

CITY COUNCIL MEETING

**January 14, 2014
7:00 P.M.**

AMENDED 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

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

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

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

A. Flag Salute

B. Roll Call: Mayor Neil Johnson, Jr., Deputy Mayor Dan Swatman, Councilmember Mark Hamilton, Councilmember Donn Lewis, Councilmember Randy McKibbin, Councilmember Katrina Minton-Davis, Councilmember James Rackley, and Councilmember Tom Watson.

C. Announcements, Appointments and Presentations:

1. Announcements: None.

2. Appointments: None.

3. Presentations:

a. **Presentation: Police Department Recognition Ceremony**

- 30-Year Service Award: Art Spahr
- DUI Award: Rob Hoag
- MSU Boating Award: Ryan Boyle
- 2013 Officer of the Year: Ryan Harberts
- 2013 Support Officer of the Year: Laura Miller
- 2013 Reserve Officer of the Year: Nate Alvord
- 2013 Outstanding Service Award: Bob Kocher
- Service Recognitions: 5 year – Eric Alfano, Sean Scott, Tobie Johnston, Todd Green; 10 year – James Larsen, Daron Wolschleger, Scott Kreider, Steve Flaherty; 15 year – Dave Thaves.

D. Agenda Modifications

II. PUBLIC HEARINGS, CITIZEN COMMENTS & CORRESPONDENCE:

A. Public Hearings: None.

B. Citizen Comments:

You may address the City Council on matters of City business for up to 5 minutes. Those commenting about ordinances or resolutions on the “Consent Agenda” should limit their

comments to one minute per item. When recognized by the Mayor, please state your name and address for the official record. Designated representatives speaking on behalf of a group may take up to 10 minutes on matters of general City business.

C. Correspondence

III. COUNCIL COMMITTEE REPORTS:

A. Finance Committee

B. Community Development Committee

C. Public Safety Committee

D. Other Reports

IV. CONSENT AGENDA:

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

p. 5

A. **Approval of Minutes:** December 3, 2013 Council Workshop and December 10, 2013 Council Meeting.

B. **Approval of Accounts Payable and Utility Refund Checks/Vouchers:**

Accounts Payable checks/vouchers #67574-67620 (including wire transfer #'s 11252013, and 20131202) in the amount of \$772,750.96.

Accounts Payable checks/vouchers #67621-67623 in the amount of \$1,434.36 for Accounts Receivable deposit refunds.

Accounts Payable checks/vouchers #67624-67643 in the amount of \$1,853.66 for utility refunds.

Accounts Payable wire transfer #1201201301 for Bank of New York in the amount of \$473,050.00.

Accounts Payable checks/vouchers #67644-67682 (including wire transfer #'s 12364167, 20131203, 20131204, 112220131, and 2013120301) in the amount of \$595,317.36.

Accounts Payable checks/vouchers #67683 in the amount of \$1,539.00 for Accounts Receivable deposit refunds.

Accounts Payable checks/vouchers #67684-67702 in the amount of \$1,774.64 for utility refunds.

Accounts Payable checks/vouchers #67703-67767 (including wire transfer #'s 2013121601) in the amount of \$518,265.36.

Accounts Payable checks/vouchers #67768-67770 in the amount of \$1,847.24 for Accounts Receivable deposit refunds.

Accounts Payable wire transfer #2013121701 for P-Cards in the amount of \$41,694.48.

Accounts Payable checks/vouchers #67771-67797 (including wire transfer #'s 2014011101) in the amount of \$125,399.38.

Accounts Payable wire transfer #20131216 for Bank of America in the amount of \$1,973.28.

Accounts Payable checks/vouchers #67798-67816 in the amount of \$1,229.17 for utility refunds.

Recorded but not approved on 10/22/2013: Accounts Payable checks/vouchers #67174-67235 in the amount of \$231,459.55.

Recorded but not approved on 9/10/2013: Accounts Payable checks/vouchers #66947-66977 in the amount of \$211,745.84.

Accounts Payable checks/vouchers #66978-66989 for utility refunds in the amount of \$829.68.

Recorded but not approved on 7/8/2013: Accounts Payable checks/vouchers #66524-66527 in the amount of \$7,025.00.

Wire not approved from 2/12/2013: Accounts Payable wire transfer #2013021201 for Comdata in the amount of \$18,444.66.

Check/Voucher not approved from 2/19/2013: Accounts Payable checks/vouchers #65668 in the amount of \$1,264.49.

VOIDS: Check #66488 – check lost/missing

- C. **Approval of Payroll:** Payroll for December 1st-15th, 2013 for checks #31500-31525 including Direct Deposits and Electronic Transfers is \$ 443,435.07.
Payroll for December 16th-31st, 2013 for checks #31526-31552 including Direct Deposits and Electronic Transfers is \$ 726,167.68.

V. FINANCE COMMITTEE ISSUES:

p. 17

- A. **AB13-136 – Resolution 2342** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Requesting Approval Of The State Of Washington Department Of Ecology Grant Agreement G1400244 For A \$170,000 2013-15 Municipal Stormwater Capacity Grant.

VI. COMMUNITY DEVELOPMENT COMMITTEE ISSUES: None.

VII. PUBLIC SAFETY COMMITTEE ISSUES: None.

VIII. FULL COUNCIL ISSUES:

p. 45

Amended

- A. **AB14-01 – Resolution 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.

IX. EXECUTIVE SESSION:

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

X. ADJOURNMENT

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

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

CITY COUNCIL WORKSHOP

December 3, 2013
5:30 P.M.

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 will 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 revisions 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.

CITY COUNCIL MEETING

December 10, 2013
7:00 P.M.

MINUTES



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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 LuAnn 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. Councilmember Lewis seconded the motion.

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 moved 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.

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

Department/Staff Contact: PW / Andrew Fonda	Meeting/Workshop Date: 14 January 2014	Agenda Bill Number: AB13-136
Agenda Item Type: Resolution	Ordinance/Resolution Number: 2342	Councilmember Sponsor:

Agenda Subject: Approve Washington State Department of Ecology Agreement G1400244 for a \$170,000 Fiscal Year (FY) 2013-15 Stormwater Capacity Grant.

Full Title/Motion: A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing The Mayor To Sign Grant Agreement G1400244 For A \$170,000 FY 2013-15 Stormwater Capacity Grant From The Washington State Department Of Ecology (Ecology).

Administrative Recommendation: Approve the Motion

Background Summary: The 2013 Washington State Legislature appropriated pass-through funds in Ecology’s 2013-15 Biennial Operating Budget and with this funding; Ecology has awarded the City of Bonney Lake a FY 2013-15 Stormwater Capacity Grant initially in the amount of \$50,000 to assist with the implementation and management of the City’s National Pollutant Discharge Elimination System (NPDES) Municipal Stormwater Permit. Furthermore, the City also applied for and was awarded \$120,000 of additional funding to plan and design project-specific stormwater flow control and or treatment facilities utilizing low impact development and stormwater best management practices. This motion authorizes the Mayor to sign grant agreement G1400244 for a \$170,000 FY 2013-15 Stormwater Capacity Grant. Please note that the agenda bill number and resolution number have changed from the previous viewing of this action on November 19th but the proposal has not been altered.

