

CITY COUNCIL MEETING

**January 10, 2012
7:00 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

SIGN-UP TO SPEAK FOR SPECIFIC ACTION ITEMS ON THE AGENDA: *If you have signed up prior to the Council meeting to speak with respect to a particular ordinance or resolution appearing on the agenda, you will be recognized to address the Council for up to one minute before the Council takes action on that item. Those wishing to address such items on the “Consent Agenda” should do so during the “Citizen Comments” portion of the Agenda. If the Council chooses to discuss the item further after taking comments, they may restrict additional public comment before taking action. Please look for the sign-up sheets near the Council Chamber doorway. (See Item II.B. for Citizen Comments on other items of City business.)*

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

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

- A. Flag Salute
- B. Roll Call: Mayor Neil Johnson, Jr., Deputy Mayor Dan Swatman, Councilmember Mark Hamilton, Councilmember Donn Lewis, Councilmember Randy McKibbin, Councilmember Katrina Minton-Davis, Councilmember James Rackley, and Councilmember Tom Watson.
- C. Announcements, Appointments and Presentations:
 - 1. Announcements: None.
 - 2. Appointments:
 - a. Oath of Office: Administration Of The Oath of Office To Councilmember Mark Hamilton (Position 2), Councilmember James Rackley (Position 4), Councilmember Tom Watson (Position 5) And Councilmember Katrina Minton-Davis (Position 7) To Terms Ending December 31, 2015.
 - 3. Presentations: None.
- D. Agenda Modifications

II. PUBLIC HEARINGS, CITIZEN COMMENTS & CORRESPONDENCE:

- A. Public Hearings: None.
- B. Citizen Comments:
You may address the City Council on matters of City business for up to 5 minutes. Those commenting about ordinances or resolutions on the “Consent Agenda” should limit their comments to one minute per item. When recognized by the Mayor, please state your name and address for the official record. Designated representatives speaking on behalf of a group may take up to 10 minutes on matters of general City business.
- C. Correspondence

III. COUNCIL COMMITTEE REPORTS:

- A. Finance Committee
- B. Community Development Committee

- C. Public Safety Committee
- D. Other Reports

IV. CONSENT AGENDA:

The items listed below may be acted upon by a single motion and second of the City Council. By simple request to the Chair, any Councilmember may remove items from the Consent Agenda for separate consideration after the adoption of the remainder of the Consent Agenda items.

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- A. **Approval of Corrected Minutes:** December 6, 2011 Council Workshop and December 13, 2011 Council Meeting.
- B. **Approval of Accounts Payable and Utility Refund Checks/Vouchers:** Accounts Payable checks/vouchers #62526 thru 62631 (Including Wire Transfer #'s 11112011, 12052011) in the amount of \$786,443.66; Accounts Payable checks/vouchers #62632 in the amount of \$680.19 for a Utility refund; Accounts Payable wire transfer #20111117 in the amount of \$25,739.46, Accounts Payable checks/vouchers #62633 thru 62683 (including wire transfer #8514490) in the amount of \$475,603.09, Accounts Payable checks/vouchers #62684 for a Utility refund, Accounts Payable wire transfer #20111216 in the amount of \$19,357.93, Accounts Payable checks/vouchers #62685 thru 62714 (including wire transfer #20111215) in the amount of \$261,044.63, Accounts Payable checks/vouchers #62715 in the amount of \$132.00 for an accounts receivable deposit refund, Accounts Payable checks/vouchers #62716 thru 62736 in the amount of \$3,550.35 for Utility refunds, Accounts Payable checks/vouchers #62737 in the amount of \$278.22 for a Utility overpayment refund, Accounts Payable checks/vouchers #62738 thru 62753 in the amount of \$28,326.24, Accounts Payable checks/vouchers #62754 thru 62755 for Accounts Receivable deposit refunds in the amount of \$10,710.06 for a grand total of \$1,611,931.08.
VOIDED CHECKS:
 60745 – Lost or misplaced, still outstanding. Replaced with check number 62588.
 61915 – Lost or misplaced, still outstanding. Replaced with check number 62661.
 62628 – Written for wrong amount. Replace with check number 62714.
 61977 – Duplicate payment.
- C. **Approval of Payroll:** Payroll for December 1– 15th, 2011 for checks 30165-30189 including Direct Deposits and Electronic Transfers in the amount of \$403,900.95. Payroll for December 16th-31st for checks 30190-30215 including Direct Deposits and Electronic Transfers in the amount of \$645,005.11.

V. FINANCE COMMITTEE ISSUES: None.

VI. COMMUNITY DEVELOPMENT COMMITTEE ISSUES:

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- A. **AB12-04 – Resolution 2176** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing A Water Developer Extension Agreement With Thomas M. Witte For The Olympic View Estates Long Plat.

VII. PUBLIC SAFETY COMMITTEE ISSUES: None.

VIII. FULL COUNCIL ISSUES:

- p. 35 A. **AB12-05** – A Motion Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing the Mayor To Sign A Non-Binding Memorandum Of Understanding With The Greater Bonney Lake Veterans Memorial Committee For The Construction Of A Veterans Memorial.

IX. EXECUTIVE SESSION:

Pursuant to RCW 42.30.110, the City Council may hold an executive session. The topic(s) and the session duration will be announced prior to the executive session.

X. ADJOURNMENT

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

THE COUNCIL MAY ADD AND TAKE ACTION ON OTHER ITEMS NOT LISTED ON THIS AGENDA

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CITY COUNCIL WORKSHOP

**December 6, 2011
5:30 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

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

I. CALL TO ORDER – Deputy Mayor Dan Swatman called the workshop to order at 5:35 p.m.

II. ROLL CALL:

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

Staff members in attendance were City Administrator Don Morrison, Public Works Director Dan Grigsby, Community Development Director John Vodopich, Interim Police Chief Dana Powers, Administrative Services Director/City Clerk Harwood Edvalson, City Attorney Jim Dionne, and Records & Information Specialist Susan Duis, and Facilities & Special Projects Manager Gary Leaf.

III. AGENDA ITEMS:

A. **Public Hearing:** AB11-145 – CUGA Comprehensive Plan Amendment. *Continued from the November 1, 2011 Workshop.*

Deputy Mayor Swatman re-opened the public hearing at 5:35 p.m. Seeing no one coming forward to speak, the public hearing was closed at 5:35 p.m.

B. **Presentation:** Stream Team – Water Sample Results – 6 Year Period.

Facilities & Special Projects Manager Gary Leaf provided copies of the report to Councilmembers and audience members. He said volunteers have been collecting data from Lake Bonney and Lake Debra Jane for the past six years. The Stream Team provided a report on the lakes' health three years ago, and used the new data to update the report. He introduced Stream Team Assistant Isabel Ragland to explain the report.

Ms. Ragland said volunteers have collected data from May to October each year since 2004. She said the information on the report can help the City manage the lakes, and educate residents in the watershed about how they can help protect the lakes. She explained how volunteers tested for oxygen levels, water clarity, phosphorus, chlorophyll, TSI rating, and algae.

Ms. Ragland said Lake Bonney has become somewhat clearer in the past three years, which normally indicates there is less algae in the water. She noted that Lake Bonney has been treated for aquatic weeds. Meanwhile, water clarity in Lake Debra Jane has become slightly lower. She said some algae in the lake have the potential to produce toxins, and she feels it is important to continue the water sampling program to educate residents on the health of the lake. She said Pierce County has an algae watch program, and

recommended that anyone interested in the welfare of area lakes subscribe to the program's email list. She said residents can also contact the Health Department to report algae blooms. She said homeowners can help protect area lakes by testing their soil before using fertilizer, leaving natural vegetation along the lakeshore, and keeping an eye on filters and storm drains that go into the lakes.

Councilmember Rackley noted that the program does not test for nitrates; Ms. Ragland said this test could be added. Councilmember Hamilton asked whether the treatments on Lake Bonney have been helpful. Ms. Ragland said the treatments have probably helped water clarity and chlorophyll levels, but she urged caution in removing plants, other than noxious weeds, from the lakes.

Ms. Ragland said volunteers spend about 45 minutes to an hour for each test, and they go into the deepest part of the lake to collect water samples. The Council thanked Ms. Ragland for the report.

