

**CITY COUNCIL MEETING**

**September 25, 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](http://www.ci.bonney-lake.wa.us)*

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

**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:

a. **Proclamation:** Community Planning Month – October 2012.

2. Appointments: None.

3. Presentations: None.

D. Agenda Modifications

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

A. Public Hearings: None.

B. Citizen Comments:

*You may address the City Council on matters of City business for up to 5 minutes. Those commenting about ordinances or resolutions on the “Consent Agenda” should limit their comments to one minute per item. When recognized by the Mayor, please state your name and address for the official record. Designated representatives speaking on behalf of a group may take up to 10 minutes on matters of general City business.*

C. Correspondence

**III. COUNCIL COMMITTEE REPORTS:**

A. Finance Committee

B. Community Development Committee

C. Public Safety Committee

D. Other Reports

p. 3

**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.*

p. 5

A. **Approval of Minutes:** September 4, 2012 Workshop and September 11, 2012 Meeting.

B. **Approval of Accounts Payable and Utility Refund Checks/Vouchers:** Accounts Payable checks/vouchers #64510-64574 (including wire transfer #9112012, 20120904, and 2012091301) in the amount of \$544,879.02. Accounts Payable wire transfer #2012091701 in the amount of \$36,703.11.

C. **Approval of Payroll:** Payroll for September 1-15th, 2012 for checks 30685-30706 including Direct Deposits and Electronic Transfers in the amount of \$ 437,933.02.

p. 15

D. **AB12-131 – Resolution 2243** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing The Mayor To Sign An Interlocal Agreement With The Town Of Eatonville For The Provision Of Municipal Court Services.

p. 25

E. **AB12-130** – A Motion Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, To Accept As Complete The Sewer Manhole Rehabilitation-2011/12 Project With NWCW, LLC.

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

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

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

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

**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**



## PROCLAMATION

**WHEREAS**, change is constant and affects all cities, towns, suburbs, counties, boroughs, townships, rural areas, and other places; and

**WHEREAS**, community planning and plans can help manage this change in a way that provides better choices for how people work and live; and

**WHEREAS**, community planning provides an opportunity for all residents to be meaningfully involved in making choices that determine the future of their community; and

**WHEREAS**, the full benefits of planning requires public officials and citizens who understand, support, and demand excellence in planning and plan implementation; and

**WHEREAS**, the month of October is designated as National Community Planning Month throughout the United States of America and its territories, and

**WHEREAS**, The American Planning Association and its professional institute, the American Institute of Certified Planners, endorse National Community Planning Month as an opportunity to highlight the contributions sound planning and plan implementation make to the quality of our settlements and environment; and

**WHEREAS**, the celebration of National Community Planning Month gives us the opportunity to publicly recognize the participation and dedication of the members of planning commissions and other citizen planners who have contributed their time and expertise to the improvement of the City of Bonney Lake; and

**WHEREAS**, we recognize the many valuable contributions made by professional community and regional planners of the City of Bonney Lake and extend our heartfelt thanks for the continued commitment to public service by these professionals;

**NOW, THEREFORE, BE IT RESOLVED THAT** the month of October 2012 is hereby designated as

## COMMUNITY PLANNING MONTH

in the City of Bonney Lake in conjunction with the celebration of National Community Planning Month.

**Adopted this 25<sup>th</sup> day of September, 2012.**

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Mayor Neil Johnson

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**CITY COUNCIL WORKSHOP**

**September 4, 2012  
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](http://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 5:32 p.m.

**II. ROLL CALL:**

Administrative Services Director/City Clerk Harwood Edvalson called the roll. Elected officials attending were Deputy Mayor Dan Swatman, Councilmember Mark Hamilton, Councilmember Donn Lewis, Councilmember Randy McKibbin, Councilmember Katrina Minton-Davis, Councilmember Jim Rackley, and Councilmember Tom Watson. Mayor Neil Johnson, Jr. arrived at 5:48 p.m.

Staff members in attendance were City Administrator Don Morrison, Public Works Director Dan Grigsby, Community Development Director John Vodopich, Chief Financial Officer Al Juarez, Interim Police Chief Dana Powers, Administrative Services Director/City Clerk Harwood Edvalson, and Administrative Specialist II Renee Cameron.

**III. AGENDA ITEMS:**

**A. Discussion: University Place Regional Center Designation.**

City Administrator Morrison presented proposed interlocal agreement for the City of Bonney Lake to support the City of University Place's application for Regional Growth Center Designation under the Pierce County policies. He advised that there are requirements that the City of University Place must meet for the designation. Deputy Mayor Swatman asked Councilmember Hamilton whether he had heard any information on the designation and if he had any input. Councilmember Hamilton stated that the City of Sumner may have concerns with the University Place designation. He feels that the City of University Place may not be qualified for the designation, however if they cannot get the designation then they cannot get the federal funds. Councilmember Rackley said that if Bonney Lake supports University Place, he would want to make sure that University Place likewise supports Bonney Lake when it seeks assistance. Councilmember Hamilton said he thinks the City of Tacoma will vote against the City of University Place's proposal. City Administrator Morrison said other cities may still approach Bonney Lake for support as a Regional Growth Center Designation. Councilmember Hamilton confirmed that the City of Sumner already has this designation. Councilmember Lewis said the City of Bonney Lake may become a Regional Growth Center Designation in 20 years or so, but right now it is not in contention. Councilmember Watson asked if the City should seek a letter from other cities that the City of Bonney Lake supports stating that they would be there when the Bonney Lake needs their support in the future.

The proposed resolution was forwarded to the September 11, 2012 Meeting for action.

**B. Review of Draft Council Minutes.**

The August 21, 2012 Workshop, and August 28, 2012 Meeting minutes were forwarded to the September 11, 2012 meeting for action with corrections.

**C. Discussion: 2013-2014 Biennial Budget and Financial Model Update.**

City Administrator Morrison and Chief Financial Officer Juarez provided information regarding the 2013-2014 Biennial Budget and Financial Model Update. City Administrator Morrison said the information provided has been updated but other adjustments need to be made. The model provides a general overview of where the City funds are through August 2012. He advised that Schedule A is the Total Revenues & Expenditures and Schedule B is the General Fund Expenditures. Deputy Mayor Swatman said the City revised the property tax revenues down. Chief Financial Officer Juarez said property taxes are coming in late from the State Treasurer, so though the City will eventually collect it may not necessarily be in the year they are assessed. He said this is happening statewide.

City Administrator Don Morrison discussed the projected sales tax and how it is affected by the Franciscan Medical Pavilion, which will help the sales tax projection. Councilmember Rackley noticed the sales tax from prior years may have skewed previous years' sales tax projections. Chief Financial Officer Juarez asked Council to keep in mind that sales tax is always two months in arrears, so he cannot tell exactly what the large fluctuations are for. He said the City mirrors the State's forecast closely. The projections for the State are fairly moderate and he said there is some excitement for the economy in the near future.

