

CITY COUNCIL WORKSHOP

May 7, 2013
5:30 p.m.

AGENDA



"Where Dreams Can Soar"

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

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

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

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

I. Call to Order: Mayor Neil Johnson

II. Roll Call:

Elected Officials: 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.

III. Agenda Items:

- A. **Presentation:** Sumner Councilmember Nancy Dumas Re: Bus services available in Bonney Lake. (No advance materials provided)
- B. **Council Open Discussion**
- Pg. 3 C. **Review of Council Minutes** – April 13, 2013 Special Council Meeting, April 16, 2013 Council Workshop, and April 23, 2013 Council Meeting.
- Pg. 17 D. **Presentation:** 2012 Budget Recap and 1st Quarter 2013 Financial Report.
- Pg. 25 E. **Discussion:** AB13-62 – Resolution 2300 - Reaffirming City-Wide Refuse Service Requirements, and Establishing A Minimum Level of Service.
- Pg. 31 F. **Discussion:** AB13-65 – Ordinance D13-65 - Amend Portions of Chapter 8.04 of the BLMC Relating to Garbage and Solid Waste Service and Fees.
- Pg. 39 G. **Discussion:** AB13-05 – Ordinance D13-05 – Amending Ordinance No. 1403 Relating to Salaries for Non-Represented Employees.
- Pg. 47 H. **Discussion:** AB13-66 – Resolution 2303 - Purchase and Sale Agreement with Renwood, LLC for City Property.

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

V. Adjournment

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

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**CITY COUNCIL SPECIAL
MEETING**

**April 13, 2013
10:00 A.M.**

DRAFT MINUTES



“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: Willow Brook Storm Pond, 11110 185th Av E, Bonney Lake, Washington.

I. CALL TO ORDER – Deputy Mayor Dan Swatman welcomed the assembled audience at 10:05 a.m.

II. IN ATTENDANCE:

Councilmembers in attendance were Deputy Mayor Swatman, Councilmember Mark Hamilton, Councilmember Donn Lewis, Councilmember Randy McKibbin, Councilmember Katrina Minton-Davis, Councilmember James Rackley, and Councilmember Tom Watson.

Appointed members of the City’s Boards and Commissions were also in attendance.

Staff members in attendance were Public Works Director Dan Grigsby, Facilities and Special Projects Manager Gary Leaf, Special Event Coordinator David Wells and Administrative Services Director/City Clerk Harwood Edvalson.

III. AGENDA ITEMS:

A. Fennel Creek Trail “Safe Routes” Groundbreaking Ceremony:

Deputy Mayor Swatman recognized audience members known to have had particular interest in and/or assistance with the development of the Safe Routes or Fennel Creek Trail. He shared some of the history of the project. At the conclusion of his remarks, the Councilmembers and invited participants joined in a ceremonial groundbreaking.

B. Adjournment:

At 10:30 a.m., due to the cold and inclement weather, the City Council concluded the special meeting by common consent and left the property.

Harwood T. Edvalson, MMC
City Clerk

Dan Swatman
Deputy Mayor

There were no additional items presented to the Council at the April 13, 2013 Special Council meeting.

CITY COUNCIL WORKSHOP

April 16, 2013
5:30 P.M.

DRAFT MINUTES



“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 workshop to order at 5:30 p.m.

II. ROLL CALL:

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

Planning Commissioners in attendance were Chairperson Grant Sulham, Commissioner David Baus, Commissioner Brad Doll, Commissioner Brandon Frederick, Commissioner Richards Rawlings, Commissioner Dennis Poulsen, and Commissioner Winona Jacobsen.

Deputy Mayor Swatman moved to excuse Councilmember Rackley from the Workshop. Councilmember Lewis seconded the motion.

Motion passed 6-0.

Staff members in attendance were City Administrator Don Morrison, Chief Financial Officer Al Juarez, Public Works Director Dan Grigsby, Community Development Director John Vodopich, Chief of Police Dana Powers, City Attorney Kathleen Haggard, Senior Planner Jason Sullivan, Facilities and Special Projects Manager Gary Leaf, Administrative Services Director/City Clerk Harwood Edvalson, and Administrative Specialist II Renee Cameron.

III. AGENDA ITEMS:

A. AB13-60 – Review and Amendments to the Planning Commission Work Plan.

Senior Planner Jason Sullivan said he has prepared a draft Work Plan for the Planning Commission for the 2013-2014 Biennium. He said while the Work Plan is short it focuses on two big projects. The first is the completion of the Shoreline Master Plan (SMP), which is scheduled to be presented to the Council in June. He said the other big item is the 20 year update to the Comprehensive Plan. He said unlike the annual updates, this is a review of the entire Comprehensive Plan, to envision what the City will look like in 2040. He said as part of the review there is a substantial checklist that the Department of Commerce has prepared to make sure the City is consistent with all of their guidelines. He said if the Plan is declared inconsistent then the City would no longer be eligible for grants and funds from the State. He said the City is currently authorized by the Puget Sound Regional Council for a conditional approval while the City works through the issues to be addressed.

Senior Planer Sullivan said staff are also working on some minor issues on the Urban Growth Areas for pre-annexation, if that is what Council desires. He said when Council adopted approval

of the pre-annexation for the County Urban Growth Area they identified it all R-2 zoning, which does not allow for single-family homes, but the entire area is single family homes. Senior Planner Sullivan said the amendment would correct the matrix so these homes are not considered non-conforming. Senior Planner Sullivan said this is the overview of the Planning Commission's Work Plan.

Councilmember Lewis asked if the SMP is on schedule and will be completed on time. Senior Planner Sullivan said they are working on both the SMP and the 20 year Comprehensive Plan Update., but the priority is the SMP Update. He said both items need to be completed together otherwise Department of Ecology (DOE) will not approve the SMP.

Commissioner Jacobsen asked if there are or will be funds available to hire consultants for the SMP Update. City Administrator Morrison advised that it will be staff driven. Mayor Johnson said that if there are any funds at all that it will have to be from the general fund. Senior Planner Sullivan said staff will prepare a scoping document showing what is mandatory versus what is optional and he said that any necessary hiring of consultant(s) has already been approved for the Comprehensive Transportation Element portion. Councilmember McKibbin said cities can work together on their submittals, and the DOE can offer leniency of the timeline as long as they know that cities are working on finalizing their updates.

Councilmember Minton-Davis said that the Planning Commission did a lot of work on the Eastown zone and Midtown zone and she said there is one small parcel that may need to be revisited. She said she sees the Neighborhood Commercial zone being a small pocket of property and asked whether the Planning Commission should review it for rezoning. Senior Planner Sullivan said as part of updating the City's Land Use Plan, review staff will look at it when they review all of the land uses throughout the city and can then make a specific recommendation on that topic, so it would not be included in the Planning Commission's Work Plan.

Deputy Mayor Swatman asked if there are areas the Planning Commission would like to work on so they can discuss with Council. Mayor Johnson asked if the Planning Commission is okay with the proposed Work Plan. Commissioner Jacobsen said she is wondering if the Planning Commission Work Plan should take a look at the overlap between the Planning Commission and the Community Development Committee (CDC). She wants to know if there should be some type of liaison or more communication between the Planning Commission and the CDC. Mayor Johnson said Council Committees need to be very specific as to what they are working on. Commissioner Jacobsen asked that the Planning Commission be better advised as to what the CDC is working on so they may have the opportunity to be better informed and notified as to what the Commission needs to be involved in. Councilmember Hamilton said what came out of the retreat was to find a way to take some of the load off of the CDC so they can focus on the economic development portion, and if there is a land use policy issue then it should go to the Planning Commission. Deputy Mayor Swatman said if the Planning Commission makes a recommendation he believes that the recommendation should come back to full Council and not to the CDC, unless there needs to be some fine tuning done to the recommendation by the CDC. He said if there are time sensitive issues though that they may still go to the CDC to get them acted on timely.

City Administrator Morrison said issues arise when the Planning Commission has primarily been focused on land use issues, but with the GMA adding additional elements it becomes difficult to try to integrate non-traditional land use type elements. He said with the optional elements versus the mandatory elements these elements have not necessarily been issues to be reviewed by the Planning Commission.

Mayor Johnson said when the CDC Chair sees that there is an issue to be given to the Planning Commission for a recommendation that the two Chairs can communicate so that issues are not being duplicated by both the CDC and the Planning Commission.

Commissioner Jacobsen said it would be helpful to have the CDC forward any information or presentations on to the Planning Commission so they can determine if they should attend the meetings and see if the Planning Commission's assistance is needed. They asked to be included in the distribution of each CDC agenda for review.

Mayor Johnson adjourned the Special Joint Planning Commission / City Council Meeting at 5:54 p.m., and called the City Council Workshop to order at 5:55 p.m.

B. Council Open Discussion.

Beyond the Borders Connector. Councilmember Minton-Davis introduced Lyle Bates who is working on the transportation for the City of Sumner and has been working with Sumner Councilmember Nancy Dumas regarding transportation issues in the Sumner area. Mr. Bates said he owns Local Motion Transportation, who won the bid from Pierce County for transportation services that was left void when Pierce Transit left the area. He said the 4 month pilot project has been going for six weeks and they have until July 1st to be able to show that the program works and will be beneficial to the area. He detailed the one hour routes and said riding is free due to trial passes that Department of Transportation (DOT) has allowed them to use. Councilmember Watson asked about any restrictions of transporting minors from the ages 12-18. Mr. Bates said he also does "Wheels on the Ground," and certain parts of the grant allow transporting minors, while others do not, and they are working to resolve this. He confirmed that they are wheelchair equipped and they can transport anyone as long as they are sanctioned to do so. Mr. Bates said he would put Council in touch with the Project Manager at Pierce County and she could better inform Council of any restrictions. Councilmember Watson said he was glad to hear about the stop at the Bonney Lake Target, but he had heard there was an issue at the Bonney Lake Walmart location because they did not have permission from the property owner(s) to be parked on the property. Mr. Bates said he spoke with the Walmart store managers earlier in the day and they are now working on a proposal to serve both the Target and Walmart locations, however, he has to have approval from both the State and the county for all stops. He said riders can call 211 or the 800 number on the flyers to be put on the list for a ride. He said they are trying to track quantities of rides and want to make sure the recorded information is correct.

Councilmember Watson asked if they have taken their flyers to the Lions for Kids and the Library. Mr. Bates said he has made numerous contacts including Stew Bowen who runs the Bonney Lake Food Bank. Mr. Bates said he is working on getting a stop in front of the Bonney Lake Food Bank. City Administrator Morrison asked if school age children need to request a pass for transportation. Mr. Bates said there are regulations as to who has custody of a person/minor and unless it is the Superintendent of Public Instruction (SPI) then they are not sanctioned to provide transportation to minors. He is concerned about how many children he sees walking long distances along the roadways. He said they design their routes depending on the rider's request, which will include handicap riders as well. Councilmember Hamilton asked about the possibility of picking up and delivering riders to/from the Bonney Lake Food Bank, and asked if the Council needs to approve such an agreement. City Attorney Haggard said some type of agreement would need to be reached to offer pickup and delivery of persons on City property. Councilmember Hamilton said obviously property owners are going to have to give permission to allow pick up and delivery on individual properties. He said the parking at the Bonney Lake Food Bank is already very limited and parking a bus there could cause issues within the parking lot.

Councilmember McKibbin asked about the possibility of utilizing the previous Pierce Transit bus stops. Mr. Bates reminded Council that this is a pilot project and they will need to see what happens after July 1st if the program will be able to continue. He said the program is offered Monday through Saturday from 7:00 a.m. – 6:00 p.m. and on Sundays from 9:00 a.m. – 2:00 p.m. He said if the pilot project is allowed to continue then they will see if the routes need to be revised and what options are available for stops. Councilmember Hamilton said he thinks the best approach would be to utilize the old Pierce Transit stops, as the cutouts are already there, and to find out what transportation easements may be available. Public Works Director Grigsby said he is uncertain as to what type of agreements would need to be reached for stops on the City's properties, as well as with WSDOT for routes along SR 410. Councilmember McKibbin said he would like to talk further with Mr. Bates about his service. The Council thanked Mr. Bates for taking the time to come to the Workshop and for providing information regarding the Beyond the Borders Connection pilot program.

Growing Gnomes in City Parks. Councilmember Watson reported on the growing “gnomes activity” in City parks. He said there has been quite a following on Facebook and a lot of interest for the City's parks.

Parks Appreciation Day. Councilmember Hamilton asked for confirmation of the date for Parks Appreciation Day. Mayor Johnson confirmed that Parks Appreciation Day is scheduled for April 20, 2013 at 9:00 a.m. Councilmember Hamilton encouraged everyone to go out and take care of play at the parks.

C. Review of Council Minutes: March 30, 2013 Council Retreat, April 2, 2013 Council Workshop, and April 9, 2013 Council Meeting.

Councilmember Lewis provided some minor corrections. Deputy Mayor Swatman said he is concerned about the minutes where a citizen can sign up to speak but Council does not have an opportunity to respond to public comment. Administrative Services Director/City Clerk said that staff can be more broad in their summary. City Administrator Morrison said Council could return to using “action” minutes. City Administrator Morrison suggested that the minutes regarding citizen comments be brief and if someone is interested in the comments made then they could listen to the audio for further detail. Mayor Johnson said if Council would like staff to take broader minutes, they can request that. City Administrator Morrison said his previous experience on citizen comments is to list the name and topic(s) in which citizens comment on.

Deputy Mayor Swatman commented on a separate subject in which a citizen made comments regarding condemnation actions. Deputy Mayor Swatman said citizens tend to mix definitions of taking property and he said clearly the Washington State Constitution prohibits public entities from taking property and individuals have to be fairly compensated, unless a jury is necessary to determine the compensation. Mayor Johnson also referred to the citizen comments regarding the Moriarty property at the April 9th City Council meeting. He said a developer owned the property at the time, not a private individual, and he does not remember an offer of \$800,000 being made. Mayor Johnson said he remembers the discussion on that piece of property, and it was seen as being a good investment for the future, the developer made money on selling the property, the City saved the property from being developed, and the majority of the citizens were in favor of the City purchasing the property.

The minutes were forwarded to the April 23, 2013 Meeting for action, with revisions.

D. Tabled from 4/9 for Discussion/Action: AB13-31 – Ordinance 1459 – An Ordinance Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Amending Chapter 12.12 Of The Bonney Lake Municipal Code And Corresponding Portions Of Ordinance Nos. 1338, 1232, 1037, 826, And 669 Relating To Boat Launch Fees.

City Attorney Haggard said the item went to the full Council on April 9, 2013, and this version makes a correction to clarify the \$100 administrative fee for a lost or stolen pass applies to both residents and nonresidents. She said the only other issue is if Council believes the \$100 administrative fee for a lost or stolen pass is an adequate amount. Facilities and Special Projects Manager Leaf said some of the Park Board members felt the \$200 fee for nonresidents was too high and he said that Park Board Chair Jim Bouchard was present to comment. Councilmember Hamilton said this amount was selected by comparing what the County charged, or otherwise just leaving the amount as proposed. Manager Leaf said the Park Board is aware of the previous discussion in 2004. Mayor Johnson said he thinks residents of the City should get the benefit of being a City resident, and he does understand the City's need to be competitive with the County. Councilmember Hamilton said the Council and Mayor all reside in Pierce County and pay County taxes that. He said the citizens of Bonney Lake pay for that park and he thinks they should be the ones to benefit from the taxes they pay. Councilmember Minton-Davis said the City and County fees are comparable. Councilmember Watson said citizens are the Councils' priority. Manager Leaf said the grant used to originally build the launch does allow for the City to offer the pass to residents and nonresidents. Councilmember Minton-Davis said she doesn't think they will be a lot of nonresident boat launch passes will be issued. Mayor Johnson said if they choose not to purchase a pass then they can still launch by paying at the launch.