Councilmember Hamilton asked if the City does any testing on Fennel Creek. Mr. Leaf said the City does not do tests on Fennel Creek, although the Puyallup River Watershed Council is considering whether include testing on Fennel Creek as part of a larger watershed survey.

Councilmember Carter thanked Mr. Leaf for his work and to the volunteers for their commitment to protecting the watershed. Councilmembers discussed the future budget for continued water sampling. City Administrator Morrison confirmed that the program was shifted from the Community Services budget to the Stormwater budget in 2011, and he would check and report back on the program's budget status. Councilmembers Rackley and Lewis expressed support for continuing the water testing program. Mr. Leaf said the actual tests cost about \$3,000, while the Stream Team study report cost about \$5,000.

C. **Presentation:** DM Disposal – Recycling Program Status & Customer Service.

Facilities & Special Projects Manager Leaf said the City renewed its contract with D.M. Disposal in 2009 for five years, and that contract included a customer service report mid-way through the contract. He introduced D.M. Disposal District Manager Keith Kovalenko and Operations Manager Mark Gingrich, who provided an overview of customer service history and future plans. They discussed customer service response times, a 'secret shopper' program, customer advocacy, employee recognition, and safety programs. He said D.M. is converting to co-mingled recycling for businesses and apartments. He said they plan to focus on recycling programs in 2012, including outreach to businesses and apartments that do not have recycling service currently, encouraging residential customers to recycle, reducing recycling contamination, route enhancements, and improving communication with cities.

Councilmember Rackley said he has been pleased with the customer service response he received from D.M. in the past. Councilmember Hamilton noted that 40% of commercial customers in City limits do not participate in recycling. Mr. Gingrich said 90% or more residential customers participate in recycling, but only about 60% of the total weight collected is recyclable, which is similar to county average. Councilmember Hamilton said he sometimes sees trash on the streets on trash day. Mr. Kovalenko said the trucks use an automated arm to dump the bins, so there is a potential for some items to fall out. He said

drivers are trained to pick up garbage, and asked residents to call if they notice a problem with garbage along the street.

Deputy Mayor Swatman said he has heard complaints about early morning garbage pick-up at commercial sites that are adjacent to residential homes. He said D.M. has been responsive to these issues and asked them to keep this in mind when considering route changes. Councilmember Hamilton suggested that D.M. work with the Chamber of Commerce to inform business owners about the commercial recycling program. Councilmembers thanked Mr. Kovalenko and Mr. Gingrich for their presentation.

D. Council Open Discussion:

Midtown Sidewalks: Deputy Mayor Swatman said he appreciates the new span of sidewalk along SR 410 in Midtown. He said it provides a new piece of connectivity, and he has seen more people walking along the area since it was constructed. Councilmember Lewis said high school students use the route to get to school and really appreciate it.

Holiday Gathering: Deputy Mayor Swatman said there will be an informal holiday gathering for Councilmembers, Board and Commission members, and others at the Midtown Grill at 6:00 p.m. on December 14th. Councilmember Lewis noted that the Sumner School District is hosting an open house the same evening.

E. Review of Council Minutes: November 15, 2011 Council Workshop and November 22, 2011 Council Meeting.

Councilmember Carter requested that the November 15th minutes be amended to capitalize the words “Downtown” and “Midtown”, and that the November 22nd minutes be amended on p. 3, to read, “Councilmember Carter said councilmembers and directors have pledged to match up to \$800 ~~\$500~~”. The corrected minutes were forwarded to the December 13, 2011 Meeting for action.

F. Discussion: AB11-160 – Resolution 2173 – Withdrawing from Rainier Cable Commission.

Councilmember Rackley said he feels the City should withdraw from the Rainier Communications Commission (RCC), unless the Council would like to use their services to televise meetings. He said the City pays \$24,000 per year to be a part of the RCC, and the City must send a withdrawal letter 6 months before leaving the commission. He said if the Mayor sends a letter by December 31st the City will save \$12,000 on the 2012 budget and remove this cost in future years. He said as the city’s population grows the cost of participation grows, and the membership fee does not include extra costs for televising meetings. Deputy Mayor Swatman agreed that withdrawing from the commission is a good cost savings for the city.

Councilmember Hamilton asked whether other cities are considering withdrawing from the RCC. Councilmember Rackley said the cities that remain on the commission are those who televise their meetings and a few smaller communities. Councilmember Lewis said the city could always rejoin the commission later if it wants to utilize their services. Councilmember Hamilton asked if withdrawal would affect future cable TV franchise agreement negotiations with Comcast. He said he wanted to be sure customers would not incur future higher costs if the City leaves the RCC. City Administrator Morrison said the RCC provides member cities with a template franchise agreement, but withdrawal should

not negatively impact Bonney Lake residents with higher fees. By Council consensus the item was forwarded to the December 13th Meeting for action.

G. **Discussion:** AB11-155 – Ordinance D11-155 – Amending the BLMC Relating To Miscellaneous Fees.

City Administrator Morrison said the proposed ordinance updates facility rental fees and makes minor changes to fingerprint scanning and paper scanning fees. He said in the current fee structure, the rate for non-profits to use City facilities was highly subsidized and did not even cover basic costs such as utilities. He said the new fees would apply to the Senior Center, the old City Hall chambers, and rooms in the Justice Center. He said staff felt it was important that a building monitor be present when a space is rented out, and that cost is built into the new fee schedule. He said if an approved City employee volunteers to serve as the building monitor, the rate can be reduced.

Councilmember Decker asked for an update on the Crossley property purchase negotiations (located at 18585 Sumner-Buckley Hwy). City Administrator Morrison said the City Attorney's office is still negotiating with the property owner on an agreement.

Councilmember Carter asked for clarification on the listed fees for paper copies. Administrative Services Director/City Clerk Edvalson said the State provides a standard copy charge, and the City would have to do its own analysis to justify a higher rate. Councilmember Carter said the City's current facility rental costs are very reasonable compared to other facilities, and she feels the proposed changes are justified.

Councilmember McKibbin asked what constitutes as a local non-profit group for the rate structure. City Administrator Morrison said staff reviewed several options and did not want to limit the reduced rates only to registered non-profits inside City limits. He noted that many organizations like HOAs and sports clubs do not have 501(c)(3) non-profit status, but staff felt they should still receive the reduced rate. He said the rate used would be up to the discretion of the Senior Services Manager, who manages facility rentals.

Deputy Mayor Swatman asked whether a Councilmember or Planning Commissioner would be considered as an 'employee' to serve as a building monitor; the City Administrator said they would be since they are paid staff. Deputy Mayor Swatman said he wants to encourage more use of public buildings, and asked organizations to let the Council know if they have any issues with the new fees or facilities.

City Administrator Morrison added that the City of Dupont is considering a program to provide facility use credits to community groups who participate in public service projects. He said if and when Dupont approves the program he will provide more information to Council to see if it could be implemented for Bonney Lake. By Council consensus, the proposed fee ordinance was forwarded to the December 13th Meeting on the Consent Agenda for action.

H. **Discussion:** AB11-147 – Ordinance D11-147 – Mid-Biennial Budget Adjustment.

Deputy Mayor Swatman said he is concerned that the proposed 2012 budget would have the City spending more than expected revenues. He provided the Councilmembers with a modified Revenues and Expenditures model (Schedule A) for consideration. He said based on his minor amendments, the City would have a \$200,000 budget shortfall in 2012. He said he feels the administration should further reduce expenditures by \$200,000

to balance the budget, instead of using reserve funds. He said the administration should be allowed to decide where further cuts can be made.

Deputy Mayor Swatman said other programs should be taken into account on the budget, such as potential cost-sharing for the 800 MHz communications system, and the possible continuation of the City's TIF credit program, which he supports. City Administrator Morrison said with the recent passage of the county-wide 9-1-1 system, Pierce County may decide to partner with Bonney Lake to use the City's existing communications towers. He added that it is an open question when or if this might happen, or how it might affect the budget. Councilmember Carter said the City may also be able to partner with the Washington State Patrol, which also plans to switch to the 800 MHz system.