City Administrator Morrison said the current revenue projection for 2012 is \$12.4 million, with \$12.47 million in expenditures. He said the City is on track not to use any fund balance. He said in looking at the expenditures, Council needs to pay attention to the \$769,000 that needs to be found somewhere in the budget, and noted that this gap could jump up to \$960,000. He advised that vacant staff positions and Labor & Industries reductions have not been taken out of this schedule, but there is still a gap. City Administrator Morrison discussed the City's share of the retirement system (PERS), the Police Guild compensation, and cost of living adjustments for AFSCME and non-represented employees, and said all of it will need to be taken into account. He said the City will lose revenue for liquor taxes, which has been taken into account in this model.

Councilmember Rackley said it looks like law enforcement has taken a \$300,000 reduction and asked if the City was cutting their budget. City Administrator Morrison said it's not really a cut, but could be affected by vacant positions. Deputy Mayor Swatman asked City Administrator Morrison about the \$5.3 million in the Police Department, and wanted to know if the 2012 figures shown in white on the schedule is what is targeted. City Administrator Morrison said that may even be high, and there are a few variables. Deputy Mayor Swatman noted that Administrative Services shows \$10,000 less in the proposed budget and asked if the departments are aware of the proposed budgets. Mayor Johnson said the 2013-2014 budget numbers will be provided to the departments in a few weeks.

Councilmember Watson asked about the Court budget and why it has jumped up. City Administrator Morrison said the budget reflects a significant increase for a possible City probation department, judge and an administrator, the funds for which would come out of a judicial fund, not the general fund. Councilmember McKibbin asked if that would mean more probation than jail time. City Administrator Morrison said that it would assist in relieving jail officers of the need to monitor inmates, and is projected to generate approximately \$186,000 in revenues. Councilmember Hamilton asked about space for a probation department. City Administrator Morrison said the Court already has an extra office that could be utilized for probation staff and a Court Clerk could be appointed as a probation clerk. City Administrator Morrison said a probation officer is not a highly paid position but it does have specific educational requirements.

City Administrator Morrison said another issue is the \$328,000 bill for the 800 MHz public safety communication system which needs to be paid. Councilmember Rackley suggested that the County could contribute its share to use the City's existing 800 MHz system. Chief Financial Officer Juarez provided information regarding the balance on the loan for the system and said he has worked with Jim Nelson to review the City's debt service portfolio to see if some debt issues could be combined. He said that the City financed \$2 million for the 800 MHz system. City Administrator Morrison said when the system was first funded the City had a healthy budget and there was no questions about where the funds would come from. Mayor Johnson said the City still has \$1 million set aside for a YMCA and the City could utilize these funds elsewhere in the budget instead of leaving it there waiting for a future project.

City Administrator Morrison asked if the Council is still working on the assumption that the City will not use its fund balance and wants a balanced budget. Councilmember Rackley said the City could save money by reducing the debt service payments. City Administrator Morrison said another way to reduce the budget gap is to provide court services to Eatonville, which could provide \$50,000-\$58,000 in revenue.

Chief Financial Officer Juarez said the State reports that it is in a moderate comeback. He advised Council to look at the City's sales tax as an example, because it is flat to 8% behind and it is continually going up and down. Councilmember Rackley said it is his opinion that the City needs to keep its belt tight through the end of the year.

City Administrator Morrison said there are two more potential issues that the City needs to consider. First is the indirect cost analysis that is being done now, and how it will affect the general fund in relation to utilities. Secondly, the City is waiting to open bids for the Justice Center Phase II Tenant Improvements Project, and the Council will need to consider how to proceed if the project is short on funds. Councilmember Lewis said if the City can vacate and lease out the Annex building it would be a revenue savings in 2013.

Chief Financial Officer Juarez provided sales tax history from 2005 to the present. He said it has been difficult to project sales tax for the past couple of years. Deputy Mayor Swatman asked what the expectations of the Council are as this budget moves forward. Councilmember McKibbin said as the Council sits today he says he thinks the City should keep cutting expenditures as if this is the new norm. Councilmember Watson said the City should review future projects very carefully before moving forward. Mayor Johnson said sewer and water projects are not general fund projects. He said the key is that if the Council wants a leaner budget, the City would have to look at cutting staff. He said he wants to stay lean without affecting the existing staff. He said the City has been doing more with less. Councilmember Lewis said administration have delegated responsibilities downward and even upward, and he feels that under Mayor Johnson's leadership the City is on the right track without hiring new staff. He said the City has put a lot more pressure on staff and staff has commented about morale. He said he feels staff understand that they have to do more with less. Councilmembers said City the staff are doing a great job.

**D. Council Open Discussion.**

Sales Tax: Councilmember Watson reminded everyone that the sales tax in Bonney Lake will decrease by six-tenths of one percent effective October 1<sup>st</sup>. The new rate in the City will be .088%, and he hopes this will help to increase the City's sales. He said only five other cities have a .079% sales tax rate.

Chamber of Commerce Luncheon: Councilmember Watson reminded everyone that the Chamber luncheon is scheduled for Thursday, September 13<sup>th</sup>.

Beautify Bonney Lake: Councilmember Watson reminded everyone that Beautify Bonney Lake is on Saturday, September 15<sup>th</sup>, at 9:00 a.m. with several new businesses sponsoring the event. He said there is a public safety meeting tomorrow night for the team leaders of the event.

Red Robin Restaurant: Deputy Mayor Swatman asked about the major restaurant that is considering coming to Bonney Lake. Mayor Johnson asked Community Development Director Vodopich whether there has been any additional contact made with the restaurant's representative and where the City stood compared to other cities/locations. Deputy Mayor Swatman was interested in knowing if there is any type of economic development incentive the City could offer if a business could employ a certain number of employees and certain tax bracket of revenue. Mayor Johnson said City staff is looking into any type of program that the City could offer to waive sewer development charges and traffic impact fees to assist in bringing a development like this into the City. Councilmember Hamilton asked if there is a cap on a reduction of fees or could the City look at setting the cap in a different way so that as a project generated the sales tax, it could build from that. City Administrator Morrison said the first draft of the proposed waiver was for \$300,000 but the current version has it reduced to approximately \$15,000. Councilmember Hamilton said that every sales tax rebate dollar would immediately be used to rebate back. The general fund would not be impacted. Councilmember Rackley said splitting the rebate with the businesses would be beneficial for both the businesses and the City, and would be attractive to all size businesses. Councilmember Hamilton said he was not in favor of splitting the rebate, and would rather give it all back to the business, because in the long term the City would make money on sales tax. The City would want to make sure that the business was substantial and that they would stay around.

Mayor Johnson said Council should keep in mind that some businesses are corporate stores and some are franchises and the City needs to treat all businesses fairly so as to not discriminate. City Administrator Morrison said when a new business comes into the City it generates business and revenue from the outside, but it could also take away from existing local businesses. Mayor Johnson said Community Development Director Vodopich will talk with the Assistant City Attorney and representatives from Red Robin to see what they propose. He said he wants the City to act quickly. Mayor Johnson said he would like the developer to pay the impact fees up front so it doesn't impact businesses when they lease a property.