Attachments: Resolution, Grant Agreement G1400244 and Summary

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

COMMITTEE, BOARD & COMMISSION REVIEW			
Council Committee Review:	Finance Committee	<i>Approvals:</i>	Yes No
	Date: November 19, 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 type="checkbox"/> No
Commission/Board Review:			
Hearing Examiner Review:			

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

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

RESOLUTION NO. 2342

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON, REQUESTING APPROVAL OF THE STATE OF WASHINGTON DEPARTMENT OF ECOLOGY GRANT AGREEMENT G1400244 FOR A \$170,000 2013-15 MUNICIPAL STORMWATER CAPACITY GRANT.

WHEREAS, the 2013 Washington State Legislature appropriated pass-through funds in the Washington State Department of Ecology's (Ecology) 2013-15 Biennial Operating Budget; and

WHEREAS, Ecology has awarded the City of Bonney Lake a \$50,000 2013-15 Municipal Stormwater Capacity grant to assist with the implementation and management of the City of Bonney Lake's National Pollutant Discharge Elimination System (NPDES) Municipal Stormwater Permit; and

WHEREAS, the City of Bonney Lake also applied for and was awarded \$120,000 of additional municipal stormwater capacity grant funding to plan and design project-specific stormwater flow control and/or treatment facilities utilizing low impact development and stormwater best management practices; and

WHEREAS, Ecology has submitted grant agreement G1400244 for a \$170,000 2013-15 Municipal Stormwater Capacity Grant to the City of Bonney Lake for signature;

NOW THEREFORE, BE IT RESOLVED that the City of Bonney Lake Council does hereby authorize the Mayor to sign grant agreement G1400244 with the State of Washington Department of Ecology.

PASSED BY THE CITY COUNCIL this 14th day of January, 2014.

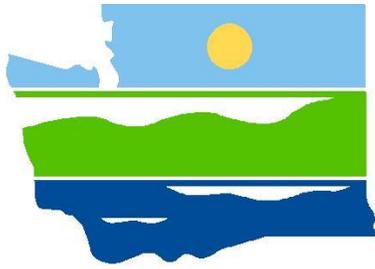
Neil Johnson, Jr., Mayor

ATTEST:

Harwood T. Edvalson, City Clerk

APPROVED TO AS FORM:

Kathleen Haggard, City Attorney



DEPARTMENT OF
ECOLOGY
State of Washington

2013-15 MUNICIPAL STORMWATER CAPACITY

GRANT PROGRAM

FISCAL YEAR 2014

GRANT AGREEMENT

NUMBER G1400244

BETWEEN

THE STATE OF WASHINGTON DEPARTMENT OF ECOLOGY

AND

CITY OF BONNEY LAKE

TABLE OF CONTENTS

PART I. GENERAL INFORMATION	3
PART II. PERFORMANCE MEASURES	4
PART III. PROJECT DESCRIPTION	4
PART IV. PROJECT BUDGET	5
PART V. SCOPE OF WORK	6
PART VI. SPECIAL TERMS AND CONDITIONS	10
PART VII. ALL WRITINGS CONTAINED HEREIN	10
ATTACHMENT I: GENERAL PROJECT MANAGEMENT REQUIREMENTS.....	11
A. ARCHEOLOGICAL AND CULTURAL RESOURCES	11
B. EDUCATION AND OUTREACH	11
C. EQUIPMENT PURCHASE	12
D. FUNDING RECOGNITION	12
E. INCREASED OVERSIGHT	12
F. INDIRECT RATE	12
G. MINORITY AND WOMEN'S BUSINESS PARTICIPATION	12
H. PAYMENT REQUEST SUBMITTALS	13
I. POST PROJECT ASSESSMENT	14
J. PROCUREMENT	14
K. PROGRESS REPORTS	14
L. REQUIRED DOCUMENT SUBMITTALS	14
M. SPECIAL CONDITION FOR SNOHOMISH COUNTY AND KING COUNTY	15
N. WATER QUALITY MONITORING	15
ATTACHMENT II: GENERAL TERMS AND CONDITIONS	17
A. RECIPIENT PERFORMANCE	17
B. SUBGRANTEE/CONTRACTOR COMPLIANCE	17
C. THIRD PARTY BENEFICIARY	17
D. CONTRACTING FOR SERVICES (BIDDING)	17
E. ASSIGNMENTS	17
F. COMPLIANCE WITH ALL LAWS	17
G. KICKBACKS	17
H. AUDITS AND INSPECTIONS	17
I. PERFORMANCE REPORTING	18
J. COMPENSATION	18
K. TERMINATION	19
L. WAIVER	20
M. PROPERTY RIGHTS	20
N. SUSTAINABLE PRODUCTS	21
O. RECOVERY OF PAYMENTS TO RECIPIENT	21
P. PROJECT APPROVAL	21
Q. DISPUTES	21
R. CONFLICT OF INTEREST	21
S. INDEMNIFICATION	22
T. GOVERNING LAW	22
U. SEVERABILITY	22
V. PRECEDENCE	22
W. SUSPENSION	22

2013-15 MUNICIPAL STORMWATER CAPACITY GRANT PROGRAM
Grant Agreement
Between
The State of Washington Department of Ecology
And
City of Bonney Lake

THIS is a binding agreement entered into, by, and between the state of Washington Department of Ecology (DEPARTMENT), and the City of Bonney Lake (RECIPIENT). The purpose of this agreement is to provide funds to the RECIPIENT to carry out the requirements described herein.

PART I. GENERAL INFORMATION

Project Title:	2013-15 Municipal Stormwater Capacity Grant Program
State Fiscal Year:	FY2014
Grant Number:	G1400244
RECIPIENT Name:	City of Bonney Lake
Mailing Address:	19306 Bonney Lake Blvd, Bonney Lake, WA 98391
RECIPIENT Federal ID Number:	91-0753552
Total Eligible Cost:	
(\$50,000 AND \$120,000):	\$170,000
DEPARTMENT Funding Sources:	
ELSA - Operating:	\$50,000
ELSA - Capital Budget Provision:	\$120,000
DEPARTMENT Share:	\$170,000
DEPARTMENT Maximum Percentage:	100%
Effective Date Of This Grant Is:	July 1, 2013 Any work performed prior to the effective date of this agreement is not eligible for reimbursement.
This Grant Agreement Expires On:	January 31, 2015

**2013-15 Municipal Stormwater Capacity Grant Program
State Of Washington, Department Of Ecology**

RECIPIENT Contact:	Andrew Fonda
Telephone Number:	253-447-3270
E-Mail Address:	fondaa@ci.bonney-lake.wa.us
RECIPIENT Billing Contact:	Andrew Fonda
Telephone Number:	253-447-3270
E-Mail Address:	fondaa@ci.bonney-lake.wa.us
DEPARTMENT Project/Financial Manager:	Layne Slone
Mailing Address	Water Quality Program Washington State Department of Ecology P.O. Box 47600 Olympia, WA 98504-7600
Telephone Number:	360-407-6225
Fax Number:	360-407-7151
E-Mail Address:	Layne.Slone@ecy.wa.gov
Designated Local Government Partners (if applicable):	

PART II. PERFORMANCE MEASURES

A. Water Quality Goal

Improved stormwater oversight and water quality protection through the direct development and implementation of a comprehensive stormwater management program.