Councilmember Watson moved to approve AB13-31 – Ordinance D13-31 Boat Launch Fees. Councilmember Lewis seconded the motion.

Motion approved 6-0.

Park Board Chair Jim Bouchard said there was discussion at the April 9, 2013 Park Board Meeting. He said it is his perception that Council are trying to avoid nonresident's usage of the boat launch. He said by not encouraging nonresidents to use the boat launch he believes it pushes away sales from local restaurants, gas stations, and grocery stores. He said he did some calculations and figures that the City would be getting their money if a nonresident uses the pass 4-5 times. He asked staff to track the use of the passes, both residents and nonresidents. Mayor Johnson said he will make sure the City is getting the information it needs to track the passes. Deputy Mayor Swatman asked how the City can determine if usage at the boat launch is a resident or nonresident and Chief Financial Officer Juarez said the Finance Department has the ability to track the usage and provide reports.

E. Discussion/Action: AB13-45 – Resolution 2290 –A Resolution of the City Council of the City of Bonney Lake, Pierce County, Washington, Awarding the Fennel Creek Trail and 192nd Avenue Sidewalks Project Phase 2 Contract to Pivetta Brothers Construction, Inc.

Councilmember McKibbin moved to place Agenda items E, F, and G on the table for action. Councilmember Watson seconded the motion.

Motion passed 6-0.

Public Works Director Grigsby said the City was awarded a Safe Routes to School Federal Grant for \$1,098,000 on June 1, 2007. Phase 1 comprised of sidewalk improvements along the 192nd Avenue E corridor and several side streets. Phase 1 was designed in 2008 and constructed in the summer of 2010. Phase 2 is the trail portion of the program that will connect the Willowbrook subdivision community to the sidewalks completed in 2010 and ultimately to the schools on the east side of Fennel Creek. He said the project had to go to rebid because the previous highest two bidders contracts were not approved. He said the project and contract has now been approved by WSDOT. Councilmember McKibbin asked if these agenda items could have been forwarded to the Planning Commission for recommendation. Deputy Mayor Swatman said they would not because they are mainly approving the financing of the project and contracts.

Councilmember Watson moved to approve Resolution 2290. Councilmember Lewis seconded the motion.

Resolution 2290 approved 6-0.

F. Discussion/Action: AB13-46 – Resolution 2291 – A Resolution of the City Council of the City of Bonney Lake, Pierce County, Washington, Awarding the Professional Services Agreement with Bruce Dees & Associates for Construction Engineering Services for the Fennel Creek Trail and 192nd Avenue Sidewalks Project Phase 2.

Councilmember Hamilton said Bruce Dees does great work.

Councilmember Lewis moved to approve Resolution 2291. Councilmember McKibbin seconded the motion.

Resolution 2291 approved 6-0.

G. Discussion/Action: AB13-47 – Resolution 2292 – A Resolution of the City Council of the City of Bonney Lake, Pierce County, Washington, Awarding the Local Agency Agreement with Parametrix for Construction Surveying Services for the Fennel Creek Trail and 192nd Avenue Sidewalks Project Phase 2.

Councilmember Watson moved to approve Resolution 2292. Councilmember Lewis seconded the motion.

Resolution 2292 approved 6-0.

H. Discussion: AB13-52 – Resolution 2295 – Conversion of Water Supply Purchase from Cascade Water Alliance to Tacoma Public Utility.

Public Works Director Grigsby summarized the contents of the items contained in the agenda packet relating to the conversion of the water supply purchase from Cascade Water Alliance to Tacoma Public Utility. Director Grigsby said that rather than having Cascade be a middle man, it is more efficient for the City to purchase water directly from Tacoma Water in the future and that the first step in this conversion process is for the Mayor to sign a Confirmation Notice to be sent to Cascade requesting a SDC Credit.

He summarized that the proposal to purchase 2MGD for a year round supply, since the City has been unable to find a year round supply on the east side of Lake Tapps, would be a substantial savings for the City. Councilmember McKibbin asked whether this item could have been referred to the Planning Commission, or possibly the Finance Committee for review prior to coming to the Workshop. He said it sounds like this agreement sets the City up for the future. Director Grigsby said that RH2 advised him in 2005 that this type of conversion would be adequate for the City's needs.

Councilmember Lewis asked about the 2005 figures and how they are different than the 2007 figures and the growth projections that had happened up to that point. He said the City needs a water supply to keep growing. He said water and sewer are important factors, and he thinks it is a good deal. Councilmember Watson asked Director Grigsby if he anticipates a time in the future when water may not be available from TPU. Director Grigsby said the only constraint from pipeline one, which runs through Buckley and Bonney Lake and then off the plateau, is that sometimes in approximately September they have had issues with turbidity, however that usually occurs after the City's peak demand period, which is in the months of June through August, so he does not have any concerns. Deputy Mayor Swatman asked what will happen to the water rights for the Reed property/White River Drainage Basin if the Council proceeds with this agreement. Director Grigsby said the City still has the option to explore new wells, or could decide this new 4MGD is sufficient. Deputy Mayor Swatman confirmed with Director Grigsby that the City will still have the ability to explore water right options at the White River Drainage Basin. Director Grigsby said that even if the City was to find a 2MGD aquifer that the City would still have to be concerned about the quality of the water and the cost of the treatment plant. Councilmember Hamilton spoke about the concerns water developers experienced in the past and he thinks it is important to have the capacity. Director Grigsby said the peak months supply is what the City builds its growth on. He said if a well or spring was contaminated or the aquifer dried up for some reason then the City would have the 8MGD would be available as the fresh surface water and ground water run off from the mountains would guarantee the water supply. Councilmember Hamilton said in 20-30 years the City will have the lake as a water resource, however, the City won't have the need to utilize that resource.

Resolution 2295 was forwarded to the April 23, 2013 Meeting for action.

I. Discussion: AB13-61 – Resolution 2299 - Eastown Improvement Design Updates Contract with RH2.

Public Works Director Grigsby said this contract accomplishes three things. He said it the City needs to update the plans and specifications before advertising the contract. The City has also found a way to improve the communication system in the lift station, but because RH2 is the designer when the City awards the construction contract they will also be the 5% for engineering services. He said instead of having a separate contract with RH2, this contract includes all three, which is why the contract amount is larger than just updating the specifications.

Councilmembers and the Mayor discussed whether matters involving Eastown should go to the CDC, or whether they should be brought to the full Council at Workshop for approval at a Council Meeting.

Councilmember Minton-Davis asked if this adds additional costs to the project and Director Grigsby said the costs are within the amount approved.

Director Grigsby said that the design contract needs to be complete before the City can contract for the construction. He said the City also needs to get approval from the Army Corps of Engineers.

Resolution 2299 was forwarded to the April 23, 2013 Meeting for action.

J. Discussion: Council Retreat Follow-up Report from Retreat Facilitator Martha Bryan.

Councilmember McKibbin said that the facilitator was very consistent. Deputy Mayor Swatman asked if any Council items were not covered at the retreat. Councilmember Watson said at the earlier CDC meeting they discussed the Economic Development Committee (EDC) group and he thinks they maybe should have discussed that during open discussions. Councilmember Minton-Davis said CDC will meet twice a month, and one of those meetings will focus on EDC. Councilmember McKibbin said the agendas will be built to reflect the specific focuses. Mayor Johnson asked if this will capture what they discussed with Martha Bryan at the retreat. Councilmember McKibbin said with City Administrator Morrison's help they will focus on creating and implementing policies starting as the base. Councilmember Minton-Davis noted that the Economic Development Plan is part of the Comprehensive Plan and the CDC/EDC will work on it and when complete will forward it on to the Planning Commission for their review and recommendation. Councilmember Hamilton asked what the EDC focus committee is going to work on first. Councilmember McKibbin said they will first focus on the policies and the Comprehensive Plan. Councilmember Hamilton asked if the CDC/EDC will discuss the light at 204th Avenue E. Councilmember McKibbin encouraged Councilmember Hamilton to let the CDC/EDC know.

Councilmember Watson said he hopes to have an update on the budget in the first week of May. Mayor Johnson asked Council if they were happy with the recap provided by the facilitator. Councilmember Lewis said he was impressed with the way the retreat had gone, but he was surprised to see the misspellings in the recap. Councilmember Watson said he thought it was a successful retreat, as did Councilmember Hamilton.

IV. EXECUTIVE SESSION: None

V. ADJOURNMENT:

**At 7:23 p.m., Councilmember Lewis moved to adjourn the Council Workshop.
Councilmember Watson seconded the motion.**

Motion to adjourn approved 6-0.

Harwood Edvalson, MMC
City Clerk

Neil Johnson, Jr.
Mayor

Items presented to Council for the April 16th Special Joint City Council/Planning Commission Workshop:

Lyle Bush – (2) *Beyond the Borders Connector Handouts* – Beyond the Borders Connector.

- Free Transportation in Bonney Lake - 1-hour Service Loop “on the hour”
- Free Transportation Linking Bonney Lake & Sumner - The Connector Express

Note: Unless otherwise indicated, all documents submitted at City Council meetings and workshops are on file with the City Clerk. For detailed information on agenda items, please view the corresponding Agenda Packets, which are posted on the city website and on file with the City Clerk.

CITY COUNCIL MEETING

April 23, 2013
7:00 P.M.

DRAFT MINUTES



“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 & Municipal 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 Mark Hamilton, Councilmember Randy McKibbin, Councilmember Donn Lewis, 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, Community Development Director John Vodopich, Chief Financial Officer Al Juarez, Assistant Police Chief Kurt Alfano, Administrative Services Director/City Clerk Harwood Edvalson, City Attorney Jeff Ganson, and Records & Information Specialist Susan Duis.

C. Announcements, Appointments and Presentations:

- 1. Announcements: None.
- 2. Appointments: None.
- 3. Presentations: None.

D. Agenda Modifications: None.

II. PUBLIC HEARINGS, CITIZEN COMMENTS & CORRESPONDENCE:

A. Public Hearings: None.

B. Citizen Comments:

John Millan, 19522 100th St E, Bonney Lake, spoke as a co-founder of the political action committee “Families for a Responsible Bonney Lake” and as a member of the “Con” committee for the Proposition 1 ballot (Metropolitan Parks District). He said the “Families” group is submitting a complaint to the Public Disclosure Commission about the campaign.

Shawnta Mulligan, 11329 177th Ave E, Bonney Lake, said her group feels that actions taken by the City qualify as electioneering. She summarized information that she had sent to the Council, Mayor, Public Disclosure Commission, and State Auditor’s office. She provided a copy of the complaint to the City Clerk.

Dave Hobley, 11204 193rd Ave E, Bonney Lake, also referred to Proposition 1, and said he does not agree with people who suggest that residents should not shop at businesses who are against Proposition 1.

Dan Decker, 20407 70th St E, Bonney Lake, also spoke about Proposition 1 and referred the Council to the Public Disclosure Act and the Hatch Act.

- 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. They discussed completion of the 184th Ave E Water Main Replacement Project, committee meeting notes, and a proposed cost of living increase ordinance for non-represented staff, which will come forward to a future workshop agenda.
- B. Community Development Committee: Councilmember McKibbin said the committee met on April 16, 2013 and did not forward any items to the current Council agenda.
- C. Public Safety Committee: Councilmember Hamilton said the Public Safety Committee has not met since the last Council meeting.
- D. Other Reports:

Community Updates: Councilmember Lewis said he attended the White River Families First Coalition meeting on April 22, 2013. The group discussed the proposed bike lending program in the City of Buckley; he said Bonney Lake could take part in this program.

Puget Sound Regional Council: Councilmember Lewis said he attended the PCRC meeting on April 18, 2013 in place of Councilmember Hamilton. He said the group discussed the Puget Sound Gateway project to complete the SR167 and SR509 corridors.

Gnome Homes: Councilmember Watson provided updates on the ‘Gnome Home’ geocaching activity at City parks. He said information is posted on the City website and the group’s Facebook page for this family-friendly activity.

Personal Update: Mayor Johnson said that his daughter Rendi was announced as ‘Player of the Week’ in her college softball conference. He said he will be travelling to see her games in the coming week.

IV. CONSENT AGENDA:

- A. **Approval of Minutes**: March 30, 2013 Council Retreat, April 2, 2013 Council Workshop, and April 9, 2013 Council Meeting.
- B. **Approval of Accounts Payable and Utility Refund Checks/Vouchers**: Accounts Payable checks/vouchers #65932-66025 (including wire transfers #20130402, 20130403 and 2013041601) in the amount of \$326,384.01.
- C. **AB13-52 – Resolution 2295** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing The Mayor To Initiate Action To

Convert The Water Supply Purchased From Cascade Water Alliance Into A Tacoma Water Supply.

- D. **AB13-57 – Resolution 2298** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing D. R. Horton To Place A Monument Sign At The GMG Plat On The City’s Storm Pond Tract.
- E. **AB13-60 – Resolution 2301** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Adopting The Planning Commission Workplan For The 2013-2014 Biennium.
- F. ~~**AB13-61 – Resolution 2299** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing A Contract Amendment With RH2 Consultants For Services To Update The Eastown Sewer Improvement Design And Provide Services During Construction Of The Lift Station. Moved to Full Council Issues, Item B.~~

Mayor Johnson said that Councilmember McKibbin requested that Consent Agenda Issues Item F. be moved from the Consent Agenda to Full Council Issues as Item B.

Consent Agenda approved as amended 7 – 0.

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

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

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

VIII. **FULL COUNCIL ISSUES:**

- A. **AB13-63** – A Motion Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Setting A Public Hearing For May 14, 2013 At 7:00 P.M., Or As Soon Thereafter As Possible, To Consider The Surplus Of Real Property Located At XXX 192 Ave E (Corner Of 192nd Ave E And Sumner-Buckley Hwy, Parcel 0520338001).

Councilmember Lewis moved to approve motion AB13-63. Councilmember Rackley seconded the motion.

City Administrator Morrison said the Council discussed this issue at its Retreat in March. He said this action sets a public hearing so the issue can move forward. Councilmember Watson said he is glad to see the item moving forward.

Motion approved 7 – 0.

- B. **AB13-61 – Resolution 2299** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing A Contract Amendment With RH2 Consultants For Services To Update The Eastown Sewer Improvement Design And Provide Services During Construction Of The Lift Station. Moved from Consent Agenda Issues, Item F.

Councilmember Rackley moved to approve Resolution 2299. Councilmember Lewis seconded the motion.

Deputy Mayor Swatman said the Finance Committee discussed this item in depth.

**Resolution 2299 approved 5 – 2.
Councilmembers McKibbin
and Minton-Davis voted no.**

IX. EXECUTIVE SESSION:

Pursuant to RCW 42.30.140(4)(b), the Council adjourned to a Closed Session with Human Resources Manager Jenna Richardson at 7:34 p.m. for 20 minutes to discuss labor negotiations. No action was taken. The Council returned to Chambers at 7:56 p.m.

X. ADJOURNMENT:

At 7:56 p.m., Councilmember Watson moved to adjourn the Council Meeting. Councilmember Lewis seconded the motion.

Motion to adjourn approved 7 – 0.

Harwood Edvalson, MMC
City Clerk

Neil Johnson, Jr.
Mayor

Items presented to Council at the April 23, 2013 Meeting:

- Shawnta Mulligan – *Violation of Citizen Trust, Code of Ethics, and Financial Responsibility: Complaints regarding the City of Bonney Lake’s Conduct* – Families for a Responsible Bonney Lake (Political Action Committee).

Note: Unless otherwise indicated, all documents submitted at City Council meetings and workshops are on file with the City Clerk. For detailed information on agenda items, please view the corresponding Agenda Packets, which are posted on the city website and on file with the City Clerk.

