

**SPECIAL JOINT CITY
COUNCIL/ PLANNING
COMMISSION WORKSHOP**

**January 7, 2014
5:30 p.m.**



“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*

AGENDA

*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.

Planning Commissioners: Chairperson Grant Sulham, Commissioner David Baus, Commissioner Brad Doll, Commissioner Dennis Poulsen, and Commissioner Winona Jacobsen.

III. Agenda Items:

p. 3 A. **Discussion:** AB14-01 – Resolution 2347 – Planning Commissions 2014-2015 Work Plan.

**** End of Special Joint City Council/Planning Commission Meeting ****

Followed by Regular Council Workshop Items.

B. **Council Open Discussion.**

p. 7 C. **Review of Council Minutes:** December 3, 2013 Council Workshop, and December 10, 2013 Council Meeting.

p. 19 D. **Discussion/Action:** AB14-05 – Resolution 2354 – Establishing Council Standing Committee Meeting Dates and Times.

p. 21 E. **Discussion:** AB14-06 / Ordinance No. D14-06 - Amending Sections 13.04.070, 13.12.100, and the Bonney Lake Municipal Code Related to Applications for Water and Sewer Service.

p. 33 F. **Action:** AB14-07 – Setting a Public Hearing on January 28, 2014 for Appeal to Establishment of Southern ULA.

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

Department/Staff Contact: Community Development / Jason Sullivan - Senior Planner	Meeting/Workshop Date: 7 January 2014	Agenda Bill Number: AB14-01
Agenda Item Type: Discussion	Ordinance/Resolution Number: 2347	Councilmember Sponsor:

Agenda Subject: Joint Planning Commission - City Council Meeting

Full Title/Motion: A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington Adopting The Planning Commission Workplan For The 2014-2015 Biennium.

Administrative Recommendation:

Background Summary: Once a year the City Council and the Planning Commission are required to hold a joint meeting pursuant to BLMC 02.04.1040. This year the Planning Commission has identified the following topics that the Planning Commissioners would like to discuss with the City Council:

2014 – 2015 Workplan: The City Council adopted Resolution Number 2089 which established a policy for the review and approval of the Planning Commission’s Biennium Work Plan. The Planning Commission has prepared the attached draft work plan for the 2014 - 2015 Biennium for the City Council’s review.

Marijuana Regulations: The Planning Commission would like to discuss how the City Council plans to address the regulation of marijuana in the City and if this is an issue that the City Council would like to the Planning Commission to work on in 2014.

Status of the Art/Heritage Commission: Following the adoption of the Cultural and Heritage Element in 2011 there was a plan to create an Art/Heritage Commission. The Planning Commission would like to discuss the status of the formation of this commission.

Shoreline Master Plan: The Planning Commission has taken action on the draft Shoreline Master Program and would like to discuss any concerns that the City Council may have regarding the draft Shoreline Master Program.

2015 Comprehensive Plan: The Planning Commission would like to discuss the 2015 Comprehensive Plan Update to identify issues or topics the City Council would like the Planning Commission to review during this update process.

Traffic: The Planning Commission has concerns related to traffic increases in the future, especially from Tehaleh, and would like to understand the steps that the City is taking to address traffic issues.

Attachments: Resoultion 2347 and Draft Work Plan

BUDGET INFORMATION			
Budget Amount	Current Balance	Required Expenditure	Budget Balance
n/a			
Budget Explanation:			

COMMITTEE, BOARD & COMMISSION REVIEW

Council Committee Review:

Date:

Approvals:

Chair/Councilmember

Councilmember

Councilmember

Yes No

Forward to:

Consent Agenda: Yes No

Commission/Board Review:

Hearing Examiner Review:

COUNCIL ACTION

Workshop Date(s): January 7, 2014

Public Hearing Date(s):

Meeting Date(s):

Tabled to Date:

APPROVALS

Director:

JPV

Mayor:

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

RESOLUTION NO. 2347

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON ADOPTING THE PLANNING COMMISSION WORKPLAN FOR THE 2014-2015 BIENNIUM.

WHEREAS, the City Council adopted Resolution 2089 to establish a policy for establishing and maintaining a Workplan for the Planning Commission to facilitate comprehensive planning and the development of land use regulation of the City pursuant to RCW 35.63; and

WHEREAS, the intention of Resolution 2089 is that the Workplan is adopted during either the last two months of the previous biennium or the first two months of the new biennium; and

WHEREAS, the City Council and Planning Commission met in joint session on January 7, 2014 to review and discuss the proposed work plan for the current biennium.

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

Section 1. 2014-2015 Biennial Workplan Adopted. The Planning Commission Workplan for the 2014-2015 biennium, attached hereto as Attachment "A", is hereby adopted.

Section 2. Changes to the Workplan. Modifications to the Workplan will be made consistent with the process provided in Resolution 2089 Section 4.

PASSED by the City Council and approved by the Mayor this ____ day of _____, 2014.

Neil Johnson, Mayor

ATTEST:

Harwood T. Edvalson, MMC, City Clerk

APPROVED AS TO FORM:

Kathleen Haggard, City Attorney

ATTACHMENT A

City of Bonney Lake 2014 - 2015 Biennium Planning Commission Workplan

	Description	Department	PC Review Completion Date	Note	Initiated By	Date Added	Date Completed
2014	Add "proposed UGA" to Zoning Map	CD	2014 Q2	City Administrator clarified that Falling Water needed to be added to the zoning map as well. The change as been made to the Future Land Use Map in 2012, but was not added to the Zoning Map	Exec	6/7/2011	
	Update the BLUGA on the Future Land Use Map	CD	2014 Q3	The City's request to added a portion of the CUGA to the BLUGA has been approved by the County, subject to the completion of a Joint Planning Agreement between the City and the County. The City has also been informed that the City's maps did not reflect the existing BLUGA in Eastown (2 Parcels adjacent to SR 410) The Future Land Use Map and Zoning Map need to be updated to reflect the actual boundaries of the BLUGA.	Staff	11/13/2013	
	Modification Eastown Future Roads Map	CD/PW	2014 Q4	Requested by the Public Works Director. This work will be completed in conjunction with the Comprehensive Plan Periodic Update Phase 4	Staff	1/18/2013	
	Comprehensive Plan Periodic Update Phase 2.	CD	2014 Q1	Phase 2 of the Periodic Update is the Consistency Review. The Planning Commission will review the Consistency Report prepared by staff. This report identifies all of the mandatory changes that the City will have to make to the City's Comprehensive Plan and Development Regulations to ensure consistency with the Growth Management Act, Vision 2040, and the Countywide Planning Policies	Staff	11/13/2013	
	Comprehensive Plan Periodic Update Phase 3.	CD	2014 Q1	Phase 3 of the Periodic Update is the adopting of the City's Visioning and Growth Strategy. The Planning Commission will review the required and recommended changes to the Community Character Element, Land Use Element, and Economic Vitality Element. The Planning Commission will also host an open house as part of this phase to gather public input on the community's vision of the City in the future.	Staff	11/13/2013	
	Comprehensive Plan Periodic Update Phase 4.	CD	2015 Q1	Phase 4 of the Periodic Update will involve the Planning Commissions review the required and recommended changes to the Housing, Parks, Utilities, Transportation, Natural Environment, Capital Facilities, Community Health, Cultural Resources Elements and the City's adopted Sub-Area Plans.	Staff	11/13/2013	
	Review the side yard setbacks in the RC-5	CD	2015 Q2	Some Councilmembers are concerned that he setbacks are two small in the RC-5 zoning classification given that the properties are supposed to be larger 5 acre parcels.	Council	12/3/2013	
	Modify R-2 to add Single Family as a Permitted Use	CD	2014 Q4	The R-2 is intended to be a higher density residential zone and has been applied to the CUGA proposed to be annexed into the City. However, the R-2 does not allow SFR which means upon annexation the entire area would be non-conforming.	Staff	4/8/2013	
2015	Add the parcels adjacent to 96th Avenue between 214th Ave. E and 223rd Ave. E; the parcels on the west side of 214th Ave. E. behind Home Depot, the Fennel Corridor (the area commonly referred to as the thumb), and Lakeridge Junior High as "proposed UGA" to Zoning Map and FLUM	CD	2015 Q1	The areas were once part of the BLUGA, but were moved in 2004 due to a hearings board decision and were never added back as proposed UGA with a preferred land use designation.	Staff	1/18/2013	
	Comprehensive Plan Periodic Update Phase 4.	CD	2015 Q1	Phase 4 of the Periodic Update will involve the Planning Commissions review the required and recommended changes to the Housing, Parks, Utilities, Transportation, Natural Environment, Capital Facilities, Community Health, Cultural Resources Elements and the City's adopted Sub-Area Plans.	Staff	11/13/2013	
	Comprehensive Plan Periodic Update Phase 6.	CD	2015 Q2	The Planning Commission will hold the public hearings on the periodic update of the City's Comprehensive Plan.	Staff	11/13/2013	

CITY COUNCIL WORKSHOP

**December 3, 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 & Municipal 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 Mark Hamilton, Councilmember Donn Lewis, Councilmember Katrina Minton-Davis, Councilmember Randy McKibbin, Councilmember James Rackley, and Councilmember Tom Watson.