B. Project Outcomes

Implementation of Phase I and II municipal stormwater National Pollutant Discharge Elimination System (NPDES) permits.

PART III. PROJECT DESCRIPTION

RECIPIENT will address implementation or management of municipal stormwater programs. Additionally, the RECIPIENT's project will include project specific planning and design for a retrofit project which includes low-impact development techniques.

PART IV. PROJECT BUDGET

Municipal Stormwater Capacity Grants Program, FY2014	
Elements/Objects	TOTAL ELIGIBLE COST (TEC)*
Task 1 – Project Administration/Management (limited to \$5,000 ELSA Operating Funds)	\$5,000
Task 2 – Implementation And Management Of Stormwater Program	\$45,000
Task 3 – Pre-Construction Planning And Design (limited to \$120,000 ELSA Capital Budget Provisions)	\$120,000
Total (limited to \$170,000 per RECIPIENT partner)	\$170,000
*The DEPARTMENT's Fiscal Office will track to the Total Eligible Project Cost.	
MATCHING REQUIREMENTS (There are no matching requirements)	
DEPARTMENT Share FY 2014 (100% of TEC)	\$170,000

PART V. SCOPE OF WORK

RECIPIENT will ensure that this project is completed according to the details of this agreement. The RECIPIENT may elect to use its own forces or it may contract for professional services necessary to perform and complete project related work.

Task 1 - Project Administration/Management

- A. RECIPIENT will administer the project. Responsibilities will include, but not be limited to: maintenance of project records; submittal of payment vouchers, fiscal forms, and progress reports; compliance with applicable procurement, contracting, and interlocal agreement requirements; application for, receipt of, and compliance with all required

**2013-15 Municipal Stormwater Capacity Grant Program
State Of Washington, Department Of Ecology**

permits, licenses, easements, or property rights necessary for the project; and submittal of required performance items.

- B. RECIPIENT will manage the project. Efforts will include: conducting, coordinating, and scheduling project activities and assuring quality control. RECIPIENT will maintain effective communication with the DEPARTMENT, RECIPIENT's designees; all affected local, state, or federal jurisdictions; and any interested individuals or groups. The RECIPIENT will carry out this project in accordance with any completion dates outlined in this agreement.
- B. RECIPIENT will submit all invoice voucher submittals and supportive documentation to the DEPARTMENT's Project/Financial Manager.
- C. If work conducted results in a report, the RECIPIENT will submit the following to the DEPARTMENT's Project/Financial Manager and in the quantities identified:
- Draft project completion report – one electronic copy
 - Final project completion report – one paper copy, one electronic copy

RECIPIENT will submit two copies of any document(s) which requires DEPARTMENT approval. Once approval is given, one copy will be returned to the RECIPIENT. If the RECIPIENT needs more than one approved copy, the number of submittals should be adjusted accordingly.

Task 2 – Implementation of Stormwater Planning and Management Needs

- A. If the RECIPIENT is out of compliance with the municipal stormwater National Pollutant Discharge Elimination System (NPDES) permit, the RECIPIENT must ensure funds are used to attain compliance where applicable.
- A. RECIPIENT may conduct work related to implementation of additional activities required by the municipal stormwater NPDES permits. The following is a list of elements RECIPIENT's project may include.
- 1) Public education and outreach activities, including stewardship activities.
 - 2) Public involvement and participation activities.
 - 3) Illicit discharge detection and elimination (IDDE) program activities, including:
 - a) Mapping or geographic information systems of municipal separate storm sewer systems (MS4s).
 - b) Staff training.
 - c) Activities to identify and remove illicit stormwater discharges.
 - d) Field screening procedures.
 - e) Complaint hotline database or tracking system improvements.

**2013-15 Municipal Stormwater Capacity Grant Program
State Of Washington, Department Of Ecology**

- 4) Activities to support programs to control runoff from new development, redevelopment, and construction sites, including:
 - a) Development of an ordinance and associated technical manual or update of applicable codes.
 - b) Inspections before, during, and upon completion of construction, or for post-construction long-term maintenance.
 - c) Training for plan review and/or inspection staff.
 - d) Participation in applicable watershed planning effort.
- 5) Pollution prevention, good housekeeping, and operation and maintenance program activities, such as:
 - a) Inspecting and/or maintaining the MS4 infrastructure.
 - b) Developing and/or implementing policies, procedures, or stormwater pollution prevention plans at municipal properties or facilities.
- 6) Annual reporting activities.
- 7) Establishing and refining stormwater utilities, including stable rate structures.
- 8) Water quality monitoring to implement permit requirements for a Water Cleanup Plan (TMDL). Note that any monitoring funded by this program requires submittal of a Quality Assurance Project Plan (QAPP) that the DEPARTMENT approves prior to awarding funding for monitoring.
Monitoring, including:
 - a) Development of applicable QAPPs.
 - b) Monitoring activities, in accordance with a DEPARTMENT- approved QAPP, to meet Phase I/II permit requirements.
- 9) Structural stormwater controls program activities (Phase I permit requirement)
- 10) Source control for existing development (Phase I permit requirement), including:
 - a) Inventory and inspection program.
 - b) Technical assistance and enforcement.
 - c) Staff training.
- 11) Equipment purchases that result directly in improved compliance with permit requirements. Allowed costs for equipment purchases must be specific to implementing a permit requirement (such as a vector truck) rather than general use (such as a general use pick-up truck). Qualified equipment purchases include but are not limited to:
 - a) Illicit discharge testing equipment and materials.
 - b) Vector truck or sweeper truck or MS4 maintenance activities.
 - c) Electronic devices dedicated to mapping of MS4 facilities and attributes.
 - d) Software dedicated to tracking permit implementation activities.

Task 3 – Preconstruction Planning and Design

- A. Project Summary. RECIPIENT will submit to the DEPARTMENT’s Project Manager for review and acceptance and no later than October 1, 2013, an initial one to two page

**2013-15 Municipal Stormwater Capacity Grant Program
State Of Washington, Department Of Ecology**

Project Summary. The Project Summary will include a description of the proposed project identifying: 1) the area where the proposed project is to be installed or constructed (including maps), 2) the stormwater best management practice(s) to be designed, 3) the name of the appropriate design manual planned for use in the final design (see item D), and 4) the water quality issue mitigated by the proposed project. The DEPARTMENT will provide comments to the RECIPIENT within 14 calendar days of receipt of the Project Summary. The DEPARTMENT's Project Manager will work with the DEPARTMENT's engineer to review the Project Summary for consistency with the appropriate design criteria and grant requirements. Detailed calculations and/or drawings are not required at this time.