General Fund						
Revenue & Expenditure Summary						
Fiscal Year Ending December 31, 2012						
BARS	Description	2012 Budget	2012 Actual	(Over) Under Budget	% of Budget Collect. or Expended	Notes
Revenue						
310	Taxes	8,990,069	8,690,362	299,707	96.7%	
320	Licenses & Permits	455,140	753,004	(297,864)	165.4%	Increased franchise fees and utility taxes
330	Intergovernmental Revenue	577,506	809,243	(231,737)	140.1%	Unanticipated grant funds (e.g. FEMA Ice Storm)
340	Charges for Goods & Services	1,639,233	1,831,743	(192,510)	111.7%	
350	Fines & Forfeits	727,141	559,979	167,162	77.0%	Reduced police citation activity
360	Miscellaneous Revenues	303,390	283,873	19,517	93.6%	
380	Non Revenues-PSB utility reimb(08)	0	0	0	0.0%	
390	Other Financing Sources-Ins Recovery	0	4,777	(4,777)	0.0%	
	Total Revenue	12,692,479	12,932,982	(240,503)	101.9%	
Expenditure						
11	Legislative	85,527	76,406	9,121	89.3%	
12	Judicial	544,931	556,363	(11,432)	102.1%	Additional costs to add Eatonville contract
13	Executive	627,099	560,897	66,202	89.4%	
14	Financial Services	1,090,028	979,147	110,881	89.8%	
15	Legal	343,132	402,957	(59,825)	117.4%	Unanticipated litigation
16	Information Technology	482,010	459,687	22,323	95.4%	
18	Administrative Services	513,412	479,537	33,875	93.4%	
21	Law Enforcement	5,362,769	5,305,134	57,635	98.9%	
32	Engineering & P.W. Admin.	72,894	71,420	1,474	98.0%	
42	Road & Street Maintenance	911,720	1,024,850	(113,130)	112.4%	Jan Ice Storm - FEMA grant reimbursed costs
50	Senior Center	334,923	324,112	10,811	96.8%	
57	Community Services	142,759	157,064	(14,305)	110.0%	Unbudgeted PW charges for projects
58	Community Development	1,428,878	1,192,710	236,168	83.5%	
60	Facilities	548,175	520,785	27,390	95.0%	
76	Parks & Recreation	274,994	303,290	(28,296)	110.3%	Unbudgeted PW charges for projects & SW Increases
90	Non Departmental	322,400	520,410	(198,010)	161.4%	
	Total Expenditure	13,085,651	12,934,770	150,881	98.8%	
Net - Revenue less Expenditure		(393,172)	(1,788)	(391,384)		
Notes:						
1	Total actual revenue collected exceeded budget by \$240,503.					
2	Total actual expenditures were less than budget by \$150,881					
3	The City only spent \$1,788 more than what was received (revenue less expenditure)					
4	The 2012 adopted budget projected that we would need to use fund balance in the amount of \$393,172; We actually only used \$1,788					
5	The total positive swing in the General Fund was \$391,384, calculated as follows:					
	Budgeted use of fund balance - not fully needed	\$393,172				
	Actual result of operations	\$1,788				
	Total positive swing in Net Result of Operations	\$391,384				

Water Fund 401				
Revenue & Expenditure Summary				
Fiscal Year Ending 2012				
BARS				
Description		2012	2012	
Revenue		Budget	Actual	%
Charges for Goods & Service				
343.41	Regular Customers	6,005,906	6,252,626	104.1%
343.42	Misc Metered Sales	60,397	12,355	20.5%
343.44	Misc Customer Service	11,116	13,358	120.2%
343.46	Meter & Line Set Fees	39,281	59,337	151.1%
360.00	Misc Revenue	206,500	66,388	32.1%
<i>Subtotal</i>		6,323,200	6,404,064	101.3%
343.43	Water Connection Fees (SDC)	1,800,000	1,818,887	101.0%
<i>Subtotal</i>		1,800,000	1,818,887	101.0%
Total Revenue		8,123,200	8,222,951	101.2%
Expenditures				
		Budget	Actual	%
Operations & Maintenance				
10	Salaries & Wages	1,113,997	1,163,975	104.5%
20	Benefits	520,024	501,869	96.5%
30	Supplies	241,433	220,054	91.1%
40	Other Svcs & Charges	764,572	619,644	81.0%
50	Intergovernmental	949,140	816,188	86.0%
60	Capital Outlay	677,504	514,588	76.0%
70	Debt Service - Principal	1,626,382	1,794,531	110.3%
80	Debt Service - Interest	197,812	207,806	105.1%
90	Interfund Payments For Service	1,005,558	942,620	93.7%
<i>Total O & M</i>		7,096,422	6,781,276	95.6%
Capital Projects				
18	SCADA Telemetry Upgrade	30,000	4,410	14.7%
49	TWD Booster Pump Station	1,570,000	1,109,986	70.7%
76	Reed Property	90,000	86,203	95.8%
84	Leaky Mains Phase 2E	0	360,638	0.0%
86	Variable Frequency Drives	215,000	207,384	96.5%
87	Leaky Mains (PWTFLL) Phase 2F	40,000	38,615	96.5%
88	Swiss Park Fire Hydrant & Waterline	60,000	17,988	30.0%
91	184th. & Locust Ext Water Main Replacement	218,085	28,050	12.9%
<i>Total Capital Projects</i>		2,223,085	1,853,273	83.4%
Total Expenditures		9,319,507	8,634,549	92.7%
Net - Revenue less Expenditure		(1,196,307)	(411,598)	

Sewer Fund 402				
Revenue & Expenditure Summary				
Fiscal Year Ending 2012				
BARS				
Description				
Revenue		2012	2012	
		Budgeted	Actual	%
Charges for Goods & Service				
343.45	Latecomer Admin Fees	0	1,064	0.0%
343.51	Regular Customers	3,538,600	3,879,029	109.6%
360.00	Misc Revenue	59,600	12,557	21.1%
	<i>Subtotal</i>	3,598,200	3,892,649	108.2%
390.00	Other Financing Sources - PWTFL, etc.	0	444,350	0.0%
343.52	Sewer Connection Fees (SDC)	500,000	790,638	158.1%
	<i>Subtotal</i>	500,000	1,234,988	247.0%
	Total Revenue	4,098,200	5,127,637	125.1%
Expenditures		Budget	Actual	%
Operations & Maintenance				
10	Salaries & Wages	869,543	804,316	92.5%
20	Benefits	376,599	332,820	88.4%
30	Supplies	117,116	78,119	66.7%
40	Other Svcs & Charges	690,542	480,007	69.5%
50	Intergovernmental	1,373,995	1,344,730	97.9%
60	Capital Outlay	200,000	486	0.2%
70	Debt Service - Principal	690,651	818,708	118.5%
80	Debt Service - Interest	74,334	85,395	114.9%
90	Interfund Payments For Service	510,274	522,211	102.3%
	<i>Total O & M</i>	4,903,054	4,466,791	91.1%
Capital Projects				
11	Public Works Facility	0	6,161	0.0%
18	SCADA Telemetry Upgrade	2,676	4,410	164.8%
20	Septic System Reduction Pgm	208,761	224,280	107.4%
22	Eastown: Lift Sta, Prsline, LS18 Upgrade	17,307	14,821	85.6%
27	Eastown SR410 & 226 Crossing	10,708	1,714	16.0%
40	Angeline Force Main	0	1,077	0.0%
46	Sewer Trunk Line Improvement (PWTFL)	564,361	0	0.0%
72	WWTP Expansion & Perimeter Wall Upgrade	844,072	600,156	71.1%
87	Sewer Trunk Line Improve PHF-18' Rehab	0	453,247	0.0%
88	Lift Station 17 Improvements	198,604	198,605	100.0%
101	Other Improvements - Repl & Unched Proj	48,730	0	0.0%
	<i>Total Capital Projects</i>	1,895,219	1,504,470	79.4%
	Total Expenditures	6,798,273	5,971,261	87.8%
Net - Revenue less Expenditure		(2,700,073)	(843,624)	

Storm Water Fund 415				
Revenue & Expenditure Summary				
Fiscal Year Ending 2012				
BARS				
Description		2012	2012	
Revenue		Budgeted	Actual	%
Charges for Goods & Service				
330.00	Intergovernmental Revenue - grants	0	21,862	0.00%
343.13	Plan Check Review Fees	4,118	2,368	57.5%
343.83	Storm Drain Fees & Charges	1,612,882	1,600,221	99.2%
360.00	Misc Revenue	3,500	2,512	71.8%
	<i>Subtotal</i>	1,620,500	1,626,963	100.4%
343.84	System Development Charges (SDC)	47,000	56,734	120.7%
	<i>Subtotal</i>	47,000	56,734	120.7%
	Total Revenue	1,667,500	1,683,697	101.0%
Expenditures				
		Budgeted	1st Qtr Actual	%
Operations & Maintenance				
10	Salaries & Wages	447,676	440,436	98.4%
20	Benefits	186,891	175,377	93.8%
30	Supplies	27,450	25,288	92.1%
40	Other Svcs & Charges	46,921	27,575	58.8%
50	Intergovernmental	107,000	166,809	155.9%
60	Capital Outlay	115,000	93,430	81.2%
90	Interfund Payments For Service	299,794	271,165	90.5%
	<i>Total O & M</i>	1,230,732	1,200,080	97.5%
Capital Projects				
48	NPDES Related Capital Project	59,000	51,594	87.4%
79	Water Quality Treatment Upgrade	100,000	0	0.0%
80	Drainage - Angeline Rd 95th - 104th	100,000	100,000	100.0%
90	Reg Storm Pond Land Purchase (Locust & 82nd)	75,000	0	0.0%
	<i>Total Capital Projects</i>	334,000	151,594	45.4%
	Total Expenditures	1,564,732	1,351,674	86.4%
Net - Revenue less Expenditure		102,768	332,023	

**General Fund
Revenue/Expenditure Status Report
Comparison @ End of First Quarter: 2008 through 2013
Updated 4/23/2013**

BARS	Description	2013 Budget	2013 Actual	% Coll	2012 Budget	2012 Actual	% Coll	2011 Budget	2011 Actual	% Coll	2010 Budget	2010 Actual	% Coll	2009 Budget	2009 Actual	% Coll	2008 Budget	2008 Actual	% Coll
Revenue																			
310	Taxes	8,887,944	574,917	6.47%	8,990,069	533,706	5.94%	8,941,831	587,456	6.57%	9,034,038	584,533	6.47%	9,060,189	582,589	6.43%	8,481,320	981,190	11.57%
320	Licenses & Permits	694,149	129,302	18.63%	455,140	82,965	18.23%	486,074	100,688	20.71%	385,030	114,137	29.64%	523,250	70,521	13.48%	1,506,459	201,569	13.38%
330	Intergovernmental Revenue	631,973	110,051	17.41%	577,506	100,050	17.32%	574,308	40,801	7.10%	420,598	46,258	11.00%	386,731	62,251	16.10%	147,580	44,186	29.94%
340	Charges for Goods & Services	1,994,361	463,926	23.26%	1,639,233	366,267	22.34%	1,847,685	343,537	18.59%	1,465,365	457,874	31.25%	1,776,592	327,022	18.41%	141,677	120,522	85.07%
350	Fines & Forfeits	725,976	150,970	20.80%	727,141	146,626	20.16%	633,134	171,590	27.10%	600,546	109,125	18.17%	725,900	160,433	22.10%	951,317	186,328	19.59%
360	Miscellaneous Revenues	524,592	225,446	42.98%	303,390	100,312	33.06%	299,162	51,709	17.28%	371,519	80,913	21.78%	229,200	143,916	62.79%	285,764	338,928	118.60%
380	Non Revenues-PSB utility reimb(08)																27,563	0	0.00%
390	Other Financing Sources	0	985	0.00%													1,033,977	277,153	26.80%
	Total Revenue	13,458,995	1,655,596	12.30%	12,692,479	1,329,926	10.48%	12,782,194	1,295,781	10.14%	12,277,096	1,392,840	11.35%	12,701,862	1,346,732	10.60%	12,575,657	2,149,876	17.10%
Expenditure																			
11	Legislative	109,497	9,706	8.86%	85,527	10,160	11.88%	89,994	7,872	8.75%	96,868	10,002	10.33%	135,368	8,993	6.64%	106,014	13,509	12.74%
12	Judicial	699,982	123,945	17.71%	544,931	114,639	21.04%	538,647	111,961	20.79%	511,000	96,026	18.79%	542,663	124,747	22.99%	518,975	131,095	25.26%
13	Executive	519,700	113,008	21.74%	627,099	69,322	11.05%	377,667	66,258	17.54%	379,000	75,349	19.88%	475,699	71,596	15.05%	456,382	64,821	14.20%
14	Financial Services	1,094,025	244,331	22.33%	1,090,028	193,052	17.71%	1,014,287	172,968	17.05%	990,000	187,881	18.98%	975,805	177,934	18.23%	953,506	198,981	20.87%
15	Legal	395,120	62,409	15.80%	343,132	80,678	23.51%	350,580	68,669	19.59%	467,000	85,392	18.29%	466,000	122,231	26.23%	341,250	74,558	21.85%
16	Information Technology	520,453	216,696	41.64%	482,010	202,617	42.04%	469,691	196,163	41.76%	469,691	221,022	47.06%	528,908	178,292	33.71%	514,607	202,593	39.37%
18	Administrative Services	508,970	125,458	24.65%	513,412	97,559	19.00%	492,130	97,634	19.84%	486,800	89,905	18.47%	539,781	94,096	17.43%	515,732	118,551	22.99%
21	Law Enforcement	5,728,224	1,332,834	23.27%	5,362,769	971,820	18.12%	5,243,129	930,323	17.74%	4,845,623	1,002,394	20.69%	5,089,967	942,807	18.52%	4,855,814	1,079,028	22.22%
32	Engineering & P.W. Admin.	75,621	18,264	24.15%	72,894	13,898	19.07%	83,894	3,113	3.71%	100,000	17,397	17.40%	401,574	168,554	41.97%	91,375	31,062	33.99%
42	Road & Street Maintenance	1,032,806	265,159	25.67%	911,720	238,130	26.12%	925,770	187,343	20.24%	990,000	201,916	20.40%	1,091,366	221,722	20.32%	948,322	185,847	19.60%
50	Senior Center	329,708	78,220	23.72%	334,923	71,446	21.33%	325,656	63,211	19.41%	324,950	59,121	18.19%	314,205	60,980	19.41%	299,840	69,613	23.22%
57	Community Services	162,490	41,619	25.61%	142,759	97,906	68.58%	417,164	96,707	23.18%	451,751	118,844	26.31%	268,163	85,313	31.81%	314,892	75,743	24.05%
58	Community Development	1,207,292	284,080	23.53%	1,428,878	270,555	18.93%	1,396,192	280,351	20.08%	699,000	189,472	27.11%	871,465	129,770	14.89%	1,001,602	154,733	15.45%
59	Comm Dev - Bldg (prior to 2011)	0	0	0.00%	0	0	0.00%	0	0	0.00%	571,120	108,717	19.04%	895,228	115,038	12.85%	623,707	149,373	23.95%
60	Facilities	516,549	115,296	22.32%	548,175	198,677	36.24%	545,748	155,412	28.48%	445,649	93,980	21.09%	414,055	103,116	24.90%	438,005	128,068	29.24%
76	Parks & Recreation	307,752	56,765	18.44%	274,994	48,353	17.58%	288,099	42,972	14.92%	298,350	51,695	17.33%	335,247	55,511	16.56%	529,830	124,968	23.59%
90	Non Departmental	417,067	139,863	33.53%	322,400	104,017	32.26%	3,117,810	85,432	2.74%	-154,631	96,591	-62.47%	340,862	83,044	24.36%	403,192	78,538	19.48%
	Total Expenditure	13,625,256	3,227,652	23.69%	13,085,651	2,782,829	21.27%	15,676,458	2,566,389	16.37%	11,972,171	2,705,704	22.60%	13,686,356	2,743,744	20.05%	12,913,045	2,881,080	22.31%
Net - Revenue less Expenditure		(166,261)	(1,572,056)		(393,172)	(1,452,903)		(2,894,264)	(1,270,608)		304,925	(1,312,864)		(984,494)	(1,397,012)		(337,388)	(731,204)	