The City Administrator reminded the Council that the original 2011-2012 budget provided reserve funds, but staff reduced expenditures and has not used any reserves in 2011. Councilmember Rackley said the administration already saved \$400,000 in 2011 and he does not want to further reduce the 2012 budget. He said the economy is starting to improve and the Council should wait to start a zero-based budget until 2013. Deputy Mayor Swatman disagreed and reiterated his desire for a balanced 2012 budget.

City Administrator Morrison said the administration's preference is to carry forward the fund balance for 2012, as Councilmember Rackley suggested. He said staff would continue a careful review of budget items with the Finance Committee next year, which will help in the development of the 2013-2014 biennial budget.

Councilmember Hamilton said he is concerned about potential cuts at the State level, including potential changes to liquor tax revenues. He said the Council has not given the administration a target number for the budget since he joined the Council, though he said he was interested in the Deputy Mayor's proposal. Councilmember Lewis said it seems too rushed to make a decision in December, and there are many issues that could affect the budget. He agreed that the budget should be zeroed out but feels the fund balance should be left as-is, and give staff time to look for additional cost savings.

Councilmembers discussed whether the budget amendment ordinance could be delayed until 2012. City Administrator Morrison said the Council is required to complete a mid-biennial review of the budget, and can further amend the budget at any time during the year. He said the amendment may be required to be in compliance with the State Auditor's requirements. He encouraged the Council to take action on the proposed ordinance in 2011 and consider further amendments in 2012 if necessary.

Councilmember Hamilton said if the proposed amendment is not approved, the remaining fund balance will not be carried forward to 2012. City Administrator Morrison said the proposed budget amendment reduces the amount originally adopted from \$13.3 million to \$12.86 million.

Councilmember Lewis and Councilmember Rackley spoke in favor of approving the proposed budget amendment as presented by the administration. Deputy Mayor Swatman said the Council should receive more information in time for the December 13th Meeting, and can decide at that time whether to take action or to table a portion, or all, of the proposed ordinance. The proposed ordinance was forwarded to the December 13th Meeting for action.

At 7:30 p.m., Councilmember Rackley moved for a 10-minute break. Councilmember Decker seconded the motion.

Motion approved 7 – 0.

The workshop reconvened at 7:41 p.m.

I. Discussion:

- **2011 Comprehensive Plan Amendments:**
 - **AB11-130 – Ordinance D11-130** – Easttown Subarea.
 - **AB11-132 – Ordinance D11-132** – CUGA Comprehensive Plan Amendment and Zoning.
 - **AB11-133 – Ordinance D11-133** – Midtown Plan.
 - **AB11-135 – Ordinance D11-135** – Midtown Land Use.
 - **AB11-136 – Ordinance D11-136** – Park Element.
 - **AB11-137 – Ordinance D11-137** – Cultural Resources Comp Plan amendment.
- Amendments to the BLMC:
 - **AB11-131 – Ordinance D11-131** – Easttown Design Standards.
 - **AB11-134 – Ordinance D11-134** – Midtown Design Standards.
 - **AB11-151 – Ordinance D11-151** – Midtown Zoning.
 - **AB11-152 – Ordinance D11-152** – Land Use Matrix.

Deputy Mayor Swatman said staff presented the Council with a final version of each amendment for the Council to ensure they are accurate and ready to move forward.

Councilmember Hamilton said he previously requested additional language for the Easttown Plan which has not been inserted. He said the plan needs to include language about the City’s plan to expand and annex land north of the current city limits in Easttown. He said this language is important to let developers and others know the City’s ultimate goal is to annex these areas and the roadway to be part of the City limits. City Administrator Morrison noted that having this language in the comprehensive plan would also help with future requests to Pierce County to amend the Urban Growth Area. Councilmember Lewis agreed that language regarding future plans for annexation should be added to the first chapter of the Easttown Subarea plan.

Councilmember Carter said the Planning Commission is currently reviewing issues related to landscape buffers and minimum setbacks, which relate to the Midtown Plan and are still under review.

By consensus of the Council, the proposed amendments were forwarded to the December 13th Meeting for consideration as Full Council Issues.

IV. EXECUTIVE SESSION:

Pursuant to RCW 42.30.110(1)(i), the Council adjourned to an executive session with the City Attorney at 7:52 p.m. for 15 minutes to discuss potential litigation. The executive session was extended 10 minutes at 8:11 p.m., and for 5 minutes at 8:22 p.m. The Council returned to chambers at 8:27 p.m.

V. ADJOURNMENT:

At 8:27 p.m., Councilmember Rackley moved to adjourn the Council Meeting. Councilmember Lewis seconded the motion.

Motion to adjourn approved 7 – 0.

Harwood Edvalson, CMC
City Clerk

Neil Johnson, Jr.
Mayor

Items presented to Council at the December 6, 2011 Workshop:

- Keith Kovalenko & Mark Gingrich – *Bonney Lake City Council Update* – D.M. Disposal.
- Deputy Mayor Dan Swatman – *Schedule A, Total Revenues & Expenditures* – City Council.

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CITY COUNCIL MEETING

December 13, 2011
7:00 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

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 7:02 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, Community Development Director John Vodopich, Chief Financial Officer Al Juarez, Interim Police Chief Dana Powers, Assistant Public Works Director Charlie Simpson, Administrative Services Director/City Clerk Harwood Edvalson, City Attorney Jim Dionne, and Records & Information Specialist Susan Duis.

C. Announcements, Appointments and Presentations:

1. Announcements: None.

2. Appointments:

a. **AB11-159** – A Motion Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Confirming The Mayor’s Appointment Of James Bouchard As A Member Of The Park Board With A Term Expiring April ~~2012~~ 2014.

**Councilmember Rackley moved to approve Motion AB11-159.
Councilmember Decker seconded the motion.**

Administrative Services Director/City Clerk Harwood Edvalson explained that Mr. Bouchard’s term will actually end in 2012 as he is filling a previously unexpired term. Mr. Bouchard thanked the Council for considering him for the appointment and said he looks forward to serving on the board. Mayor Johnson said this appointment brings the Park Board back to full membership.

Motion approved 7 – 0.

3. Presentations:

a. Oath of Office: Police Officer Jeffrey Bourbon.

Municipal Court Judge Ron Heslop administered the Oath of Office to Officer Bourbon. Mayor Johnson and the Council welcomed him to the City staff.

- b. Recognition of Service: Councilmember Laurie Carter and Councilmember Dan Decker.

Mayor Johnson presented plaques to recognize Councilmembers Decker and Carter for their service as councilmembers from 2008 to 2011. He thanked Councilmember Decker for working as a team member during his time in office. He thanked Councilmember Carter for her passion and energy working on issues and said he hopes she has inspired others in the community to serve.

At 7:12 p.m. Mayor Johnson called for a 15 minute break for a reception and refreshments congratulating the outgoing councilmembers. The Meeting returned to order at 7:29 p.m.

- D. Agenda Modifications: None.

II. PUBLIC HEARINGS, CITIZEN COMMENTS & CORRESPONDENCE:

- A. Public Hearings: None.

- B. Citizen Comments:

Connie Swarthout, owner of CJ's Deli in Bonney Lake, said someone started a petition and asked to post it at her business. She said she has a list of people who are opposed to changing the name of Sumner-Buckley Hwy (per Ordinance 1405). She said she wanted to speak for long-time residents Juanita and Hugh McGraw, who do not want the road name to be changed. She said she has not spoken to anyone who wants the road name to be changed. She said petition signers suggested other names or locations for a Veteran Memorial Drive, such as the actual location of a future memorial. She said business owners were not contacted before the name change was approved to ask their opinion. She said though she appreciates the Council's desire to honor veterans, people do not want this particular road name to be changed. She said she works very hard and does not want the Council to tell her how to spend money. She said business owners should not be expected to pay for the costs of changing their street address.

Steve Marks, owner of B Natural Music in Bonney Lake, said he does not understand why the City changed the road name in the current economy, as it will impact his business. He said people who live in the area recognize the Sumner-Buckley Hwy and know where it is. He said businesses and governments are watching every penny, and this will be an added cost.

Mayor Johnson confirmed that the road renaming was approved by Council (Ordinance 1405) and will be effective 30 days after approval and publication. He asked Mr. Marks and others to speak with the City Clerk or City Administrator to get information on the appeal process.