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

III. AGENDA ITEMS:

A. Council Open Discussion:

Update to Council Policies & Procedures: Deputy Mayor Swatman said he would like to have a full Council discussion before Council takes action on the Update of Council Policies and Procedures. Councilmember Rackley suggested discussing it at the upcoming retreat and Deputy Mayor Swatman said he just wants to make sure the entire Council have an input in the proposed updates.

Tehaleh: Deputy Mayor Swatman said after the November 19th Council Workshop he feels that the Tehaleh development is and have significant traffic impact to the City and that the Tehaleh development creates competition to the City. Councilmember Hamilton spoke regarding the urban growth areas of the County and how the Tehaleh development could affect the City’s intentions for future urban growth.

B. Discussion: AB13-152 – Ordinance D13-152 – Update Council Policies and Procedures.

Deputy Mayor Swatman said there were no advanced materials provided for this item but he wanted to make sure the Council have time to consider the proposals. One update they discussed was creating a new Committee of the Whole (COW) and he would like to have the new committees ready to go for the new year. There was discussion about the procedure for Councilmembers to add an item and to take an item to Committee, or a workshop or meeting. Mayor Johnson asked Council to keep in mind the times of the established meetings for the convenience of the public and staff and that the times are reasonable. They discussed keeping the Finance Committee or the COW at 5:30 on the 2nd and 4th Tuesdays of the month, and paralleling the Community Development Committee (CDC) and the Economic Development Committee (EDC) on Tuesdays at 4:00. EDC would be the 1st and third Tuesday of the month,

and CDC would be the 2nd and 4th Tuesdays of the month. The Public Safety Committee was proposed to be kept on the 1st Monday at 5:00 p.m. Council consensus was that Deputy Mayor Swatman prepare a proposal and send it to the Councilmembers for their review and suggestions. This item was forwarded to the December 10, 2013 Council Meeting for action.

C. Review of Council Minutes: November 19, 2013 Council Workshop and November 26, 2013 Council Meeting.

The November 19, 2013 Council Workshop and November 26, 2013 Council Meeting minutes were forwarded to the December 10, 2013 Meeting for action, with one minor correction to the November 26th minutes.

D. Discussion: AB13-55 – Resolution 2297 – Stating City’s Intent to Adopt the Shoreline Master Plan.

Planning Commissioner Chair Grant Sulham described the Planning Commission’s review and recommendations regarding the Shoreline Master Plan (SMP). Senior Planner Sullivan advised that the Department of Ecology (DOE) will review the City’s Notice of Intent before it is sent for final adoption. Planning Commissioner Sulham said that the Planning Commission’s recommendation is to adopt the SMP. Councilmember Hamilton asked about the public comments received during the public hearings which were held regarding the SMP. Senior Planner Sullivan said the major concerns from the public, were mostly regarding setbacks, docks and bulkheads. Deputy Mayor Swatman said he is concerned with submitting the City’s Notice of Intent to DOE without the Council having more time to review and the challenges the County faces regarding the new DOE regulations. Senior Planner Sullivan said the County’s challenges are quite different than the City’s, as they are more restrictive. He said if there is a significant amendment needed, the City would have the ability to make that amendment. He provided a presentation and said staff have worked with DOE and Cascade Water Alliance regarding the flume and its maintenance. He then discussed the 60 foot setbacks associated with the SMP and the Master Building Association letter that Council received regarding the SMP setbacks and protecting and maintaining views of lakefront property owners. Deputy Mayor Swatman asked questions regarding the setbacks and questions raised by property owners at the open house to develop their property to the maximum benefit. Councilmember Hamilton said his concern is the un-developed or under-developed property, and he believes that’s where the future setbacks will cause issues for property owners due to DOE’s “no net loss policy.” Senior Planner Sullivan then spoke regarding the streamlined setback that staff added to the SMP update to diminish the setback from 60’ to 40’.

Councilmember Minton-Davis left the Workshop at 6:30 p.m.

Mayor Johnson asked Council if they wished to continue to review the proposed SMP Update, or if they are confident with moving it forward to submit to DOE. Councilmember Hamilton said the City will need to work with the County for consideration of future annexations. There was discussion about the streams and creeks and how the SMP update would affect those. . Deputy Mayor Swatman said he understands that the Planning Commission has conducted a public meeting, but, asked whether the Council should have a separate public meeting before taking action, especially after the meeting with Senator Roach and the significant regulations that will affect the properties around the lake. Senior Planner Sullivan provided the Mayor and Council with the notification given to the property owners.

Council consensus was to bring the SMP Update back to Council for further review. Senior Planner Sullivan said that if Council has specific questions regarding the SMP update to please provide those to him as soon as possible so he can be prepare a thorough response. This item was tabled for further discussion.

E. Discussion: AB13-137 – Ordinance D13-137 – 2013 Comprehensive Plan Amendments.

Planning Commission Chair Sulham provided a summary of the 2013 Comprehensive Plan Amendments and responded to questioned raised by the Council. Councilmember Rackley asked staff to provide information as to how much high density buildable land the City now has. Director Vodopich said staff will check and provide the requested information. Senior Planner Sullivan provided information regarding how the City meets its capacity for the different types of zoning and the different options the Council has for property. City Administrator Morrison inquired if R-3 zoning could still be used for Commercial property. The 2013 Comprehensive Plan Amendments were tabled for further review and to be included with the 2014 Comprehensive Plan Amendments.

F. Discussion: AB13-143 – Ordinance D13-143 – Re-state the Existing Cluster Requirement in the RC-5 Zone.

Planning Commissioner Chair Sulham provided a summary of the ordinance and said the Planning Commission recommends approval. Senior Planner Sullivan said this ordinance simply restates the requirements. City Attorney Haggard said the code was difficult to interpret, so these revision clarifies it. She advised that tracts are required to be recorded. Senior Planner Sullivan spoke regarding how the area is calculated in a tract and about steep slopes and critical areas. Deputy Mayor Swatman asked Chair Sulham whether the Commission addressed setbacks. Chair Sulham stated they discussed the issue of clustering. Senior Planner Sullivan advised that should Council want to review setbacks then SEPA will be required and staff and Council will need to look at a thorough review of the RC-5 Zone. This item was forwarded to the December 10, 2013 Council Meeting for action, with removal of substantive changes in the clustering provision established by BLMC 18.20.050.A; this issue was tabled for further review.

G. Discussion: AB13-140 – 2013-2014 Mid-Biennial Budget Proposed Budget Amendments.

City Administrator Morrison summarized the proposed amendments and advised that Special Events Coordinator David Wells was present should Council have questions regarding the proposed amendment for a covered stage at Allan Yorke Park. Councilmember Watson said he would like to see money spent at all of the parks, including Mid-Town Park, and has concerns regarding the budget for the fields. Mayor Johnson said Council needs to make a plan for what they do want and he wants to see the City spend the money to maintain the parks before they break down. Councilmember McKibbin said his concern is having a plan and he does not want to see improvements done “piece-meal.” City Administrator Morrison said Council should take the money and put it into a park plan. Councilmember Rackley said he would like to see improvements at Mid-Town Park. Mayor Johnson said he thinks this may be a good topic for the Council retreat. He said it is important to have a park plan for Council to work from. Councilmember Lewis said during his campaign for re-election, voters asked when the City is going to start working on parks, they gave their opinion during the MPD vote, but voters want the City to have a plan. Mayor Johnson said there are needs for trails and parks and the City has the land and the ability to provide them. Council consensus was to develop a city-wide

park plan. Deputy Mayor Swatman said to keep in mind that current councilmembers will not always be here to see the current plan through. Council asked how the covered stage got put into the budget amendments and asked about the need for it. Special Events Coordinator David Wells spoke regarding the need and the cost of the roof. Councilmember Hamilton spoke regarding the WSU forest and the needs of the City and all of the parks, especially the safety at the WSU forest. Council consensus was to leave \$75,000 in the budget amendments for parks.