Deputy Mayor Swatman said the sewer, water, and traffic fees for this project are significant and he doesn't believe the fees recognize the economic impact on this type of project. Councilmember Hamilton said staff needs to look at the City's project list. Councilmember Minton-Davis said bids for City projects are actually coming in much lower and the City should reevaluate its proposed projects. Public Works Director Grigsby noted that projects such as the Sumner Wastewater Facility are paid on a pro rata share. Mayor Johnson asked Public Works Director Grigsby to have the City Engineer look at the projects and see if the project cost estimates should be revised. Public Works Director Grigsby said the City cannot set a rate higher than the last analysis. He said the calculation of the sewer development charges is meant to be at the maximum. He said the Council could set the rate at anything below that maximum, as long as it is applied fairly. He said the City must be able to support future growth. Councilmember Minton-Davis said the Council wants to look at the long-term needs. Deputy Mayor Swatman

said he does not want the City to miss out on significant opportunities as they don't come around very often.

**E. Discussion: Eastown Sewer Development Issues.**

Deputy Mayor Swatman said some of the Eastown property owners were in attendance at the Workshop. He said property owners have spoken with some of the Council and the Eastown LLC ("LLC") is not currently interested in moving forward with the \$4 million project as they are looking at other options available. He said he believes the Compass Point property is a significant part of this project and the LLC, property owners, developer, and seller are approaching the bank to get easements for sewer across road on the Compass Point property, which would lower the cost of the entire system. He said it is not certain that the sewer has to go through the road, but he is hopeful the bank will realize that providing the easements would be beneficial. Councilmember McKibbin said it is a long shot but it is worth trying.

Deputy Mayor Swatman said the Council seems to like the proposed \$2 million project, but he is not sure that the Eastown LLC would support the reduced project since it does not bring the sewer backbone to as many property owners. Councilmember McKibbin said having the lift station constructed will help them to market their property to sell it, but not necessarily to develop. He said the Mayor and Council need to hear back from the City Attorney's office for more information on a possible special assessment district. Councilmember Hamilton said a special assessment district allows the property owner to use not only the sewer system development charges ("SDC") but also the rates that are charged in that area which makes it cheaper in the overall capital costs for both the buy in or sell, in and everyone with the property pays. He asked if the City had found out if the bonds could be extended out to make the City's annual debt service less. Chief Financial Officer Juarez said he is waiting to hear back from consultant Jim Nelson on this subject. Councilmember Hamilton said if some of the overall costs can be stretched out over 30 years, it is less expensive for everyone. Councilmember Watson said that makes more sense to him. Councilmember Minton-Davis said she is concerned someone may buy a property and not develop it. Councilmember McKibbin said the City needs to be careful. Councilmember Hamilton said that it is a huge benefit for the property owner because it spreads the capital cost out by the property owner, the purchaser, and whoever leases it. Councilmember Watson said that the development fees associated with the French property would mean all of the development fees, as well as the fees required to put in the traffic signal light. Councilmember Hamilton said a latecomers agreement has a 20 year window and said he shares the concern that some property owners may not develop their property and pay nothing toward the system. Councilmember Hamilton said he had never heard of a special assessment district, but if the sewer development charges protect the area, there is no 20 year window to worry about.

Councilmember Watson said the Council should discuss the two proposed sewer expansion projects, also known as the '\$4 million project' and the reduced size '\$2 million project'. Councilmember Hamilton said Chief Financial Officer Juarez and City Administrator Morrison have provided a financial schedule that allows the City to build a system where the utility wouldn't have to go back to the rate payers for at least five years. City Administrator Morrison said one of the Public Works Trust Fund projects actually came in under bid and since there are no other projects to spend that money, the City will have to pay \$500,000 back to the Public Works Trust Fund.

Deputy Mayor Swatman asked what Council wants to do about the sewer extension. Councilmember Hamilton said he supports the \$4 million sewer system extension.

Deputy Mayor Swatman said he thinks it is premature to do the whole system as designed, and now is focused on the \$2 million project. Councilmember Rackley said he wants some sort of sewer system in Eastown. Councilmember Watson said he thinks the City should at least get the system started. Councilmember McKibbin said he has heard from those interested in development in Eastown asking whether the City is on board and shows a commitment to the area. Deputy Mayor Swatman said the Council needs answers regarding the special assessment district. Mayor Johnson said he and Council need to get more information from the Attorney's office before moving forward. He said he feels the \$2 million project is the best way to go, starting in stages and getting something going. Councilmember Minton-Davis said she is in favor of putting sewers in Eastown, but does not want the system built for no reason. She said to make development happen, Council needs to look at permit fees and making development affordable, otherwise there will not be development in Eastown. Councilmember Hamilton said if the City has cash on hand then the City should put it back into sewer development charge costs to encourage development.

City Administrator Morrison said the sewer system expense could get pushed out 2-3 years, and said he is concerned about the high site development costs for the Public Works Center at the peaking storage tank site in Eastown. He said if the City can reduce site development costs by \$1-2 million then the City may only have to pay \$500,000 to build the main structure right across the street, which could save the City a substantial amount of money. The City could use the peaking storage tank site for bulk storage, storm pond, etc. City Administrator Morrison said in looking at the feasibility, however, the City may then need to look at annexing the new property for municipal purposes, which may take time.

Mayor Johnson asked Council to think about what they want to do about other developments in Bonney Lake. Councilmember Hamilton said he is not against the Eastown sewer development, he opposed the amount the Eastown LLC partners were being asked to pay. Mayor Johnson said the Council must give the same attention to development throughout the City. Mayor Johnson said once the City Attorney speaks with Council about the special assessment district, then Council can proceed accordingly.

This item was continued for further discussion at a future meeting/workshop.

#### IV. ADJOURNMENT:

**At 7:24 p.m., Councilmember Rackley moved to adjourn the Council Workshop. Councilmember Lewis seconded the motion.**

**Motion to adjourn approved 7 – 0.**

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Harwood Edvalson, CMC  
City Clerk

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Neil Johnson, Jr.  
Mayor

Items presented to Council at the September 4<sup>th</sup> Workshop:

- Chief Financial Officer Al Juarez – *Schedule A and Schedule B General Fund Revenues and Expenditures* – City of Bonney Lake.

CITY COUNCIL MEETING

September 11, 2012  
7:00 P.M.

MINUTES

City of



“Where Dreams Can Soar”

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*Website: [www.ci.bonney-lake.wa.us](http://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 7:03 p.m.

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

Mayor Johnson requested those in attendance observe a moment of silence for the lives lost on September 11, 2001.

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 Mark Hamilton, Councilmember Donn Lewis, Councilmember Randy McKibbin, Councilmember Katrina Minton-Davis, Councilmember Jim Rackley, and Councilmember Tom Watson.

Staff members in attendance were City Administrator Don Morrison, Public Works Director Dan Grigsby, Chief Financial Officer Al Juarez, Interim Police Chief Dana Powers, Administrative Services Director/City Clerk Harwood Edvalson, City Attorney Kathleen Haggard, and Records & Information Specialist Susan Duis. Judge Ron Heslop arrived at 7:37 p.m.

C. Announcements, Appointments and Presentations:

1. Announcements:

a. **Proclamation:** Beautify Bonney Lake Day – Saturday, September 15, 2012.