- B. Pre-Design Report. RECIPIENT will submit two hard copies and one digital copy of the Pre-design report to the DEPARTMENT's Project Manager for review and acceptance. The DEPARTMENT's Project Manager will work with the DEPARTMENT's engineer to review the Project Summary for consistency with the appropriate design criteria and grant requirements. Detailed calculations and/or drawings are required in the Pre-design Report. The DEPARTMENT will provide comments to the RECIPIENT within 45 days of receipt of the plans.
- C. 90 Percent Design Plans. RECIPIENT will submit two hard copies and one digital copy of the 90 percent design plans to the DEPARTMENT's Project Manager for review and acceptance. The DEPARTMENT will provide comments to the RECIPIENT within 45 days of receipt of the plans. The DEPARTMENT's Project Manager will work with the DEPARTMENT's engineer to review the plans and specifications for consistency with the appropriate design criteria and grant requirements.
- D. For above items A-C, the RECIPIENT must justify significant deviations from the following:
- 1) The appropriate guidance manual below depends on the region that your project is conducted:
 - **2005 or 2012 Stormwater Management Manual for Western Washington (SWMMWW)**, (the appropriate manual depends on the requirements of the jurisdiction) or
 - **2004 Stormwater Management Manual for Eastern Washington (SWMMEW)**, both can be found at: <http://www.ecy.wa.gov/programs/wq/stormwater/tech.html>, or
 - **Low Impact Development Technical Guidance Manual for Puget Sound** found at: http://www.psp.wa.gov/downloads/LID/20121221_LIDmanual_FINAL_secure.pdf, or
 - Equivalent design manuals, **Eastern Washington Low Impact Development Manual**.
 - 2) Equivalent manual as developed by the local jurisdiction and approved by the DEPARTMENT.
 - 3) Good engineering practices and generally recognized engineering standards.
- E. SEPA. If applicable, the RECIPIENT will submit to the DEPARTMENT's Project Manager, a copy of the State Environmental Review Act (SEPA) Lead Agency's signed and dated SEPA determination.

**2013-15 Municipal Stormwater Capacity Grant Program
State Of Washington, Department Of Ecology**

- F. DAHP EZ-1. If applicable, the RECIPIENT will submit to the DEPARTMENT's Project Manager a Department of Archaeology and Historic Preservation (DAHP) EZ-1 form to initiate review of project activities by DAHP and tribal governments.
- G. RECIPIENT will submit all pre-design figures and construction plans to the DEPARTMENT, reduced to 11" x 17" in size. The RECIPIENT may bind them with the specifications or related construction contract documents or bind as a separate document. All reduced drawings must be legible.
- H. Summary of Deliverables:
1. Submit a Project Summary including maps, no later than October 1, 2013, for review and acceptance of the proposed design project.
 2. Submit a Pre-design report to the DEPARTMENT, no later than January 31, 2014 for review and acceptance.
 3. Submit 90 percent design plans to the DEPARTMENT, no later than August 1, 2014 for review and acceptance.
 4. If applicable, submit a copy of the signed and dated SEPA determination to the DEPARTMENT.
 5. If applicable, submit a copy of the DAHP EZ-1 form, for DEPARTMENT coordination on compliance with Executive Order 05-05.

PART VI. SPECIAL TERMS AND CONDITIONS

None

PART VII. ALL WRITINGS CONTAINED HEREIN

The following contain the entire understanding between the parties, and there are no other understandings or representations other than as set forth, or incorporated by reference, herein:

- This agreement.
- Attachment I: General Project Management Requirements for the Municipal Stormwater Capacity Grants Program.
- Attachment II: General Terms and Conditions.
- The effective edition, at the signing of this agreement, of the DEPARTMENT's "Administrative Requirements for Recipients of Ecology Grants and Loans."
- The associated funding guidelines that correspond to the fiscal year in which the project is funded.
- The applicable federal and state statutes and regulations.

No subsequent modifications or amendments of this agreement will be of any force or effect unless signed by authorized representatives of the RECIPIENT and the DEPARTMENT, and made a part of this agreement, except that in response to a request from the RECIPIENT, the DEPARTMENT may redistribute the grant budget. The DEPARTMENT or the RECIPIENT may change their respective staff contacts without the concurrence of either party.

**2013-15 Municipal Stormwater Capacity Grant Program
State Of Washington, Department Of Ecology**

The RECIPIENT acknowledges that they have had the opportunity to thoroughly review the terms of this agreement, the attachments, all incorporated or referenced documents, as well as all applicable statutes, rules, and guidelines mentioned in this agreement.

The signatories to this Agreement represent that they have the authority to execute this Agreement.

IN WITNESS WHEREOF, the parties sign this grant agreement:

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

CITY OF BONNEY LAKE

KELLY SUSEWIND, P.E., P.G. DATE
WATER QUALITY PROGRAM MANAGER

NEIL JOHNSON, JR. DATE
MAYOR

Approved As To Form Only
Assistant Attorney General

**ATTACHMENT I: General Project Management Requirements
For 2013-15 Municipal Stormwater Capacity Grants Program
Funding Agreement**

A. ARCHEOLOGICAL AND CULTURAL RESOURCES

RECIPIENT must comply with all requirements listed in Executive Order 05-05 prior to implementing any project that involves soil disturbing activity.

RECIPIENT must conduct and submit a cultural resources survey or complete and submit an EZ-1 Form to the DEPARTMENT's project manager prior to any soil disturbing activities. The DEPARTMENT will contact the Department of Archaeology and Historic Preservation (DAHP) and affected tribes regarding the proposed project activities in order to meet Executive Order 05-05 requirements. Any prior communication between the RECIPIENT, the DAHP, and the tribes is not sufficient to meet requirements. Any mitigation measures as an outcome of this process will be requirements of this agreement.

Any soil disturbing activities that occur prior to the completion of the Executive Order 05-05 process will not be eligible for reimbursement. Activities associated with cultural resources review are grant eligible and reimbursable.

The Department of Archaeology and Historic Preservation has provided guidance that can be accessed online at:

<http://www.dahp.wa.gov/pages/Documents/EnvironmentalReview.htm> and
http://www.dahp.wa.gov/pages/EnvironmentalReview/documents/eo0505Guidance_000.pdf.

B. EDUCATION AND OUTREACH

RECIPIENT must do a regional search for existing materials before producing any new educational flyers or pamphlets. The RECIPIENT must request the use of those materials before time and resources are invested to duplicate materials that are already available.

RECIPIENT must also check the Washington Waters website http://www.ecy.wa.gov/washington_waters/index.html for useful educational materials. These materials are available for public use and can be downloaded directly from the website.

RECIPIENT must provide the DEPARTMENT up to two copies and an electronic copy on a CD-ROM of any tangible educational products developed under this grant, such as brochures, manuals, pamphlets, videos, audio tapes, CDs, curriculum, posters, and media announcements or gadgets, such as a refrigerator magnet with a message. If this is not practical, the RECIPIENT must provide a complete description including drawings, photographs, or printouts of the product.

RECIPIENT must also supply the DEPARTMENT with the names and contact information of local project leads.

If there are a significant number of people in the community that speak languages other than English, then the RECIPIENT must produce all public outreach materials, pamphlets, fliers, meeting notices, reports, and other educational materials in English and in the other prevalent language.

C. EQUIPMENT PURCHASE

RECIPIENT must get written, prior approval from the DEPARTMENT for any equipment purchase.

D. FUNDING RECOGNITION

RECIPIENT must inform the public about DEPARTMENT funding participation in this project through the use of project signs, acknowledgement in published materials, reports, the news media, or other public announcements. Projects addressing site-specific locations must utilize appropriately sized and weather-resistant signs. Sign logos are available from the DEPARTMENT upon request.