Councilmember Watson asked about the increase in costs for the purchase of City vehicles and City Administrator Morrison and Public Works Director Grigsby responded regarding the City's fleet replacement practices.

Councilmember Watson asked where in the general fund the increased sales tax goes. City Administrator Morrison said it all goes into the general fund. Chief Finance Officer advised there has been a 3% increase in sales tax. Councilmember McKibbin asked what the total costs of the amendments are. Chief Financial Officer Juarez provided a breakdown from the agenda packet information on pages 247 and 248 for revenues and page 249 for expenditures. Councilmember Lewis asked about the expenditures for the Compass Pointe property purchase. Chief Financial Officer Juarez referred Council to pages 250 and 251 of the agenda packet. This item was forwarded to the December 10, 2013 Council Meeting for action.

H. Discussion: AB13-147 – Resolution 2348 – Interlocal Agreement for a Pierce County Auto Theft Task Force (ACE).

Chief of Police Powers provided a brief summary of the need for the interlocal agreement as it was outlined in the agenda bill and it was forwarded to the December 10, 2013 Meeting for action.

I. Discussion: AB13-151 – Resolution 2351 – Okanogan County Jail Fee Increase.

Chief of Police Powers provided a brief summary of the jail fee increase as was outlined in the agenda bill and it was forwarded to the December 10, 2013 Meeting for action.

IV. Executive Session: None.

V. ADJOURNMENT:

At 8:06 p.m., Councilmember Watson moved to adjourn the Council Workshop. Councilmember McKibbin seconded the motion.

Motion to adjourn approved 7 – 0.

Harwood Edvalson, MMC
City Clerk

Neil Johnson, Jr.
Mayor

Items presented to Council for the December 3, 2013 City Council Workshop.

- Jeremiah Lafranca, Government Affairs Manager, *Letter dated December 2, 2013 Re: Resolution 2297 (Adoption of Shoreline Master Plan)*, Master Builders Association of Pierce County.

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.

DRAFT

CITY COUNCIL MEETING

December 10, 2013
7:00 P.M.

DRAFT MINUTES



“Where Dreams Can Soar”

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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 7:03 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 Donn Lewis, Councilmember Randy McKibbin, Councilmember Katrina Minton-Davis, and Councilmember Tom Watson. Councilmember Jim Rackley was absent.

Deputy Mayor Swatman moved to excuse Councilmember Rackley’s absence. Councilmember Lewis seconded the motion.

Motion approved 6 – 0.

Staff members in attendance were City Administrator Don Morrison, Community Development Director John Vodopich, Chief Financial Officer Al Juarez, Police Chief Dana Powers, Administrative Services Director/City Clerk Harwood Edvalson, City Attorney Kathleen Haggard, and Records & Information Specialist Susan Haigh.

- C. Announcements, Appointments and Presentations:
 - 1. Announcements: None.
 - 2. Appointments: None.
 - 3. Presentations:
 - a. **Oath of Office:** Police Officers Buddy Mahlum and Zachary Kenyon.
Judge Ronald Heslop administered the oath of office to Officers Mahlum and Kenyon. The Councilmembers and Mayor congratulated the officers. Police Chief Powers thanked the Council and staff for letting the department add these two new hires; she said the officers joined the force in November and December.
- D. Agenda Modifications: None.

II. PUBLIC HEARINGS, CITIZEN COMMENTS & CORRESPONDENCE:

- A. Public Hearings: None.
- B. Citizen Comments:

Ethan Fineout, Washington State Council of City & State Employees Local 120, spoke about the proposed budget amendment, Ordinance D13-140. He said Union members are concerned that the proposal will contract out the Janitor position, which is currently a represented position. He said the Union requests the Council consider removing this item from the proposed budget and keeping the position in-house.

Winona Jacobsen, 9100 189th Ave Ct E, Bonney Lake, said the Greater Bonney Lake Historical Society provided a report on the Society's grant-funded project to work on the Milotte family archives. She said the group has finished the scope of work for the original grant from Pierce County and is currently seeking additional grants to complete this and other projects. She thanked the Mayor, Council, and staff for their support and the City's partnership with the Historical Society.

Laurie Carter, 9418 184th Ave E, Bonney Lake, reported about her Food Drive challenge to Mayor Johnson. She said the Mayor had the most food donations, but she had more cash donations. In total they raised \$968 in donations and gathered 309 pounds of food. She said the staff is holding a food and toy drive, and mentioned the Shop with a Cop program held on December 7th and the Giving Tree toy drive.

- C. Correspondence: None.

III. COUNCIL COMMITTEE REPORTS:

- A. Finance Committee: Deputy Mayor Swatman said the Committee met at 5:30 p.m. earlier in the evening and forwarded a proposed resolution to apply for a Department of Ecology Stormwater Capacity Grant to the next Council Meeting. The Committee also discussed a proposed resolution extending the City Administrator's employment agreement, which will come forward for discussion at a Committee of the Whole meeting in 2014.
- B. Community Development Committee / Economic Development Focus Group: Councilmember McKibbin said the Community Development Committee met on December 3, 2013 and did not forward any items to the current agenda.
- C. Public Safety Committee: Councilmember Hamilton said the Committee met on December 2, 2013 and discussed a proposal to reduce the speed limit on SR410 between Veterans Memorial Drive and Main Street in Bonney Lake. The Committee discussed a grant for Automated External Defibrillators for Police vehicles, increased jail fees, and the Lakewood Auto Theft Task Force.
- D. Other Reports:

Police Recognition: Councilmember Watson presented Police Chief Powers with a carved wooden plaque with a design based on the Police badge.

Community Updates: Deputy Mayor Swatman said he attended the Sumner Communities for Families meeting on December 5, 2013. The group discussed the upcoming free holiday community dinner at Sumner High School on December 14th from Noon to 4:00 p.m. They also received a summary of the Youth Forum, at which he, the Mayor and several staff members participated. He said the next Community Summit will be held in March 2014. The School District is hiring for a new support staff member for the Sumner/Bonney Lake Family Center, as Luanne Ugas is leaving the District.

Mayor Johnson reported on the Youth Forum. He said students gave similar feedback as in past years, including the need for more things to do such as parks, a bowling alley, trails, and a community center. Mayor Johnson said he offered to host a Council Meeting at the High School and has reached out to the BLHS Communication Director for ways to connect. Councilmember McKibbin suggested that a special meeting be scheduled at the High School on a fifth Tuesday; Councilmember Lewis suggested the special meeting coincide with presenting the sports and academic awards to students.

IV. CONSENT AGENDA:

- A. **Approval of Minutes:** November 19, 2013 Council Workshop and November 26, 2013 Council Meeting.
- B. **Approval of Accounts Payable and Utility Refund Checks/Vouchers:** Accounts Payable checks/vouchers #67503-67559 (including wire transfer #'s 12258139, 20131115, 111620131, and 2013112101) in the amount of \$837,493.40.
Accounts Payable checks/vouchers #67560-67573 in the amount of \$15,009.53 for Accounts Receivable deposit refunds.
Accounts Payable wire transfer #2013111501 for P-Card payments in the amount of \$40,513.37.
- C. **Approval of Payroll:** Payroll for November 16-30, 2013 for checks #31470-31499 including Direct Deposits and Electronic Transfers is \$ 656,960.67.
- D. **AB13-143 – Ordinance D13-143 –** An Ordinance Of The City Of Bonney Lake, Pierce County, Washington, Amending Section 18.20.050 Of The Bonney Lake Municipal Code And The Corresponding Portion Of Ordinance No. 1099, Related To RC-5 Zoning.
- E. **AB13-147 – Resolution 2348 –** A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing The Mayor To Sign An Interlocal Agreement With The Cities Of Sumner, Lakewood, Tacoma, Fife, Puyallup, And The Pierce County Sheriff’s Office, The Pierce County Prosecuting Attorney’s Office, The Washington State Patrol, Pierce Transit, And Washington Auto Theft Prevention Authority For The Multi-Jurisdictional Auto Crime Enforcement Program (ACE).
- F. **AB13-151 – Resolution 2351 –** A Resolution Of The City Of Bonney Lake, Pierce County, Washington, Authorizing The Mayor To Sign An Increase Of Fees Between The City Of Bonney Lake, Washington And The Okanogan County, Washington, For The Housing Of Inmates In The Okanogan County Jail.

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

Consent Agenda approved 6 – 0.

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

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

VII. PUBLIC SAFETY COMMITTEE ISSUES: None.

VIII. FULL COUNCIL ISSUES:

- A. **AB13-132 – Ordinance 1471 [D13-132]** – An Ordinance Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Amending Ordinance No. 1460 Relating To Salaries For Non-Represented Employees.

