual conference in June. He said they met with the Mayor from Sumner and City Administrator from Orting and discussed issues that affect the Cities. He thanked Councilmembers for attending.

IV. CONSENT AGENDA:

- A. **Approval of Accounts Payable Checks/Vouchers**: #61309 thru 61365 (including wire transfer #'s 6162011, 7617285 & 20110603) in the amount of \$2,360,530.84; Accounts Payable checks/vouchers #61366 thru 61400 (including wire transfer # 20110206, 20110615 & 20110616) in the amount of \$181,350.84; Accounts Payable wire transfer (20110617) in the amount of \$33,652.20; for a grand total of \$2,575,533.88.
- B. **Approval of Payroll**: Payroll for June 1-15th 2011 for checks **29820-29848** including Direct Deposits and Electronic Transfers in the amount of **\$ 418,124.51**.

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

Consent Agenda approved 7 – 0.

V. FINANCE COMMITTEE ISSUES:

- A. **AB11-70 – Ordinance D11-70** – An Ordinance Of The City Council Of The City Of Bonney Lake, Pierce County, Washington Amending Chapter 5.04 Of The Bonney Lake Municipal Code, And The Corresponding Portions Of Ordinance Nos. 990 And 305, Relating To Utility Tax.

The item was tabled to the July 5, 2011 Council Workshop for action during Agenda Modifications.

- B. **AB11-64 – Resolution 2126** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing A Contractor Agreement With Doolittle Construction, LLC For The 2011 Chip Seal Application.

Councilmember Decker moved to approve Resolution 2126. Councilmember Lewis seconded the motion.

Mayor Johnson said this is an annual process to maintain the roads.

Resolution 2126 approved 7 – 0.

- C. **AB11-71 – Resolution 2130** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Awarding The 80th Street E. And 82nd Street E. Sidewalk Improvements Project To Les Russell Construction, LLC.

Councilmember Rackley moved to approve Resolution 2130. Councilmember Decker seconded the motion.

Councilmember Carter said the sidewalks will be a great addition to the neighborhoods. She asked about the impact on area roads during the project. Director Grigsby said the company will have approximately six weeks to complete the project after the City issues the notice to proceed. He said he does not foresee any roads being blocked overnight and at most it will be reduced to one lane of travel.

Resolution 2130 approved 7 – 0.

VI. COMMUNITY DEVELOPMENT COMMITTEE ISSUES: *None.*

VII. PUBLIC SAFETY COMMITTEE ISSUES: *None.*

VIII. FULL COUNCIL ISSUES:

- A. **AB11-72 – Ordinance 1390 [D11-72]** – An Ordinance Of The City Council Of The City Of Bonney Lake, Pierce County, Washington Amending Chapter 10.16 Of The Bonney Lake Municipal Code Relating To The Parking Of Recreational Vehicles.

Councilmember Decker moved to approve Ordinance 1390. Councilmember Carter seconded the motion.

**Ordinance 1390 approved 6 – 1.
Councilmember Decker voted no.**

- B. **AB11-68 – Resolution 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.

Councilmember Lewis moved to approve Resolution 2129. Councilmember Decker seconded the motion.

Resolution 2129 approved 7 – 0.

- C. **AB11-75** – A Motion Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Approving The GMG Final Plat.

The item was pulled from the agenda during Agenda Modifications.

- I. **EXECUTIVE SESSION:** Pursuant to RCW 42.30.110(1)(c) the Council recessed to an executive session with the City Attorney at 7:52 p.m. for 5 minutes to discuss property acquisition. The Council returned to Chambers at 8:00 p.m.

- X. **ADJOURNMENT:**

At 8:00 p.m., Councilmember Decker moved to adjourn the meeting. Councilmember Rackley seconded the motion.

Motion to adjourn approved 7 – 0.

Harwood Edvalson, CMC
City Clerk

Neil Johnson
Mayor

Items presented to Council at the June 28, 2011 Meeting:

Brian Redpath – Mainstage Theater – No copy given to the clerk.

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ORDINANCE D11-70

AN ORDINANCE OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON
AMENDING CHAPTER 5.04 OF THE BONNEY LAKE MUNICIPAL CODE, AND THE
CORRESPONDING PORTIONS OF ORDINANCE NOS. 990 AND 305,
RELATING TO UTILITY TAX

WHEREAS, a recent tax refund request, made by a private utility doing business within the City of Bonney Lake, has brought to light the need to make certain revisions to the utility tax provisions of the municipal code.

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

Section 1. Chapter 5.04 of the Bonney Lake Municipal Code, Utility Tax, is hereby amended to read as follows:

5.04.010 Power to license for revenue.

The provisions of this chapter shall be deemed to be an exercise of the power of the city to license for revenue.