Water Fund 401
Revenue, Expenditure Status Report
Comparison @ End of First Quarter: 2011 through 2013
Updated 4/24/2013

BARS	Description	2013			2012			2011		
		Budgeted	1st Qtr Actual	%	Budgeted	1st Qtr Actual	%	Budgeted	1st Qtr Actual	%
Revenue										
Charges for Goods & Service										
343.41	Regular Customers	6,015,923	1,034,606	17.2%	6,005,906	1,032,100	17.2%	5,719,882	1,365,416	23.9%
343.42	Misc Metered Sales	0	1,845	0.0%	60,397	1,184	2.0%	57,521	12,546	21.8%
343.44	Misc Customer Service	0	350	0.0%	11,116	11,743	105.6%	10,587	1,756	16.6%
343.45	Latecomer Admin Fees	0	0	0.0%	0	0	0.0%	0	1,053	0.0%
343.46	Meter & Line Set Fees	0	12,870	0.0%	39,281	6,518	16.6%	37,410	10,258	27.4%
360.00	Misc Revenue	314,538	24,434	7.8%	206,500	19,112	9.3%	202,000	20,271	10.0%
	<i>Subtotal</i>	<u>6,330,461</u>	<u>1,074,105</u>	<u>17.0%</u>	<u>6,323,200</u>	<u>1,070,657</u>	<u>16.9%</u>	<u>6,027,400</u>	<u>1,411,301</u>	<u>23.4%</u>
390.00	Other Financing Sources - Bonds, Loans, etc.	1,065,660	0	0.0%	0	0		2,943,600	0	0.0%
343.43	Water Connection Fees (SDC)	2,121,388	291,201	13.7%	1,800,000	238,153	13.2%	1,450,000	389,195	26.8%
	<i>Subtotal</i>	<u>3,187,048</u>	<u>291,201</u>	<u>9.1%</u>	<u>1,800,000</u>	<u>238,153</u>	<u>13.2%</u>	<u>4,393,600</u>	<u>389,195</u>	<u>8.9%</u>
	Total Revenue	<u>9,517,509</u>	<u>1,365,306</u>	<u>14.3%</u>	<u>8,123,200</u>	<u>1,308,810</u>	<u>16.1%</u>	<u>10,421,000</u>	<u>1,800,496</u>	<u>17.3%</u>
Expenditures										
Operations & Maintenance										
10	Salaries & Wages	1,137,286	293,428	25.8%	1,113,997	239,591	21.5%	684,541	226,912	33.1%
20	Benefits	524,826	133,610	25.5%	520,024	88,293	17.0%	496,587	82,695	16.7%
30	Supplies	285,490	30,926	10.8%	241,433	38,673	16.0%	190,091	57,270	30.1%
40	Other Svcs & Charges	1,238,702	163,966	13.2%	855,072	142,285	16.6%	915,414	117,357	12.8%
50	Intergovernmental	1,922,671	286,969	14.9%	949,140	127,165	13.4%	921,590	164,688	17.9%
60	Capital Outlay	2,422,727	221,128	9.1%	328,674	235,902	71.8%	820,000	200,598	24.5%
70	Debt Service - Principal	1,809,892	462,128	25.5%	1,626,382	462,128	28.4%	1,609,984	462,128	28.7%
80	Debt Service - Interest	182,428	51,832	28.4%	197,812	58,638	29.6%	362,345	93,999	25.9%
90	Interfund Payments For Service	0	90,596	0.0%	1,005,558	207,058	20.6%	1,005,558	378,041	37.6%
	<i>Total O & M</i>	<u>9,524,022</u>	<u>1,734,583</u>	<u>18.2%</u>	<u>6,838,092</u>	<u>1,599,732</u>	<u>23.4%</u>	<u>7,006,110</u>	<u>1,783,687</u>	<u>25.5%</u>
Capital Projects										
11	Public Works Facility	0	0		1,500,000	0	0.0%	1,500,000	0	0.0%
18	SCADA Telemetry Upgrade	240,000	2135.69	0.9%	40,000	2,466	6.2%	40,000	0	0.0%
49	TWD Booster Pump Station	0	581.49	0.0%	1,670,000	1,257,545	75.3%	1,680,000	68,945	4.1%
50	Main Street & SR410 Intersection							300,000	0	0.0%
67	Public Works Center Improvements - 2013	0	1834.66	0.0%				0	0	
68	Leaky Main Phase 2 - C							1,400,000	370,145	26.4%
73	Lakeridge 810 Zone	200,000	0	0.0%	500,000	0	0.0%	250,000	0	0.0%
76	Reed Property	70,000	0	0.0%	530,000	0	0.0%	80,000	0	0.0%
84	Leaky Mains Phase 2E	0	0		700,000	51,108	7.3%	175,000	0	0.0%
85	Eastown Ext: SR410 LEG ULA							58,000	0	0.0%
86	Variable Frequency Drives	0	0		284,000	231,464	81.5%	300,000	0	0.0%
87	Leaky Mains (PWTF) Phase 2F	461,357	0	0.0%	500,000	38,643	7.7%	0	0	
88	Swiss Park Fire Hydrant & Waterline	0	0		60,000	15,474	25.8%	0	0	
91	184th. & Locust Ext Water Main Replacement	168,215	178228.12	106.0%	0	0		0	0	
101	Victor Falls Watershed Reconstruction	200,000	0	0.0%	0	0		0	0	
102	Grainger Springs - Admn & Office Bldg UPG	30,000	0	0.0%	0	0		0	0	
103	208th & 97th Sidwealk/Sewer	15,000	0	0.0%	0	0		0	0	
000.63.04	Leaky Mains (PWTF) Phase 2D (000-63.04)	0	0		485,000	462,236	95.3%	0	0	
000.64.03	Unscheduled Proj (000-64.03)	0	0		100,000	2,130	2.1%	0	0	
	<i>Total Capital Projects</i>	<u>1,384,572</u>	<u>182,780</u>	<u>13.2%</u>	<u>6,369,000</u>	<u>2,061,067</u>	<u>32.4%</u>	<u>5,783,000</u>	<u>439,090</u>	<u>7.6%</u>
	Total Expenditures	<u>10,908,594</u>	<u>1,917,363</u>	<u>17.6%</u>	<u>13,207,092</u>	<u>3,660,799</u>	<u>27.7%</u>	<u>12,789,110</u>	<u>2,222,777</u>	<u>17.4%</u>
	Net - Revenue less Expenditure	(1,391,085)	(552,057)		(5,083,892)	(2,351,989)		(2,368,110)	(422,281)	

Sewer Fund 402
Revenue, Expenditure Status Report
Comparison @ End of First Quarter: 2011 through 2013
Updated 4/24/2013

BARS	Description	2013			2012			2011		
		Budgeted	1st Qtr Actual	%	Budgeted	1st Qtr Actual	%	Budgeted	1st Qtr Actual	%
Revenue										
Charges for Goods & Service										
343.45	Latecomer Admin Fees	0	339	0.0%	0	322	0.0%	0	303	0.0%
343.51	Regular Customers	4,127,032	1,073,924	26.0%	3,538,600	952,146	26.9%	3,435,500	813,669	23.7%
360.00	Misc Revenue	203,634	3,075	1.5%	59,600	508	0.9%	57,200	654	1.1%
	<i>Subtotal</i>	<u>4,330,666</u>	<u>1,077,338</u>	<u>24.9%</u>	<u>3,598,200</u>	<u>952,976</u>	<u>26.5%</u>	<u>3,492,700</u>	<u>814,626</u>	<u>23.3%</u>
379.35	Capital Contributions - Eastown ULA	0	90,705	0.0%	0	0		0	0	
380.00	Proceeds of LTD - Bonds, etc.	3,325,190	0	0.0%	0	0		0	0	
390.00	Other Financing Sources - PWTFL, etc.	894,885	0	0.0%	3,325,190	0	0.0%	3,668,400	1,190	0.03%
343.52	Sewer Connection Fees (SDC)	899,407	212,900	23.7%	500,000	120,105	24.0%	450,000	151,162	33.6%
	<i>Subtotal</i>	<u>5,119,482</u>	<u>303,605</u>	<u>5.9%</u>	<u>3,825,190</u>	<u>120,105</u>	<u>3.1%</u>	<u>4,118,400</u>	<u>152,352</u>	<u>3.7%</u>
	Total Revenue	<u>9,450,148</u>	<u>1,380,943</u>	<u>14.6%</u>	<u>7,423,390</u>	<u>1,073,081</u>	<u>14.5%</u>	<u>7,611,100</u>	<u>966,978</u>	<u>12.7%</u>
Expenditures										
Operations & Maintenance										
10	Salaries & Wages	805,751	180,829	22.4%	869,543	163,689	18.8%	814,044	158,995	19.5%
20	Benefits	350,322	79,754	22.8%	376,599	59,026	15.7%	168,158	53,750	32.0%
30	Supplies	111,066	12,381	11.1%	117,116	11,844	10.1%	112,606	13,851	12.3%
40	Other Svcs & Charges	482,545	42,618	8.8%	680,542	170,201	25.0%	669,052	67,491	10.1%
50	Intergovernmental	2,016,407	101,545	5.0%	1,373,995	88,948	6.5%	1,362,519	76,253	5.6%
60	Capital Outlay	0	0		0	0		1,641,000	0	0.0%
70	Debt Service - Principal	77,400	0	0.0%	689,651	0	0.0%	686,049	0	0.0%
80	Debt Service - Interest	822,004	11,378	1.4%	74,334	12,879	17.3%	80,912	14,294	17.7%
90	Interfund Payments For Service	0	141,503	0.0%	511,274	125,648	24.6%	511,274	329,308	64.4%
	<i>Total O & M</i>	<u>4,665,495</u>	<u>570,008</u>	<u>12.2%</u>	<u>4,693,054</u>	<u>632,235</u>	<u>13.5%</u>	<u>6,045,614</u>	<u>713,942</u>	<u>11.8%</u>
Capital Projects										
11	Public Works Facility	0	0		1,000,000	0	0.0%	1,000,000	0	0.0%
18	SCADA Telemetry Upgrade	225,000	2,136	0.9%	50,000	2,467	4.9%	20,000	0	0.0%
19	Septic System Reduction Program - Kelly Crk	0	0		0	0		20,000	0	0.0%
20	Septic System Reduction Pgm	300,000	0	0.0%	458,000	64,247	14.0%	285,000	0	0.0%
21	GBA Workmaster Software	10,000	0	0.0%	10,000	0	0.0%	0	0	
22	Eastown: Lift Sta, Prsline, LS18 Upgrade	1,230,000	1,011	0.1%	1,230,000	17,203	1.4%	2,220,000	30,890	1.4%
27	Eastown SR410 & 226 Crossing	120,000	0	0.0%	120,000	0	0.0%	0	0	
28	Eastown N. Gravity Ext - 226th.	550,000	0	0.0%	550,000	0	0.0%	0	0	
29	Eastown N. Gravity Ext: 214 - 216	250,000	0	0.0%	250,000	0	0.0%	0	0	
30	Eastown LS18 upgrade - SR410 Crossing	400,000	0	0.0%	400,000	0	0.0%	0	0	
32	SR 410 Sewer Main Improvements	0	0		125,000	0	0.0%	0	0	
40	Angeline Force Main	0	0		0	0		1,500,000	757,897	50.5%
43	82nd Street Ct. E Sanitary Sewer	0	0		0	0		0	753	0.0%
46	Sewer Trunk Line Improvement (PWTFL)	0	0		569,706	0	0.0%	0	0	
49/67	Public Works Center Improvement 2013	15,000	1,831	12.2%	0	0		0	0	
72	WWTP Expansion & Perimeter Wall Upgrade	2,419,933	0	0.0%	2,503,000	0	0.0%	1,112,000	0	0.0%
87	Sewer Trunk Line Improve PHF-18' Rehab	0	90	0.0%	1,000,000	0	0.0%	0	0	
88	Lift Station 17 Improvements	0	0		341,480	197,104	57.7%	200,000	0	0.0%
101	Other Improvements - Repl & Unchedu Proj	50,000	0	0.0%	92,500	0	0.0%	340,806	0	0.0%
104	Sewer System - Lift Station 9 Improvements	43,000	0	0.0%	0	0		0	0	
65.01	Other Improvements	0	0		200,000	0	0.0%	0	0	
	<i>Total Capital Projects</i>	<u>5,612,933</u>	<u>5,068</u>	<u>0.1%</u>	<u>8,899,686</u>	<u>281,021</u>	<u>3.2%</u>	<u>6,697,806</u>	<u>789,540</u>	<u>11.8%</u>
	Total Expenditures	<u>10,278,428</u>	<u>575,076</u>	<u>5.6%</u>	<u>13,592,740</u>	<u>913,256</u>	<u>6.7%</u>	<u>12,743,420</u>	<u>1,503,481</u>	<u>11.8%</u>
	Net - Revenue less Expenditure	(828,280)	805,867		(6,169,350)	159,825		(5,132,320)	(536,503)	

Storm Water Fund 415
Revenue, Expenditure Status Report
Comparison @ End of First Quarter: 2011 through 2013
Updated 4/24/2013

BARS	Description	2013			2012			2011		
		Budgeted	1st Qtr Actual	%	Budgeted	1st Qtr Actual	%	Budgeted	1st Qtr Actual	%
Revenue										
Charges for Goods & Service										
330.00	Intergovernmental Revenue - grants	46,439	4,083	8.8%	0	0		114,000	0	0.0%
343.13	Plan Check Review Fees	0	576	0.0%	4,118	640	15.5%	4,000	576	14.4%
343.83	Storm Drain Fees & Charges	1,634,785	402,764	24.6%	1,612,882	398,661	24.7%	1,566,700	342,514	21.9%
360.00	Misc Revenue	2,715	433	15.9%	3,500	490	14.0%	2,500	0	0.0%
	<i>Subtotal</i>	<u>1,683,939</u>	<u>407,856</u>	<u>24.2%</u>	<u>1,620,500</u>	<u>399,791</u>	<u>24.7%</u>	<u>1,687,200</u>	<u>343,090</u>	<u>20.3%</u>
343.84	System Development Charges (SDC)	76,946	12,215	15.9%	47,000	7,725	16.4%	41,000	5,445	13.3%
	<i>Subtotal</i>	<u>76,946</u>	<u>12,215</u>	<u>15.9%</u>	<u>47,000</u>	<u>7,725</u>	<u>16.4%</u>	<u>41,000</u>	<u>5,445</u>	<u>13.3%</u>
	Total Revenue	<u>1,760,885</u>	<u>420,071</u>	<u>23.9%</u>	<u>1,667,500</u>	<u>407,516</u>	<u>24.4%</u>	<u>1,728,200</u>	<u>348,535</u>	<u>20.2%</u>
Expenditures										
Operations & Maintenance										
10	Salaries & Wages	433,261	97,317	22.5%	447,676	78,619	17.6%	436,426	65,843	15.1%
20	Benefits	183,600	44,737	24.4%	186,891	29,477	15.8%	173,805	26,449	15.2%
30	Supplies	27,550	3,344	12.1%	27,450	2,692	9.8%	23,450	1,933	8.2%
40	Other Svcs & Charges	53,600	5,161	9.6%	46,921	7,570	16.1%	46,921	4,116	8.8%
50	Intergovernmental	435,602	41,249	9.5%	107,000	44,623	41.7%	107,000	38,902	36.4%
60	Capital Outlay	55,000	0	0.0%	115,000	660	0.6%	70,000	2,199	3.1%
90	Interfund Payments For Service	0	63,585	0.0%	299,794	59,854	20.0%	299,794	66,560	22.2%
	<i>Total O & M</i>	<u>1,188,613</u>	<u>255,393</u>	<u>21.5%</u>	<u>1,230,732</u>	<u>223,495</u>	<u>18.2%</u>	<u>1,157,396</u>	<u>206,003</u>	<u>17.8%</u>
Capital Projects										
11	Public Works Facility	264,000	0	0.0%	100,000	0	0.0%	100,000	0	0.0%
48	NPDES Related Capital Project	82,300	0	0.0%	59,000	13,489	22.9%	123,000	772.4	0.6%
79	Water Quality Treatment Upgrade	50,000	0	0.0%	100,000	0	0.0%	50,000	0	0.0%
80	Drainage - Angeline Rd 95th - 104th	0	0		100,000	100,000	100.0%	100,000	0	0.0%
90	Reg Storm Pond Land Purchase (Locust & 82nd)	75,000	0	0.0%	75,000	0		0	0	
	<i>Total Capital Projects</i>	<u>471,300</u>	<u>0</u>	<u>0.0%</u>	<u>434,000</u>	<u>113,489</u>	<u>26.1%</u>	<u>373,000</u>	<u>772</u>	<u>0.2%</u>
	Total Expenditures	<u>1,659,913</u>	<u>255,393</u>	<u>15.4%</u>	<u>1,664,732</u>	<u>336,984</u>	<u>20.2%</u>	<u>1,530,396</u>	<u>206,775</u>	<u>13.5%</u>
	Net - Revenue less Expenditure	<u>100,972</u>	<u>164,677</u>		<u>2,768</u>	<u>70,532</u>		<u>197,804</u>	<u>141,760</u>	