E. INCREASED OVERSIGHT

If this project is selected for increased oversight, the RECIPIENT must submit all backup documentation with each payment request submittal. In addition, the DEPARTMENT's Project Manager must establish a schedule for additional site visits to provide technical assistance to the RECIPIENT and verify progress or payment information.

F. INDIRECT RATE

To acknowledge overhead costs, the RECIPIENT may charge an indirect rate of up to 25 percent based on employees' direct salary and benefit costs incurred while conducting project-related work. The DEPARTMENT's Financial Manager may require a list of items included in the indirect rate at any time.

G. MINORITY AND WOMEN'S BUSINESS PARTICIPATION

RECIPIENT agrees to solicit and recruit, to the extent possible, certified minority-owned (MBE) and women-owned (WBE) businesses in purchases and contracts initiated after the effective date of this agreement.

Contract awards or rejections cannot be made based on MBE or WBE participation. M/WBE participation is encouraged, however, and the RECIPIENT and all prospective bidders or persons submitting qualifications should take the following steps, when possible, in any procurement initiated after the effective date of this agreement:

- a) Include qualified minority and women's businesses on solicitation lists.
- b) Assure that qualified minority and women's businesses are solicited whenever they are potential sources of services or supplies.

**2013-15 Municipal Stormwater Capacity Grant Program
State Of Washington, Department Of Ecology**

- c) Divide the total requirements, when economically feasible, into smaller tasks or quantities, to permit maximum participation by qualified minority and women's businesses.
- d) Establish delivery schedules, where work requirements permit, which will encourage participation of qualified minority and women's businesses.
- e) Use the services and assistance of the State Office of Minority and Women's Business Enterprises (OMWBE) and the Office of Minority Business Enterprises of the U.S. Department of Commerce, as appropriate.

RECIPIENT must report to the DEPARTMENT at the time of submitting each invoice, on forms provided by the DEPARTMENT, payments made to qualified firms. Please include the following information:

- a) Name and state OMWBE certification number (if available) of any qualified firm receiving funds under the invoice, including any sub-and/or sub-subcontractors.
- b) The total dollar amount paid to qualified firms under this invoice.

H. PAYMENT REQUEST SUBMITTALS

Payment Request Submittals. The DEPARTMENT's Project/Financial Manager may require the RECIPIENT to submit regular payment requests to ensure efficient and timely use of funds.

Payment Schedule. Payments will be made on a cost-reimbursable basis.

Frequency. The RECIPIENT must submit payment requests at least quarterly but no more often than monthly, unless allowed by the DEPARTMENT's Financial Manager.

Supporting Documentation. The RECIPIENT must submit all payment request vouchers and supportive documentation to the DEPARTMENT's Financial Manager. Payment request voucher submittals are based on match requirements found in the budget.

Reporting Eligible Costs. The RECIPIENT must report all eligible costs incurred on the project, regardless of the source of funding for those costs. This includes costs used as match. All eligible and ineligible project costs must be separate and identifiable.

Copies of all applicable forms must be included with an original A19-1A, and must be submitted to the DEPARTMENT. Blank forms are found in Administrative Requirements for Recipients of Ecology Grants and Loans at <http://www.ecy.wa.gov/biblio/9118.html>.

Required Forms:	Where Eligible Costs Have Incurred:
Form A19-1A (original signature)	Form E (ECY 060-12)
Form B2 (ECY 060-7)	Form F (ECY 060-13)
Form C2 (ECY 060-9)	Form G (ECY 060-14)
Form D (ECY 060-11)	Form H (F-21)
	Form I (ECY 060-15)

I. POST PROJECT ASSESSMENT

RECIPIENT agrees to submit a brief survey regarding the key project results or water quality project outcomes and the status of long-term environmental results or goals from the project three years after project completion.

DEPARTMENT's Water Quality Program Performance Measures Lead will contact the RECIPIENT before the Post Project Assessment date to request this data.

DEPARTMENT may also conduct site interviews and inspections, and may otherwise evaluate the Project, as part of this assessment.

J. PROCUREMENT

RECIPIENT certifies by signing this agreement that all applicable requirements have been satisfied in the procurement of any professional services. Eligible and ineligible project costs are separate and identifiable for billing purposes. If professional services are contracted, the RECIPIENT will submit a copy of the final contract to the DEPARTMENT's Project/Financial Manager.

K. PROGRESS REPORTS

RECIPIENT must submit quarterly progress reports to the DEPARTMENT's Financial Manager and Project Manager. Payment requests will not be processed without a progress report.

Report Content. At a minimum, all progress reports must contain a comparison of actual accomplishments to the objectives established for the period, the reasons for delay if established objectives were not met, analysis and explanation of any cost overruns, and any additional pertinent information specified in this agreement. The RECIPIENT must also attach all landowner agreements signed during the respective quarter to each progress report.

Reporting Periods. Quarterly progress reports are due 15 days following the end of the quarter:

- January 1 through March 31
- April 1 through June 30
- July 1 through September 30
- October 1 through December 31

L. REQUIRED DOCUMENT SUBMITTALS

RECIPIENT must submit the following documents to the DEPARTMENT as requested by the DEPARTMENT's Project Manager or Financial Manager:

- Draft project completion report – 1 copy.
- Electronic copy of final project completion report – 1 copy.
- Final project completion report – 1 copy.
- Educational products developed under this agreement – up to 2 copies.

**2013-15 Municipal Stormwater Capacity Grant Program
State Of Washington, Department Of Ecology**

- Documents that require DEPARTMENT Approval – 2 copies (one for the DEPARTMENT and one for the RECIPIENT).
- Interlocal agreements – 1 copy for the DEPARTMENT’s Project/Financial Manager.
- Professional services procurement agreements – 1 copy to the DEPARTMENT’s Project/Financial Manager.

M. SPECIAL CONDITION FOR SNOHOMISH COUNTY AND KING COUNTY

For either Snohomish County or King County: When this agreement crosses the RECIPIENT's fiscal year, the obligation of the RECIPIENT to continue or complete the project described herein will be contingent upon appropriation of funds by the RECIPIENT's governing body; provided that nothing contained herein will preclude the DEPARTMENT from demanding repayment of funds paid to the RECIPIENT in accordance with Section O of the appended General Terms and Conditions.

N. WATER QUALITY MONITORING

Quality Assurance Project Plan (QAPP). Prior to initiating water quality monitoring activities, the RECIPIENT must prepare a Quality Assurance Project Plan (QAPP). The QAPP must follow Ecology’s *Guidelines and Specifications for Preparing Quality Assurance Project Plans for Environmental Studies*, February 2001 (Ecology Publication No. 01-03-003). The applicant may also reference the *Technical Guidance for Assessing the Quality of Aquatic Environments*, revised February 1994 (Ecology Publication No. 91-78) or more current revision, in developing the QAPP.

RECIPIENT must submit the QAPP to the DEPARTMENT’s project manager for review, comment, and must be approved before starting the environmental monitoring activities.