5.04.020 License required.

No person, firm or corporation shall engage in or carry on any business, occupation, act or privilege for which a tax is imposed by BLMC 5.04.030 without first having obtained, and being the holder of, a license so to do pursuant to the provisions of BLMC Chapter 5.08.

5.04.030 Tax designated.

A. There is levied upon, and there shall be collected from, every person, firm or corporation engaged in furnishing, for a monetary consideration, of the city and the inhabitants thereof, with electricity and electrical energy for lighting, heating, power, and other public purposes, within or partly within the corporate limits of the city, an annual tax for the privilege of so doing, such tax to be equal to 6.00 percent of the total gross subscribers revenues from business and residential electrical power service in the city.

B. There is levied upon and there shall be collected from, every person, firm or corporation engaged in carrying on a telephone business for hire, including cellular telephone service, within or partly within the corporate limits of the city an annual tax for the privilege of so doing, such tax to be equal to 6.00 percent of the total gross operation revenues within the city. Gross operating revenues for this purpose shall not include charges which are passed on to the subscribers by a telephone company pursuant to tariffs required by regulatory order to compensate for the cost to the company of the tax imposed by this chapter.

“Telephone business” means the business of providing access to local telephone network, local telephone switching service, toll service, or coin telephone services, or providing telephonic, video, data or similar communication or transmission for hire, via a local telephone network, toll line or changes, or similar communication or transmission system. It includes cooperative or farmer line telephone companies or associations operating an exchange. “Telephone business” does not include the providing of competitive service.

“Cellular telephone service” means a two-way voice and data telephone/telecommunications system based in whole or substantially in part on wireless radio communications which is not subject to regulation by the Washington State Utilities and Transportation Commission (WUTC). This includes cellular mobile service. The definition of cellular mobile service includes other wireless radio communications services such as specialized mobile radio (SMR), personal communications services (PCS), and any other evolving wireless radio communications technology which accomplishes a purpose similar to cellular mobile service. Cellular telephone service is included within the definition of “telephone business” for the purposes of this chapter.

“Competitive telephone service” means the providing by any person of telecommunications equipment or apparatus, or service related to that equipment or apparatus such as repair or maintenance service, if the equipment or apparatus is of a type which can be provided by persons that are not subject to regulations as telephone companies under RCW Title 80 and for which a separate charge is made.

C. There is levied upon, and there shall be collected from, every person, firm or corporation engaged in furnishing, for a monetary consideration, natural gas or manufactured gas for lighting, heating, power, and other public purposes, within or partly within the corporate limits of the city, an annual tax for the privilege of so doing, such tax to be equal to 6.00 percent of the total gross subscriber revenue from business and residential gas service, both natural and manufactured, in the city.

D. There is levied upon, and there shall be collected from, every person, firm or corporation engaged in carrying on the business of selling or furnishing water for domestic or industrial consumption, or sewer service, within or partly within the corporate limits of the city, a tax equal to 8.00 percent of the total gross income from such business in the city.

E. There is levied upon, and there shall be collected from, every person, firm or corporation engaged in carrying on the business of selling or furnishing garbage service, including recyclables and yard waste, within or partly within the corporate limits of the city, a tax equal to 6.00 percent of the total gross income from such business in the city.

F. There is levied upon, and there shall be collected from, every person, firm or corporation engaged in carrying on the business of selling or furnishing cable television service, for domestic or commercial consumption, within or partly within the corporate limits of the city, a tax equal to 6.5 percent of the total gross subscriber revenue from such service.

G. There is levied upon and there shall be collected from every person, firm or corporation engaged in carrying on the business of selling or furnishing stormwater service, within or partly within the corporate limits of the city, a fee or tax equal to 8.00 percent of the total gross revenues from such business in the city.

5.04.040 Computation deductions.

In computing the annual tax there shall be deducted from the gross operating revenues the following items:

- A. The amount of credit losses and uncollectibles actually sustained by the taxpayer;
- B. Amounts derived from transactions in interstate or foreign commerce or from any business which the city is prohibited from taxing under the Constitution of the United States, the Constitution of the state, or laws of the United States.
- C. That portion of gross income derived from charges to another telecommunications company for connecting fees, switching charges, or carrier access charges relating to intrastate toll telephone services, or for access to, or charges for, interstate services, or charges for telephone service which the purchaser buys for the purpose of resale.

5.04.050 Due date.

A. The tax imposed by this chapter shall be due and payable in quarterly installments and remittance shall be made on or before the thirtieth day of the month next succeeding the end of the quarterly period in which the tax accrued. Such quarterly periods are as follows:

First quarter - January, February, March;

Second quarter - April, May, June;

Third quarter - July, August, September;

Fourth quarter - October, November, December.

B. On or before the due date the taxpayer shall file with the city a written return, upon such form and setting forth such information as the city shall reasonably require, together with the payment of the amount of the tax.