**Councilmember Watson moved to approve Ordinance 1471 [D13-132].
Councilmember Lewis seconded the motion.**

Mayor Johnson noted that this item has gone through the Finance Committee and discussed by the full Council.

Ordinance 1471 [D13-132] approved 6 – 0.

- B. **AB13-140 – Ordinance 1472 [D13-140]** – An Ordinance Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Adopting The Mid-Biennial Budget Amendment For Budget Years 2013 And 2014.

Councilmember Watson moved to approve Ordinance D13-140. Deputy Mayor Swatman seconded the motion.

Mayor Johnson invited Mr. Fineout to speak, but he declined the offer.

Ordinance 1472 [D13-140] approved 6 – 0.

- C. **AB13-152 – Ordinance 1474 [D13-152]** – An Ordinance Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Adopting A New Chapter 2.04 Of The Bonney Lake Municipal Code Relating To City Council Policies And Procedures, And Repealing Ordinance Nos. 1061, 1133, 1234, 1287, And 1387.

Councilmember Watson moved to approve Ordinance 1474 [D13-152]. Deputy Mayor Swatman seconded the motion.

Deputy Mayor Swatman thanked the City Administrator, City Clerk and other staff for their work to prepare these updates and incorporate Councilmembers' input. The City Attorney presented the Councilmembers with proposed revisions to the ordinance.

Deputy Mayor Swatman moved to amend Ordinance D13-152 as presented by the City Attorney. Councilmember Lewis seconded the motion.

Mayor Johnson noted that these changes bring the code in line with Federal law. Councilmember Watson thanked staff and said he is impressed by how well the Council Rules are written and have been brought up to date.

**Motion to amend Ordinance
D13-152 approved 6 – 0.**

Deputy Mayor Swatman said if the revised rules are adopted, the Council could make Committee assignments immediately after by making a motion to amend the agenda.

**Ordinance 1474 [D13-152]
approved 6 – 0 as amended.**

Administrative Services Director/City Clerk Edvalson said the election of the Deputy Mayor typically occurs before Committee appointments. He said the election could occur immediately or at the first meeting in 2014. City Administrator Morrison said the Deputy Mayor is the appointing authority for Council Committee assignments. Mayor Johnson suggested the Committee appointments be made at the very end of the current meeting.

Deputy Mayor Swatman moved to amend the agenda to add item F., election of the Deputy Mayor.

Motion to amend the agenda approved 6 – 0.

Administrative Services Director/City Clerk Edvalson noted that Councilmembers do not need to make a motion to accept the Deputy Mayor's Committee appointments.

Deputy Mayor Swatman moved to amend the agenda to add Item G., Report of the Deputy Mayor of Committee Appointments. Councilmember Watson seconded the motion.

Motion to amend the agenda approved 6 – 0.

- D. **AB13-154** – A Motion Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, To Cancel The December 17, 2013 Council Workshop, December 24, 2013 Council Meeting, And All Remaining Council Standing Committee Meetings from December 10th Through December 31st, 2013.

Councilmember Watson moved to approve motion AB13-154. Councilmember Lewis seconded the motion.

Deputy Mayor Swatman said that if any urgent business needs to be discussed before the first meeting in 2014, three Councilmembers can contact the Mayor to request a special meeting.

Motion AB13-154 approved 6 – 0.

- E. **Oath of Office:** Mayor Neil Johnson, Jr., Councilmember Donn Lewis, Councilmember Randy McKibbin, and Councilmember Dan Swatman, for Terms of Service Starting January 1, 2014.

Administrative Services Director/City Clerk Edvalson administered the oath of office to Mayor Johnson. Judge Ronald Heslop administered the oath of office to Councilmembers Lewis, McKibbin and Swatman.

- F. **Election of the Deputy Mayor:**
(Added to the agenda by Council motion.)

Deputy Mayor Swatman nominated himself for the position of Deputy Mayor. There were no other nominations.

Councilmember Dan Swatman elected as Deputy Mayor for the term from January 1, 2014 to December 31, 2015 approved 6 – 0.

At 7:36 p.m., Mayor Johnson called for a brief recess to allow the Council to discuss committee appointments. Mayor Johnson brought the Meeting back to order at 7:39 p.m.

G. Report by the Deputy Mayor of Council Committee Appointments.

(Added to the agenda by Council motion.)

Deputy Mayor Swatman reported the following committee appointments:

- Economic Development Committee: McKibbin, Minton-Davis, and Watson.
- Community Development Committee: Rackley, Lewis and McKibbin.
- Public Safety Committee: Hamilton, Watson, and Rackley.
- Voucher Review: Watson, McKibbin, and Swatman (chair).

Councilmember Lewis move to accept the Deputy Mayor’s report. Councilmember Watson seconded the motion.

Councilmember McKibbin said each Committee will elect its chairs at their first meetings in 2014.

Motion approved 6 – 0.

City Administrator Morrison asked which Councilmembers will serve on the Finance Committee. Deputy Mayor Swatman said the Finance Committee/Committee of the Whole will consist of the chairs of each of the Committees, which will be selected by the Committees in early 2014.

IX. EXECUTIVE SESSION: None.

X. ADJOURNMENT:

At 7:43 p.m., Councilmember Lewis moved to adjourn the Council Meeting. Councilmember Watson seconded the motion.

Motion to adjourn approved 6 – 0.

Harwood Edvalson, MMC
City Clerk

Neil Johnson, Jr.
Mayor

Items presented to Council at the December 10, 2013 Meeting:

- Kathleen Haggard, City Attorney – *email re: Additional Amendments to D13-152 Council Rules.*

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.

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

Department/Staff Contact: Admin Srvcs / Edvalson	Meeting/Workshop Date: 7 January 2014	Agenda Bill Number: AB14-05
Agenda Item Type: Resolution	Ordinance/Resolution Number: 2354	Councilmember Sponsor: Deputy Mayor Swatman

Agenda Subject: Discussion and Adoption of Resolution 2354, Establishing Meeting Dates and Times for Council Committees

Full Title/Motion: A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Establishing Meeting Dates And Times For Council Standing Committees.

Administrative Recommendation: None.

Background Summary: At the December 10, 2013 Council Meeting, the City Council adopted new Council Policies and Procedures outlining changes in standing council committees. During the discussion, meeting dates and times were discussed. BLMC 2.04.910 provides that the date and time of the all Council committees shall be set by resolution. A resolution is attached setting regular days of the month and times for all standing Council committees, which include Finance/Committee-of-the-Whole, Public Safety, Community Development and Economic Development.

Attachments: Resolution 2354

BUDGET INFORMATION			
Budget Amount	Current Balance	Required Expenditure	Budget Balance
n/a			
Budget Explanation:			

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

COUNCIL ACTION	
Workshop Date(s): 07 Jan 2014	Public Hearing Date(s):
Meeting Date(s):	Tabled to Date:

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

RESOLUTION NO. 2345

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON, ESTABLISHING REGULAR MEETING DATES AND TIMES FOR COUNCIL STANDING COMMITTEES.

WHEREAS, on December 10, 2013 the City Council adopted Ordinance 1474 amending the Bonney Lake Municipal Code such that the regular meeting times and dates of all standing committees shall be established by resolution, and

WHEREAS, in Ordinance 1474 the City Council identified standing committees to meet regularly, namely, Finance Committee/Committee-of-the-Whole, Public Safety Committee, Community Development Committee, and Economic Development Committee.

NOW THEREFORE, BE IT RESOLVED; The City Council of the City of Bonney Lake, Washington does hereby establish regular meeting dates and times for standing Council committees as follows:

Section 1. Finance Committee/Committee-of-the-Whole. The Finance Committee/Committee-of-the-Whole will regularly meet on the second and fourth Tuesdays of the month at 5:30 p.m.; and

Section 2. Public Safety Committee. The Public Safety Committee will regularly meet on the first Monday of the month at 5:00 p.m.; and

Section 3. Community Development Committee. The Community Development Committee (CDC) will regularly meet on the first and third Tuesdays of the month at 4:00 p.m.; and

Section 4. Economic Development Committee. The Economic Development Committee (EDC) will regularly meet on the second and fourth Tuesdays of the month at 4:00 p.m.

PASSED by the City Council this 7th day of January, 2014.

Neil Johnson, Mayor

ATTEST:

APPROVED AS TO FORM:

Harwood T. Edvalson, MMC
City Clerk

Kathleen Haggard, City Attorney

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

Department/Staff Contact: Executive / Don Morrison	Meeting/Workshop Date: 7 January 2014	Agenda Bill Number: AB14-06
Agenda Item Type: Ordinance	Ordinance/Resolution Number: D14-06	Councilmember Sponsor:

Agenda Subject: Housekeep Update of Utility Connection Ordinance

Full Title/Motion: An Ordinance Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Amending Sections 13.04.070 And 13.12.100 Of The Bonney Lake Municipal Code Related To Applications For Water And Sewer Service.