Mayor Johnson read the proclamation aloud and urged all to participate in the annual event. He presented the proclamation to Beautify Bonney Lake President Lillian McGinnis. Ms. McGinnis thanked the Council and said the organization’s long-term success depends on partnerships, and thanked the City for its support. She said this year all seven councilmembers are active participants in Beautify Bonney Lake. She said this year is the 9<sup>th</sup> anniversary of BBL and the 20<sup>th</sup> anniversary for Ascent Park, which was dedicated in 1992. Mayor Johnson said a lot of area restaurants have chipped in this year to provide food to volunteers and he hopes there will be a good turnout this year.

2. Appointments: None.

3. Presentations:

a. **Oath of Office:** Police Officer Ryan Harberts.

Assistant Chief Powers said that Municipal Court Judge Ron Heslop had not yet arrived at the meeting and would be about 20 minutes late. Mayor Johnson said the Council would delay the Oath of Office until the Judge’s arrival, and in the

meantime they would proceed through the other items on the agenda. *This item was moved to the last item on the agenda.*

- D. Agenda Modifications: See Oath of Office, above.

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

- A. Public Hearings: None.  
B. Citizen Comments: None.  
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 for the Accounting Specialist and Senior Planner open positions. The committee reviewed meeting notes and the Tyler email utility billing system. They discussed alternatives for Eastown sewer system financing; staff will follow up with consultants at FCS group to evaluate funding options. The committee also discussed the 2013-2014 budget financial model. Deputy Mayor Swatman asked Councilmembers to send comments on the budget to staff as soon as possible so they can be incorporated in the draft for Council review at upcoming meetings. Deputy Mayor Swatman said the group also discussed a proposed interlocal agreement with the City of Eatonville for Court services, which has already been approved by the Eatonville Council and will come before the Bonney Lake Council soon.
- B. Community Development Committee: Councilmember McKibbin said the committee met on September 4, 2012 and forwarded two resolutions to the current Consent Agenda.
- C. Public Safety Committee: Councilmember Hamilton said the committee has not met since the last Council meeting.
- D. Other Reports:

Community Reports: Councilmember Watson said that he, Councilmember Lewis, and Special Events Coordinator David Wells attended the Communities for Families meeting on September 6, 2012. Superintendent Craig Spencer spoke about goals and initiatives for coming school year, and noted that the district has hired 35 new teachers and completed the Maple Lawn school.

Business Survey: Mayor Johnson said staff posted a survey for residents to provide input on what businesses they want to see in the City. He said he hopes to get feedback from citizens about which restaurants, grocery stores or other retail they are most interested in.

Chamber of Commerce: Councilmember Rackley said the next Bonney Lake Chamber of Commerce luncheon meeting will be attended by local representatives who will field questions from Chamber members.

**IV. CONSENT AGENDA:**

- A. **Approval of Minutes:** August 21, 2012 Workshop and August 28, 2012 Meeting.
- B. **Approval of Accounts Payable and Utility Refund Checks/Vouchers:** Accounts Payable checks/vouchers #64357-64358 in the amount of \$2,250.00 for Tunes @ Tapps payments. Accounts Payable checks/vouchers #64359-64442 including wires #9827675, 20120803, 98276752, 20120815, 39243881 in the amount of \$183,800.60. Accounts Payable checks/vouchers #64443-64448 in the amount of \$15,995.10. Accounts Payable checks/vouchers #64449-64454 in the amount of \$60,323.23. Accounts Payable checks/vouchers #64455-64489 in the amount of \$273,739.00. Accounts Payable checks/vouchers #64490-64493 in the amount of \$1,716.34. Accounts Payable checks/vouchers #64494-64509 in the amount of \$10,983.73. 7/10/12 omitted wire no. #20120617 in the amount of \$29,090.00.26. Void check: 63809-replaced with 64454. Void check: 64444 replaced with 64496. Void check: 64282.
- C. **Approval of Payroll:** Payroll for August 16-31, 2012 for checks 30658-30684 including Direct Deposits and Electronic Transfers in the amount of \$640,236.61.
- D. **AB12-125 – Ordinance 1434 [D12-125]** – An Ordinance Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Amending Chapter 2.32.040 Of The Bonney Lake Municipal Code And Ordinance No. 1378 Relating To Bereavement Leave.
- E. **AB12-121 – Resolution 2238** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing A Water Developer Extension Agreement With Conner Homes Group LLC For The Lakeland Villas Plat.
- F. **AB12-126 – Resolution 2239** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing The Mayor To Execute An Interlocal Agreement With Pierce County And Its Cities And Towns Thereby Amending The Pierce County County-Wide Planning Policies To Designate A New Candidate Regional Center In University Place.
- G. **AB12-127 – Resolution 2240** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Approving The Street Light Authorization Letters From Intolight (Puget Sound Energy) And The City Of Bonney Lake To Purchase And Install Street Lighting For The Main Street Intersection Improvements Project.

**Councilmember Rackley moved to approve the Consent Agenda. Councilmember Watson 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. **AB12-124 – Ordinance 1435 [D12-124]** – An Ordinance Of The City Of Bonney Lake, Pierce County, Washington, Extending A Temporary Zoning Moratorium On The Establishment, Maintenance Or Continuation Of Medical Marijuana Collective Gardens.

**Councilmember Rackley moved to approve Ordinance 1435. Councilmember Lewis seconded the motion.**

City Attorney Haggard said there is no specific deadline for how many times a moratorium can be extended. She said in this case there are other ongoing issues that have lead to the continued moratorium, and legal staff are currently drafting a proposed ordinance to ban collective gardens outright, which is still in progress.

**Ordinance 1435 approved 7 – 0.**

**At 7:21 p.m., Mayor Johnson called for a brief recess to wait for Judge Heslop to arrive. The meeting returned to order at 7:37 p.m.**

**C. Presentations:**

- a. **Oath of Office:** Police Officer Ryan Harberts.

*This item was moved from earlier in the agenda.* Judge Ronald Heslop presented the Oath of Office to Police Officer Harberts. Councilmembers, staff and family in attendance offered congratulations and welcomed him to Bonney Lake.

**IX. EXECUTIVE SESSION:** None.

**X. ADJOURNMENT:**

**At 7:40 p.m., Councilmember Rackley moved to adjourn the Council Meeting. Councilmember Lewis seconded the motion.**

**Motion to adjourn approved 7 – 0.**

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Harwood Edvalson, CMC  
City Clerk

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Neil Johnson, Jr.  
Mayor

Items presented to Council at the September 11, 2012 Meeting: None.

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

<b>Department/Staff Contact:</b> Executive / Don Morrison Court / Kathy Seymour	<b>Meeting/Workshop Date:</b> 25 September 2012	<b>Agenda Bill Number:</b> AB12-131
<b>Agenda Item Type:</b> Resolution	<b>Ordinance/Resolution Number:</b> 2243	<b>Councilmember Sponsor:</b>

**Agenda Subject:** Interlocal Agreement with the Town of Eatonville for Municipal Court Services

**Full Title/Motion:** A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing The Mayor To Sign An An Interlocal Agreement Between The Town Of Eatonville And The City Of Bonney Lake For The Providing Of Facilities And Personnel For The Municipal Court Of Eatonville.