5.04.060 Records of revenue.

Each taxpayer shall keep records reflecting the amount of his gross operating revenues, and such records shall be open at all reasonable times to the inspection of the city, or his duly authorized subordinates, for verification of the tax returns or for the fixing of the tax of a taxpayer who fails to make such returns.

5.04.070 Failure to pay - underpayment.

If any person, firm or corporation subject to this chapter fails to pay any tax required by this chapter within 30 days after the due date thereof, there shall be added to such tax a penalty of 10 percent of the amount of such tax, and any tax due under this chapter and unpaid, and all penalties thereon, shall constitute a debt to the city and may be collected by court proceedings, which remedy shall be in addition to all other remedies. In the event of a failure to pay or or underpayment, the Director is authorized to determine the amount of the tax due. Such assessment shall be deemed correct. The Director shall notify the taxpayer by mail of the amount of tax so determined, together with any penalty, interest, and fees due; the total of such amounts shall thereupon become immediately due and payable.

5.04.080 Overpayment.

Any money paid to the city through error or otherwise not in payment of the tax imposed by this chapter, or in excess of such tax, shall, upon request of the taxpayer, be credited against any tax due or to become due from such taxpayer under this chapter or, upon the taxpayer's ceasing to do business in the city, be refunded to the taxpayer. Provided, however, that overpayments extending beyond one year prior to the date the taxpayer requests a credit or refund shall not be credited or refunded.

5.04.090 Authority of the city.

The city is authorized to adopt, publish and enforce, from time to time, such rules and regulations for the proper administration of this chapter as shall be necessary, and it shall be a violation of this chapter to violate or to fail to comply with any such rule or regulation lawfully promulgated under this chapter.

5.04.100 Violation - Penalty.

Any person, firm or corporation subject to this chapter who fails or refuses to apply for an occupation license or to make tax returns or to pay such tax when due, or who makes any false statement or representation in or in connection with any such application for an occupation license on such tax return, or otherwise violates or refuses or fails to comply with this chapter, shall be guilty of a civil infraction, with a fine of \$250 per day that a violation continues.

Section 2. This Ordinance shall take effect and be in force 30 days from its passage, approval, and publication as required by law.

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

Neil Johnson, Mayor

ATTEST:

Harwood T. Edvalson, CMC, City Clerk

APPROVED AS TO FORM:

James J. Dionne, City Attorney

ORDINANCE D11-70

AN ORDINANCE OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON
AMENDING CHAPTER 5.04 OF THE BONNEY LAKE MUNICIPAL CODE, AND THE
CORRESPONDING PORTIONS OF ORDINANCE NOS. 990 AND 305,
RELATING TO UTILITY TAX

WHEREAS, a recent tax refund request, made by a private utility doing business within the City of Bonney Lake, has brought to light the need to make certain revisions to the utility tax provisions of the municipal code.

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

Section 1. Chapter 5.04 of the Bonney Lake Municipal Code, Utility Tax, is hereby amended to read as follows:

5.04.010 Power to license for revenue.

The provisions of this chapter shall be deemed to be an exercise of the power of the city to license for revenue.

5.04.020 License required—~~Application.~~

~~After January 1, 1970, n~~No person, firm or corporation shall engage in or carry on any business, occupation, act or privilege for which a tax is imposed by BLMC 5.04.030 without first having obtained, and being the holder of, a license so to do, to be known as an “occupation license.” Each such person, firm or corporation shall promptly apply to the city for such license upon such forms as the city shall prepare and provide, giving such information as the city shall deem reasonably necessary to enable him to administer and enforce this chapter; and, upon acceptance of such application by the city, he shall thereupon issue such license to the applicant. Such occupation license shall be personal and nontransferable and shall be valid as long as the licensee continues in such business and complies with this chapter. pursuant to the provisions of BLMC Chapter 5.08.

5.04.030 Tax designated.

A. ~~From and after November 1, 1993, t~~There is levied upon, and there shall be collected from, every person, firm or corporation engaged in furnishing, for a monetary consideration, of the city and the inhabitants thereof, with electricity and electrical energy for lighting, heating, power, and other public purposes, within or partly within the corporate limits of the city, an annual tax for the privilege of so doing, such tax to be equal to 6.00 percent of the total gross subscribers revenues from business and residential electrical power service in the city.

B. ~~From and after January, 1991, t~~There is levied upon and there shall be collected from, every person, firm or corporation engaged in carrying on a telephone business for hire, including cellular

telephone service, within or partly within the corporate limits of the city an annual tax for the privilege of so doing, such tax to be equal to 6.00 percent of the total gross operation revenues within the city. Gross operating revenues for this purpose shall not include charges which are passed on to the subscribers by a telephone company pursuant to tariffs required by regulatory order to compensate for the cost to the company of the tax imposed by this chapter.