Linda Youngberg, 18112 85th St, Bonney Lake, said she appreciates Councilmember Carter's 'no' vote on the ordinance, though she and other business owners did not speak with her directly. She said no one she has spoken to on the road wants to see the change, and she is surprised the Council passed an ordinance that no one wants. She said people in the area recognize the name 'Old Buckley Highway' or Sumner-Buckley Hwy. She said the Council should reverse the decision. She thanked Ms. Swarthout and Mr. Marks for their comments.

Pastor Glen McMurray, 19917 113th St E, Bonney Lake, spoke representing the Bethel Family Fellowship located off South Prairie Road. He said the property was annexed into the City under C-2 zoning but the zoning was later changed to C-1 zoning in 2005. He said representatives from the church have attended Planning Commission meetings. He said the Bethel Family Fellowship requests that the Council approve the proposed Midtown Core land use designation ordinance (Ordinance D11-135). He said the church plans to move to a new location in the future.

- 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 a proposed renewal of the City Administrator's contract, and recommended it be reviewed in 2012 when new councilmembers have joined the Council. They also reviewed options for use of the Justice Center space for city staff. The committee discussed a recommendation to eliminate an accounting system module that is not being used, which would save about \$3,700. He noted that boat launch revenues came in as normal for 2011. The committee also discussed the National Home Builder's report, and are hoping to have Dr. Elliot Eisenberg attend a future Council Workshop to provide a report, since he will be doing so for Pierce County as well.
- B. Community Development Committee: Councilmember Rackley said the committee met on December 6th and discussed priorities for 2012. He said the committee's meeting notes are available online, and no items were forwarded to the current agenda.
- C. Public Safety Committee: Councilmember Hamilton said the committee met on December 5th and discussed options to install video cameras on police vehicles and on officers. The Police Chief noted that cost is an issue, and the City Prosecutor did not recommend cameras due to concerns about gaining permission to make a video recording, and for the cost to provide recordings to defendants. Councilmember Decker reported on a fire in his neighborhood and thanked East Pierce Fire & Rescue and the Police Department for their quick response. Councilmember Hamilton said the City Prosecutor continues working on proposed code revisions with input from the City Attorney's office and Court staff. The committee also discussed how a recent finding against the Pierce County dangerous dog ordinance might impact the City of Bonney Lake code. They also discussed standing committees in general, and the consensus of Public Safety Committee members was that the council standing committees could be dissolved.

Mayor Johnson noted that all Councilmembers are now 'at-large' so residents can contact any councilmember with issues or concerns.

- D. Other Reports: None.

Youth Forum: Mayor Johnson thanked staff members for their participation at the Bonney Lake High School Youth Forum on December 2nd. He said students brought up similar ideas as they have discussed in the past, including a need for more youth activities and recreation centers, and concerns about youth drug use. He encouraged Councilmembers to attend future forums, to learn from youth in the community and their teachers.

Police Updates: Mayor Johnson asked Interim Chief Powers to provide an update on police activities that happened earlier in the day. Interim Chief Powers said a bomb threat was reported at Bonney Lake High School in the morning. She said the school went on modified lockdown, and the students were sent home early. She said no bomb was found, and after investigation Police arrested one youth later in the day.

Interim Chief Powers said that earlier in the day, the regional auto-theft task force was in Bonney Lake and attempted to pull over a stolen vehicle. She said this resulted in a high-speed chase, damage to two police vehicles, and injuries to an officer whose vehicle was hit by the suspect. She said the chase ended in a pit maneuver at the Traffic Avenue exit in Sumner and the suspect was arrested.

IV. CONSENT AGENDA:

- A. **Approval of Corrected Minutes:** November 15, 2011 Council Workshop and November 22, 2011 Council Meeting.
- B. **Approval of Accounts Payable and Utility Refund Checks/Vouchers:** Accounts Payable checks/vouchers #62450 thru 62494 (Including Wire Transfer #'s 8368629, 11162011, 12012011, 20111115) in the amount of \$1,051,502.72; Accounts Payable checks/vouchers #62495 thru 62498 in the amount of \$1,314.64; Accounts Payable checks/vouchers #62499 thru 62525 in the amount of \$3,543.40 for Utility refunds for a grand total of \$1,056,360.76.
VOIDED CHECKS: #62424 – Duplicate Payment, and #61977 – Duplicate Payment.
- C. **Approval of Payroll:** Payroll for November 16-30th 2011 for checks 30136-30165 including Direct Deposits and Electronic Transfers in the amount of \$591,032.51.
- D. **AB11-155 – Ordinance 1417 [D11-155]** – An Ordinance Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Amending Chapter 3.90 Of The Bonney Lake And Ordinance Nos. 1233, 995 And 825 Relating To Miscellaneous Fees.
- E. **AB11-156 – Resolution 2171** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing The City To Award A Contract To Laser Electric, Inc. For The Installation Of City-Purchased Variable Frequency Drives.
- F. **AB11-160 – Resolution 2173** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing The Mayor To Give Notice Of The City's Withdrawal From The Rainier Communication Commission.

Councilmember Rackley moved to approve the Consent Agenda. Deputy Mayor Swatman seconded the motion.

Consent Agenda approved 7 – 0.

V. FINANCE COMMITTEE ISSUES: None.

VI. COMMUNITY DEVELOPMENT ISSUES: None.

VII. PUBLIC SAFETY COMMITTEE ISSUES: None.

VIII. FULL COUNCIL ISSUES:

- A. **AB11-147 – Ordinance 1414 [D11-147]** – An Ordinance Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Adopting The Mid-Biennial Budget Amendment For Budget Years 2011 And 2012.

Councilmember Rackley moved to approve Ordinance 1414. Councilmember Lewis seconded the motion.

Mayor Johnson said the Council and administration have been working on the biennial budget amendment for some time. He said administration requests authorization for the use of about \$393,000 of fund reserves in the 2012 budget, which is far under the \$600,000 originally budgeted for the current biennium. He said starting with the 2013 budget any reserve funds would be used only for emergencies or to maintain public safety.

Deputy Mayor Swatman said he feels the City should not spend more than it takes in, and believes the 2012 budget is actually only about \$200,000 short, based on his own revenue and expenditure projections. He provided Councilmembers with revised versions of the ordinance exhibits A and B for review.

Deputy Mayor Swatman moved to amend Ordinance 1414 to replace Exhibit A and Exhibit B with the amended figures provided. Councilmember Decker seconded the motion.

Deputy Mayor Swatman said the Council should challenge the administration to find a way to zero out the 2012 budget. He said he does not think the Council should decide specific line items to be cut, as this is better left up to the administration to decide.

Councilmember Rackley said he does not support the proposed amendment, for reasons discussed at the previous Workshop. Councilmember McKibbin said he supports the idea of a zero-based budget, and would be interested in a more detailed review of budget items but is not sure he is ready to decide at the current meeting. Councilmember Carter confirmed that the Deputy Mayor wants to revise the ordinance attachments, and let staff work to find additional ways to trim the budget in 2012.

Mayor Johnson said the Council needs to review the budget line by line to determine their priorities and to identify areas that could be cut. He asked the City Attorney for background on how the budget process normally occurs. City Attorney Dionne said the process varies by government agency. He said the Bonney Lake Council does review a 'line item' budget for expenditures, as it completes monthly reviews of line items in the Finance Committee, but the Council formerly adopts a 'fund level' budget by ordinance, not a line item budget. He said if the Council decides to adopt the proposed amendments they could do so, but would not have a chance to identify where cuts would be made. He said it depends on whether the Council is interested in or prepared to take this action.

Mayor Johnson noted that the funds held in reserve were saved during better economic times, and that \$600,000 in fund reserves were budgeted to be used during the current biennium. Councilmember Lewis said he feels the budget should be approved as proposed by the administration and move forward with a balanced budget in 2013.

Deputy Mayor Swatman withdrew his motion to amend the ordinance attachments. Councilmember Decker withdrew his second.