RECIPIENT must use an environmental laboratory accredited by the DEPARTMENT to analyze water samples for all parameters to be analyzed that require bench testing. Information on currently accredited laboratories and the accreditation process is provided on the Department of Ecology’s Environmental Assessment Program’s website, available at:

<http://www.ecy.wa.gov/programs/eap/labs/search.html>

RECIPIENT should manage all monitoring data collected or acquired under this agreement in order to be available to secondary users and meet the “ten-year rule.” The ten-year rule means that data documentation is sufficient to allow an individual not directly familiar with the specific monitoring effort to understand the purpose of the data set, methods used, results obtained, and quality assurance measures taken ten years after data are collected.

Monitoring Data Submittal / Environmental Information Management System. Funding recipients that collect water quality monitoring data must submit all data to the DEPARTMENT through the Environmental Information Management System (EIM). Data must be submitted by following instructions on the EIM website, currently available at:

**2013-15 Municipal Stormwater Capacity Grant Program
State Of Washington, Department Of Ecology**

<http://www.ecy.wa.gov/eim>

The data submittal portion of the EIM website provides information and help on formats and requirements for submitting tabular data. Specific questions about data submittal can be directed to the EIM Data Coordinator, currently available at:

eim_data_coordinator@ecy.wa.gov

If GIS data is collected, the DEPARTMENT's data standards are encouraged. An Ecology Focus Sheet entitled *GIS Data and Ecology Grants* (Publication No. 98-1812-SEA) outlines the standards. Common standards must be used for infrastructure details, such as geographic names, Geographic Information System (GIS) coverage, list of methods, and reference tables.

ATTACHMENT II: General Terms And Conditions
Pertaining To Grant And Loan Agreements Of The Department Of Ecology

A. RECIPIENT PERFORMANCE

All activities for which grant/loan funds are to be used shall be accomplished by the RECIPIENT and RECIPIENT's employees. The RECIPIENT shall only use contractor/consultant assistance if that has been included in the agreement's final scope of work and budget.

B. SUBGRANTEE/CONTRACTOR COMPLIANCE

The RECIPIENT must ensure that all subgrantees and contractors comply with the terms and conditions of this agreement.

C. THIRD PARTY BENEFICIARY

The RECIPIENT shall ensure that in all subcontracts entered into by the RECIPIENT pursuant to this agreement, the state of Washington is named as an express third-party beneficiary of such subcontracts with full rights as such.

D. CONTRACTING FOR SERVICES (BIDDING)

Contracts for construction, purchase of equipment and professional architectural and engineering services shall be awarded through a competitive process, if required by State law. RECIPIENT shall retain copies of all bids received and contracts awarded, for inspection and use by the DEPARTMENT.

E. ASSIGNMENTS

No right or claim of the RECIPIENT arising under this agreement shall be transferred or assigned by the RECIPIENT.

F. COMPLIANCE WITH ALL LAWS

1. The RECIPIENT shall comply fully with all applicable Federal, State and local laws, orders, regulations and permits.

Prior to commencement of any construction, the RECIPIENT shall secure the necessary approvals and permits required by authorities having jurisdiction over the project, provide assurance to the DEPARTMENT that all approvals and permits have been secured, and make copies available to the DEPARTMENT upon request.

2. Discrimination. The DEPARTMENT and the RECIPIENT agree to be bound by all Federal and State laws, regulations, and policies against discrimination. The RECIPIENT further agrees to affirmatively support the program of the Office of Minority and Women's Business Enterprises to the maximum extent possible. If the agreement is federally-funded, the RECIPIENT shall report to the DEPARTMENT the percent of grant/loan funds available to women or minority owned businesses.
3. Wages And Job Safety. The RECIPIENT agrees to comply with all applicable laws, regulations, and policies of the United States and the State of Washington which affect wages and job safety.
4. Industrial Insurance. The RECIPIENT certifies full compliance with all applicable state industrial insurance requirements. If the RECIPIENT fails to comply with such laws, the DEPARTMENT shall have the right to immediately terminate this agreement for cause as provided in Section K.1, herein.

G. KICKBACKS

The RECIPIENT is prohibited from inducing by any means any person employed or otherwise involved in this project to give up any part of the compensation to which he/she is otherwise entitled or, receive any fee, commission or gift in return for award of a subcontract hereunder.

H. AUDITS AND INSPECTIONS

1. The RECIPIENT shall maintain complete program and financial records relating to this agreement. Such records shall clearly indicate total receipts and expenditures by fund source and task or object.

**2013-15 Municipal Stormwater Capacity Grant Program
State Of Washington, Department Of Ecology**

All grant/loan records shall be kept in a manner which provides an audit trail for all expenditures. All records shall be kept in a common file to facilitate audits and inspections.

Engineering documentation and field inspection reports of all construction work accomplished under this agreement shall be maintained by the RECIPIENT.

1. All grant/loan records shall be open for audit or inspection by the DEPARTMENT or by any duly authorized audit representative of the State of Washington for a period of at least three years after the final grant payment/loan repayment or any dispute resolution hereunder. If any such audits identify discrepancies in the financial records, the RECIPIENT shall provide clarification and/or make adjustments accordingly.
2. All work performed under this agreement and any equipment purchased, shall be made available to the DEPARTMENT and to any authorized state, federal or local representative for inspection at any time during the course of this agreement and for at least three years following grant/loan termination or dispute resolution hereunder.
3. RECIPIENT shall meet the provisions in OMB Circular A-133 (Audits of States, Local Governments & Non Profit Organizations), including the compliance Supplement to OMB Circular A-133, if the RECIPIENT expends \$500,000 or more in a year in Federal funds. The \$500,000 threshold for each year is a cumulative total of all federal funding from all sources. The RECIPIENT must forward a copy of the audit along with the RECIPIENT'S response and the final corrective action plan to the DEPARTMENT within ninety (90) days of the date of the audit report.

I. PERFORMANCE REPORTING

The RECIPIENT shall submit progress reports to the DEPARTMENT with each payment request or such other schedule as set forth in the Special Conditions. The RECIPIENT shall also report in writing to the DEPARTMENT any problems, delays or adverse conditions which will materially affect their ability to meet project objectives or time schedules. This disclosure shall be accompanied by a statement of the action taken or proposed and any assistance needed from the DEPARTMENT to resolve the situation. Payments may be withheld if required progress reports are not submitted.

Quarterly reports shall cover the periods January 1 through March 31, April 1 through June 30, July 1 through September 30, and October 1 through December 31. Reports shall be due within thirty (30) days following the end of the quarter being reported.

J. COMPENSATION

1. Method of compensation. Payment shall normally be made on a reimbursable basis as specified in the grant agreement and no more often than once per month. Each request for payment will be submitted by the RECIPIENT on State voucher request forms provided by the DEPARTMENT along with documentation of the expenses. Payments shall be made for each task/phase of the project, or portion thereof, as set out in the Scope of Work when completed by the RECIPIENT and approved as satisfactory by the Project Officer.

The payment request form and supportive documents must itemize all allowable costs by major elements as described in the Scope of Work. Instructions for submitting the payment requests are found in "Administrative Requirements for RECIPIENTS of Ecology Grants and Loans", part IV, published by the DEPARTMENT. A copy of this document shall be furnished to the RECIPIENT. When payment requests are approved by the DEPARTMENT, payments will be made to the mutually agreed upon designee. Payment requests shall be submitted to the DEPARTMENT and directed to the Project Officer assigned to administer this agreement.