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

Department/Staff Contact: Executive / Gary Leaf	Meeting/Workshop Date: 7 May 2013	Agenda Bill Number: AB13-62
Agenda Item Type: Motion	Ordinance/Resolution Number: 2300	Councilmember Sponsor:

Agenda Subject: Reaffirming City-Wide Refuse Service Requirements, and Establishing A Minimum Level of Service.

Full Title/Motion: A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Reaffirming City-Wide Refuse Service Requirements, And Establishing A Minimum Level Of Service.

Administrative Recommendation: Approve

Background Summary: Please find attached a draft Resolution authorizing DM Disposal to charge a Mandatory Refuse Service Fee. This was discussed as a possible option to increase participation in the City of Bonney Lake's refuse collection program during the March 5th Council Workshop. DM's legal counsel is comfortable with this concept.
Attachments: Resolution 2300

BUDGET INFORMATION			
Budget Amount	Current Balance	Required Expenditure	Budget Balance
Budget Explanation: No significant budget impact, maybe slightly positive if more customers participate which would increase utility tax revenue.			

COMMITTEE, BOARD & COMMISSION REVIEW											
Council Committee Review:	Public Safety Date: 4 March 2013	<i>Approvals:</i> Chair/Councilmember Mark Hamilton Councilmember Tom Watson Councilmember Donn Lewis	<table style="width: 100%; border: none;"> <tr> <td style="padding: 0 5px;">Yes</td> <td style="padding: 0 5px;">No</td> </tr> <tr> <td style="text-align: center; padding: 0 5px;"><input checked="" type="checkbox"/></td> <td style="text-align: center; padding: 0 5px;"><input type="checkbox"/></td> </tr> <tr> <td style="text-align: center; padding: 0 5px;"><input checked="" type="checkbox"/></td> <td style="text-align: center; padding: 0 5px;"><input type="checkbox"/></td> </tr> <tr> <td style="text-align: center; padding: 0 5px;"><input checked="" type="checkbox"/></td> <td style="text-align: center; padding: 0 5px;"><input type="checkbox"/></td> </tr> </table>	Yes	No	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Yes	No										
<input checked="" type="checkbox"/>	<input type="checkbox"/>										
<input checked="" type="checkbox"/>	<input type="checkbox"/>										
<input checked="" type="checkbox"/>	<input type="checkbox"/>										
Forward to: 7 May 2013 Workshop		Consent Agenda:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No								
Commission/Board Review:											
Hearing Examiner Review:											

COUNCIL ACTION	
Workshop Date(s): 5 March 2013	Public Hearing Date(s):
Meeting Date(s):	Tabled to Date:

APPROVALS		
Director:	Mayor:	Date Reviewed by City Attorney: 29 April 2013 (if applicable):

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RESOLUTION NO. 2300

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON, REAFFIRMING CITY-WIDE REFUSE SERVICE REQUIREMENTS, AND ESTABLISHING A MINIMUM LEVEL OF SERVICE.

WHEREAS, since 1973 the City of Bonney Lake has required, in BLMC 8.04.040, all citizens to subscribe to curbside solid waste collection by the garbage collection company duly authorized by the City; and

WHEREAS, the City has been working with DM Disposal to reduce the number of citizens not complying with this section of BLMC; and

WHEREAS, the City has determined that other means available, including fines and liens, are not truly effective as means to attain the goal of mandatory refuse service; and

WHEREAS; all residences are required to subscribe to at least the “micro can” service level; and

WHEREAS; the City and DM Disposal have agreed that a more effective approach may be to assess the minimum charge to all City residents for refuse collection;

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

Section 1. DM Disposal is authorized to assess the Mandatory Service Fee equal to the “micro can” rate as enumerated in the attached Exhibit A.

Section 2. DM Disposal may increase the Mandatory Service Fee in the future as refuse collection rates increase such that it will continue to equal the “micro can” rate.

PASSED BY THE CITY COUNCIL this ____ day of _____, 2013.

Neil Johnson, Jr., Mayor

ATTEST:

Harwood T. Edvalson, MMC, City Clerk

APPROVED AS TO FORM:

Kathleen Haggard, City Attorney

City of Bonney Lake

EXHIBIT - A

Type of Service:	Rate per Unit per Month
Can Service:	
Micro can	13.43
Mini can	18.45
One can curb collection	22.64
Two cans curb collection	32.26
Three cans curb collection	44.48
Four cans curb collection	58.43
Five cans curb collection	72.37
Six cans curb collection	86.30
Each additional curb can	13.94
One can 50' maximum walk-in	25.02
Two cans 50' maximum walk-in	37.00
Three cans 50' maximum walk-in	51.62
Each additional 50' max walk-in	16.07
Additional recycling cart (65 or 95 gallon)	6.11
Mandatory Service Fee	13.43
Container Service:	
1 yard once a week	90.45
1 yard twice a week	180.97
1-1/2 yard once a week	124.92
1-1/2 yard twice a week	249.92
2 yard once a week	162.46
2 yard twice a week	325.05
2 yard three times a week	484.50
4 yard once a week	313.10
4 yard twice a week	626.20
4 yard three times a week	939.32
6 yard once a week	445.56
6 yard twice a week	891.14
6 yard three times a week	1,336.70
Compactor Service:	
4 yard compactor once a week customer owned	1,373.48
Connect/reconnect fee	56.08
Bonney Lake - Continued	
Occasional Refuse Pick-up:	
Occasional extra	5.04
Occasional extra from curb of 50'	5.38
Extra Pickup Container Service:	
1 yard extra pickup on regular route	23.20
1.5 yard extra pickup on regular route	30.24
2 yard extra pickup on regular route	40.71
4 yard extra pickup on regular route	76.26
6 yard extra pickup on regular route	109.33
4 yard compactor extra pickup on regular route	305.29
Connect/reconnect fee	12.94

Miscellaneous:

Return trip charge, can (per unit)	9.37
Return trip charge, container (per container)	17.54
Recycling per unit (per redelivery within 12 months)	18.42

Loose and bulky extra on regular route per yard	37.72
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Special hauls per hour plus dump fee of \$137.08 per ton, plus taxes	62.07
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Other Services:**Yard Waste:**

Bi-weekly curbside yard waste 90-gal toter per month	6.05
Occasional extra per unit	1.41
Stop and Restart within 12-month per unit, per re-delivery	18.98

City of Bonney Lake**Exhibit - A1****Commercial/Multi-Family Recycling Container Service:**

**Rate
per Unit
per Month**

Commingled Recycling:

90-gallon cart EOW	12.53
90-gallon cart Weekly	18.09
2 yard once a week	78.18
2 yard twice a week	127.27
2 yard three times a week	161.94
2 yard four times a week	212.81
2 yard five times a week	271.84
6 yard once a week	130.83
6 yard twice a week	221.48
6 yard three times a week	317.27
6 yard four times a week	419.80
6 yard five times a week	531.04
Return Trip	15.28
Extra Commingle Per Yard	7.89

Uncontaminated Flattened OCC:

2 yard cage once a week	48.44
2 yard cage twice a week	67.91
2 yard cage three times a week	88.31
2 yard cage four times a week	114.63
2 yard cage five times a week	149.12
6 yard cage once a week	57.40
6 yard cage twice a week	74.64
6 yard cage three times a week	97.01
6 yard cage four times a week	126.13
6 yard cage five times a week	163.95
Return Trip	15.28
Extra OCC (per yard)	7.89

Effective 9/1/2013

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

Department/Staff Contact: Executive / Gary Leaf	Meeting/Workshop Date: 7 May 2013	Agenda Bill Number: AB13-65
Agenda Item Type: Ordinance	Ordinance/Resolution Number: D13-65	Councilmember Sponsor:

Agenda Subject: Mandatory Refuse Service

Full Title/Motion: An Ordinance Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Amending Portions Of Chapter 8.04 Of The Bonney Lake Municipal Code Relating To Garbage And Solid Waste Service And Fees.

Administrative Recommendation: Approve

Background Summary: Please find attached a draft Ordinance that makes the city code compatible with the proposed Mandatory Refuse Service Fee. This draft Ordinance also cleans up a number of minor outstanding issues in city code.
Attachments: Ordinance D13-65

BUDGET INFORMATION			
Budget Amount	Current Balance	Required Expenditure	Budget Balance
Budget Explanation: No significant budget impact.			

COMMITTEE, BOARD & COMMISSION REVIEW											
Council Committee Review:	Public Safety Date: 4 March 2013	<i>Approvals:</i> Chair/Councilmember Mark Hamilton Councilmember Tom Watson Councilmember Donn Lewis	<table style="width: 100%; border: none;"> <tr> <td style="padding: 0 5px;">Yes</td> <td style="padding: 0 5px;">No</td> </tr> <tr> <td style="text-align: center; padding: 0 5px;"><input checked="" type="checkbox"/></td> <td style="text-align: center; padding: 0 5px;"><input type="checkbox"/></td> </tr> <tr> <td style="text-align: center; padding: 0 5px;"><input checked="" type="checkbox"/></td> <td style="text-align: center; padding: 0 5px;"><input type="checkbox"/></td> </tr> <tr> <td style="text-align: center; padding: 0 5px;"><input checked="" type="checkbox"/></td> <td style="text-align: center; padding: 0 5px;"><input type="checkbox"/></td> </tr> </table>	Yes	No	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Yes	No										
<input checked="" type="checkbox"/>	<input type="checkbox"/>										
<input checked="" type="checkbox"/>	<input type="checkbox"/>										
<input checked="" type="checkbox"/>	<input type="checkbox"/>										
Forward to: 7 May 2013 Workshop		Consent Agenda: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No									
Commission/Board Review:											
Hearing Examiner Review:											

COUNCIL ACTION	
Workshop Date(s): 5 March 2013	Public Hearing Date(s):
Meeting Date(s):	Tabled to Date:

APPROVALS		
Director:	Mayor:	Date Reviewed by City Attorney: 29 April 2013 (if applicable):

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ORDINANCE NO. D13-65

AN ORDINANCE OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON, AMENDING CHAPTER 8.04 OF THE BONNEY LAKE MUNICIPAL CODE RELATING TO GARBAGE AND SOLID WASTE.

WHEREAS, provisions of the Bonney Lake Municipal Code relating to disposal of garbage and solid waste are in need of update.

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

Section 1. Chapter 8.04, “Garbage and Solid Waste,” of the Bonney Lake Municipal Code and the corresponding portions of Ordinance Nos. 389 and 1321 are hereby amended to read as follows:

8.04.010 Intent of chapter – Definitions.

A. The maintenance of health and sanitation requires, and it is the intention of this chapter, to make the collection, removal and disposal of garbage and refuse ~~and dead animals~~ within the city compulsory and universal.

B. Words used in this chapter in the present tense shall include the future tense, and in the singular shall include the plural, and in the plural shall include the singular, and in the masculine shall include the feminine gender.

C. The following terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section:

1. “City” means the city of Bonney Lake, Washington, or as indicated by the context, may mean any town official or agent representing the city in the discharge of his duties.
2. “City treasurer” means the treasurer of the city of Bonney Lake.
3. “Garbage and refuse” means all waste and discarded materials from dwellings, flats, rooming houses, apartment houses, clubs, restaurants, boardinghouses, eating places, shops and places of business, including rubbish and debris, waste and discarded food, animal and vegetable matter, brush, grass, weeds, wastepaper, cans, glass, ashes, night soil, offal, boxes, and cuttings from trees, lawns and gardens. “Waste” shall not include materials subject to manufacture into by-products.
4. “Person” means every natural person, firm, copartnership, association or corporation.

8.04.020 Duty of owners.

It shall be the duty of every person in possession, charge or control of any dwelling, flat, rooming house, apartment house, school, club, restaurant, boardinghouse or eating place, or in possession, charge or control of any shop, place of business or manufacturing establishment where garbage or refuse is created or accumulates, at all times to keep or cause to be kept

portable metal cans or such other containers as the city shall, from time to time, designate, for the deposit therein of garbage and refuse, and to deposit or cause to be deposited the same therein.

It shall be the duty of the owner of any dwelling, flat or apartment house to furnish to or see that his or her tenants are supplied with such containers, or in the case of apartment houses, with adequate means of disposing of garbage and refuse.

8.04.030 Container requirements.

Garbage containers shall be watertight and fly-tight, and ~~of not less than 25-gallon and not more than 30-gallon capacity~~ shall be sized according to the requirements of the City or its duly-authorized collection contractor. Such containers shall not be opened except when necessary to place garbage and refuse in such containers or to take same therefrom. When garbage and refuse are placed therein or taken therefrom, such containers shall be closed by the person placing the same therein or taking the same therefrom. Such containers shall be kept in a sanitary condition with the outside thereof clean and free from accumulating grease and decomposing material. Each such container shall be kept in a place accessible to the collection of garbage and refuse.

Large suitable containers for bulk collection of garbage and refuse may, with the approval of the public works director or the City's duly-authorized collection contractor, be used by restaurants, boardinghouses, eating places, apartment houses, schools, parks and in the business districts.

8.04.040 Disposal of garbage required.

It shall be the duty of every such person to cause such garbage and refuse to be removed and disposed of by the garbage collection company duly authorized by the city.

8.04.050 Special permits Exceptions.

~~In the case of isolated dwellings or places of business located in sparsely settled portions of the city, or where reasonable access cannot be had by truck, garbage and refuse therefrom may, upon special permission of the public works director, be collected, removed and disposed of in such manner as the department shall, in and by such permit, approve and direct. (Ord. 389 § 7, 1973).~~

Exceptions to the compulsory service requirement may be granted:

- A. Where the City's duly authorized collection company cannot access a property due to topography or other physical constraints;
- B. Where a resident has a disability that prevents him or her from taking garbage to the curb for pick-up; or
- C. Where a resident resides in the City less than twelve months out of the year. In such cases, the resident must arrange for garbage pick-up by the City's duly authorized collection contractor for such periods of time when the resident is residing in the City.