Deputy Mayor Swatman moved to amend Ordinance 1414, Section 1, as follows:

“Section 1. The biennial budget for the City of Bonney Lake for the period January 1, 2011 through December 31, 2012 as contained in the adopted 2011-2012 Biennial Budget for total revenues/sources (including beginning fund balances) and expenditures/uses (excluding ending fund balances) and as revised by the City Council, is hereby amended by Total Revenues and Expenditures for each fund as shown on the attached Exhibit “A” (City of Bonney Lake Mid-Biennial Budget Amendment), provided however, that any 2012 General Fund expenditures in excess of \$12,886,038 shall require advance council approval.”

Councilmember Decker seconded the motion.

Deputy Mayor Swatman said this proposed language will draw the Council’s attention if the City spends more than it brings in during 2012. Councilmember Rackley said he feels the proposed amendment is unnecessary, as the Council already has budget oversight and is kept updated on the budget throughout the year.

Deputy Mayor Swatman said the proposed amendment does not change the budget figures in any way, but ensures the Council will be informed at the point when the City will spend more than revenues and start using the fund balance during 2012.

Councilmember Decker noted that the Council can amend the budget at any time in 2012 with a majority vote.

Mayor Johnson asked how the Deputy Mayor’s proposed amendment would be implemented. City Attorney Dionne said this amendment is less problematic, although in reality the administration will probably budget for 2012 as if the funds over the proposed amount are not available. He said it would require an additional vote of the Council before the City could spend funds over the proposed amount, if and when that time comes. In other words, he said the Council would need to consider an amendment to the budget before any reserve funds could be spent in 2012.

Councilmember Rackley noted that the 2013-2014 budgeting process will begin in 2012 and the Council will learn more during that process. He reiterated that he does not feel the proposed amendment is necessary. He said the City has \$2.5 million in fund balance, which is a large amount to retain for a fund balance.

Mayor Johnson said he disagrees with the proposed amendment and feels it will cause difficulty for staff. He said he feels the City should stick to the original budget approved for 2011-2012, but that he would support the Council’s decision.

**Motion to amend Ordinance 1414 approved 5 – 2.
Councilmembers Rackley and Lewis voted no.**

**Ordinance 1414 approved as amended 6 – 1.
Councilmember Decker voted no.**

At 8:28 p.m. Councilmember Rackley moved for a 10-minute recess. Councilmember Decker seconded the motion.

Motion approved 7 – 0.

The Meeting returned to order 8:38 p.m.

B. 2011 Comprehensive Plan Amendments:

- i. **AB11-130 – Ordinance 1406 [D11-130]** – An Ordinance Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Amending The Eastown Element Of The Comprehensive Plan.
- ii. **AB11-132 – Ordinance 1408 [D11-132]** – An Ordinance Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Establishing Pre-Annexation Planning And Zoning For The Comprehensive Urban Growth Area To The South Of The City Limits.
- iii. **AB11-133 – Ordinance 1409 [D11-133]** – An Ordinance Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Adopting The Midtown Element As Chapter 11 Of The Comprehensive Plan.
- iv. **AB11-135 – Ordinance 1411 [D11-135]** – An Ordinance Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Adopting The Midtown Core Land Use Designation And Applying It To Properties Currently Designated Neighborhood Commercial, Commercial, And Commercial & Light Industry In Midtown.
- v. **AB11-136 – Ordinance 1412 [D11-136]** – An Ordinance Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Amending The Parks Element Of The Comprehensive Plan.
- vi. **AB11-137 – Ordinance 1413 [D11-137]** – An Ordinance Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Adopting The Cultural Resources Element As Chapter 12 Of The Comprehensive Plan.

Mayor Johnson asked the City Attorney if the Council could act on all the proposed Comprehensive Plan amendments at once. The City Attorney confirmed that they should make a motion to pass all six related ordinances at once, then the City Clerk would read all the ordinance titles aloud, and the Council could vote upon them all at that time.

Councilmember Rackley moved to consider the proposed Comprehensive Plan amendment ordinances at the same time. Councilmember Lewis seconded the motion.

Councilmember Decker moved to amend the motion to remove Ordinance 1406 [D11-130] from the motion and consider it as separately. The City Attorney explained that if any ordinance was removed from the main motion, it would mean the Council would not

take action on that item this year as part of the Comprehensive Plan amendments. Councilmember Decker removed his motion. The City Clerk read each of the ordinance titles aloud.

Motion to consider the Comprehensive Amendments as a group approved 7 – 0.

Councilmember McKibbin moved to amend the motion to remove Ordinance 1413 [D11-137] from the main motion. Councilmember Decker seconded the motion.

Councilmember McKibbin said he is in favor of the Cultural Resources plan, but he does not feel it needs to be an element of the Comprehensive Plan. Deputy Mayor Swatman said some members of the Council have concerns about being able to amend the plan regularly, since Comprehensive Plans can only be amended once per year. He said he is not certain if adopting the plan outside of the Comprehensive Plan will give it less teeth, however. City Attorney Dionne explained that a motion, resolution, and ordinance all have the same legal affect under the law. He confirmed that adopting the plan as a resolution would provide more flexibility to make changes in the future.

Councilmember Rackley said the Council will have plenty of time to make amendments again, and the plan truly only needs to be amended about once a year. He said he feels the plan could be lost if not adopted as part of the Comprehensive Plan.

Councilmember Lewis noted a typographical error in Goal 13 of the plan, which states “The City has ~~has~~ taken ...”. City Administrator Morrison said the text would be corrected in the final version.

Councilmember Hamilton said he also felt the plan will be lost if not included in the Comprehensive Plan. He said the Park Board and Planning Commission worked diligently on the plan based on the Council’s interest. He said this plan has been lacking for many years, and identifies many great resources in the community. He said the Park Board will continue working on the plan throughout the year, and it makes sense to wait and make changes only once a year or so, as needed. He said the proposed plan should be a high priority, and it shows where the City is today and where it plans to go in the future. Councilmember Carter agreed that the item should be included in the Comprehensive Plan element.

The City Clerk said no one had signed up to speak on the item. Deputy Mayor Swatman asked if the Council would recognize someone in the audience who wished to speak. Mayor Johnson invited the speaker to the podium.

Winona Jacobsen, 9100 189th Ave Ct E, Bonney Lake, said it has taken three years to get the Cultural Resources Element to this point, and the Council had always agreed it should be part of the Comprehensive Plan. She said though the plan can only be amended once per year, if the Council follows the recommendations in the plan to form a Commission, that new body can make recommendations for the Council during the year. She said there are no ordinances supporting the plan at this time, but if it is approved as a plan outside the Comprehensive Plan, there will be no ordinances supporting it, and it could just be filed away and forgotten.

Motion to remove Ordinance 1413 [D11-137] from the main motion failed 1 – 6.

Councilmembers Decker, Carter, Hamilton, Rackley, Lewis, and Deputy Mayor Swatman voted no.

Ordinances 1406, 1408, 1409, 1411, 1412, and 1413 approved 7 – 0.

C. Amendments to the Bonney Lake Municipal Code:

- i. **AB11-131 – Ordinance 1407 [D11-131]** – An Ordinance Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Adopting A New Chapter 18.33 Of The Bonney Lake Municipal Code Relating To Eastown Development Standards.
- ii. **AB11-134 – Ordinance 1410 [D11-134]** – An Ordinance Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Adopting A New Chapter 18.39 Of The Bonney Lake Municipal Code Relating To Midtown Development Standards.
- iii. **AB11-151 – Ordinance 1415 [D11-151]** – An Ordinance Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Adding A New Chapter 18.27 To Title 18 Of The Bonney Lake Municipal Code, Creating A Midtown Core Zone And Applying It To Those Properties With A Midtown Core Land Use Designation.
- iv. **AB11-152 – Ordinance 1416 [D11-152]** – An Ordinance Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Amending Title 18 Of Bonney Lake Municipal Code.

Councilmember Rackley moved to consider the proposed Municipal Code Amendment ordinances as a group. Councilmember Lewis seconded the motion.

Motion approved 7 – 0.

The City Clerk read each of the ordinance titles aloud.

Ordinances 1407, 1410, 1415, and 1416 approved 7 – 0.

- D. AB11-161** – A Motion Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, To Cancel The December 20, 2011 Council Workshop And The December 27, 2011 Council Meeting.