1. Period of Compensation. Payments shall only be made for actions of the RECIPIENT pursuant to the grant/loan agreement and performed after the effective date and prior to the expiration date of this agreement, unless those dates are specifically modified in writing as provided herein.

**2013-15 Municipal Stormwater Capacity Grant Program
State Of Washington, Department Of Ecology**

2. Final Request(s) for Payment. The RECIPIENT should submit final requests for compensation within forty-five (45) days after the expiration date of this agreement and within fifteen (15) days after the end of a fiscal biennium. Failure to comply may result in delayed reimbursement.
3. Performance Guarantee. The DEPARTMENT may withhold an amount not to exceed ten percent (10%) of each reimbursement payment as security for the RECIPIENT's performance. Monies withheld by the DEPARTMENT may be paid to the RECIPIENT when the project(s) described herein, or a portion thereof, have been completed if, in the DEPARTMENT's sole discretion, such payment is reasonable and approved according to this agreement and, as appropriate, upon completion of an audit as specified under section J.5. herein.
4. Unauthorized Expenditures. All payments to the RECIPIENT may be subject to final audit by the DEPARTMENT and any unauthorized expenditure(s) charged to this grant/loan shall be refunded to the DEPARTMENT by the RECIPIENT.
5. Mileage and Per Diem. If mileage and per diem are paid to the employees of the RECIPIENT or other public entities, it shall not exceed the amount allowed under state law for state employees.
6. Overhead Costs. No reimbursement for overhead costs shall be allowed unless provided for in the Scope of Work hereunder.

K. TERMINATION

1. For Cause. The obligation of the DEPARTMENT to the RECIPIENT is contingent upon satisfactory performance by the RECIPIENT of all of its obligations under this agreement. In the event the RECIPIENT unjustifiably fails, in the opinion of the DEPARTMENT, to perform any obligation required of it by this agreement, the DEPARTMENT may refuse to pay any further funds there under and/or terminate this agreement by giving written notice of termination.

A written notice of termination shall be given at least five working days prior to the effective date of termination. In that event, all finished or unfinished documents, data studies, surveys, drawings, maps, models, photographs, and reports or other materials prepared by the RECIPIENT under this agreement, at the option of the DEPARTMENT, shall become Department property and the RECIPIENT shall be entitled to receive just and equitable compensation for any satisfactory work completed on such documents and other materials.

Despite the above, the RECIPIENT shall not be relieved of any liability to the DEPARTMENT for damages sustained by the DEPARTMENT and/or the State of Washington because of any breach of agreement by the RECIPIENT. The DEPARTMENT may withhold payments for the purpose of setoff until such time as the exact amount of damages due the DEPARTMENT from the RECIPIENT is determined.

1. Insufficient Funds. The obligation of the DEPARTMENT to make payments is contingent on the availability of state and federal funds through legislative appropriation and state allotment. When this agreement crosses over state fiscal years the obligation of the DEPARTMENT is contingent upon the appropriation of funds during the next fiscal year. The failure to appropriate or allot such funds shall be good cause to terminate this agreement as provided in paragraph K.1 above.

When this agreement crosses the RECIPIENT's fiscal year, the obligation of the RECIPIENT to continue or complete the project described herein shall be contingent upon appropriation of funds by the RECIPIENT's governing body; provided, however, that nothing contained herein shall preclude the DEPARTMENT from demanding repayment of ALL funds paid to the RECIPIENT in accordance with Section O herein.

2. Failure to Commence Work. In the event the RECIPIENT fails to commence work on the project funded herein within four months after the effective date of this agreement, or by any date agreed

**2013-15 Municipal Stormwater Capacity Grant Program
State Of Washington, Department Of Ecology**

upon in writing for commencement of work, the DEPARTMENT reserves the right to terminate this agreement.

L. WAIVER

Waiver of any RECIPIENT default is not a waiver of any subsequent default. Waiver of a breach of any provision of this agreement is not a waiver of any subsequent breach and will not be construed as a modification of the terms of this agreement unless stated as such in writing by the authorized representative of the DEPARTMENT.

M. PROPERTY RIGHTS

1. Copyrights and Patents. When the RECIPIENT creates any copyrightable materials or invents any patentable property, the RECIPIENT may copyright or patent the same but the DEPARTMENT retains a royalty-free, nonexclusive and irrevocable license to reproduce, publish, recover or otherwise use the material(s) or property and to authorize others to use the same for federal, state or local government purposes. Where federal funding is involved, the federal government may have a proprietary interest in patent rights to any inventions that are developed by the RECIPIENT as provided in 35 U.S.C. 200-212.
1. Publications. When the RECIPIENT or persons employed by the RECIPIENT use or publish information of the DEPARTMENT; present papers, lectures, or seminars involving information supplied by the DEPARTMENT; use logos, reports, maps or other data, in printed reports, signs, brochures, pamphlets, etc., appropriate credit shall be given to the DEPARTMENT.
2. Tangible Property Rights. The DEPARTMENT's current edition of "Administrative Requirements for Recipients of Ecology Grants and Loans", Part V, shall control the use and disposition of all real and personal property purchased wholly or in part with funds furnished by the DEPARTMENT in the absence of state, federal statute(s), regulation(s), or policy(s) to the contrary or upon specific instructions with respect thereto in the Scope of Work.
3. Personal Property Furnished by the DEPARTMENT. When the DEPARTMENT provides personal property directly to the RECIPIENT for use in performance of the project, it shall be returned to the DEPARTMENT prior to final payment by the DEPARTMENT. If said property is lost, stolen or damaged while in the RECIPIENT's possession, the DEPARTMENT shall be reimbursed in cash or by setoff by the RECIPIENT for the fair market value of such property.
4. Acquisition Projects. The following provisions shall apply if the project covered by this agreement includes funds for the acquisition of land or facilities:
 - a. Prior to disbursement of funds provided for in this agreement, the RECIPIENT shall establish that the cost of land/or facilities is fair and reasonable.
 - b. The RECIPIENT shall provide satisfactory evidence of title or ability to acquire title for each parcel prior to disbursement of funds provided by this agreement. Such evidence may include title insurance policies, Torrens certificates, or abstracts, and attorney's opinions establishing that the land is free from any impediment, lien, or claim which would impair the uses contemplated by this agreement.
5. Conversions. Regardless of the contract termination date shown on the cover sheet, the RECIPIENT shall not at any time convert any equipment, property or facility acquired or developed pursuant to this agreement to uses other than those for which assistance was originally approved without prior written approval of the DEPARTMENT. Such approval may be conditioned upon payment to the DEPARTMENT of that portion of the proceeds of the sale, lease or other conversion or encumbrance which monies granted pursuant to this agreement bear to the total acquisition, purchase or construction costs of such property.

N. SUSTAINABLE PRODUCTS

In order to sustain Washington's natural resources and ecosystems, the RECIPIENT is encouraged to implement sustainable practices where and when possible. These practices include use of clean energy, and purchase and use of sustainably produced products (e.g., recycled paper). For more information, see <http://www.ecy.wa.gov/sustainability/>.