8.04.060 Incineration of garbage.

~~Garbage and refuse from apartment houses and stores may be disposed of by incineration upon the premises where this may be sanitarily done and the incinerator is of type and design approved~~

by the public works director, upon application for and the issuance of a proper permit from the city fire department and, where necessary, the Puget Sound Air Pollution Control Board.

8.04.070 Compliance required.

~~It is unlawful for any person to burn any garbage or refuse excepting wastepaper boxes, rubbish and debris, brush, grass, weeds and cuttings from trees, lawns or gardens unless upon permit from the city fire department and the Puget Sound Air Pollution Control Board when necessary, or to dump or deposit any garbage and refuse upon any street or alley or private property in the city, or to burn the same, or to collect, remove or dispose of the same except as provided in this chapter.~~

8.04.080 Time of collection.

The garbage collection ~~contractor company~~ duly authorized by the city shall collect, remove and dispose of all garbage and refuse at least once each week or as designated and as often as required by the ~~public works director~~City. Should more or less frequent service be directed by the City or agreed upon between the authorized collection contractor and a customer, an increase or decrease in rates proportionate to the added or reduced cost of service shall be made. In no case shall regular solid waste collection be performed any less frequently than once every other week.

8.04.120 Additional charges.

The City's solid waste disposal contractor shall have authority to impose charges for disposal of over-weight or additional containers. ~~Where a bag or bags are kept within a building or in a basement or upstairs, and are inaccessible by reason of locked doors, or it is necessary to call or knock for owner or occupant of building to gain admittance, an additional charge, based upon the time consumed, shall be made.~~

~~Should more or less frequent service in the city be directed by the public works director, an increase or decrease in rates proportionate to the added or reduced cost of service shall be made. (Ord. 389 § 14, 1973).~~

8.04.130 Accounts – When due.

Charges for refuse services, whether provided by the city or an independent contractor under an agreement with the city, shall be due and payable on or before the ~~tenth~~ 45th day following the date of billing. Amounts unpaid shall become delinquent 45 days after the billing date. A monthly penalty of 1.5 percent, or \$1.00 whichever is greater, of the outstanding balance shall be charged to all accounts which have been delinquent for 45 days or more.

If an account is delinquent for more than 90 days, service shall be suspended after 10 days' written notice to the customer. Any suspension shall not relieve the person owing such account from the duty of complying with the provisions of this chapter. The customer shall contact the refuse contractor to re-establish service within 30 days of the service being disconnected, and shall pay any fees for re-establishing service. Such suspension shall render the premises where such service is suspended subject to condemnation for sanitary reasons.

8.04.140 Accounts – Charges constitute lien when.

Upon the failure of any person to pay the charges prescribed in this chapter, the amount thereof shall become a lien against the property for which the garbage collection service is rendered.

8.04.150 Accounts – Notice of lien – Foreclosure.

A notice of the city's lien for garbage collection and disposal service, specifying the charges, the period covered by the charges, and giving the legal description of the premises sought to be charged, ~~shall~~ may be filed with the county auditor and ~~shall be~~ foreclosed in the manner provided by ~~law Chapter 270, Laws of the State of Washington, 1943.~~

8.04.160 Collection of garbage.

It is unlawful for any person other than a duly authorized employee of the city or garbage collection company duly authorized by the city, to engage in the business of collecting, removing and disposing of garbage and refuse and dead animals in the city, or for any person other than the city, its agents or employees, or duly authorized garbage collection company, to do or perform any of the things required to be done in this chapter or performed by the city or duly authorized garbage collection company.

8.04.170 Nauseous substance deposit – Permit required.

No manure, garbage, offal or any vegetable or animal matter or nauseous substances detrimental to health shall be dumped or deposited in any place other than a designated city dump within the limits of the city, except by special permit from the public works director.

8.04.180 Garbage and solid waste bills – Payment and collection.

The city's solid waste contractor is authorized to establish payment plans for delinquent ~~garbage and solid waste customers meeting standard city guidelines for financial hardship.~~

8.04.190 Violation – Penalties – Enforcement.

Any violation of this chapter, including but not limited to a failure to ~~re-establish service within 30 days of service suspension pursuant to BLMC 8.04.130~~ comply with the compulsory service requirement, shall be a Class 1 civil infraction under Chapter 7.80 RCW. ~~Each day of violation shall constitute a separate offense.~~ The city code enforcement officer shall have the authority to issue civil infraction notices.

Section 2. If any one or more section, subsection, or sentence of this ordinance is held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this ordinance and the same shall remain in full force effect.

Section 3. This ordinance shall take effect thirty (30) days after its passage, approval and publication as required by law.

PASSED by the City Council and approved by the Mayor this _____ day of May, 2013.

Neil Johnson, Mayor

ATTEST:

Harwood T. Edvalson, CMC, City Clerk

APPROVED AS TO FORM:

Kathleen Haggard, City Attorney

Passed:
Valid:
Published:
Effective Date:

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

Department/Staff Contact: Executive / Don Morrison	Meeting/Workshop Date: 7 May 2013	Agenda Bill Number: AB13-05
Agenda Item Type: Ordinance	Ordinance/Resolution Number: D13-05	Councilmember Sponsor:

Agenda Subject: COLA for Nonunion Employees

Full Title/Motion: A Motion Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Amending Ordinance No. 1403 Relating To Salaries For Non-Represented Employees..

Administrative Recommendation: Approve

Background Summary: This has been on hold since the January 8th Workshop. The Consumer Price Index (CPI-U) for the Seattle-Tacoma-Bremerton area increased 2.7 percent during the past year (measured June 2011 Through June 2012 - the period we use for collective bargaining). The Police Guild received a 2.88% cost-of-living-adjustment (COLA) for 2013 as a result of their current collective bargaining agreement. The tentative collective bargaining agreement with AFSCME Local 120 contained an effective COLA of 1.67% for 2013. The Mayor recommended a 1.5% COLA for nonrepresented employees, which is what was adopted in the 2013-2014 budget. This ordinance formalizes the COLA adopted in the budget for nonunion employees for 2013 and makes it retroactive to 1/1/2013.

Attachments: Ordinance No. D13-05; Attachment

BUDGET INFORMATION			
Budget Amount	Current Balance	Required Expenditure	Budget Balance
Budget Explanation: The cost to implement for nonunion employees is \$33,413, and has been included in the adopted 2013-2014 biennial budget.			

COMMITTEE, BOARD & COMMISSION REVIEW			
Council Committee Review:	<i>Approvals:</i>	Yes	No
Date: January 8, 2013	Chair/Councilmember Dan Swatman	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Mark Hamilton	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Randy McKibbin	<input type="checkbox"/>	<input type="checkbox"/>
Forward to:	Consent Agenda: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
Commission/Board Review:			
Hearing Examiner Review:			

COUNCIL ACTION	
Workshop Date(s): 23 April 2013	Public Hearing Date(s):
Meeting Date(s): January 8, 2013	Tabled to Date:

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

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ORDINANCE NO. D13-05

AN ORDINANCE OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON, AMENDING ORDINANCE NO. 1403 RELATING TO SALARIES FOR NON-REPRESENTED EMPLOYEES.

WHEREAS, the Consumer Price Index (CPI-U) for the Seattle-Tacoma-Bremerton area increased 2.7 percent during the past year (measured June 2011 Through June 2012); and

WHEREAS, the Police Guild received a 2.88% cost-of-living-adjustment (COLA) for 2013 as a result of their current collective bargaining agreement; and

WHEREAS, a collective bargaining with AFSCME Local 120 on a new agreement for 2013 and beyond was tentatively approved, but rejected by a vote of the union membership; and

WHEREAS, the City Council adopted the 2013-2014 budget with a proposed 1.5% COLA to be effective January 1, 2013, but chose to hold off on the implementation until AFSCME Negotiations were further along; and

WHEREAS, the City Council now desires to amend the salary schedule for non-represented employees in order to implement a modest COLA for non-represented employees in accordance with the adopted 2013-2014 biennial budget of the City;

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

Section 1. Section 2 of Ordinance No. 1403 is hereby amended to read as follows:

Section 2. Attachment "A1," last updated by the City Council on October ~~1823~~, 201~~12~~ by Ordinance No. ~~140038~~, consisting of a Position Classification Matrix, is hereby readopted and incorporated herein by this reference. These position classifications and salary grades for non-represented employees remain in effect until amended by subsequent ordinance of the City Council. A new Attachment "A2" of Ordinance No. ~~1299~~1403, attached hereto and incorporated herein by reference, is hereby adopted, and shall remain in effect until amended by subsequent ordinance of the City Council. Said Attachment "A2" reflects the salary rates and pay ranges for non-represented employees for 201~~23~~. All non-represented employees shall be granted a 1.5% cost-of-living-adjustment (COLA), effective January 1, 201~~23~~. Said Attachment "A2" reflects said 1.5% COLA and the accompanying salary rates and pay ranges for non-represented employees for 2013.

Section 3. This Ordinance concerns compensation and working conditions of city employees and is not subject to referendum. It shall take effect five (5) days after its passage, approval and publication as required by law.

PASSED by the City Council and approved by the Mayor this ____ day of _____, 2013.

Neil Johnson, Jr., Mayor

ATTEST:

Harwood Edvalson, MMC, City Clerk

APPROVED AS TO FORM:

Kathleen Haggard, City Attorney

Attachment "A1" to Ordinance No. D13-05: Non Represented Employee Classification and Salary Grade Matrix
 (Revision History: D12-139; D11-113; D11-148)

GRADE	FINANCE & ADMINISTRATION	PUBLIC SAFETY	COMMUNITY DEVELOPMENT	PUBLIC WORKS	GRADE
1-9					1-9
10					10
11	Records and Information Specialist Special Events Coordinator				11
12	Executive Assistant			Support Services Coordinator	12
13	Accountant	Probation Officer		Project Manager	13
14	Financial Operations Supervisor; Senior Services Manager				14
15	<u>Senior Accountant</u>		Senior Planner		15
16	Accounting Manager				16
17	Human Resources Manager	Court Administrator		Transportation Supervisor; Utilities Supervisor	17
18	Prosecuting Attorney		Development Review Engineer		18
19				Assistant City Engineer - Utilities	19
20	Information Systems Manager	Police Lieutenant	Building Official		20
21					21
22	Facilities & Special Projects/Events Mgr			City Engineer; Assistant Public Works Dir.	22
23		Assistant Police Chief			23
24	Administrative Services Director; Chief Financial Officer				24
25		Police Chief	Community Development Director	Public Works Director	25
26		Municipal Judge			26
27	City Administrator				27
28					28

CLASSIFICATION	Grade	Minimum Rate (Monthly)	Maximum Rate (Monthly)	Grade	CLASSIFICATION
	1	2,631	3,256	1	
	2	2,770	3,428	2	
	3	2,915	3,607	3	
	4	3,068	3,797	4	
	5	3,230	3,997	5	
	6	3,400	4,208	6	
	7	3,579	4,429	7	
	8	3,768	4,663	8	
	9	3,966	4,908	9	
	10	4,175	5,166	10	
Records and Information Specialist; Customer Service Specialist; Special Events Coordinator	11	4,394	5,438	11	Records and Information Specialist; Customer Service Specialist; Special Events Coordinator
Executive Assistant; PW Support Services Coordinator	12	4,625	5,725	12	Executive Assistant; PW Support Services Coordinator
Accountant; Project Manager	13	4,868	6,025	13	Accountant; Project Manager
Financial Operations Supervisor; Senior Services Manager	14	5,125	6,343	14	Financial Operations Supervisor; Senior Services Manager
	15	5,395	6,677	15	
Accounting Manager	16	5,678	7,028	16	Accounting Manager
Human Resources Manager; Court Administrator; Transportation Supervisor; Utilities Supervisor	17	5,977	7,397	17	Human Resources Manager; Court Administrator; Transportation Supervisor; Utilities Supervisor
Prosecuting Attorney; Development Review Engineer	18	6,292	7,787	18	Prosecuting Attorney; Development Review Engineer
Police Lieutenant; Planning Manager; Assistant City Engineer-Utilities	19	6,623	8,197	19	Police Lieutenant; Planning Manager; Assistant City Engineer-Utilities
Information Systems Manager; Building Official	20	6,972	8,629	20	Information Systems Manager; Building Official
	21	7,338	9,082	21	
Facilities and Special Projects/Events Manager; City Engineer; Assistant Public Works Director	22	7,724	9,560	22	Facilities and Special Projects/Events Manager; City Engineer; Assistant Public Works Director
Assistant Police Chief	23	8,131	10,064	23	Assistant Police Chief
Administrative Services Director; Chief Financial Officer	24	8,559	10,594	24	Administrative Services Director; Chief Financial Officer
Police Chief; Community Development Director; Public Works Director	25	9,009	11,151	25	Police Chief; Community Development Director; Public Works Director
Municipal Judge	26	9,484	11,737	26	Municipal Judge
City Administrator	27	9,984	12,356	27	City Administrator
	28	10,483	12,974	28	
Agenda Packet p. 44 of 66	29	11,007	13,622	29	

CLASSIFICATION	Grade	Minimum Rate (Monthly)	Maximum Rate (Monthly)	Grade	CLASSIFICATION
	1	2,670	3,305	1	
	2	2,811	3,479	2	
	3	2,959	3,661	3	
	4	3,114	3,854	4	
	5	3,278	4,057	5	
	6	3,451	4,271	6	
	7	3,633	4,495	7	
	8	3,824	4,733	8	
	9	4,025	4,982	9	
	10	4,237	5,243	10	
Records and Information Specialist; Special Events Coordinator	11	4,460	5,520	11	Records and Information Specialist; Special Events Coordinator
Executive Assistant; PW Support Services Coordinator	12	4,695	5,811	12	Executive Assistant; PW Support Services Coordinator
Accountant; Project Manager; Probation Officer	13	4,941	6,115	13	Accountant; Project Manager; Probation Officer
Financial Operations Supervisor; Senior Services Manager	14	5,202	6,438	14	Financial Operations Supervisor; Senior Services Manager
Senior Planner	15	5,476	6,777	15	Senior Planner
Accounting Manager	16	5,763	7,133	16	Accounting Manager
Human Resources Manager; Court Administrator; Transportation Supervisor; Utilities Supervisor	17	6,067	7,508	17	Human Resources Manager; Court Administrator; Transportation Supervisor; Utilities Supervisor
Prosecuting Attorney; Development Review Engineer	18	6,386	7,904	18	Prosecuting Attorney; Development Review Engineer
Assistant City Engineer-Utilities	19	6,722	8,320	19	Assistant City Engineer-Utilities
Information Systems Manager; Building Official; Police Lieutenant	20	7,077	8,758	20	Information Systems Manager; Building Official; Police Lieutenant
	21	7,449	9,218	21	
Facilities and Special Projects/Events Manager; City Engineer; Assistant Public Works Director	22	7,840	9,703	22	Facilities and Special Projects/Events Manager; City Engineer; Assistant Public Works Director
Assistant Police Chief	23	8,253	10,215	23	Assistant Police Chief
Administrative Services Director; Chief Financial Officer	24	8,688	10,753	24	Administrative Services Director; Chief Financial Officer
Police Chief; Community Development Director; Public Works Director	25	9,144	11,318	25	Police Chief; Community Development Director; Public Works Director
Municipal Judge	26	9,626	11,913	26	Municipal Judge
City Administrator	27	10,133	12,541	27	City Administrator
	28	10,640	13,169	28	
	29	11,172	13,826	29	

Grade	Minimum Rate (Monthly)	Maximum Rate (Monthly)	Grade
1	2,670	3,305	1
2	2,811	3,479	2
3	2,959	3,661	3
4	3,114	3,854	4
5	3,278	4,057	5
6	3,451	4,271	6
7	3,633	4,495	7
8	3,824	4,733	8
9	4,025	4,982	9
10	4,237	5,243	10
11	4,460	5,520	11
12	4,695	5,811	12
13	4,941	6,115	13
14	5,202	6,438	14
15	5,476	6,777	15
16	5,763	7,133	16
17	6,067	7,508	17
18	6,386	7,904	18
19	6,722	8,320	19
20	7,077	8,758	20
21	7,449	9,218	21
22	7,840	9,703	22
23	8,253	10,215	23
24	8,688	10,753	24
25	9,144	11,318	25
26	9,626	11,913	26
27	10,133	12,541	27
28	10,640	13,169	28
29	11,172	13,826	29

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

Department/Staff Contact: Executive / Don Morrison	Meeting/Workshop Date: 7 May 2013	Agenda Bill Number: AB13-66
Agenda Item Type: Resolution	Ordinance/Resolution Number: 2303	Councilmember Sponsor:

Agenda Subject: Ratification of a Purchase and Sale Agreement between Renwood, LLC and the City of Bonney Lake.