Councilmember Lewis moved to approve AB11-161. Councilmember Decker seconded the motion.

Motion AB11-161 approved 7 – 0.

IX. EXECUTIVE SESSION: None.

X. ADJOURNMENT:

**At 9:02 p.m., Councilmember Decker moved to adjourn the Council Meeting.
Councilmember Lewis seconded the motion.**

Motion to adjourn approved 7 – 0.

Harwood Edvalson, CMC
City Clerk

Neil Johnson, Jr.
Mayor

Items presented to Council at the December 13, 2011 Meeting:

- Deputy Mayor Dan Swatman – *Amended Exhibits A and B for Ordinance 1417* – City Council.

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

Department/Staff Contact: CD / Cole Elliott	Meeting/Workshop Date: January 10, 2012	Agenda Bill Number: AB12-04
Agenda Item Type: Resolution	Ordinance/Resolution Number: 2176	Councilmember Sponsor: James Rackley

Agenda Subject: Developers Extension Agreement between Olympic View Estates and the City of Bonney Lake.

Full Title/Motion: A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing A Water Developer Extension Agreement Between Thomas Witte And The City Of Bonney Lake For Olympic View Estates Long Plat.

Administrative Recommendation:

Background Summary: The Developer's of Olympic View Estates has requested the City provide installation observation, along with testing observation for water mains at 4014 Sumner-Tapps Highway East.
Attachments: Resolution 2176, DEA Agreement, Exhibit A, Map

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

COMMITTEE, BOARD & COMMISSION REVIEW			
Council Committee Review:	Community Development Date: 01-03-12	<i>Approvals:</i> Chair/Councilmember James Rackley Councilmember Randy McKibbin Councilmember Donn Lewis	Yes No <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <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):	Public Hearing Date(s):
Meeting Date(s):	Tabled to Date:

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

RESOLUTION NO. 2176

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
BONNEY LAKE, PIERCE COUNTY, WASHINGTON,
AUTHORIZING A WATER DEVELOPER EXTENSION
AGREEMENT WITH THOMAS M. WITTE FOR THE OLYMPIC
VIEW ESTATES LONG PLAT.**

Whereas, Olympic View Estates is an 11 lot plat located at 4014 Sumner Tapps Highway East, Bonney Lake, Washington. This project is outside the city limits, but within Bonney Lake's water service area; and

Whereas, The City of Bonney Lake requires that a developer have an approved Developer Extension Agreement for water improvements to the City's system. The City Council finds that it is in the public interest that this agreement be carried out at this time;

Now therefore, be it resolved;

that the City Council of the City of Bonney Lake, Washington, does hereby authorize the Mayor to sign the attached Water Developer Extension Agreement with Thomas M. Witte for the Olympic View Estates project.

PASSED by the City Council this 10th day of January, 2012

Neil Johnson Jr., Mayor

ATTEST:

Harwood T. Edvalson, City Clerk

APPROVED AS TO FORM:

James Dionne, City Attorney



WATER DEVELOPERS AGREEMENT

PUBLIC WORKS DEPARTMENT

THIS AGREEMENT, by and between the City of Bonney Lake, a municipal corporation, hereinafter referred to as "City", and Thomas M Witte, hereinafter referred to as "Developer".

WITNESSETH: That whereas the City of Bonney Lake, a municipal corporation, provides WATER service within the corresponding WATER service area boundary, and the above-named Developer is preparing to construct a WATER system, or additions thereto, and said development requires the City's WATER service;

WHEREFORE, THE PARTIES AGREE AS FOLLOWS:

- I. Developer agrees to design and/or construct the WATER system, or additions thereto, to be connected to the City's WATER lines, and to maintain such additions until such time as the improvements are accepted by the City, with the agreements conditioned as set forth below. The WATER system, or additions thereto, shall be located within that area commonly referred to as Olympic View Estates, which property is described in Exhibit "A" attached hereto and referred to hereinafter as "Premises".
- II. As a condition precedent to City obligations under this agreement, the Developer shall design and/or construct the proposed WATER system, or additions thereto, within said premises in conformance with the City's "Development Policies and Public Works Standards", as adopted (and by reference made a part hereof), together with any City approved amendments thereto made, and further to conform with the City's comprehensive WATER plan, which agreement shall include oversizing of WATER mains as may be identified in the City's adopted WATER comprehensive plan.
 - A. Apply for irrigation meters separate from residential meters where the irrigation serves common areas or more than one single-family residence.
 - B. The applicant shall submit landscaping and irrigation plans for review and employ the best management practices available for the efficient use of water.
- III. The developer agrees that the construction of the WATER system, or additions thereto, shall not commence until the following conditions have been fulfilled:
 - A. The developer shall furnish the City with three (3) sets of detailed plans for the water system, or additions thereto, at Developer's own expense, prepared by a qualified engineer licensed in the State of Washington.
 - B. The above plans shall require the review and approval by the City and its Engineer, and the cost of such review shall be at the Developer's own expense.

- C. Minimum requirements for all plans for WATER system, or additions thereto, submitted to the City for review are:
1. Three (3) sets of plans and documents shall be submitted, wherein one (1) set will be returned to the applicant.
 2. A preliminary plat of the area in which said WATER system, or additions thereto, are to be constructed, which plat has been approved by the City, or County as applicable.
 3. A map showing the location of the plat in relation to the surrounding area.
 4. A contour map of the plat with contour intervals of two feet or less.
 5. A map showing the location and depth of all proposed utilities and any connections and/or interconnections to existing facilities or future extensions and connections.
 6. A 1" = 50' plan of the water system showing streets, lot lines, dimensions, and location of bench marks and monuments for the proposed plat, together with an indication of the development of the adjacent property.
 7. A profile 1" = 50' horizontal and 1" = 5' vertical of the finished road grades with the water system and other pertinent underground utilities located, with elevations noted thereon. The elevation datum shall be the same as used by the City. It shall be the responsibility of the Developer to confirm such datum with the City.
 8. Full-sized detail sheets shall be included as part of the construction drawings, as required to clearly indicate the details for all of the water system, or additions thereto, to be constructed, consistent with City standards.
 9. Specifications sufficient to fully describe the work, consistent with City's "Development Policies and Public Works Design Standard".
 10. Approvals from all regulatory agencies.
- D. Construction requirements in addition to the City standards and details for developer extensions, as adopted, are as follows:
1. Unless otherwise approved in writing, by the City, all streets and/or roadways shall be graded to within six inches of final grade before installation of WATER improvements.
 2. All lots shall be fully staked to assist all parties involved in the proper location of the WATER system including services.
 3. All hydrants and valves shall be fully staked in the field and reviewed and approved by the City prior to installation of same. Adjustments to

"approval construction drawings" may be warranted and required by the City, based on actual local field conditions.

4. All contractors and subcontractors shall have a current Washington State Contractors License.
 5. The Developer's WATER system, or additions thereto, on Premises shall not be connected to the City WATER system until authorized by the City, and such connection shall be performed under the supervision and direction of the City.
- E. For the purpose of applying RCW 4.24.115 to this Contract, the Developer and the City agree that the term "damages" applies only to the finding in a judicial proceeding and is exclusive of third party claims for damages preliminary thereto.

The Developer agrees to defend and hold the City harmless from all claims for damages by third parties, including costs and reasonable attorney's fees in the defense of claims for damages, arising from performance of the Developer's express or implied obligations under this Agreement. The Developer waives any right of contribution against the City.

It is agreed and mutually negotiated that in any and all claims against the City or any of its agents or employees by any employee of the Developer, any contractor or subcontractor, anyone directly or indirectly employed by any of them or anyone for whose acts any of them may be liable, the obligations hereunder shall not be limited in any way by any limitation on the amount or type of damages, compensation or benefits payable by or for the Developer or any contractor or Subcontractor under Workman's Compensation Acts, disability benefits acts or other employees' benefit acts. The City and the Developer agree that all third party claims for damages against the City for which the Developer's insurance carrier does not accept defense of the City may be tendered by the City by the Developer who shall, if so tendered by the City, accept and undertake to defend or settle with the Claimant. All investigation and legal work product regarding said claim shall be performed under a fiduciary relationship to the City. In the event that the City agrees or a court finds that the claim arises from the sole negligence of the City, the City shall be responsible for all damages payable to the third party claimant. In the event that the City and the Developer agree or a court finds that the claim arises from or includes negligence of both the Developer and the City, the Developer shall be responsible for all damages payable by the Developer to the third party claimant under the court findings, and, in addition thereto, the Developer shall hereunder reimburse or pay the City for all damages paid or payable to the City under the court findings in an amount not to exceed the percentage of total fault attributable to the Developer. For example, where the Developer is 25% negligent, the Developer shall not be required to indemnify the City for any amount in excess of 25% of the claimant's total damages.