“Telephone business” means the business of providing access to local telephone network, local telephone switching service, toll service, or coin telephone services, or providing telephonic, video, data or similar communication or transmission for hire, via a local telephone network, toll line or changes, or similar communication or transmission system. It includes cooperative or farmer line telephone companies or associations operating an exchange. “Telephone business” does not include the providing of competitive service.

“Cellular telephone service” means a two-way voice and data telephone/telecommunications system based in whole or substantially in part on wireless radio communications which is not subject to regulation by the Washington State Utilities and Transportation Commission (WUTC). This includes cellular mobile service. The definition of cellular mobile service includes other wireless radio communications services such as specialized mobile radio (SMR), personal communications services (PCS), and any other evolving wireless radio communications technology which accomplishes a purpose similar to cellular mobile service. Cellular telephone service is included within the definition of “telephone business” for the purposes of this chapter.

“Competitive telephone service” means the providing by any person of ~~telephone~~ telecommunications equipment; or apparatus, or service related to that equipment or apparatus such as repair or maintenance service, other than toll service, if the equipment or apparatus is of a type which is of a type which can be provided by persons that are not subject to regulations as telephone companies under RCW Title 80 and for which a separate charge is made.

C. ~~From and after November 1, 1993,~~ ~~There is levied upon, and there shall be collected from,~~ every person, firm or corporation engaged in furnishing, for a monetary consideration, natural gas or manufactured gas for lighting, heating, power, and other public purposes, within or partly within the corporate limits of the city, an annual tax for the privilege of so doing, such tax to be equal to 6.00 percent of the total gross subscriber revenue from business and residential gas service, both natural and manufactured, in the city.

D. ~~From and after November 1, 1993,~~ ~~There is levied upon, and there shall be collected from,~~ every person, firm or corporation engaged in carrying on the business of selling or furnishing water for domestic or industrial consumption, or sewer service, within or partly within the corporate limits of the city, a ~~fee or~~ tax equal to 8.00 percent of the total gross income from such business in the city.

E. ~~From and after April 1, 2000,~~ ~~There is levied upon, and there shall be collected from,~~ every person, firm or corporation engaged in carrying on the business of selling or furnishing garbage

service, including recyclables and yard waste, within or partly within the corporate limits of the city, a fee or tax equal to 6.00 percent of the total gross income from such business in the city.

F. ~~From and after November 1, 1993,~~ ~~€~~ There is levied upon, and there shall be collected from, every person, firm or corporation engaged in carrying on the business of selling or furnishing cable television service, for domestic or commercial consumption, within or partly within the corporate limits of the city, a fee or tax equal to 6.5 percent of the total gross subscriber revenue from such service.

G. ~~From and after March 1, 1998,~~ ~~€~~ There is levied upon and there shall be collected from every person, firm or corporation engaged in carrying on the business of selling or furnishing stormwater service, within or partly within the corporate limits of the city, a fee or tax equal to 8.00 percent of the total gross revenues from such business in the city.

5.04.040 Computation deductions.

In computing the annual tax there shall be deducted from the gross operating revenues the following items:

- A. The amount of credit losses and uncollectibles actually sustained by the taxpayer;
- B. Amounts derived from transactions in interstate or foreign commerce or from any business which the city is prohibited from taxing under the Constitution of the United States, or the Constitution of the state, or laws of the United States.
- C. That portion of gross income derived from charges to another telecommunications company for connecting fees, switching charges, or carrier access charges relating to intrastate toll telephone services, or for access to, or charges for, interstate services, or charges for telephone service which the purchaser buys for the purpose of resale.

5.04.050 Due date.

A. The tax imposed by this chapter shall be due and payable in quarterly installments and remittance shall be made on or before the thirtieth day of the month next succeeding the end of the quarterly period in which the tax accrued. Such quarterly periods are as follows:

First quarter - January, February, March;

Second quarter - April, May, June;

Third quarter - July, August, September;

Fourth quarter - October, November, December.

B. ~~The first payment made under this chapter shall be made by April 30, 1982, for the three-month period ending March 31, 1982.~~ On or before the due date the taxpayer shall file with the city a written return, upon such form and setting forth such information as the city shall reasonably require, together with the payment of the amount of the tax.

5.04.060 Records of revenue.

Each taxpayer shall keep records reflecting the amount of his gross operating revenues, and such records shall be open at all reasonable times to the inspection of the city, or his duly authorized subordinates, for verification of the tax returns or for the fixing of the tax of a taxpayer who fails to make such returns.