Full Title/Motion: A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Ratifying A Purchase And Sale Agreement Between Renwood LLC And The City Of Bonney Lake.

Administrative Recommendation: Approve

Background Summary: The adopted Downtown Plan of the City provides for the development of multi-family housing in the SE section of Downtown Bonney Lake. The City owns two (2) parcels of land in the Downtown, to wit Pierce County Parcel #0520337004, located at 9320 Angeline Road, consisting of 2.25 acres, and parcel #5640001780, located at 18426 SR 410 E, consisting of 2.3 acres. Renwood is the owner of a parcel of land contiguous to said City parcels, to wit Pierce County Parcel #7000310310, located at XXX 189th Ave Ct E, consisting of 6.34 acres. Renwood desires to acquire the City Property to combine it with its own parcel in order to construct a high quality multi-family housing project. The City desires to sell the City Property, under the terms and conditions contained in the Purchase and Sale Agreement, and to assure that the parcels are developed in accordance with the general intent of the City's adopted Downtown Plan.

Attachments: Resolution, Agreement Highlights Sheet, Purchase and Sale Agreement;

BUDGET INFORMATION			
Budget Amount	Current Balance	Required Expenditure	Budget Balance
Budget Explanation: NA. See the attachments for financial information			
COMMITTEE, BOARD & COMMISSION REVIEW			
Council Committee Review:	<i>Approvals:</i>		Yes No
Date:	Chair/Councilmember	NAME	<input type="checkbox"/> <input type="checkbox"/>
	Councilmember	NAME	<input type="checkbox"/> <input type="checkbox"/>
	Councilmember	NAME	<input type="checkbox"/> <input type="checkbox"/>
Forward to:	Consent		
	Agenda: <input type="checkbox"/> Yes <input type="checkbox"/> No		
Commission/Board Review:			
Hearing Examiner Review:			
COUNCIL ACTION			
Workshop Date(s): April 9, 2013		Public Hearing Date(s):	
Meeting Date(s):		Tabled to Date:	
APPROVALS			
Director:	Mayor:	Date Reviewed by City Attorney: (if applicable):	

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RESOLUTION NO. 2303

A RESOLUTION OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON, RATIFYING A PURCHASE AND SALE AGREEMENT TO SELL TWO (2) CITY PARCELS OF LAND IN THE DOWNTOWN, TO WIT PIERCE COUNTY PARCEL #0520337004, LOCATED AT 9320 ANGELINE ROAD, CONSISTING OF 2.25 ACRES, AND PARCEL #5640001780, LOCATED AT 18426 SR 410 E, CONSISTING OF 2.3 ACRES, IN ORDER TO FURTHER IMPLEMENT THE DOWNTOWN PLAN.

WHEREAS, the adopted Downtown Plan of the City calls for the development of multi-family housing in the SE section of Downtown Bonney Lake; and

WHEREAS, the City owns two (2) parcels of land in the SE section of the Downtown that were acquired in 2004 to help fulfill the intent of the Downtown Plan, and

WHEREAS, Renwood, LLC is the owner of a parcel of land contiguous to said City parcels; and

WHEREAS, Renwood desires to acquire the City Property to combine it with its own parcel in order to construct a high quality multi-family housing project; and

WHEREAS, the City desires to sell the City Property, under the terms and conditions contained in the Agreement, and to assure that the parcels are developed in accordance with the general intent of the City's adopted Downtown Plan; and

WHEREAS, the parties signed a purchase and sale agreement subject to final approval by the City Council; and

WHEREAS, the City Council agrees to final approval of the Agreement;

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

The City Council ratifies the real estate purchase and sale agreement between the City of Bonney Lake and Renwood LLC for the sale of tax parcel #0520337004 located at 9320 Angeline road (consisting of 2.25 acres), and parcel #5640001780, located at 18426 SR 410 E, consisting of 2.3 acres, and hereby authorizes the Mayor to complete the purchase.

PASSED BY THE CITY COUNCIL this _____ day of May, 2013.

Neil Johnson, Jr., Mayor

ATTEST:

Harwood T. Edvalson, MMC, City Clerk

APPROVED AS TO FORM:

Kathleen Haggard, City Attorney

RENWOOD AGREEMENT HIGHLIGHTS

1. Renwood, LLC (Investco) would develop the Renwood property behind the library with +/- 184 quality apartments. Construction to begin this year.
2. Renwood would purchase the two adjacent City-owned parcels (2.25 & 2.3 acres - 4.55 total).
3. City would relinquish the 30' street easement and authorize Renwood to develop ingress and egress as essentially shown on the preliminary site plan.
4. Closing would be within 30 days of Renwood receiving development approvals - site plan, design review and building permits ready to issue
5. Renwood will grant an easement and construct a public trail through the project site to link the civic center area and the Fennel Creek Trail on Angeline, Park Impact Fee credit's would be given for the cost of the easement and construction of the trail.
6. Permits would be 'fast tracked'.
7. Current development fees (reduced water, sewer & TIF) would remain in effect as of the date of the agreement provided building permits for all structures are submitted by November 22, 2013.
8. Renwood would pay TIF and PIF at current rates (less PIF credit for public trail cost).

Financial Summary:

EST. ONE TIME CITY REVENUES

Water SDC	838,856
Sewer SDC	842,320
Traffic Impact Fees (TIF)	341,872
*Park Impact Fees (PIF)	599,288
Voluntary Mitigation-Easement Release	400,000
Income from Land Sale	1,090,589
Planning & Building Permit Fees	304,428
Sales tax on construction (City share)	115,378
Subtotal One Time Revenues	\$4,532,731

EST. ANNUAL GF RECURRING REVENUES (Units fully occupied)

Property Tax	40,000
Per capita state shared revenues	18,000
Sales taxes	83,190
Gas taxes	9,400
Criminal justice distribution	22,500
Utility taxes	49,624
Fine and forfeitures	18,900
Miscellaneous	10,000
Subtotal Recurring Revenues	\$251,614

*Portion will be credited for cost of trail

REAL ESTATE PURCHASE AND SALE AGREEMENT

This REAL ESTATE PURCHASE AND SALE AGREEMENT (the "Agreement") is made between the City of Bonney Lake, Washington ("City") and Renwood, L.L.C., a Washington limited liability company ("Renwood") dated as of the Execution Date (as defined on the last page of this Agreement),

RECITALS

1. The City is the owner of two (2) parcels of land in Bonney Lake, Pierce County, Washington, to wit Pierce County Parcel #0520337004, located at 9320 Angeline Road, consisting of 2.25 acres, and parcel #5640001780, located at 18426 SR 410 E, consisting of 2.3 acres. Legal descriptions of said parcels are attached hereto as Exhibit A (hereinafter the "City Property").
2. Renwood is the owner of a parcel of land contiguous to said City parcels, to wit Pierce County Parcel #7000310310, located at XXX 189th Ave Ct E, consisting of 6.34 acres. The legal description of said parcel is attached hereto as Exhibit B (hereinafter "Renwood Property").
3. Renwood desires to acquire the City Property to construct a high quality multi-family housing project (hereinafter "The Project"). The City desires to sell the City Property, under the terms and conditions contained herein, and to assure that the parcels are developed in accordance with the general intent of the City's adopted Downtown Plan.

AGREEMENT

NOW, THEREFORE, the City and Renwood hereby agree as follows:

1. Sale of the Property. The City shall sell and convey to Renwood, and Renwood shall purchase and acquire from City, all of the City's interest in the City Property, which shall include the land, together with any appurtenances, rights, privileges, and reversionary rights; all timber and plants; and all utilities located on the Property, subject to the terms and conditions contained herein. The City shall relinquish its interests in a 30-foot right-of-way easement recorded under Pierce County Auditor's File No. 1542049 ("City ROW"). The City shall reserve its interests in a water line easement recorded under Pierce County Auditor's File No. 9304140855.

2. Consideration. The purchase price of the City Property shall be one million ninety thousand five hundred eighty-nine dollars (\$1,090,589.00), plus two hundred thousand dollars (\$200,000) in consideration for City's relinquishment of its right-of-way easement and for the City's removal of the un-built section of 186th Avenue from the Downtown Plan, for total consideration of one million two hundred ninety thousand five hundred eight-nine dollars (\$1,290, 589.00).

3. Deed in Escrow. Within thirty (30) days of this Agreement, the City shall deliver to Pacific Northwest Escrow ("Escrow Agent") a statutory warranty deed ("Deed") substantially in the form attached hereto as Exhibit C. The Escrow Agent shall hold the Deed until the Closing, at which time the Deed shall be recorded and the Property transferred to Renwood. If for any

reason the sale of the Property does not close, the City shall be entitled to retrieve the Deed from the Escrow Agent.

4. Closing. The Closing shall be held at the offices of the Escrow Agent. The Closing shall occur on a mutually agreeable date selected by the City and Renwood. The Closing shall mean the date when all deeds and other documents necessary for transfer of the Property to Renwood are recorded and consideration per Paragraph 2 above is deposited by Renwood.

Notwithstanding the foregoing, Renwood and City acknowledge and agree that the Closing shall occur within thirty (30) days after the date that the City has certified in writing that Renwood has obtained development approvals pursuant to Paragraph 12 of this Agreement and that all other terms of this Agreement have been satisfied or waived.

5. Documents to be delivered by the City. The City shall deliver to the Escrow Agent on or before the Closing the following documents (all of which shall be duly executed and acknowledged where required):

(i) Excise Tax Affidavit. An excise tax affidavit for filing with the County Auditor at the time of recording the Deed.

(ii) Title Documents. The Deed and such other documents as shall be reasonably required by the Title Company as a condition to its insuring the City's good and marketable fee simple title to the Property.

(iii) FIRPTA Affidavit. The affidavit of non-foreign status, as required by federal tax law.

(iv) Plans. Such surveys, site plans and plans and specifications relating to the Property as are in the possession or control of the City.

6. Payment of Costs. The City and Renwood shall pay their own costs incurred with respect to the purchase and sale of the Property, including attorneys' fees. Notwithstanding the foregoing, the City shall pay any excise tax due and payable, the cost to record the Deed and recording fees necessary to remove encumbrances (if any), and the full cost of the standard coverage Title Policy (as defined below). The Parties shall equally share the escrow fee.

7. Real Property Taxes and Utility Bills. Real property taxes and general assessments with respect to the Property shall be prorated as of the Closing Date, with City responsible for any such taxes and assessments which relate to the period prior to the Closing Date and with Renwood responsible for any such taxes and assessments which relate to the period from and after the Closing Date. The City shall pay at the Closing any utility bills due or to become due with respect to the Property for the period up to the date this Agreement was executed. Renwood shall thereafter be liable for payment of all utility bills.

8. Conditions to Renwood's Obligation.

(a) Investigation of the Property. Within fifteen (15) days of this Agreement, the City shall provide to Renwood all documents and information pertaining to the Property, including all soils reports and environmental studies, surveys, architectural drawings or renderings, plans and specifications (the "City Documents"). Renwood shall have a period of thirty (30) days after receipt of the City Documents in which to conduct, at Renwood's sole cost and expense, a feasibility study of the Property (the "Feasibility Period") and to satisfy itself, at its sole cost and expense and in its sole discretion, as to any and all matters affecting the Property including, without limitation, the feasibility of Renwood's use, occupancy, and development of the Property.

This condition to closing shall be deemed to be satisfied unless Renwood advises City in writing at or before the expiration of the Feasibility Period that this condition has not been satisfied. In the event Renwood advises City that this condition has not been satisfied, Renwood shall specify in such notice the basis for its dissatisfaction and either provide City with an opportunity to respond to and to commit to correct, as of the Closing Date, any areas of dissatisfaction or advise City that it is terminating this Agreement. In the event Renwood elects to terminate this Agreement pursuant to this Paragraph 8, neither party shall have any further rights or obligations hereunder. In addition, Renwood and its employees and agents shall have the right from the date of this Agreement through the Closing Date to enter the Property at all reasonable times, at Renwood's cost and expense, to take soil, water and other tests or studies under the provisions of this Agreement; provided, however, Renwood shall indemnify and hold harmless the City from and against all claims for damages and any mechanic's or other liens or claims that may be filed or asserted against the Property or City by any actions taken by Renwood in connection with the Property.

(b) Condition of Title.

(i) Within fifteen (15) days of this Agreement, the City shall deliver to Renwood a preliminary commitment (the "Title Report") for extended coverage title insurance with respect to the Property (the "Title Policy"); provided, however that Renwood shall pay the difference between standard and extended coverage.

(ii) Within thirty (30) days of receiving the Title Report, Renwood shall either approve any matters of title disclosed therein, or deliver to the City written notice of disapproval or conditional approval. Any approved conditions shall constitute "Permitted Exceptions." If Renwood does not notify the City of its approval, disapproval, or conditional approval, Renwood shall be deemed to have approved all matters of title shown or described in the Title Report. Within fifteen (15) days of receiving a notice of disapproval or conditional approval from Renwood, the City shall identify to Renwood in writing which of such matters the City is willing to cure. Renwood shall then have fifteen (15) days to advise the City whether Renwood will accept title. If Renwood is not willing to accept title, Renwood may terminate this Agreement, in which event neither party shall have any further rights or obligations hereunder.

(c) Development Approvals. The City hereby grants Renwood permission to take all actions necessary to pursue and obtain development approvals on the Property in accordance with Section 12 (the "Development Approvals"). This permission is subject to Section 12 of this

Agreement. Prior to Closing, Renwood shall not perform any site development, site alteration, or construction on the City Property, except as provided in this Agreement, without the City's prior written permission. If Renwood is unable to obtain the Development Approvals within 8 weeks from the submittal of a complete site development permit package, Renwood may elect to terminate this Agreement, in which event neither party shall have any further rights or obligations hereunder.

9. Casualty. If any fire, windstorm or casualty materially affects all or any portion of the City Property on or after the date of this Agreement and prior to the Closing, Renwood may elect, by written notice to the City, to terminate its rights and obligations under this Agreement. If Renwood makes such election, neither the City nor Renwood shall have any further liability with respect to the Property under this Agreement; provided, that obligations relating to indemnification and attorneys' fees shall survive the termination of this Agreement.

10. City's Representations and Warranties.

(a) Parties in Possession. There is currently a lease for the residence and accessory dwelling on the parcel located at 9320 Angeline Road. The current lease is on a month-to-month basis. The City will continue to collect and retain rents from the tenant until Renwood takes possession of the City Property at Closing. The City shall ensure that the tenant has vacated and the tenant's personal property has been removed prior to Closing. Renwood shall be responsible for demolishing the residence and accessory dwelling unit.