Administrative Recommendation: Approve

Background Summary: This ordinance updates the water and sewer connection charges that have been previously adopted by Council. This is NOT an increase. It merely codifies the current rates that have been in effect as a result of annual CPI adjustments and the expiration of the prior SDC temporary incentive reduction. The ordinance also standardizes the application processes for water and sewer connections and clarifies the time that the connection charges vest.
Attachments: Ord D14-06

BUDGET INFORMATION			
Budget Amount	Current Balance	Required Expenditure	Budget Balance
Budget Explanation: N/A			

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): January 7, 2014	Public Hearing Date(s):
Meeting Date(s):	Tabled to Date:

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

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ORDINANCE NO. D14-06

**AN ORDINANCE OF THE CITY OF BONNEY LAKE, PIERCE COUNTY
WASHINGTON, AMENDING SECTIONS 13.04.070 AND 13.12.100 AND REPEALING
SECTION 13.12.105 OF THE BONNEY LAKE MUNICIPAL CODE RELATED TO
APPLICATIONS FOR WATER AND SEWER SERVICE.**

WHEREAS, the City Council wishes to standardize the process for applying for water and sewer service, and to clarify the time of vesting for water and sewer connection charges.

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

Section 1. Section 13.04.070 of the Bonney Lake Municipal Code, and the corresponding portions of Ordinance No. 1465, are hereby amended to read as follows:

13.04.070 Water service applications and connection charges.

-
- A. All applications for water service shall be made ~~at the City Hall~~ by the property owner or ~~his~~ authorized agent. The records of the Pierce County auditor shall be prima facie proof of property ownership. The applicant shall furnish the city such information as may be required on the city's application form. ~~At the time of filing the application the applicant shall pay the fee for such water services as required in this chapter.~~ The applicant shall agree to conform to the rules and regulations for the operation of the city's water system as set forth in Articles I, II, III and V of this chapter.
- B. No connection shall be made to the City's water system without a water permit having been issued. The water permit shall expire if connection to the City's water system is not made within 180 days of issuance. A 180 day extension shall be granted if the building permit associated with the water permit is extended for 180 days.
- C. ~~B.~~ Water Taps. The City reserves the right to regulate the size of water taps. Taps will only be made by a Bonney Lake water crew or a licensed contractor for an approved water extension.
- D. Water Service Connection Charges. ~~All connections to the water system of the city and the e~~ Charges to connect to the city water system shall be due and payable upon issuance of a permit for connection to the city water utility and shall be charged at the rate in effect at the time of application for water service pursuant to this chapter, in accordance with the following components and rates: be paid by the property owner toward the construction thereof shall be as provided in this subsection:

1. Installation Charge. Effective January 1, 2014 ~~October 1, 2013~~, the following installation charges will be paid by the property owner as part of their connection charge at the time application is made for water service. These charges shall apply in all cases where distance from the water main to the meter location does not exceed 60 feet. In such cases where the distance is over 60 feet there shall be an additional charge, based on cost of labor and materials.

Meter Size	Meter Set Only	Meter Set and Service Line
5/8"	\$265 <u>285</u>	\$290 <u>83,127</u>
3/4"	\$310 <u>333</u>	\$2,858 <u>3,074</u>
1" with fire sprinkler system	\$370 <u>398</u>	\$3,108 <u>3,343</u>
1" without fire sprinkler system	\$370 <u>398</u>	\$3,108 <u>3,343</u>
1-1/2" or larger	Actual time and materials plus indirect costs. If installation involves work underneath the roadway surface, the fee shall be according to the actual time and materials plus 20 percent for indirect costs.	

2. Charge for Equitable Share of System. Effective January 1, ~~2013~~ 2014, each new connection to the water system shall pay, in addition to the installation charge, a charge for equitable share of the cost of the system according to the following schedule:

- a. ~~Residential System Development Charge (SDC)~~ Single-family residential.

i. ~~Single Family.~~

Meter Size	City and County SDC Charge
5/8" or 3/4"	\$5,920 <u>9,095</u>
1" with fire sprinkler system	\$5,920 <u>9,095</u>
1" without fire sprinkler system	\$13,205 <u>20,288</u>
1-1/2" or larger	To be determined on each individual case, based on the projected amount of usage and peaking expected from the customer. These charges shall reflect residential equivalence (RE) values used for individual residential customers.

~~ii.~~ b. Two-Living-Unit Residential Homes. Each duplex and townhouse-style building unit ~~will~~ shall have a separate water meter and service for each living unit, and shall be charged the connection charge applicable to single family residences for each unit.

~~iii.~~ c. Accessory Dwelling Units (ADU). If no additional meter is required for an ADU, no SDC connection charges shall apply ~~will be charged~~. If a second meter is required for the ADU, the installation charge plus a connection charge of an SDC of \$4,559 ~~(77 percent of the single-family rate)~~ will be charged. If the existing meter is replaced with a larger meter, the difference in the current ~~SDC~~ rates for the two meter

sizes will be charged. If an ADU is platted, sold independently, or otherwise segregated from the property, and no connection charges had been paid for the ADU, the owner of the ADU shall pay the connection charges applicable at the time of sale or segregation. A new water meter will be provided. If a reduced connection charge was paid for a second or larger meter and/or connection for the ADU, the owner of the ADU shall pay the difference between that reduced charge and the charge for equitable share of the system at the time of segregation. A new water meter will be provided if necessary and an installation charge due if a new meter is required.

~~iv~~ d. Multifamily, Mobile Home Parks, and Recreational Vehicle Parks.

(~~A~~i) Each living unit/space/stall shall be charged \$~~4,559~~ 7,005-(77 percent of the ~~SDC~~ charge for ~~to~~ single-family units).

(~~B~~ii) ~~SDC~~ Charges for meters one and one-half inches or larger shall be determined on each individual case, based on the projected amount of usage and peaking expected from the customer. These charges shall reflect residential equivalence (RE) values used for individual residential customers.

(~~C~~ iii) There shall be only one water meter installed for each building housing multiple residential units.

~~B-e.~~ Nonresidential ~~System Development Charge (SDC).~~

Meter Size	City and County SDC Charge
5/8"	\$ 7,527 <u>11,565</u>
3/4"	\$ 9,957 <u>15,297</u>
1"	\$ 14,808 <u>22,751</u>

Meter Size	City and County SDC Charge
1-1/2" or larger	To be determined on each individual case, based on the projected amount of usage and peaking expected from the customer. These charges shall reflect residential equivalence (RE) values used for individual residential customers.

c. Irrigation Only ~~System Development Charge (SDC).~~

Meter Size	City and County SDC Charge
5/8"	\$4,852 <u>7,454</u>
3/4"	\$7,281 <u>11,187</u>
1"	\$12,141 <u>18,652</u>
1-1/2" or larger	To be determined on each individual case, based on the projected amount of usage and peaking expected from the customer. These charges shall reflect residential equivalence (RE) values used for individual residential customers.

e. Annual Adjustment. The ~~installation and~~ connection charges listed in this ~~section~~ chapter shall be updated annually at a rate adjusted in accordance with the Engineering News Record (ENR) Construction Cost Index (CCI) for the Seattle area, using a November through November annual measure to establish revised fee schedules effective January 1st of each year.

~~f. These charges are to apply in all cases where distance from the water main to the meter location does not exceed 60 feet. In such cases where the~~

~~distance is over 60 feet there shall be an additional fee, based on cost of labor and materials.~~

~~g f.~~ Property Owner's Responsibility. Property owners are responsible for all leaks or damage due to leaks from privately installed and owned water lines. The property owner shall install and maintain at his own expense all water service from the water meter to the place of use.

~~h g.~~ Exemption for City Water Connections in Existing Facilities. New water connections installed by the city in existing city rights-of-way, parks, and other existing city facilities shall be exempt from paying charges for equitable share of the system ~~under this subsection (C)(2)~~ .

Section 2. Section 13.12.100 of the Bonney Lake Municipal Code and the corresponding portions of Ordinance No. 1468 are hereby amended to read as follows:

13.12.100 Sewer service applications and connection system development charges.

A. All applications for sewer service shall be made by the property owner or authorized agent. The records of the Pierce County auditor shall be prima facie proof of property ownership. The applicant shall furnish the city such information as may be required on the city's application form. The applicant shall agree to conform to the rules and regulations for the operation of the city's sewer system as set forth in this chapter.