**Administrative Recommendation:** Approve

**Background Summary:** The City provides municipal court services for the Town of South Prairie, and has considered providing court for other smaller courts. Eatonville has determined that a contract with Bonney Lake for the provision of municipal court services under the Interlocal Cooperation Act would be more efficient and cost effective than providing its own facilities, materials and personnel; and has approached the City about assuming their court functions. The contract with South Prairie has worked well, and we anticipate a seamless assumption of the Eatonville court as well. In 2011 Eatonville had 460 case filings, compared to Bonney Lake's 6,280. This represents a 7% increase in the court's caseload. Current court workload is such that staff would be able to absorb this small increase in cases without additional staffing. The value of the contract would be +/- \$50,000 per year, depending on the number and type of cases filed. The Eatonville Town Council approved the ILA at their September 10<sup>th</sup> Council meeting.

**Attachments:** Resolution, Interlocal Agreement

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

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

<b>COUNCIL ACTION</b>	
Workshop Date(s): September 18, 2012	Public Hearing Date(s):
Meeting Date(s):	Tabled to Date:

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

**RESOLUTION NO. 2243**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON, AUTHORIZING THE MAYOR TO SIGN AN INTERLOCAL AGREEMENT WITH THE TOWN OF EATONVILLE FOR THE PROVISION OF MUNICIPAL COURT SERVICES.**

The City Council of the City of Bonney Lake, Washington, does hereby resolve that the Mayor is authorized to sign the attached Interlocal Agreement between the City of Bonney Lake and the Town of Eatonville for the provision of facilities and personnel for the municipal court of Eatonville.

**PASSED** and adopted by the City Council this 25<sup>th</sup> day of September, 2012.

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Neil Johnson, Jr., Mayor

ATTEST:

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Harwood T. Edvalson, City Clerk

APPROVED AS TO FORM:

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James J. Dionne, City Attorney

**AN INTERLOCAL AGREEMENT BETWEEN THE TOWN OF EATONVILLE  
AND THE CITY OF BONNEY LAKE FOR THE PROVIDING OF FACILITIES  
AND PERSONNEL FOR THE MUNICIPAL COURT OF EATONVILLE**

**Whereas**, the Town of Eatonville is a municipal corporation organized under the laws of the State of Washington (hereinafter referred to as Eatonville); and

**Whereas**, the City of Bonney Lake (“Bonney Lake”) is a municipal corporation organized under the laws of the State of Washington; and

**Whereas**, each of the parties to this Agreement is authorized under Washington law to operate a municipal court pursuant to Chapter 3.50 RCW; and

**Whereas**, Chapter 39.34 RCW (“The Interlocal Cooperation Act”) permits municipal corporations to contract with one another to perform any act that each is independently authorized to perform; and

**Whereas**, RCW 39.34.180, RCW 3.50.805, and RCW 3.62.070 each directly and by implication authorize municipal corporations to enter into Interlocal agreements for municipal court services; and

**Whereas**, Bonney Lake currently operates a municipal court pursuant to Chapter 3.50 RCW; and

**Whereas**, Eatonville has determined that a contract with Bonney Lake for the provision of certain municipal court services under the Interlocal Cooperation Act would be more efficient and cost effective than providing its own facilities, materials and personnel; and

**Whereas**, Bonney Lake is willing to provide municipal court services to Eatonville under the terms and conditions set forth in this Agreement; and

**Whereas**, the parties enter this Agreement in consideration of the mutual covenants and promises set forth in this Agreement, the mutual benefits to be derived by each, and in the exercise of authority granted by the Interlocal Cooperation Act, Chapter 39.34 RCW.

**Now, therefore**, in consideration for the mutual covenants and promises set forth in this agreement, and in the exercise of authority granted by the Interlocal Cooperation Act, Chapter 39.34 RCW, the Town of Eatonville and the City of Bonney Lake do hereby agree as follows:

1. **Purpose.** The purpose of this Agreement is to provide for the provision of certain municipal court services by Bonney Lake to Eatonville through the use of facilities, materials and personnel of the Bonney Lake Municipal Court to the maximum extent permitted by law for the filing and processing of Eatonville's

civil, traffic or other infractions and criminal citations; to set forth fees to be paid by Eatonville; and to specify the responsibilities of Bonney Lake and Eatonville respectively for such municipal court services.

2. **Administration.** The Bonney Lake Court Administrator shall be responsible for the administration of this Agreement. No joint acquisition, holding or disposal of real or personal property is contemplated hereunder.
3. **Appointment of Eatonville Municipal Court Judge.** By the effective date of this Agreement, the Mayor of Eatonville shall appoint, and the Eatonville Town Council shall confirm, the currently appointed judge of the Bonney Lake Municipal Court as judge of the Eatonville Municipal Court.
4. **Filing and Assumption of Eatonville Municipal Court Cases.** Commencing on \_\_\_\_\_, 2012, or the effective date of this Agreement, whichever is later, all Eatonville Municipal Court cases, which shall include all notices of infractions and criminal complaints or citations alleging violations of Eatonville ordinances, shall be filed in Bonney Lake Municipal Court for processing under this Agreement. A case filed in Bonney Lake Municipal Court originating in the jurisdiction of Eatonville will continue to be identified as a case of Eatonville. Bonney Lake will coordinate with Eatonville to assume and transition all existing cases, with a goal of transferring all existing cases by \_\_\_\_\_, 2012. Eatonville agrees that all citations issued after \_\_\_\_\_, 2012 will be filed in the Bonney Lake Municipal Court.
5. **Municipal Court Services Performed By Bonney Lake.** Bonney Lake shall provide municipal court facilities and services for the processing of Eatonville Municipal Court cases in the same manner and at the same level as Bonney Lake provides for the same type of cases originating in Bonney Lake, including but not limited to the following:
  - 5.1 **Court Staff.** Bonney Lake shall provide court staff, including clerks, judge, prosecutor and public defender, to process and adjudicate all criminal citations and civil citations filed by Eatonville. By way of illustration and not by limitations, this "processing" shall include the issuance of all summons, warrants, maintenance of court cases, and processing of all fines and forfeitures for municipal cases. Processing shall include filing, adjudication and penalty enforcement of all Eatonville cases filed, or to be filed, including but not limited to, the issuance of arrest warrants, setting motions and evidentiary hearings, discovery matters, bench and jury trials, sentencing, post-trial motions, and the duties of the courts of limited jurisdiction regarding appeals. Bonney Lake shall have discretion in case flow management, including the scheduling of judges.
  - 5.2 **Equipment and Facilities.** Bonney Lake shall provide all necessary equipment, including copiers, computers, printers, and other equipment, necessary to perform the foregoing described municipal court services in a timely manner as required by laws and court rule. Bonney Lake shall provide

the use of the Bonney Lake courtroom and all office space necessary for the processing of municipal cases.