(b) Condemnation or Assessment - Access. To the best of City's knowledge, there is no condemnation or similar proceeding affecting the Property. The Property has full and free access from adjoining public highways, streets or roads, and to the best of City's knowledge, there is no governmental proceeding which would impair or curtail such access.

(c) Compliance with Law. The City is not aware of any notification from any governmental authority requiring any work to be done on the Property or advising of any condition (including, without limitation, hazardous substances or wastes) which would render the Property unusable or affect the usability of the Property or any part thereof for the purposes of the City.

(d) Mechanics' Liens. No labor, material or services have been furnished in, on or about the Property or any part thereof as a result of which any mechanics', laborers' or materialmen's liens or claims might arise.

(e) Litigation. There is no litigation, pending or threatened, which would constitute a lien, claim, or obligation of any kind on the Property, affect the use, ownership or operation of the Property, or otherwise adversely affect the Property. For purposes of this clause, litigation includes lawsuits, actions, administrative proceedings, governmental investigations and all other proceedings before any tribunal having jurisdiction over the Property.

11. Covenants of the City.

(a) From the date of this Agreement to the Closing Date, the City will not allow any lien to attach to the Property or any part thereof, nor will the City grant, create, or voluntarily allow the creating of, or amend, extend, modify or change, any easement, right-of-way, encumbrance, restriction, covenant, lease, license, option or other right affecting the Property or any part thereof, except for the Public Trail described below.

(b) The City shall not enter into any leases, trust deeds, mortgages, restrictions, encumbrances, liens, licenses or other instruments or agreements affecting the Property

(c) The City will perform all of its monetary and non-monetary obligations under all indebtedness (whether for borrowed money or otherwise) and the liens securing same pertaining to the Property or any portion thereof, if any.

(d) The City shall maintain in force all policies of fire and other casualty and liability insurance maintained as of the date of this Agreement with respect to the Property until the Closing Date.

12. Development Approvals - Prior to Closing.

(a) Renwood shall, prior to Closing, obtain development approvals from the City for the Project consisting of a traditional three and 3.5 story walk-up apartment complex with a resident community building with approximately 184 apartment units, free standing garages and carports, as shown on the conceptual site plan attached as Exhibit D. The Development Approvals shall include:

- (1) Site Plan Approval per BLMC 14.105.
- (2) Design Review Approval per BLMC 14.95.
- (3) Approved Building permits for all structures per BLMC 14.50.

13. Development Obligations. The parties agree that Section 13 shall survive Closing.

(a) Public Trail. Renwood shall grant the City a public pedestrian access easement (the "Trail Easement") and construct a pedestrian trail (the "Public Trail") allowing public access to, over and across the area designated a public trail to link to the civic center, points North and South, and the Fennel Creek Trail on Angeline Road. The Trail Easement, location, and type of trail is depicted on the conceptual site plan attached as Exhibit D, and shall be described and shown on the face of the Site Plan and Building Permit Applications submitted by Renwood. Upon completion of construction, the Public Trail shall be dedicated to the City. Construction of the Public Trail shall be completed and the trail dedicated to the City prior to issuance of the certificate of occupancy for the first structure, provided that the City shall not cause any delays in Renwood's completion of the Public Trail and/or the dedication thereof. The construction of the Public Trail shall be subject to the City's park impact fee rates (the "Park Impact Fees") required by BLMC 19.06 applicable at the time of issuance of the building permits and Renwood shall be entitled to claim a credit against the Park Impact Fees not to exceed the impact fee otherwise payable equivalent to the value of the land dedication and trail improvement.

- (b) Permits on Fast Track. The Parties recognize that time is of the essence with regard to construction of the Project. Therefore, Renwood will submit all permit applications and other required information to the City on a timely basis and without undue delay. In turn, the City will fast-track permit applications, processing and review.
- (c) Water and Sewer System Development Charges (SDC). Renwood shall be entitled to pay water and sewer SDCs at the rates in effect as of the date of this Agreement as long as Renwood files complete applications for building permits for all structures on or before November 22, 2013. As of the date hereof, the City acknowledges and agrees that the SDC rates for water and sewer are as follows:
 - Water System Development Charges - \$4,559 per unit.
 - Irrigation SDC for 5/8" meter - \$4,852
 - Irrigation SDC for 3/4" meter- \$7,281
 - Irrigation SDC for 1" meter- \$12,141
 - Sewer SDC 3 bedroom unit- \$5,470
 - Sewer SDC 2 bedroom unit - \$4,786
 - Sewer SDC 1 bedroom unit - \$4,102
 - Sewer SDC studio unit - \$3,419
 - Storm fee \$395 per ESU. ESU equals 2,600 square feet of impervious surface area
- (d) Elimination of mapped street designation. Renwood shall not be required to dedicate or construct right-of-way, or set back its development from the planned right-of-way, for the future section of 186th Avenue shown on the Downtown Plan. At the earliest opportunity during the 2013 Comprehensive Plan Amendment cycle, the City shall amend its Downtown Plan to remove the future section of 186th Avenue, such that the un-built section is no longer subject to the mapped streets requirements of Chapter 12.30 BLMC.
- (e) Construction to proceed without delay. Renwood shall proceed with construction of the Project diligently and without undue delay upon issuance of building permits. The City shall have the right to reject any requests for extension on the time limitation for completing construction on active building permits under BLMC 15.04.081.

14. Transportation mitigation. The parties agree that Section 14 shall survive Closing.

- (a) Renwood shall pay transportation impact fees, per the requirements of Chap. 19.04 BLMC, in the amounts presented in the Pre Application Conference notes dated December 5, 2012. (The TIF. Fees) TIF Fees will be calculated by the City for the new development and based upon a value for a .62 peak trip hours per apartment. Per ordinance 1424, this project can take a 25% reduction in TIF fees. The preliminary TIF is calculated as 184 units times .62 peak trip hours minus 25% times \$3,995. $(184 * .62 = 114.08 * .75 = 85.56 * \$3,995 = \$341,812.20)$
- (b) The Parties agree, pursuant to RCW 82.02.020, that improvements to 186th Ave E, 184th Ave E, and 88th Street E will be reasonably necessary as a result of the Project, because residents and visitors of the Project are expected to use these streets for

alternative access to Veteran's Memorial Drive and State Route 410. To mitigate its impacts, Renwood shall make a voluntary payment to the City at issuance of first building permit, in the amount of two hundred thousand dollars (\$200,000.00). ("Voluntary Mitigation Fee") The City shall deposit these funds in a reserve account and expend the funds on improvements to any or all of the following: 186th Ave E from 90th St E to 88th St E; 88th St E from 186th Ave E to 184th Ave E; and/or 184th Ave E from 88th St E to Veterans Memorial Drive E. The Parties agree that the City may use the reserved funds for design, right-of-way acquisition, construction, or all of these. Improvements may include widening, pavement rehabilitation or overlay, improved signage, intersection upgrades, pedestrian facilities, street lighting, and other improvements identified by the City.

- (c) The Parties agree that payment of the TIF fees and remittance of the Voluntary Mitigation Fee described in this Section 14 shall fully satisfy Renwood's mitigation obligations for transportation impacts related to the Project under Chapter 43.21C RCW (SEPA).
- (d) The Parties waive and relinquish their rights to protest or challenge in any forum the enforceability of the terms and conditions of the Voluntary Mitigation Fee and hereby covenant and undertake that the each party will forever refrain and desist from instituting, asserting, or proceeding to challenge the enforceability of the same.
- (e) In the event the Improvements have not commenced within five (5) years of issuance of the certificate of occupancy for the first residential structure in the Project, the Voluntary Mitigation Fee shall be refunded to Renwood. Renwood waives the right to interest on the refund.

15. Termination. If the Closing does not occur by reason of any default under this Agreement, either Party may elect to treat this Agreement as terminated; provided, however, neither party to this Agreement may claim termination or pursue any other remedy on account of a breach of a condition, covenant or warranty by the other, without first giving such other party notice of such breach and not less than ten (10) days within which to cure such breach. Notwithstanding any other provision of this Agreement to the contrary, the Closing Date, if necessary, shall be postponed to afford such ten (10) day opportunity to cure. Provided, further, in the event of the termination of this Agreement by Renwood as a result of a default by City of City's obligations hereunder, Renwood shall also have the right to seek specific performance of City's obligations hereunder

16. Notices. Unless applicable law requires a different method of giving notice, any and all notices, demands or other communications shall be in writing and delivered either personally or by Federal Express or other overnight delivery service of recognized standing, or if deposited in the United States mail, certified, registered, or express mail with postage prepaid. If such notice is personally delivered, it shall be conclusively deemed given at the time of such delivery. If such notice is delivered by Federal Express or other overnight delivery service, it shall be deemed given at the close of business twenty-four (24) hours after the deposit with such delivery service. If such notice is mailed as provided herein, such shall be deemed given at the close of business

on the third business day after the deposit thereof in the United States mail. Each such notice shall be deemed given only if properly addressed to the party to whom such notice is to be given, as follows:

To Renwood: Renwood L.L.C.
c/o Tarragon L.L.C.
601 Union Street, Suite 3500
Seattle, WA 98101
Attn: Charlie Laboda, Senior Development Manager

With a copy to: Renwood L.L.C.
c/o Investco Financial Corporation
1302 Puyallup Street
Sumner, WA 98390
Attn: Angela Humphreys, Vice President - General Counsel

To the City: Neil Johnson, Jr., Mayor
Don Morrison, City Administrator
City of Bonney Lake
9002 Main Street E
Bonney Lake, Washington 98391

Either party may change its address for the purpose of receiving notices as herein provided by a written notice given in the manner aforesaid to the other party.

17. Survival of Representations and Warranties. All representations, warranties, covenants and agreements of the parties contained in this Agreement, or in any instrument or other writing provided for herein, shall survive Closing.

18. Finders' or Brokers' Fees. The Parties are responsible for paying any brokers' or finders' fees due to real estate professionals or brokers working on their behalf.

19. Miscellaneous Provisions.

(a) Applicable Law. This Agreement shall, in all respects, be governed by the laws of the State of Washington.

(b) Modification or Amendment. No amendment, change or modification of this Agreement shall be valid, unless in writing and signed by all of the parties hereto.

(c) Successors and Assigns. All of the terms and provisions contained herein shall inure to the benefit of and shall be binding upon the parties hereto and their respective heirs, legal representatives, successors and assigns. Upon notice to the City, Renwood shall have right to assign its right and obligation under this Agreement to an entity affiliated with Renwood. Without the City's written permission, which shall not be unreasonably withheld, Renwood may not assign this Agreement or any of its obligations to a third party.

(d) Entire Agreement. This Agreement constitutes the entire understanding and agreement of the parties with respect to its subject matter and any and all prior agreements, understandings or representations with respect to its subject matter are hereby canceled in their entirety and are of no further force or effect.

(e) Dispute Resolution. In the event of a dispute between the parties about the application or interpretation of this Agreement, Renwood may appeal to the Mayor or Mayor's designee, whose decision shall be accorded substantial weight and deference. If not satisfied Renwood may thereafter agree to submit the dispute to mediation within ten (10) days of the Mayor's decision. Appeals of the City's decision shall otherwise be taken to the Superior Court for Pierce County.

(f) Attorneys' Fees. Should either party bring suit to enforce this Agreement, the prevailing party in such lawsuit shall be entitled to an award of its reasonable attorneys' fees and costs incurred in connection with such lawsuit.

(g) Headings. The captions and paragraph headings used in this Agreement are inserted for convenience of reference only and are not intended to define, limit or affect the interpretation or construction of any term or provision hereof.

(h) Exhibits. All exhibits attached hereto are incorporated by reference.

(i) Third Party Beneficiary. Nothing in this Agreement express or implied is intended to and shall not be construed to confer upon or create in any person (other than the parties hereto) any rights or remedies under or by reason of this Agreement, including without limitation, any right to enforce this Agreement.

(j) Ratification by City Council. This Agreement and the City's obligations there-under shall be subject to ratification and approval by the City Council, which shall be sought at the City's earliest opportunity after execution. Should Council approval not be given, the City may terminate this Agreement with no further obligation owed to Renwood.

[EXECUTED ON THE FOLLOWING PAGE]

.....

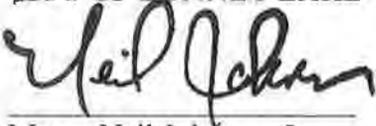
IN WITNESS WHEREOF, the parties have executed this Agreement as of the date set forth below each party's signature below and the last date of execution shall be deemed the "Execution Date" as such term is used herein.

RENWOOD LLC

By: Investco Financial Corporation
Its: Manager

By: 
Its: President
Date: 5/2/2013

CITY OF BONNEY LAKE

By: 
Mayor Neil Johnson, Jr.

Date: 5-2-2013

EXHIBIT A

LEGAL DESCRIPTION OF CITY PROPERTY

Parcel # 0520337004

Section 33 Township 20 Range 05 Quarter 34 : L 4 OF SHORT PLAT 79-102 FORMERLY
SHORT PLAT 78-893 EASE OF RECORD OUT OF 3-004 SEG M-0592 SP EMS

Parcel # 5640001780

Section 33 Township 20 Range 05 Quarter 32 MCDONALD FRUIT TRACTS: MCDONALD
FRUIT TRACTS S 1/2 OF TR 27, TR 29 LY N & E OF STATE HWY ITEM 4

EXHIBIT B

LEGAL DESCRIPTION OF RENWOOD PROPERTY

Parcel #7000310310

Section 33 Township 20 Range 05 Quarter 31 GRANDVIEW AT BONNEY LAKE:
GRANDVIEW AT BONNEY LAKE NE OF SW 33-20-05E L 31 EASE OF REC APPROX
276,089 SQ FT OUT OF 3-015 SEG F0052 MD 7/1/93MD

EXHIBIT C

STATUTORY WARRANTY DEED

WHEN RECORDED RETURN TO:

Renwood, LLC
TARRAGON
601 Union Street, Suite 3500
Seattle, WA 98101

STATUTORY WARRANTY DEED

GRANTOR: City of Bonney Lake, Washington

GRANTEE: Renwood LLC

ABBREVIATED LEGAL DESCRIPTIONS:

Pierce County Tax Parcel Number 0520337004
Section 33 Township 20 Range 05 Quarter 34

Pierce County Tax Parcel Number 5640001780
Section 33 Township 20 Range 05 Quarter 32

Situate in the County of Pierce, State of Washington.

STATUTORY WARRANTY DEED

The GRANTOR, City of Bonney Lake, Washington, for and in consideration of ten dollars (\$10,00) and other valuable consideration in hand paid, conveys and warrants to GRANTEE Renwood, LLC the real estate described in Exhibit A, attached hereto and incorporated herein by this reference, situated in the City of Bonney Lake, County of Pierce, State of Washington.

DATED this _____ day of _____, 2013.

EXHIBIT A TO STATUTORY WARRANTY DEED
Legal Descriptions

PARCEL A:

Tax Parcel 0520337004

Section 33 Township 20 Range 05 Quarter 34: L 4 of Short Plat 79-102 Formerly short plan 78-893 Ease of Record out of 30994 Seg M-0592 SP EMS

PARCEL B:

Tax Parcel 5640001780

Section 33 Township 20 Range 05 Quarter 32 McDonald Fruit Tracts: McDonald Fruit Tracts S ½ of TR 27, TR 29 LY N & E of State Hwy Item 4

Situate in the City of Bonney Lake, Pierce County, Washington.

EXHIBIT D

CONCEPTUAL SITE PLAN

This site plan is shown for reference only, it is anticipated that the site plan could change in regard to building orientation, location and configuration, club house orientation, location and configuration. The final site plan will conform to the Project as described in paragraph 12 above.