B. No connection shall be made to the City's sewer system without a sewer permit having been issued. Sewer permits shall expire if no connection has been made within 180 days of issuance. A 180 day extension shall be granted if the building permit associated with the sewer permit is extended for 180 days.

C. Charges to connect to the city sewer system shall be due and payable upon issuance of a permit for connection to the city sewer system and shall be charged at the rate in effect at the time of application for sewer service pursuant to this chapter. ~~The fees for connection to the city's sewer utility shall be due and payable at the time of building permit issuance, as follows:~~

D. Residential connection charges.

1. The connection charge fee for a single-family residence (new construction) shall be ~~\$6,571~~ the charge applicable to one Residential Equivalent (RE), \$9,825 effective January 1, 2014.

2. The connection charge fee for an existing single-family residence served by an on-site septic disposal system shall be ~~\$6,571~~ the charge applicable to one Residential Equivalent (RE), \$9,825 effective January 1, 2014.

3. The connection charge fee for duplexes shall be ~~\$6,571~~ the charge applicable to one Residential Equivalent (RE) per dwelling unit, \$9,825 effective January 1, 2014.

4. The fee for multifamily residential buildings with more than two units shall be as follows, effective January 1, 2014:

a. Eighty percent of ~~\$6,571~~ the connection charge applicable to one Residential Equivalent (RE) per dwelling unit for three or more bed/bonus room units;

b. Seventy percent of ~~\$6,571~~ the connection charge applicable to one Residential Equivalent (RE) per dwelling unit for two bed/bonus room units;

c. Sixty percent of ~~\$6,571~~ the connection charge applicable to one Residential Equivalent (RE) per dwelling unit for one bed/bonus room unit;

d. Fifty percent of ~~\$6,571~~ the connection charge applicable to one Residential Equivalent (RE) per dwelling unit for studio/efficiency units.

~~B. SDCs shall be due and payable at the time of building permit issuance, and shall be charged at the rate in effect at the time of application for sewer service. An application for sewer service will only be accepted if a complete building permit application is submitted concurrently or is already on file, or from an applicant with an existing residence served by a septic system and that also has sewer available. If the building permit expires through suspension or abandonment, the SDC shall be refunded at the request of the applicant; provided, that if the applicant chooses to leave the SDC on deposit with the city and re-applies for a new building permit, the SDC shall~~

~~be re-calculated at current rates and the amount of the SDC already paid and not refunded may be credited toward the new SDC.~~

~~E. The Sewer connection charges set out in this section shall not be applicable to an accessory dwelling unit (ADU) permitted pursuant to BLMC 18.22.090, so long as a second connection to the city's sewer system is not required by applicable codes or requested by the owner. If an ADU is platted, sold independently, or otherwise segregated from the property, and no connection charges had been paid for the ADU, the owner of the ADU shall pay the connection charges applicable at the time of sale or segregation. If a reduced connection charge was paid for the ADU, the owner of the ADU shall pay the difference between that reduced charge and the connection charge applicable at the time of segregation.~~

~~F. When connection to the sewer system for an existing residence becomes mandatory due to a failed septic system, septic design flaw, or other reason, and the home is not being sold contemporaneously with the mandatory sewer application, a homeowner may apply to the city to pay the connection charge on an installment payment plan. The application shall state that paying the connection charge poses a financial hardship. The city may permit the applicant to pay the charge in monthly or annual installments (not both) for a period of not more than 10 years. A reasonable interest rate, as determined by the city's chief financial officer, will be charged on the balance owing to the city. The entire remaining balance of the connection charge plus interest shall be due and payable at the time of sale of the home. Any past-due installments and any remaining balance that are not paid at the sale of the home will become a lien on the property pursuant to BLMC 13.12.110.~~

E. G. Non-residential connection charges.

1. Connection charges shall be levied for each new sewer service connection to the city sewer system and for service upgrades generating additional flow or loading.
2. Connection charges for existing nonresidential uses that convert from septic to sewer shall be based on the most recent 12 months of water use records. The following formula shall be used to determine the number of REs an existing building is equivalent to: (average daily water use plus 113 gallons per day) divided by 275 gallons per day.
3. Connection charges for new nonresidential construction shall be the calculated residential equivalents based on the residential equivalent value given in Schedule A, Non-Residential Sewer Equivalents, which is hereby incorporated by reference as now or

hereafter amended. Connection charges for nonresidential applicants which do not fall into the categories listed in Schedule A shall be charged based on the developer's engineer's certified estimate of flow and shall be reviewed for adjusted fees after one year of water use data. The formula described in this subsection will apply in each case and the connection charge shall be subject to approval by the public works director. If one year of water use data shows that the connection charge requires adjustment, the city will adjust the connection charge up or down and either refund the difference or include an additional charge on the customer's sewer bill.

4. Sewer connection charges for new tenant improvements shall be the calculated residential equivalents based on the residential equivalent value listed in Schedule A. If a former tenant or building owner paid a connection charge for the space a new tenant is occupying, the new tenant shall be charged only that portion of the connection charge which reflects the increased use over the previous tenant(s), based upon the business types of the new and previous tenant found in Schedule A; provided, however, that once a connection charge has been paid for the original connection and the first and second tenant improvements in the same space, there shall be no additional connection charges assessed thereafter for subsequent tenant improvements. Connection charges shall not be charged for tenant improvements which are accessory to the primary use of the structure, less than 2,000 square feet in size, and have an occupancy load of less than 50 occupants.
5. The calculation of residential equivalents given in Schedule A, Non-Residential Sewer Equivalents, and attached to the ordinance codified in this section, shall be updated annually as needed.
- F. ~~5.~~ CCI Adjustment. Beginning January 1, 2010, and for every year thereafter, sewer connection charges ~~the SDCs~~ shall be adjusted by the annual change in the most recent Engineering News Record (ENR) Construction Cost Index (CCI) for the Seattle area, using a November through November annual measure to establish revised fee schedules effective January 1st of each year as issued by the Public Works Director.

Section 3. Section 13.12.105 of the Bonney Lake Municipal Code and the corresponding portions of Ordinance No. 1423 are hereby repealed.

Section 4. This Ordinance shall take effect thirty (30) days after passage and publication as required by law.

PASSED BY THE CITY COUNCIL this ____ day of January, 2014.

Neil Johnson, Jr., Mayor

ATTEST:

Harwood T. Edvalson, MMC, City Clerk

APPROVED AS TO FORM:

Kathleen Haggard, City Attorney

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

Department/Staff Contact: PW / DAN GRIGSBY	Meeting/Workshop Date: 7 January 2014	Agenda Bill Number: AB14-07
Agenda Item Type: Motion	Ordinance/Resolution Number:	Councilmember Sponsor: Deputy Mayor Swatman

Agenda Subject: Set a Public Hearing the Eastown Southern Sewer ULA Cost Allocation

Full Title/Motion: A Motion Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Setting A Public Hearing At 7:00 P.M., Or As Soon Thereafter As Possible, During The Regular Council Meeting Of January 28, 2014, Regarding The Latecomer Fee Cost Allocation Assessed By Resolution 2322, That Established The Eastown Southern Sewer Development Contract And Utility Latecomer Agreement.

Administrative Recommendation: Recommend Approval

Background Summary: The City Council passed Resolution 2322 on 26 November 2013 that established the Eastown Southern Sewer Development Contract and Utility Latecomer Agreement (ULA). Payment by Mr. Kahne of \$346,041 was received in a timely manner. Subsequently, property owners that will be assessed a latecomer fee were notified of the preliminary amount of this fee. A request for a public hearing on this fee was received from Mr. Ed Morris challenging the fairness of this fee for the parcel owned by the Shepard-Morris families. A Public Hearing is hereby set to review this cost allocation.

Attachments: Facsimile used to submit the request for hearing by Mr. Morris received on 24 December 2013 at 5:50 PM.

BUDGET INFORMATION			
Budget Amount	Current Balance	Required Expenditure	Budget Balance
N/A			
Budget Explanation:			

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

COUNCIL ACTION			
Workshop Date(s):	20 August & 3 September 2013	Public Hearing Date(s):	10 September 2013
Meeting Date(s):	26 November 2013	Tabled to Date:	

APPROVALS		
Director: <i>Dan Grigsby, P.E.</i>	Mayor: <i>Neil Johnson Jr.</i>	Date Reviewed by City Attorney: (if applicable):

FAX

TO DAN GRIGSBY
PUBLIC WORKS DIRECTOR,
BONNEY LAKE

FROM: ED
MORRIS

FAX: 253-826-1921
253 -862-8538 CITY CLERK

FAX: 425 -255-
1619

PHONE:

PHONE:

SUBJECT:

DATE: December 24, 2013

COMMENTS:

DEAR DAN,

HERE IS A NOTICE OF APPEAL FOR THE LATECOMMER FEE ASSESSMENT.