- 5.3 **Court Security.** Bonney Lake shall provide and pay for all necessary court security.
  - 5.4 **Supplies and Forms.** Bonney Lake shall provide and pay for all forms and paperwork necessary for processing Eatonville Municipal Court cases. By way of illustration and not limitation, these include case setting forms, infraction hearing forms, criminal hearing forms, warrants, and general office supplies.
  - 5.5 **Court Mandated Payments.** Bonney Lake shall accept and track court mandated payments in criminal and infraction cases and bail or other forfeitures for Eatonville Municipal Court and deliver these payments to Eatonville on a monthly basis. The use of a collection agency by Bonney Lake to collect court-mandated payments is specifically permitted.
  - 5.6 **Eatonville Municipal Court Calendar.** An Eatonville Municipal Court calendar shall be scheduled at such times and dates as are compatible with the existing court calendars, the availability of the courtroom facility, and the schedule of the judge.
  - 5.7 **Monthly Performance and Remittance Reports.** Bonney Lake will provide to Eatonville a monthly caseload and remittance report. The caseload report shall include the following information: filings by case type; dismissals; number and type of hearings; trial settings and type of trial set; number of cases (by broad case type) disposed during reporting period; number of deferred prosecutions/diversions; appeals to superior court; and total revenue. The remittance report shall include a breakdown by case categories of revenue received.
6. **Municipal Court Duties of Eatonville.** The following municipal court duties shall be provided by Eatonville:
    - 6.1 **Municipal Judge Appointment.** The Mayor of Eatonville shall appoint the Bonney Lake municipal judge to serve as the Eatonville municipal judge. Judges pro tem of the Bonney Lake Municipal Court shall be by virtue of such appointment judges pro tem of the Eatonville Municipal Court.
    - 6.2 **Domestic Violence Advocate.** Eatonville shall reimburse Bonney Lake for the costs of any domestic violence advocate services provided by Bonney Lake Municipal Court for Eatonville Municipal Court cases when such appointments are required by state law.
    - 6.3 **Filing of Citations.** Criminal citations and infractions issued by Eatonville shall be delivered to the Bonney Lake Court Clerk for filing in the Eatonville Municipal Court within five (5) calendar days after the violation or issuance of the citation. Citations for in-custody defendants shall be filed with the Bonney Lake Court Clerk no later than 10:00 am on the court day following the arrest. Filing by facsimile or other acceptable forms of electronic submission pursuant to Washington State Court General Rule 17 is specifically authorized.

- 6.4 **Warrants.** Whenever Eatonville executes a warrant, Eatonville shall contact the Bonney Lake Municipal Court and make a return of the warrant as soon as possible.
- 6.5 **Jail Costs.** Eatonville shall be responsible for incarceration arrangements for its defendants and costs for such incarceration, including reimbursement of medical providers as required by RCW 70.48.130 for all Eatonville defendants. Eatonville shall be responsible for prisoner transports to and from Bonney Lake Municipal Court. It is understood that Bonney Lake will make a conscious effort to minimize jail costs and pursue reasonable alternatives to incarceration.
- 6.6 **Appeals.** In the event that Eatonville appeals a case on behalf of the Town, Eatonville will be charged the fee to file a notice of appeal and the cost for preparing and/or copying any court recordings. If a defendant files an appeal on an Eatonville case, Bonney Lake will prepare the case for the appeal and the Prosecutor will be the Attorney of Record on the Appeal. Eatonville shall be responsible for Public Defender costs on a RALJ Appeal and the appointment amount would be the amount as listed in Bonney Lake's Public Defender Contract (currently \$400). Eatonville shall be responsible for the costs for transcribing the recordings of the hearings.
- 6.7 **Witness Fees.** Eatonville shall pay all fees for witnesses requested by the prosecutor or public defender in Eatonville Municipal Court cases.
- 6.8 **Jury Fees.** Eatonville shall pay for all jury fees for Eatonville Municipal Court cases. For Eatonville jury trials, Bonney Lake will request a random list of jurors from Pierce County Superior Court. There is currently no charge to receive this list. Jurors would be selected from the Eatonville zip code and possibly neighboring zip codes if needed. Jurors shall be paid the current established rate (presently \$10 per day plus round trip mileage paid at the state per diem). Jurors shall only be summoned after a trial has been scheduled.
- 6.9 **Interpreter Services.** Eatonville shall reimburse Bonney Lake for all language interpretation services required for defendants in Eatonville Municipal Court cases.
- 6.10 **Public Defender Services.** For all Eatonville cases in which a public defender is assigned, Eatonville will pay a fee of \$125 per case plus any additional costs for expert witnesses, or for subsequent appeals as outlined in Section 6.6.
7. **Compensation and Assumption Costs.** Eatonville shall compensate Bonney Lake for providing municipal court services on a per case basis. For each criminal citation filed, Bonney Lake shall be paid \$126.00. For each traffic, parking, or non-traffic infraction filed, Bonney Lake shall be paid \$65.00. These fees are in addition to specific interpreter, domestic violence advocate, jury, and other fees described in this agreement. The fees shall be paid regardless of whether the cases are later dismissed without a full adjudication. Eatonville agrees to pay Bonney Lake a one-time fee of \$1,500.00 which will be the total set up costs, including transfer, assumption, and resolution of cases filed prior to the effective

date of this Agreement. This one-time fee will be due and payable within 30 days after invoice by Bonney Lake.

8. **Adjustment to Cover Mandates or Additional Requirements.** In the event that the Bonney Lake Municipal Court's duties and accompanying costs under this Agreement are expanded or increased due to state or federal mandates or new requirements from Eatonville, the parties agree to negotiate a reasonable increase in the fees or a supplemental fee to cover the costs for the mandated change. If the parties cannot agree to the amount of the adjustment, the issue shall be subject to the dispute resolution process outlined in Section 16 (Dispute Resolution) of this Agreement. The existing filing fees shall remain in effect until the parties reach an agreement as to the amount of filing fees or until the dispute resolution process is concluded.
9. **Periodic Adjustments.** Commencing two (2) years after the effective date of this agreement, either Eatonville or Bonney Lake may request the parties to review the costs associated with providing the service during the previous two years of service. The parties shall use best efforts to determine how much, if any, of an adjustment, either up or down, in the future filing fees is warranted, and if so, the amount thereof. Filing fee adjustments agreed to pursuant to this process shall not require an amendment of this Agreement, but shall be confirmed in writing. If the parties cannot agree to the amount of the adjustment, the issue shall be subject to the dispute resolution process outlined in Section 16 (Dispute Resolution ) of this Agreement. The existing filing fees shall remain in effect until the parties reach an agreement as to the amount of filing fees or until the dispute resolution process is concluded.
10. **Disbursal of Local Court Revenues to Eatonville.** Pursuant to RCW 3.62.070 and RCW 39.24.180, Eatonville shall receive one hundred percent (100%) of Local Court Revenues from Eatonville Municipal Court cases, excluding NFS returned check fees, probation or monitoring fees, copy fees, appeal preparation fees, or restitution or reimbursement to Eatonville or a crime victim, or other restitution as may be awarded by a judge. For purposes of this section, Local Court Revenues include all fines, forfeited bail, penalties, court costs, recoupment and parking ticket payments derived from Eatonville Municipal Court cases after payment of any and all assessments required by state law thereon.
11. **Payment of State Assessments.** Eatonville shall be responsible for paying to the State of Washington all amounts due and owed to the State relating to Eatonville Municipal Court cases filed at Bonney Municipal Court out of the gross revenues received from Bonney Lake for the Eatonville Municipal Court cases.
12. **Duration.** The initial term of this Agreement shall commence \_\_\_\_\_, 2012, and shall expire on December 31, 2013, unless terminated earlier pursuant to Section 13 of this Agreement. However, this Agreement shall automatically be renewed and extended for an additional two (2) year period upon the same terms

and conditions set forth herein, or as amended, unless terminated in accordance with Section 13 of this Agreement.