5.04.070 Failure to pay ~~- underpayment~~.

If any person, firm or corporation subject to this chapter fails to pay any tax required by this chapter within 30 days after the due date thereof, there shall be added to such tax a penalty of 10 percent of the amount of such tax, and any tax due under this chapter and unpaid, and all penalties thereon, shall constitute a debt to the city and may be collected by court proceedings, which remedy shall be in addition to all other remedies. In the event of a failure to pay or or underpayment, the Director is authorized to determine the amount of the tax due. Such assessment shall be deemed correct. The Director shall notify the taxpayer by mail of the amount of tax so determined, together with any penalty, interest, and fees due; the total of such amounts shall thereupon become immediately due and payable.

5.04.080 Overpayment ~~or underpayment~~.

Any money paid to the city through error or otherwise not in payment of the tax imposed by this chapter, or in excess of such tax, shall, upon request of the taxpayer, be credited against any tax due or to become due from such taxpayer under this chapter or, upon the taxpayer's ceasing to do business in the city, be refunded to the taxpayer. Provided, however, that overpayments extending beyond one year prior to the date the taxpayer requests a credit or refund shall not be credited or refunded.

5.04.090 Authority of the city.

The city is authorized to adopt, publish and enforce, from time to time, such rules and regulations for the proper administration of this chapter as shall be necessary, and it shall be a violation of this chapter to violate or to fail to comply with any such rule or regulation lawfully promulgated under this chapter.

5.04.100 Violation ~~deemed misdemeanor~~ - Penalty.

Any person, firm or corporation subject to this chapter who fails or refuses to apply for an occupation license or to make tax returns or to pay such tax when due, or who makes any false statement or representation in or in connection with any such application for an occupation

license on such tax return, or otherwise violates or refuses or fails to comply with this chapter, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished as provided in the Revised Code of Washington for misdemeanors civil infraction, with a fine of \$250 per day that a violation continues.

Section 2. This Ordinance shall take effect and be in force 30 days from its passage, approval, and publication as required by law.

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

Neil Johnson, Mayor

ATTEST:

Harwood T. Edvalson, CMC, City Clerk

APPROVED AS TO FORM:

James J. Dionne, City Attorney

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

Department/Staff Contact: CD / Heather Stinson	Meeting/Workshop Date: 5 July 2011	Agenda Bill Number: AB11-58
Agenda Item Type: Ordinance	Ordinance/Resolution Number: D11-58	Councilmember Sponsor:

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.

At the June 7, 2011 City Council meeting, Council members expressed concern that 500 feet was too wide and asked staff to research other codes to determine what distances they might use. The attached memo summarizes staff's findings.

Attachments: Ordinance D11-58, Planning Commission recommendation memo, 6-29-11 staff memo, Gig Harbor zone transition sample

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

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

COUNCIL ACTION	
Workshop Date(s): 17 May 2011, 7 Jun 2011	Public Hearing Date(s):
Meeting Date(s): 24 May 2011	Tabled to Date:

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



Memo

Date : June 29, 2011
To : Mayor and City Council
From : Heather Stinson, Planning Manager
CC :
Re : **Examples of buffering standards**

In researching the idea of performance standards within certain distances from residential development, staff found that for other municipalities in Washington, the majority rely on one of two mechanisms for buffering between incompatible uses:

1. Landscaping (20 feet being the maximum)
2. A transitional zoning district in between low impact and high impact uses

For the few jurisdictions that utilized the idea of a “Transitional Buffer” or “Transitional Overlay” such as the draft before you, staff found the following:

1. All of the transition buffers were on the commercial or higher intensity housing side and not applied over single family zoning.
2. The buffer widths utilized were as follows:
 - a. Bellevue and Kent: 300 ft from single family, 150 ft. from multi-family (multiple design requirements)
 - b. Redmond: 400 ft from residential (noise reduction)
 - c. Gig Harbor: 200 ft from single family (height restrictions)

17.99.170 Zone transition standards.

Zone transitions occur wherever opposing zones meet. All parcels in a specific zone that abut, or are across the street from, parcels in a different zone (regardless of uses in that zone or as otherwise stated below) are subject to either ZONE TRANSITION BUFFERING STANDARDS or ZONE TRANSITION DEVELOPMENT STANDARDS. Zone transition standards do not apply between parcels in a different zone separated by State Route 16. Zone transition standards do not apply to development that is permitted under the development standards of the opposing zone or between zones that collectively fall under any one of the following zoning district categories.

Zoning designations serve to contain similar and compatible uses within specified areas of the city. Incompatible development may occur where two or more zoning designations meet.

The DRB shall not consider or recommend approval of any deviation or proposed modification of any standard in GHMC 17.99.180 or 17.99.190, except as provided in GHMC 17.99.200.