The Developer shall ensure that all construction contracts entered into for the WATER SYSTEM name the City of Bonney Lake as an additional insured.

- F. In the event the Developer in his operation damages or disrupts existing improvements, the repairs shall be made at the Developer's expense. In the event they are so damaged or the service disrupted and the Developer fails or is unable to immediately restore the service, then the Owners of the improvements may cause the repairs to be made by others and all costs for the same shall be at the Developer's own expense.

Where the construction crosses or is adjacent to existing utilities, the Developer shall exercise extreme care to protect such utilities from damage.

If any damage is done to an existing utility, the Developer shall notify the utility company involved who will dispatch a crew to repair the damage at the Developer's expense. All costs for the same shall be at the Developer's own expense.

The Developer shall be aware that some existing WATER facilities are known to contain asbestos cement pipe. The Developer shall conduct all work related to existing asbestos cement pipe in strict accordance with WISHA safety regulations and provisions contained within WAC 296-62077. All costs related to work in compliance with established rules and regulations shall be the responsibility of the Developer. Demolition of existing, asbestos cement pipe, if required, will be permitted only after the proper permits are obtained from the Puget Sound Air Pollution Control Agency. The Developer shall be responsible for all associated fees and permits required for asbestos removal and disposal. Work crews shall be provided with proper protective clothing and equipment. Hand tools shall be used, and the asbestos cement pipe shall be scored and broken in lieu of the sawing or other methods which release fibers into the atmosphere. Waste asbestos pipe shall be buried in the trench. Asbestos pipe to be abandoned in – place shall not be disturbed, except as noted herein, and shall remain in its original position.

The Developer is cautioned that all existing drainage systems, whether open ditch, buried pipe, or drainage structures, are not on record. It shall be the responsibility of the Developer to repair or replace all such systems found during construction, which are damaged by the Developer's construction in a manner which is satisfactory to the City.

Where the Developer is allowed to use private property adjacent to the work, the property so used shall be returned to its original or superior condition. The Developer shall make all arrangements in advance with such property owners, to insure that no conflicts will ensue after the property is restored as described above. The Developer will be required to furnish the City with a written release from said private property owners, if the City deems it to be necessary to obtain such document.

- IV. The construction, of the Developer's WATER system, or additions thereto, on the Premises shall be supervised by the City in such a manner and at such times as the City deems reasonably necessary to assure that construction of the system will conform with the above-mentioned plans and specifications. The Developer herewith agrees to allow such inspections and agrees to cooperate providing reasonable

advance notice on his construction schedule during, the various construction phases as requested by the City.

- V. The Developer further agrees to pay an estimated amount of money to cover the City's expected review fees and construction supervision expenses incurred.
- VI. The Developer's WATER & SEWER system, or additions thereto, on Premises shall not be accepted for service and use until the same have been fully inspected and approved, and the following requirements have been performed:
 - A. Submit to the City in Auto-CADD format, latest revision (unless otherwise approved by the City), the computer file supplied on a three and one half (3-1/2) inch disc accompanied by the original mylars, with all changes from the original design clearly marked to reflect the as-built conditions. The Developer's Engineer shall certify the accuracy of the record drawings and shall affix his seal and signature.
 - B. Payment of all permit fees and equivalent assessment charges and any other applicable City charges required for Premises.
 - C. Payment of all plan check and inspection fees.
 - D. Prepare and furnish the required easements in compliance with the City's standard form, and furnish same to the City for approval by the City Attorney, prior to recording of same. The proponent shall pay all the necessary recording, fees.
 - E. Furnish the City with an affidavit warranting there are no liens against the improvements constructed on Premises by the Developers, this affidavit shall be in the form prescribed by the City.
 - F. Furnish the City with a Bill of Sale conveying, the WATER & SEWER system to the City.
 - G. Furnish a one year maintenance bond for 15% (or \$2,000 whichever is greater) of the amount of the Bill of Sale guaranteeing that the WATER & SEWER system will be free of defects in labor and materials. Form to be prescribed by the City.
- VII. In the event any warranty repairs are required, the City agrees, whenever feasible, to provide the Developer with reasonable notice, before directly undertaking such repairs. The City reserves the right, however, to effect emergency repairs as deemed necessary by the City. The City shall be reimbursed by the Developer for all costs thereof.
- VIII. Upon performing all requirements, including those as set forth in Paragraph 5 above, the City shall accept the WATER system, and agree therewith to operate and maintain said system.
- IX. Nothing in this Agreement shall be construed to excuse Developer from requirements and conditions found in any City ordinance, resolution, plan or policy, with respect to

the provision of utility service, including without limitation requirements regarding annexation or execution of covenants to annex, and the City will not provide utility service to Developer prior to Developer's satisfaction of all such requirements and conditions.

SUBMITTED this 8th day of December 2011

DEVELOPER: *Thomas M. Witte* Date 12/8/11
Signature

Thomas M. Witte
Printed Name

Company Title (as applicable)

P.O. Box 204
Address

Timber WA 98390
City State Zip

Phone No. 425-467-9804 FAX No. 425-467-9812

CITY OF BONNEY LAKE
DEVELOPER AGREEMENT

ACCEPTED this _____ day of _____ 20____

Neil Johnson Jr., Mayor

CITY OF BONNEY LAKE

DEVELOPER AGREEMENT

EXHIBIT 'A'

PLAT NAME: **Olympic View Estates**

DEVELOPER: **Thomas M. Witte**

LEGAL DESCRIPTION:

That portion of the Southeast quarter of Section 18, Township 20 North, Range 5 East of the Willamette Meridian, more fully described as follows:

**Commencing at the East quarter corner of said Section 18;
THENCE South 89°24'58" West along the North line of said Southeast quarter, 30.00 feet to the True Point of Beginning;
THENCE continuing South 89°24'58" West 669.99 feet;
THENCE south to an intersection with the Northerly right of way of SUMNER TAPPS COUNTY ROAD;
THENCE North 48°26'18" East, along said right of way, 72.08 feet;
THENCE North 41°33'42" West, along said right of way, 30.00 feet;
THENCE North 48°26'18" East, along said right of way 450.00 feet;
THENCE South 41°33'42" East, along said right of way, 20.00 feet;
THENCE North 48°26'18" East, along said right of way, 382.73 feet;
THENCE North 00°29'49" East to the True Point of Beginning. (Being Tract 30 of a Survey titled RIDGEVIEW FIVE ACRE TRACTS filed March 9, 1976 under County Survey No. 1203).**

Situate in the County of Pierce, State of Washington.

Return to:
City Clerk's Office
City of Bonney Lake
P O Box 7380
Bonney Lake WA 98391

UTILITY SERVICE ANNEXATION COVENANT

GRANTOR Thomas M. Witt

WHEREAS, the undersigned own real property which is outside the present city limits of Bonney Lake and have requested for such property to be served with City of Bonney Lake water and/or sewer; and

WHEREAS, it is understood by the undersigned that the provision of city water and/or sewer to the land and improvements of the owners must be consistent with the policies of the City of Bonney Lake relative to such utility service and the annexation of properties served; and

WHEREAS, it is recognized that such land as will be served by the water and/or sewer is presently intended ultimately to become part of the City of Bonney Lake through annexation when deemed feasible and proper by the City;

NOW, THEREFORE, the undersigned warrant, agree and covenant as follows:

1. They are the sole owners and hold all legal and equitable interests in the property identified below and are fully authorized to execute this document and to forever bind themselves, their successors and assigns and the subject property to the City of Bonney Lake, Washington.