Ed Morris

NOTICE OF APPEAL / REQUEST FOR HEARING

December 24, 2013

City of Bonney Lake
19306 Bonney Lake Blvd.
P.O. Box 7380
Bonney Lake, WA 98391-8850

Re: *Appeal of Sewer Latecomer Fee Assessment*

To Whom It May Concern:

We are one of the owners of the property commonly known as Tax Parcel No. 0519022007 and pursuant to BLMC 13.16.050(I)(2) we appeal City Council Resolution Number 2322 (a copy of which we have not received) and the Preliminary Notification of Sewer Latecomer Fee Assessment dated December 5, 2013, a copy of which is attached as Exhibit "A", and hereby request a hearing.

Neither BLMC 13.16.050 nor the Preliminary Notification specify any information to be provided in support of this request for hearing nor are any fees associated with this request. However, we submit the following information for your convenience:

A. IDENTITY OF PETITIONER:

1. Petitioners:

Edwin W Morris Jr.
17301 159th Ave. S.E.
Renton, WA 98058

Chester Morris
1943 S. Sheridan Ave.
Tacoma, WA 98405

City of Bonney Lake
December 24, 2013
Page 2

2. Petitioners' Attorneys:

Mark R. Roberts
Roberts Johns & Hemphill PLLC
7525 Pioneer Way Suite 202
Gig Harbor, Washington 98335
(253) 858-8606

B. IDENTITY OF DECISION MAKER AND DECISION:

1. Jurisdiction Whose Decision is at Issue:

City of Bonney Lake
19306 Bonney Lake Blvd.
P.O. Box 7380
Bonney Lake, WA 98391-8850

2. Decision-Maker:

City of Bonney Lake
19306 Bonney Lake Blvd.
P.O. Box 7380
Bonney Lake, WA 98391-8850

3. Decision:

This request for hearing relates to City Council Resolution Number 2322 and the Preliminary Notification of Sewer Latecomer Fee Assessment dated December 5, 2013 attached hereto as Exhibit "A".

C. FACTS DEMONSTRATING THAT THE PETITIONERS HAVE STANDING TO REVIEW UNDER BLMC 13.16.050(I)(2):

1. Petitioners are owners of the property commonly known as Tax Parcel No. 0519022007, which is subject to the Sewer Latecomer Fee Assessment.

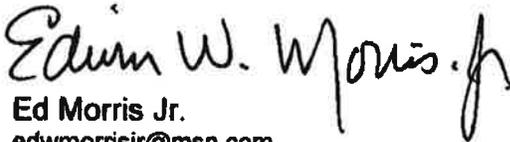
City of Bonney Lake
December 24, 2013
Page 3

D. PURPOSE OF REQUEST FOR HEARING:

1. Petitioners request this hearing because the cost allocation approved by the City Council is manifestly unfair and unreasonable and it should not be imposed against Petitioner's property. In addition, it is unconstitutional.

If you have any questions regarding this request, please call me.

Sincerely,



Ed Morris Jr.
edwmorrisjr@msn.com

17301 159th Ave. S.E.
Renton, WA 98058
206-459-7402

Encls.



December 5, 2013

To: Eastown Property Owners (Certified Mail)

Subject: Preliminary Notification of Sewer Latecomer Fee Assessment

Dear Property Owner;

The City Council passed Resolution Number 2322 on November 26, 2013. This resolution established a Sewer Utility Latecomer Agreement (ULA). This agreement resulted in both the City of Bonney Lake and the Kahne Properties, LLC, funding extension of the City sewer system into Eastown. Both the City and LLC will be reimbursed for their costs, using a Latecomer Fee, as each parcel being served by this new sewer system connects to it. This fee will be adjusted annually each January by the Engineering News Record Construction Cost Index (CCI) for the Seattle Area.

The parcels that will benefit from this sewer system are shown on the Assessment Reimbursement Area map, Enclosure (1). The amount of the Latecomer Fee assessed to each parcel owner in this area is calculated as shown on Enclosure (2). This fee is preliminary until actual construction costs are determined. The formula used to calculate this fee is as follows:

Latecomer Fee = Parcel Square Footage X Total Project Cost per square foot

- Parcel Net Square Footage = Pierce County Assessor parcel square footage
- Total Project Cost includes design, pre-construction, and construction costs (currently estimated at \$362,227).
- Total Project Cost per square foot = Total Project Cost / Total net square footage in the assessment reimbursement area (currently estimated at \$0.193/s.f.)

If you have any questions about how this calculation was made for your parcel(s), please contact me so I can answer them. Should my explanations be insufficient, you do have the right to appeal the assessment to the City Council pursuant to the process outlined in BLMC 13.16.050, enclosure (3).

Respectfully,

DANIEL L. GRIGSBY, P.E.
Public Works Director

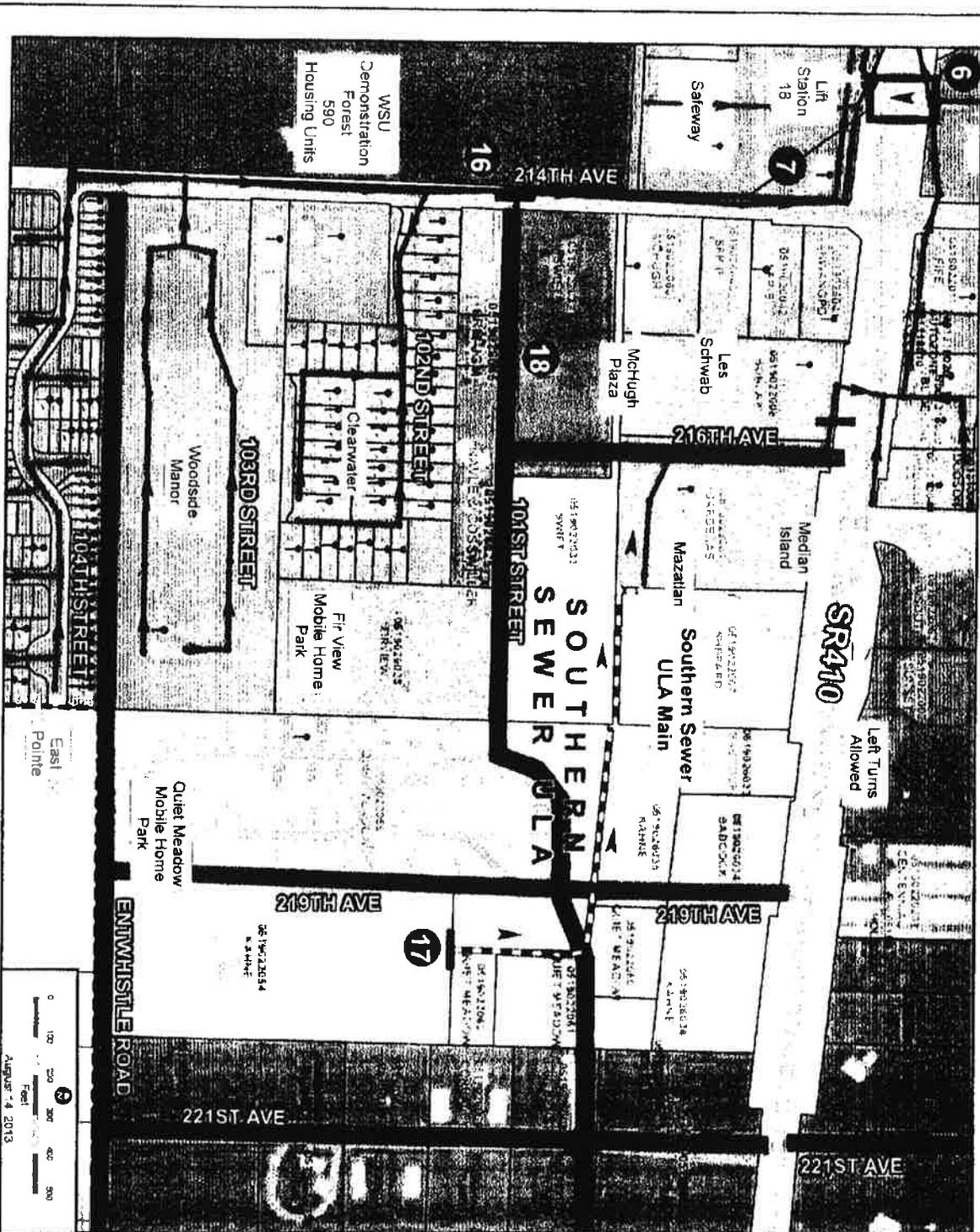
Enclosures:

- (1) Assessment Reimbursement Area Map
- (2) Eastown Sewer Latecomer Fee Calculations
- (3) Bonney Lake Municipal Code (BLMC) 13.16.050

Public Works Center
19306 Bonney Lake Blvd.
P.O. Box 7380
Bonney Lake, WA 98391-8850

Phone: (253) 447-4347
FAX: (253) 826-1921
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www.ci.bonney-lake.wa.us

EASTOWN SOUTHERN UTILITY LATECOMERS AGREEMENT (ULA) PROPERTIES
Overlaid on Eastown Future Sewer Projects and Roads Base Map



EXISTING SEWER SERVICE

- Existing Bonney Lake Sewer Collector
- Manhole
- Lift Station
- Sewer Force Main
- Sewer Gravity Main
- Tax Parcels

Bonney Lake Sewer Service
 Currently Provided to Existing Lift Station 18

Eastown Southern Sewer ULA (Utility Latecomers Agreement):
 No Bonney Lake Sewer Service Currently Available
 Future Existing Lift Station 18 Service

Eastown Northern Sewer ULA (Utility Latecomers Agreement):
 No Bonney Lake Sewer Service Currently Available
 Future Lift Station 26 Service

No Bonney Lake Sewer Service Currently Available; Future Rebuild/Expanded Lift Station 3 Service

No Development Planned; Existing Septic System will be used in the Future

FUTURE SEWER PROJECTS

- Eastown Sewer ULA Work
- Future Sewer Project Number
- SR410 Highway Crossing
- Project Start/Stop
- Manhole
- Flow Direction
- Gravity Main
- Force Main

FUTURE ROADS BASE MAP

- Future Public Road
- Future Private Road
- Paved Road
- Building
- Bonney Lake City Limits



EASTOWN SOUTHERN SEWER UTILITY LATECOMER AGREEMENT (ULA)

Latecomer Fee - Preliminary Assessment Roll

Number of Properties	Map ID	TAX PARCEL	Parcel Size Acres	Preliminary Latecomer Fee \$	Preliminary Latecomer Fee Paid (+ 5%)	Parcel Owner
Benefiting Service Area Parcels						
1	34	0519022007	4.73	\$39,790	\$41,779	SHEPARD JAMES H & OLIVA I TTEE ET AL
2	35	0519022033	4.02	\$33,817	\$35,508	SWIFT WARREN G & PATRICIA E
3	37	0519025033	1.58	\$13,291	\$13,956	BABCOCK AARON L & ARDIS E
4	38	0519026034	1.35	\$11,356	\$11,924	BABCOCK AARON L & ARDIS E
5	39	0519026036	2.89	\$24,310	\$25,526	KAHNE & KAHNE PROPERTIES LLC (Note 4)
6	41	0519022060	1.15	\$9,874	\$10,158	CHAN BILL & SANDY
7	42	0519022059	14.06	\$18,275	\$124,188	CHAN BILL & SANDY
8	43	0519022061	1.86	\$15,647	\$16,429	CHAN BILL & SANDY
9	44	0519022062	0.85	\$5,468	\$5,741	KAHNE & KAHNE PROPERTIES LLC (Note 4)
10	45	0519022054	9.00	\$75,710	\$79,495	KAHNE & KAHNE PROPERTIES LLC (Note 4)
11	40	0519026035	1.77	\$14,899	\$15,533	KAHNE & KAHNE PROPERTIES LLC (Note 4)
				43.06	\$362,227	\$380,338
				Notes 1 and 2 Note 3		
Total ULA COST =				\$362,227		
				\$8,412		
				\$0.193		Preliminary Assessment Rate = \$/square foot

43.566
\$ / per acre

NOTE:

1. Preliminary costs are based on estimates and will be adjusted with actual costs. When all actual costs are determined, the Initial Latecomer Fee amount will be set. Costs depend on scope of work and actual design/construction costs. To Be Determined (TBD)!

2. Initial Latecomer Fee Assessment amount will be updated each January with a CCI adjustment = Current Latecomer Fee

3. Latecomer Fee Paid = Current Latecomer Fee + 5% City Administrative Fee (BLMC 13.16.050 F)

4. KAHNE Latecomer Fee Summary:

Total Latecomer Fees due from all parcels = \$362,227
 Total Latecomer Fee Due from KAHNE parcels = \$114,909
 Net Latecomer Fee Payments due from other property owners = \$247,318
 Preliminary Amount contributed by KAHNE to establish ULA (75%) = \$271,671 (includes KAHNE Latecomer Fee Payments)
 Preliminary Amount contributed by CITY to establish ULA (25%) = \$90,557
 Total ULA Cost = \$362,228

City of Bonney Lake Municipal Code (BLMC)

Utility Latecomer Agreement Assessment

13.16.050 Allowable costs – Cost recovery methodology.

The following general guidance shall govern the cost recovery methodology for calculating the amount of the latecomer fee assessed to all benefitting properties covered by the latecomer agreement; provided, that the city council may approve additional or different terms in any particular latecomer agreement:

A. The cost of extension of utility lines across the developer's property within public or private roadways may be required in both north-south and east-west roadways in order to complete the utility grid identified in the utility comprehensive plan. Construction of the utility grid(s) is the expected duty of the applicant and will not be cost recoverable through a latecomer agreement, except for beneficiaries directly across the road or adjacent to the utility extension.

B. Pipe size upgrades shall be required consistent with the future sizing identified in the utility comprehensive plan. Pipe size upgrades will be reimbursed by the city to the developer only when a planned capital improvement is contemplated within three years of the execution of a developer extension agreement.

C. Any developments or short plats that are connecting to a utility where a latecomer agreement applies shall pay the latecomer fees at final plat. Latecomer fees paid at final plat will be exempt from administration fees.

D. All lots of record identified in the latecomer agreement will pay the applicable latecomer fee when their building permit is issued or, for existing buildings, when the utility connection is made.

E. The city's administration fee for a latecomer agreement shall be five percent of the direct construction cost and shall be charged to each latecomer.

F. Extension of the sewer, storm water and water systems or addition of new facilities shall be designed according to the adopted water, sanitary sewer, and stormwater comprehensive plans or per the public works director's direction when unique site conditions exist.

G. The public works director or designee will make recommendations to the city council as to an appropriate pro rata share for latecomer fee assessment.

H. Recoverable costs may include all costs reasonably associated with this extension. These costs include but are not limited to both direct construction costs and pre-construction costs deemed appropriate by the city to establish complete cost compilation and assessment of costs on a fair, pro rata share of the extension, subject to such rules and regulations adopted by the city.

Recoverable costs may include the cost of acquiring utility easements or rights-of-way only if said easement or ROW would not have been a required developer contribution under city development codes. If the developer would have been required to dedicate the easement or ROW as a condition to project approval, then the value of those contributions may not be included as a recoverable cost under a utility latecomer agreement.

I. An assessment reimbursement area shall be formulated by the city based upon a determination by the city of which parcels adjacent to the utility extension would require similar utility improvements upon development. Properties benefitting from the utility extension will be identified at the time the latecomer agreement is established. The latecomer fee will be assessed to and remain with each parcel. The terms of this agreement shall run with the land and bind subsequent owners of the properties affected.

1. The public works director shall prepare and recommend to the city council the method of cost allocation to be used for each latecomer agreement. This allocation of pro-rata share costs will normally be based on total square feet of each benefitting parcel utilizing the parcel square footage identified in the Pierce County assessor's records. Other equitable methods of pro-rata cost allocation may be considered and approved by the city council.

2. The preliminary determination of benefitting area boundaries and assessments, along with a description of the property owners' rights and options, shall be forwarded by certified mail to the property owners of record within the proposed assessment area. If any property owner requests a hearing in writing within 20 days of the mailing of the preliminary determination, a hearing shall be held before the legislative body, notice of which shall be given to all affected property owners. Subsequent to all requested hearings and execution of the latecomer agreement, the city council's ruling is determinative and final.

3. The utility latecomer agreement must be recorded in the Pierce County auditor's office within 30 days of the final execution of the agreement. If the utility latecomer agreement is so filed, it shall be binding on owners of record within the assessment area who are not party to the latecomer agreement contract. (Ord. 1425 § 2, 2012; Ord. 1386 § 1, 2011; Ord. 1327 § 1, 2009; Ord. 898 § 5, 2001).