ZONE TRANSITION CATEGORIES

ZONING DISTRICTS

LOW DENSITY RESIDENTIAL	R-1, R-2, PCD-RLD, WM, WR
LOW TO MEDIUM DENSITY RESIDENTIAL	R-2, R-3
MODERATE DENSITY RESIDENTIAL AND MIXED USES	R-3, PCD-RMD, RB-1, RB-2, PCD-NB
NONRESIDENTIAL*	B-1, B-2, C-1, PCD-C, ED, PI, DB, WC, RB-1*, RB-2*, PCD-NB*, MUD*, PCD-BP

* PARCELS WITH AN RB-1, RB-2 OR PCD-NB ZONING DESIGNATION ARE NOT INCLUDED IN THE NONRESIDENTIAL CATEGORY IF THERE ARE ANY RESIDENTIAL STRUCTURES ON THE SITE.

(Ord. 1194 § 46, 2010).

17.99.180 Zone transition buffering standards.**Substantially separate and shield opposing zones located outside the height restriction area with a minimum 40-foot dense vegetative buffer.**

Buffering between zones in parcels outside the height restriction area defined in Chapter 17.62 GHMC shall include a dense vegetative buffer of 40 feet or more unless the zone transition development standards of GHMC 17.99.190 are complied with. The dense vegetative buffer shall be entirely located on the parcel being developed.

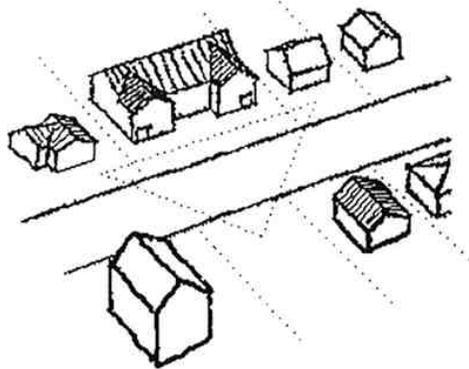
In situations where the subject site is located in the height restriction area, the development standards of GHMC 17.99.190 shall apply. (Ord. 1099 § 1, 2007).

17.99.190 Zone transition development standards.

In situations where zone transition buffering standards cannot be achieved or where zone transitions occur within the height restriction area, the following development standards shall apply:

A. Limit building footprint to the average size of building footprints in the opposing zones.**

Building footprints shall be no larger than the average footprint size of all buildings in opposing zones located within 200 feet of the subject site and that are on parcels contiguous to the transition zone boundary (accessory structures, e.g., sheds and garages, may be excluded from this calculation).



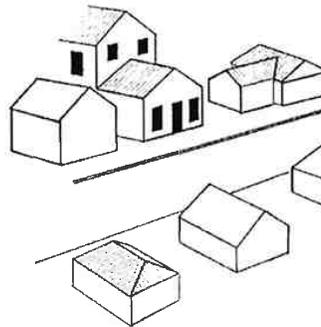
** The design review board may recommend alternative measures of complying with this standard under the provisions of the alternate zone transition standards in GHMC 17.99.200.

Landscape buffers and screens typically separate and shield dissimilar uses. Where landscaping alone cannot provide visual relief between districts, transition may be better achieved by combining screening methods with a "step-down" approach to development.

All buildings in the opposing zone within 200 feet of the subject site should be identified to determine average height and average footprint size.

B. Limit building height to the average height of buildings in opposing zones.**

Building height shall be no taller than the average building height of all buildings in opposing zones (including code-allowed height on vacant parcels) located within 200 feet of subject site and that are on parcels contiguous to the transition zone boundary. Structures may step up to a greater height (not to exceed maximum height limits) if the taller portions are stepped back at least 1.25 feet for every increased foot of height. In this context, structures shall be measured from the average finished grade along the side of the building facing the opposing zone to the highest point on the roof.



Taller portions of buildings must be stepped back at least 1.25 feet for every increased foot of height.

C. Avoid facing dissimilar structures along streets.

Structures facing a street which divides or abuts two or more zones shall be compatible with structures in the less intense zone as follows:

1. INCORPORATE RESIDENTIAL DETAILING.

All buildings abutting a residential zone shall be limited to residential-type doors, windows, trim, and massing. Large storefront windows, kick plates below windows, flat roofs, parapets, sign bands, etc., do not appropriately reflect residential architecture.

** The design review board may recommend alternative measures of complying with this standard under the provisions of the alternate zone transition standards in GHMC 17.99.200.

2. CONFORM TO DESIGN STANDARDS OF MORE RESTRICTIVE ZONES.

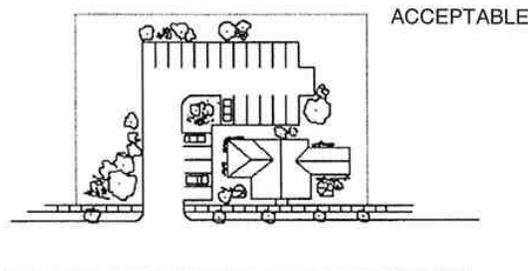
Structures abutting a dissimilar zone shall be subject to design standards for both zones. The more restrictive requirements shall apply.