2. The terms of this covenant are intended as a covenant running with the land as a burden on the subject premises, commonly known as:

SITE ADDRESS 4014 Summer-Tripps Hwy E.
LOT N11 SUBDIVISION N11
And legally described as PARCEL # 0520184065
County of Pierce, State of Washington 5E RGE 20N TWN _____ QTR 1B SEC _____

3. In the event that the City of Bonney Lake, in its discretion, furnishes water or sewer service to the above-described land, then as a condition to receipt thereof and in consideration thereof, the undersigned and each of them, for him/herself and for his/her successors in interest, hereby covenant to the City of Bonney Lake and also to the present and future owners of any property affected by the furnishing of City water provided for herein, that all or any of them shall, whenever so requested, sign any letter, notice, petition or other instrument that may be presented to them, addressed to the City under applicable laws of the State of Washington, initiating, furthering, or accomplishing the annexation to the City of Bonney

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

Department/Staff Contact: Executive / Dan Grigsby	Meeting/Workshop Date: 10 January 2012	Agenda Bill Number: AB12-005
Agenda Item Type: Motion	Ordinance/Resolution Number:	Councilmember Sponsor:

Agenda Subject: Memorandum of Understanding with the Veterans Memorial Committee

Full Title/Motion: A Motion Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizeing The Mayor To Sign A Non-Binding Memorandum Of Understanding With The Greater Bonney Lake Veterans Memorial Committee For The Construction Of A Veterans Memorial .

Administrative Recommendation: Approve

Background Summary: The City has been working with the Veterans Memorial Committee for some time on potential sites for a Veterans Memorial in Bonney Lake. One site that has been identified and recommended for a memorial is the soon to be surplussed storm water site at the corner of Main and SR410 (currently General Fund street ROW). When this intersection is reconstructed next year, the stormwater drainage will be connected to the downtown regional stormwater system, making this site available for other uses. It has been proposed that this site be used as a Veteran's Memorial site.
Attachments: Memorandum of Understanding, Exhibits

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

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 Agenda:	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Commission/Board Review:			
Hearing Examiner Review:			

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

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

MEMORANDUM OF UNDERSTANDING

WHEREAS, the City of Bonney Lake and the Greater Bonney Lake Veterans Memorial Committee, recognize mutual and public benefit to be served by establishing a Veteran's Memorial in the Downtown; and

WHEREAS, the City of Bonney Lake is willing to dedicate city owned property to establish a Veteran's Memorial Park; and,

WHEREAS, the Greater Bonney Lake Veterans Memorial Committee was formed as a result of the Bonney Lake Park Board being interested in having a memorial to honor the veterans of this great nation; and;

WHEREAS, the Greater Bonney Lake Veterans Memorial Committee is an established 501(c)(3) Federal tax exempt public charity, and is accumulating funds to build the Veterans Memorial.

NOW THEREFORE, the undersigned enter into this non-binding Memorandum of Understanding for the purposes set forth below:

1. The City is willing to enter into an Agreement to reserve land for construction of the Bonney Lake Veterans Memorial in the Downtown area on the site shown by Appendix A.
2. The City is willing to build a retaining wall with fill material to prepare this site for construction of the Veteran's memorial while reconstructing the SR410 and Main Street intersection.
3. The City shall allow one sign to be erected on this site announcing future construction of the Veteran's Memorial that is consistent with sign details used for City construction contracts.
4. The Greater Bonney Lake Veterans Memorial Committee shall raise funds for construction of the memorial.
5. The Greater Bonney Lake Veterans Memorial Committee shall build the memorial complying with the Bonney Lake Municipal Code standards and Appendix B concept.
6. The City will maintain the site in perpetuity.

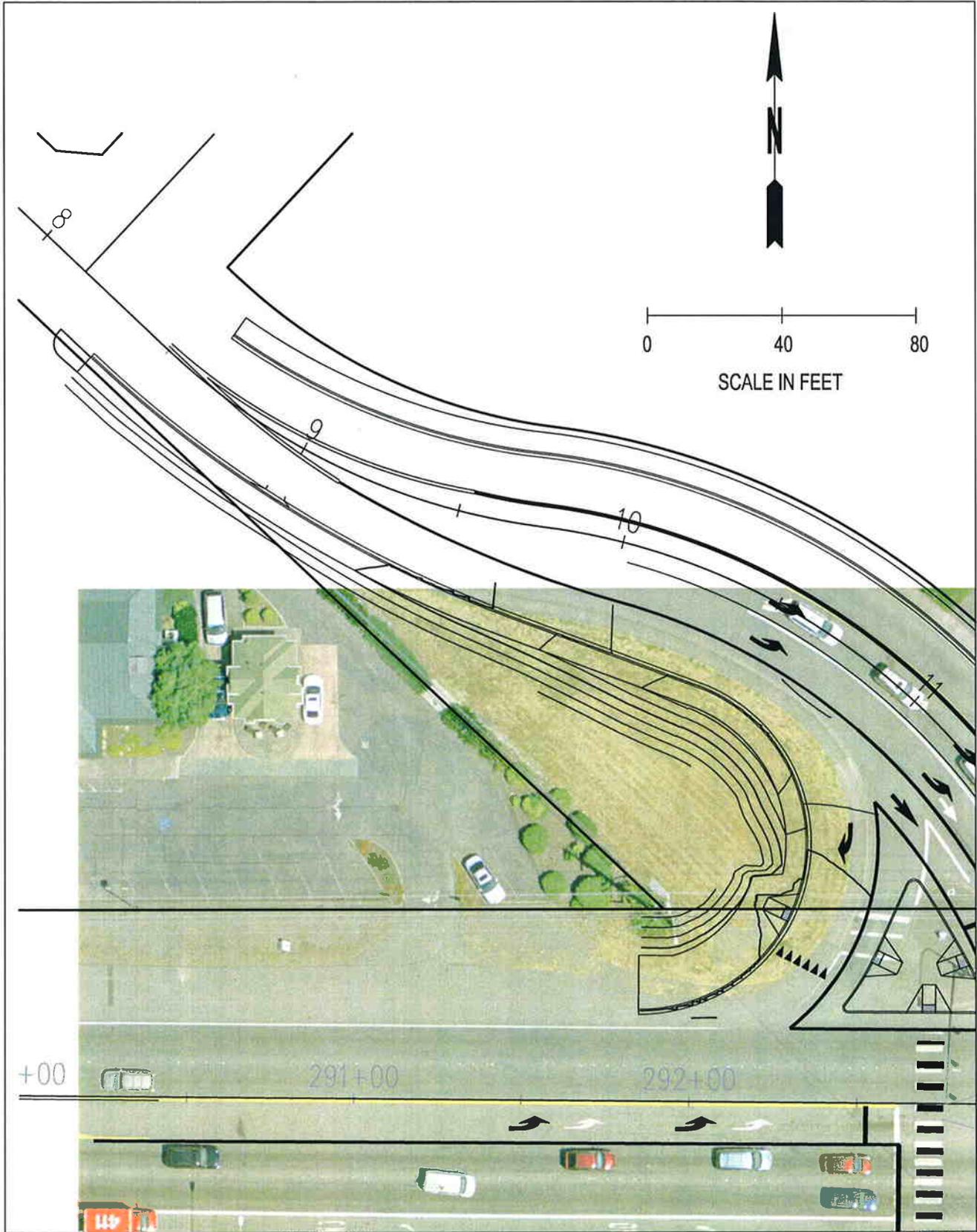
IN WITNESS WHEREOF, this Agreement has been entered into between the parties as of the 10th day of January, 2012.

CITY OF BONNEY LAKE

GREATER BONNEY LAKE MEMORIAL COMMITTEE

By: Neil Johnson, Jr., Mayor

By: David Colbeth
Its: President



Nov 08, 2010 6:19:02pm - User: brennerj
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 WWW.SHEACARRJEWELL.COM

HORIZONTAL SCALE:
 1"=40'
 DATE:
 NOV 2010
 JOB No.:
 610.06
 DRAWING FILE No.:
 610.06 MRP

SR 410 / MAIN STREET
AERIAL EXHIBIT

EXHIBIT No:
EX-01
 SHEET No:
1

Appendix B: Bonney Lake Veterans Memorial – Concept Plan



Perspective View



Front View