13. **Termination.** Either party shall have the right to terminate this Agreement with or without cause at any time during the term of this Agreement, including the initial term, by providing written notice of intention to terminate at least 90 days prior to expiration of this Agreement or any renewal thereof. If Eatonville terminates this agreement, Bonney Lake agrees to work cooperatively with Eatonville to ensure the orderly transition of cases from Bonney Lake Municipal Court to the new venue.
14. **Recording.** Consistent with RCW 39.34.040, this Agreement shall be filed for recording with the Pierce County Department of Records upon full execution, or, in lieu of recording, published electronically on the website of both parties.
15. **Indemnity.** Each party shall defend, indemnify and hold the other party, its officials, officers, employees and volunteers harmless from any and all claims, injuries, damages, losses or suits, including attorneys' and expert witness fees, arising out of or in connection with the performance of this Agreement, to the extent of each party's own negligence. Said indemnification shall also be applicable to intentional acts or omissions of each party's officers, officials, employees or volunteers. The parties agree that their obligations under this paragraph extend to claims made against one party by the other party's own employees or agents. Each party shall defend, indemnify and hold the other party, its officials, officers, employees and volunteers harmless from any and all claims, injuries, damages, losses or suits, including attorneys' and expert witness fees, arising out of the existence or effect of the ordinances, rules or regulations, policies or procedures of each respective party. If any cause, claim, suit, action or administrative proceedings is commenced challenging the enforceability or validity of the ordinance, rule, regulation, policy or procedure of a party hereto, that party alone shall defend the same at its sole expense, and shall satisfy a judgment entered on the same, including all chargeable costs and attorneys' fees. For the purpose of this indemnification only, the parties, by mutual negotiation, hereby waive, as respects the other party only, any immunity that would otherwise be available against such claims under the industrial insurance provisions of Title 51 RCW. This section shall survive the expiration or termination of this Agreement. No obligation shall exist to indemnify for injuries caused by or resulting from events occurring after the last day of court services under this Agreement.
16. **Dispute Resolution.** It is the parties' intent to resolve any disputes relating to the interpretation or application of this Agreement informally through discussions at the staff level. In the event disputes cannot be resolved informally at the staff level, resolution shall be sought by the designated representatives of each city and if unsuccessful, then the parties agree to submit the dispute to non-binding mediation/dispute resolution. Following mediation, any unresolved controversy or

claim arising from or relating to this Agreement or breach thereof shall be settled through binding arbitration which shall be conducted under the American Arbitration Association's Arbitration Rules. The arbitrator may be selected by agreement of the parties or through the American Arbitration Association. All fees and expenses for mediation or arbitration shall be borne by the parties equally. However, each party shall bear the expense of its own counsel, experts, witnesses, and preparation and presentation of evidence.

17. **Bonney Lake Employees.** No employee or agent of Bonney Lake shall be deemed to be an employee or agent of Eatonville as a result of this Agreement. None of the benefits provided by Eatonville to its employees or agents, including, but not limited to, compensation, insurance, and unemployment insurance are available from Eatonville to the employees or agents of Bonney Lake.

18. **Notice.** Any notices required to be given under the Agreement shall be deemed sufficient if in writing and delivered personally or sent via certified mail to the following parties at the following addresses:

To Eatonville:

Town of Eatonville  
Mayor  
PO Box 309  
Eatonville, WA 98328

To Bonney Lake:

City of Bonney Lake  
Mayor  
PO Box 7380  
Bonney Lake, WA 98391

19. **Jurisdiction.** This Agreement shall be governed by and construed in accordance with the laws of the State of Washington. Disputes shall be settled as outlined in Section 16. This Agreement shall be governed by and construed in accordance with the laws of the State of Washington, and venue for any other action or to confirm or set aside an arbitration award entered pursuant to Section 16 shall lie in Pierce County Superior Court. In the event an action to confirm or set aside an arbitration award is filed, the non-prevailing party in such action brought to enforce or set aside the arbitration award shall pay the other party's expenses and reasonable attorneys' fees incurred in the superior court.

20. **Insurance.** Each party to this Agreement shall maintain insurance at least equivalent to the minimum coverage provided through the WCIA or AWC insurance pools. Such insurance coverage shall be maintained during the entire term of this Agreement and all extensions thereto.

21. **Non-Assignability.** The rights, duties, and obligations of either party to this Agreement shall not be assignable. This provision does not apply to collection services.

22. **Severability.** Whenever possible, each provision of this Agreement shall be interpreted in such a manner as to be effective and valid under applicable law.

Any provision of this Agreement which shall prove to be invalid, void or illegal shall in no way affect, impair, or invalidate any other provision hereof, and such other provisions shall remain in full force and effect.

23. **Entire Agreement.** The entire agreement between the parties with respect to the subject matter hereunder is contained in this Agreement. No amendments to this Agreement shall be binding upon the parties unless such amendment is in writing and executed by the duly authorized representatives of all the parties. The written provisions and terms of this Agreement shall supersede all prior statements of any officer or other representative of the parties, and such prior statements shall not alter this Agreement.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

Attest/Authenticated:

City of Bonney Lake

\_\_\_\_\_  
Harwood Edvalson, MMC  
City Clerk

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

Approved as to Form:

\_\_\_\_\_  
James Dionne, City Attorney

Attest/Authenticated:

Town of Eatonville

\_\_\_\_\_  
Town Clerk

\_\_\_\_\_  
Raymond Harper, Mayor

Approved as to Form:

\_\_\_\_\_  
Daniel G. Lloyd, Town Attorney

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

<b>Department/Staff Contact:</b> Public Works / Marlyn Campbell	<b>Meeting/Workshop Date:</b> 25 September 2012	<b>Agenda Bill Number:</b> AB12-130
<b>Agenda Item Type:</b> Motion	<b>Ordinance/Resolution Number:</b>	<b>Councilmember Sponsor:</b> Randy McKibbin

**Agenda Subject:** Accept Sewer Manhole Rehabilitation- 2011/12 contract with NWCW, LLC as Complete

**Full Title/Motion:** A Motion Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, To Accept As Complete The Sewer Manhole Rehabilitation- 2011/12 Project With NWCW, LLC.

**Administrative Recommendation:**

**Background Summary:** Resolution 2144 dated August 16, 2011 awarded this construction contract to Titan NWCW, LLC for the Sewer Manhole Rehabilitation- 2011/12 project. This contract repairs and improves Utility Manholes throughout the City that have various deficiencies including structural, I & I, safety, and cleanliness. This completion marks the successful use of the first new format of construction contracts with Indefinite Delivery Quantities (IDQ). See attached Project Completion Report for detail information on this project. As a matter of housekeeping, this project has been reconciled, accepted by the City Engineer and project close out documents are complete. DOR, Employment Security and L & I have been notified and we are awaiting confirmation from these three organizations that there are no unpaid taxes and wages.