3. IF DESIRED, RELAX DESIGN STANDARDS ON PARCEL INTERIOR.

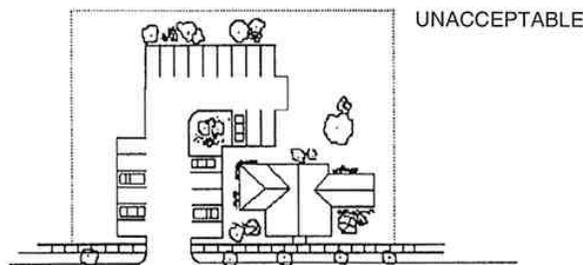
Buildings may be designed to reflect the more intense uses allowed in a zone if they are located behind structures that conform to the standards of the abutting zone.

D. Avoid the appearance of parking lots along residential streets.

Parking lots are not allowed along streets which divide commercial and residential districts or on parcels that abut residential zones. In these situations, parking lots must be largely contained behind nonresidential buildings. Driveways with parking on one side of the driveway may connect rear parking lots to the street.



Driveways with parking stalls on one side only may face residential districts.



Large parking lots may not be located in front yards where they face residential districts.

(Ord. 1099 § 2, 2007).

17.99.200 Alternative zone transition standards.

As an alternative to the zone transition standards in GHMC 17.99.180 and 17.99.190, the design review board may recommend approval of development in a zone transition area if it finds that the proposed development integrates, and is sensitive to, the pattern of development in the abutting zone. To determine if a proposed development is sensitive to the pattern of development in the abutting zone, the DRB shall consider the following elements of design:¹

A. Separation of structures.

Is there sufficient separation between structures on the site and structures in the opposing zone to mitigate the impacts of taller or larger structures?

B. Architectural modulation of building.

Is there sufficient modulation in the design of the building to reflect the scale and massing of adjacent buildings in the opposing zone?

C. Rooflines.

Do the rooflines of the proposed building(s) reflect the type, style and form of the rooflines on the adjacent buildings in the opposing zone?

D. Location of service areas.

Is there sufficient separation of service areas (e.g., loading docks, delivery areas, dumpster enclosures) to minimize impacts to development in the opposing zone?

E. Window and balcony orientation.

Are windows and balconies located in a manner that preserves the privacy of residents in the opposing zone?



The bulk of this project's upper story was reduced and significant landscaping was retained to better fit with the neighboring single-family zone.

¹ The alternative zone transition standards allow the DRB to consider these elements but do not authorize the DRB to waive design standards otherwise required by this chapter or to vary from the minimum setback standards, maximum height standards, or maximum building size standards applicable to the underlying zoning district in which the subject site is located.

F. Lighting.

Is the location and intensity of outdoor lighting low enough to avoid negative impacts on abutting residential development?

G. Vegetative buffering.

Does existing on-site vegetation provide screening opportunities or otherwise ensure the privacy of residents in opposing zones?

H. Existing nonconformities.

Are there existing patterns of development in the opposing zone that do not conform with current development standards and should therefore not be perpetuated in new development?

I. Entryway orientation.

Is the building entrance in a location that minimizes impacts to the privacy of abutting residential development?

J. Location of parking and driveway entrances.

Are parking lots and driveways in locations that minimize traffic noise on, or invasion of privacy of, abutting residential development?

K. Open space and common areas.

Does the project utilize common areas to provide separation between site development and development in the opposing zone?

L. Existing natural characteristics of the site.

Does the development utilize existing site conditions such as topography or clusters of trees to provide buffering or to enhance view opportunities?

M. Siding materials and details.

Do the siding materials and other architectural details reflect the type of materials and details that typify development on abutting parcels in the opposing zone?





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**

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 2.7×10^{-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:

Published:

Effective Date:

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

Neil Johnson, Mayor

ATTEST:

Harwood T. Edvalson, CMC, City Clerk

APPROVED AS TO FORM:

James J. Dionne, City Attorney

Passed:

Valid:

Published:

Effective Date:

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

Department/Staff Contact: Executive / Don Morrison	Meeting/Workshop Date: 5 July 2011	Agenda Bill Number: AB11-81
Agenda Item Type: Motion	Ordinance/Resolution Number:	Councilmember Sponsor:

Agenda Subject: Letter of Understanding with the YMCA

Full Title/Motion: A Motion Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing The Mayor To Sign A Letter Of Understanding With The Ymca..

Administrative Recommendation: Approve

Background Summary: Since 2008 the City has studied the feasibility of partnering with the YMCA to develop a facility in Bonney Lake. This Letter of Understanding establishes the framework for the parameters, milestones, and strategy to develop a YMCA in the City of Bonney Lake.
Attachments: Letter of Understanding

BUDGET INFORMATION			
Budget Amount	Current Balance	Required Expenditure	Budget Balance
Budget Explanation: The Letter of Understanding pledges \$1M existing City funds toward the project, plus an intent to place an \$8M bond on the ballot. The balance of the funding would be provided by the Y pursuant to a formal agreement that would be developed and approved by both parties.			