**Attachments:** Project Completion Report, Notice of Completion of Public Works Contract and 4 photos of project, before (2) and after (2).

<b>BUDGET INFORMATION</b>			
Budget Amount	Current Balance	Required Expenditure	Budget Balance
N/A			
<b>Budget Explanation:</b> Release of Retainage in the amount of \$7,812.36			

<b>COMMITTEE, BOARD &amp; COMMISSION REVIEW</b>											
<b>Council Committee Review:</b>	Community Development Date: 18 September 2012	<b>Approvals:</b> Chair/Councilmember Randy McKibbin Councilmember James Rackley Councilmember Katrina Minton-Davis	<table style="width: 100%; border: none;"> <tr> <td style="text-align: right;"><b>Yes</b></td> <td style="text-align: left;"><b>No</b></td> </tr> <tr> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> </table>	<b>Yes</b>	<b>No</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Yes</b>	<b>No</b>										
<input checked="" type="checkbox"/>	<input type="checkbox"/>										
<input checked="" type="checkbox"/>	<input type="checkbox"/>										
<input checked="" type="checkbox"/>	<input type="checkbox"/>										
	Forward to:	<b>Consent Agenda:</b> <input type="checkbox"/> Yes <input type="checkbox"/> No									
<b>Commission/Board Review:</b>											
<b>Hearing Examiner Review:</b>											

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

**APPROVALS**

**Director:**  
*Dan Grigsby*

**Mayor:**

**Date Reviewed  
by City Attorney:**  
(if applicable):

# PUBLIC WORKS - PROJECT COMPLETION REPORT

Project Title: Sewer Manhole Rehabilitation

**Project Financing Summary:**

**Project Revenue Sources:**

Budget Authorized by City Council:		\$156,000
City Fund Source(s):	Sewer- SDC	156,000
		156,000
<b>Total Project Budget Utilized=</b>		<b>\$157,110</b>

**Project Expenditures:**

Study =		N/A
Design =		\$0
<u>Total Construction</u>		<u>\$157,110</u>
Engineer's Estimate =	N/A	
	<u>Contract Award Amount</u>	<u>Actual</u>
Low Quote/Contract=	\$157,829	157,065
Contingency- 10%=	\$0	45
Field Engineering Services- 5% =	\$0	0
	<u>\$157,829</u>	<u>157,110</u>

**Total Project Cost =** **\$157,110**

**Total Budget for construction=**

**Actual** **\$157,829**

**Under Budget=** **-\$764**

**Actual Revenue Sources utilized for project:**

Budget Authorized by City Council:		\$156,000
Actual City Funds utilized:	Sewer- SDC	157,110

**Summary of Manhole's Rehabilitated**  
 Total Manholes- **60**  
 Manhole Cleaning & Lining Preparation- **721 Feet**  
 Removal of Manhole Steps- **184- each**  
 Installation/Replacement of manhole bench & inverts- **3 cubic yards**  
 Reseal inflow/outflow pipe(s)- **106**  
 Chemically Seal Manhole Infiltration Points- **75 each**

**Planning**

**Actual Costs**

Comprehensive Facilities Plan Approved by City Council:	N/A	<u>        </u>
Study Required:	N/A	<u>        </u>
FY Funding in Budget:	N/A	<u>        </u>
Study Contract NTP Date:	N/A	<u>        </u>
Study Contract Completion Date:	N/A	<u>        </u>

Planning Actual Total	
=	

\$0

**Design**

Date RFP Issued	<u>        </u>	N/A
Design Contract Award Date:	<u>        </u>	
Design Contract Completion Date:	<u>        </u>	
Design Consultant(s):	<u>        </u>	Scope of work developed by staff

         \$0

Scope of Work Changes:		<u>        </u>	Date
1			
2			

Change Order Summary:  
1

Design Actual Total	
=	

\$0

**Construction**

Date of Advertisement:	7/27/2011
RFQ Opening Date:	8/10/2011
Engineer's Estimate:	N/A
Low Responsive/Responsible Quote:	\$157,829
Contract Award Date:	8/23/2011
Contract Completion Date:	8/23/12
Closeout Date:	

\$157,065

Scope of Work Changes:		<u>        </u>	Date
1	None		

Change Order Summary:  
1 None

Other Construction  
Advertising

\$45

Construction Actual Total	
=	

\$157,110

Total Project Cost=	
------------------------	--

\$157,110

**PW Infrastructure Addition(s):**

Not Applicable



## NOTICE OF COMPLETION OF PUBLIC WORKS CONTRACT

Contractor's UBI Number: 602 813 492

Date: 9/7/2012

Name & Address of Public Agency
City of Bonney Lake 8720 Main Street East Bonney Lake, WA 98391 <b>UBI Number: 277000893</b>

Department Use Only
Assigned to:
Date Assigned:

*Notice is hereby given relative to the completion of contract or project described below*

<b>Project Name</b> Sewer Manhole Rehabilitation	<b>Contract Number</b>	<b>Job Order Contracting</b> <input type="checkbox"/> Yes <input type="checkbox"/> No
<b>Description of Work Done/Include Jobsite Address(es)</b> Sewer Manhole Rehabilitation services- wall cleaning, grout patching and relining of approx twenty 48-inch diameter manholes as outline by the City.		
<b>Contractor's Name</b> NWCW, LLC		<b>Telephone Number</b> 253-210-5098
<b>Contractor Address</b> PO Box 908 Spanaway, WA 98387		
<b>If Retainage is Bonded, List Surety's Name (or attach a copy)</b>		
<b>Surety Agent's Address</b>		
<b>Date Contract Awarded</b> 8/23/2011	<b>Date Work Commenced</b> 9/13/2011	<b>Date Work Completed</b> 8/23/2012
		<b>Date Work Accepted</b> Council Action Schedule-9/25/12

Contract Amount	\$	144,400.00			
Additions (+)	\$			Liquidated Damages \$	
Reductions (-)	\$	752.75		Amount Disbursed \$	149,882.22
<b>Sub-Total</b>	\$	<u>143,647.25</u>		Amount Retained \$	7,182.36
Amount of Sales Tax Paid at <u>9.400%</u>					
(If various rates apply, please send a breakdown)	\$	<u>13,417.33</u>			
<b>TOTAL</b>	\$	<u>157,064.58</u>		<b>TOTAL \$</b>	<u>157,064.58</u>

*NOTE: These two totals must be equal*

**Please List all Subcontractors Below:**

Subcontractor's Name:	UBI Number:	Affidavit ID (if known)
None		
		<i>Agenda Packet p. 29 of 32</i>



For tax assistance or to request this document in an alternate format, visit <http://dor.wa.gov> or call 1-800-647-7706.  
Teletype (TTY) users may call (360) 705-6718.

F215-038-000 11-2010  
REV 31 0020e (11/9/10)

Before



After