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

COUNCIL ACTION	
Workshop Date(s): July 5, 2011	Public Hearing Date(s):
Meeting Date(s):	Tabled to Date:

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

June 9, 2011

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

YMCA of Pierce and Kitsap Counties
1614 S Mildred St Ste 1
Tacoma WA 98465

LETTER OF UNDERSTANDING BETWEEN THE CITY OF BONNEY LAKE AND THE YMCA OF PIERCE AND KITSAP COUNTIES FOR COLLABORATION AND COMMUNITY CENTER DEVELOPMENT TO BUILD A STRONGER COMMUNITY

The case for development:

Scientific market research was conducted in June 2008 by Triangle2 Partners that showed 20,000-25,000 residents of East Pierce County would join a YMCA facility featuring youth, family, adult, and senior citizen programming. In view of the successful development of the Gig Harbor Family YMCA and the unmet need for recreational services in Bonney Lake, it became apparent a facility should be built in Bonney Lake. The City of Bonney Lake and the YMCA of Pierce and Kitsap Counties entered into comprehensive conversations in 2008 to forge a collaborative relationship.

The City and YMCA have the following common interests and goals:

- Dedication to improving the quality of life for all East Pierce County residents by providing health and wellness programs and facilities to fulfill unmet needs in the community.
- Desire to make sound and appropriate decisions based on market research.
- Intention to develop a YMCA that features a comprehensive indoor recreational facility, complimentary to a facility in the City of Sumner. The range of facility will be 40,000 to 50,000 square feet in phase one, with capacity master planned for a comprehensive 70,000 square foot facility.
- Critical path milestones:
 - Final contract passed by City Council and YMCA Board of Directors by November 2011. This agreement will allow monies pledged to start the site planning and design process for a 40,000 to 50,000 square foot YMCA with competitive pool, master planned for 70,000 square feet. YMCA and the City will coordinate master site planning that includes surrounding recreational land and any necessary shared parking.
 - City of Bonney Lake pledges \$1.0 million to go directly to the YMCA. This currently resides as a line item in the City's 2011/2012 budget.
 - With Council approval, City will put an \$8 million bond measure to the voters in the fourth quarter of 2012 or first quarter of 2013 that will cover 66% to 75% of the cost to construct a 40,000 to 50,000 square foot YMCA (estimated construction cost is \$300 per square foot as of June 2011). YMCA and the City will work closely on a co-marketing strategy to ensure a successful bond. These bond dates will be timed with the CUGA annexation so all citizens of Bonney Lake will have the ability to participate. If for some reason the CUGA annexation is put on hold, we still anticipate moving forward.
 - The YMCA will begin construction within 12 months of a successfully passed \$8 million bond measure. Construction is anticipated to take 12-18 months, depending on weather and other circumstances. We will anticipate full cooperation and

expertise with the City planning department. If the bond measure does not pass, the YMCA will retain a land agreement for the WSU Forest property.

- The City of Bonney Lake will fund the capital investment of \$9 million for the facility and the YMCA will maintain all operations for a 50-year term, with options to extend the agreement for 100-plus years. The YMCA will own the building and land in the 50th year or upon completion of a 50 percent addition to the Phase 1 facility.

City of Bonney Lake Assets and Benefits

- Mayor, City Council, staff, and citizens want a YMCA and recreational services.
- Commitment to leverage resources to deliver on the vision: \$1 million of budget and voter bond measure.
- Land and site development.
- Provide recreational services to families of Bonney Lake who have showed much interest through various surveys conducted by the City and the YMCA.

YMCA Assets and Benefits

- Staff and volunteers experienced in collaborative models and market research.
- Successful models in Gig Harbor and Silverdale to build upon.
- Assumptions of operational risk providing all other conditions are met.
- Manage all construction and architectural processes, with input from City.
- Offer employment to more than 150 local people.
- Commitment to provide a competitive swimming pool, as requested by the City and its citizens.
- Open to all: commitment to use a sliding scale fee schedule to provide affordable access for all income levels and circumstances.
- Free Teen Late Nite: commitment to open the YMCA every Friday or Saturday night to all teens at no cost to teens or city.

We will strive to work together in a collaborative manner to provide excellent service for the Bonney Lake community in an approach that builds on our strengths and maximizes prudent use of resources. Final documents will be subject to City Council and YMCA Board of Directors approval.

Neil Johnson, Mayor
City of Bonney Lake

Bob Ecklund, President and CEO
YMCA of Pierce and Kitsap Counties