O. RECOVERY OF PAYMENTS TO RECIPIENT

The right of the RECIPIENT to retain monies paid to it as reimbursement payments is contingent upon satisfactory performance of this agreement including the satisfactory completion of the project described in the Scope of Work. In the event the RECIPIENT fails, for any reason, to perform obligations required of it by this agreement, the RECIPIENT may, at the DEPARTMENT's sole discretion, be required to repay to the DEPARTMENT all grant/loan funds disbursed to the RECIPIENT for those parts of the project that are rendered worthless in the opinion of the DEPARTMENT by such failure to perform.

Interest shall accrue at the rate of twelve percent (12%) per year from the time the DEPARTMENT demands repayment of funds. If payments have been discontinued by the DEPARTMENT due to insufficient funds as in Section K.2 above, the RECIPIENT shall not be obligated to repay monies which had been paid to the RECIPIENT prior to such termination. Any property acquired under this agreement, at the option of the DEPARTMENT, may become the DEPARTMENT'S property and the RECIPIENT'S liability to repay monies shall be reduced by an amount reflecting the fair value of such property.

P. PROJECT APPROVAL

The extent and character of all work and services to be performed under this agreement by the RECIPIENT shall be subject to the review and approval of the DEPARTMENT through the Project Officer or other designated official to whom the RECIPIENT shall report and be responsible. In the event there is a dispute with regard to the extent and character of the work to be done, the determination of the Project Officer or other designated official as to the extent and character of the work to be done shall govern. The RECIPIENT shall have the right to appeal decisions as provided for below.

Q. DISPUTES

Except as otherwise provided in this agreement, any dispute concerning a question of fact arising under this agreement which is not disposed of in writing shall be decided by the Project Officer or other designated official who shall provide a written statement of decision to the RECIPIENT. The decision of the Project Officer or other designated official shall be final and conclusive unless, within thirty days from the date of receipt of such statement, the RECIPIENT mails or otherwise furnishes to the Director of the DEPARTMENT a written appeal.

In connection with appeal of any proceeding under this clause, the RECIPIENT shall have the opportunity to be heard and to offer evidence in support of this appeal. The decision of the Director or duly authorized representative for the determination of such appeals shall be final and conclusive. Appeals from the Director's determination shall be brought in the Superior Court of Thurston County. Review of the decision of the Director will not be sought before either the Pollution Control Hearings Board or the Shoreline Hearings Board. Pending final decision of dispute hereunder, the RECIPIENT shall proceed diligently with the performance of this agreement and in accordance with the decision rendered.

R. CONFLICT OF INTEREST

No officer, member, agent, or employee of either party to this agreement who exercises any function or responsibility in the review, approval, or carrying out of this agreement, shall participate in any decision which affects his/her personal interest or the interest of any corporation, partnership or association in which he/she is, directly or indirectly interested; nor shall he/she have any personal or pecuniary interest, direct or indirect, in this agreement or the proceeds thereof.

**2013-15 Municipal Stormwater Capacity Grant Program
State Of Washington, Department Of Ecology**

S. INDEMNIFICATION

1. The DEPARTMENT shall in no way be held responsible for payment of salaries, consultant's fees, and other costs related to the project described herein, except as provided in the Scope of Work.
1. To the extent that the Constitution and laws of the State of Washington permit, each party shall indemnify and hold the other harmless from and against any liability for any or all injuries to persons or property arising from the negligent act or omission of that party or that party's agents or employees arising out of this agreement.

T. GOVERNING LAW

This agreement shall be governed by the laws of the State of Washington.

U. SEVERABILITY

If any provision of this agreement or any provision of any document incorporated by reference shall be held invalid, such invalidity shall not affect the other provisions of this agreement which can be given effect without the invalid provision, and to this end the provisions of this agreement are declared to be severable.

V. PRECEDENCE

In the event of inconsistency in this agreement, unless otherwise provided herein, the inconsistency shall be resolved by giving precedence in the following order: (a) applicable Federal and State statutes and regulations; (b) Scope of Work; (c) Special Terms and Conditions; (d) Any terms incorporated herein by reference including the "Administrative Requirements for Recipients of Ecology Grants and Loans"; and (e) the General Terms and Conditions.

W. SUSPENSION

The obligation of DEPARTMENT to make payments is contingent on the availability of funds. In the event funding from state, federal, or other sources is withdrawn, reduced, or limited in any way after the effective date and prior to completion or expiration date of this agreement, DEPARTMENT may elect to renegotiate the agreement subject to new funding limitations and conditions or terminate the agreement, in whole or part. DEPARTMENT may also elect to suspend performance of the agreement until such time as DEPARTMENT determines that the funding insufficiency is resolved in lieu of terminating the agreement. DEPARTMENT will provide written notice to RECIPIENT if funding is not available.

SS-010 Rev. 04/04

FY 2013-15 Stormwater Capacity Grant Summary

Grant Agreement:

Between the State of Washington Department of Ecology and the City of Bonney Lake
(Agreement No. G1400244)

Staff Contact:

Andrew Fonda

253-447-3270

fondaa@ci.bonney-lake.wa.us

Ecology Contact:

Layne Slone

360-407-6225

Layne.Slone@ecy.wa.gov

Grant Elements / Objects

1. Management and implementation of the City Stormwater Management Program (SWMP)

Stormwater Management Program

- Public Education & Outreach
- Public Involvement & Participation
- Illicit Discharge, Detection, & Elimination
- Controlling Runoff from New Development, Redevelopment, & Construction Sites
- Municipal Operations & Maintenance

	Total Eligible Cost
Task 1 –Project Administration / Management	\$5,000
Task 2 – Implementation & Management of SWMP	\$45,000

2. Pre-construction planning and design of stormwater facilities utilizing low impact development and stormwater management best management practices

	Total Eligible Cost
Task 3 – Pre-Construction Planning & Design	\$120,000

Proposed Projects Submitted for Pre-construction Planning & Design

Project #1 Name

82nd & Locust Pothole

Project Location Description

A stormwater problem exists at the low point of a natural basin, located at the northeast corner of Locust Avenue and 82nd Street. During large storm events the pothole fills up, flooding 82nd Street. Infiltration is relatively slow, with the pothole draining in a month to a few months. In the major stormwater event in January 1997, temporary pumps were run around the clock for a week to keep the water level at the elevation of 82nd Street; sand bags kept the water from flooding the residence on the south side of 82nd Street.

The existing basin will be delineated and a pothole analysis will be completed. The results of the pothole analysis will determine if a basin plan will be implemented limiting future development in the area. The existing pothole will be purchased by the City and additional stormwater capacity will be excavated in the area of the existing pothole.

Description of the Best Management Practices Proposed

The stormwater best management practices to be designed include the following treatment BMP's as outlined in the Pierce County Stormwater Management & Site Development Manual (the manual planned for use in the final design);

- BMP T6.10 Infiltration Basin
- BMP T5.10 Presettling Basin
- BMP T7.30 Linear Sand Filter

The water quality issue mitigated by this proposed project includes enhanced pollutant removal of nonpoint source pollutants including removal of total suspended solids, heavy metals, phosphates, and organics from groundwater resources.

Project #2 Name

185th and 77th Improvement

Project Location Description

Stormwater sheet flows down 185th Avenue East and 77th Street East and continues down private property at 7521 185th Avenue East causing flooding of the property and disturbance of landscaping.

The area contributing to this problem will be delineated and conveyance elements will be sized and constructed for the associated runoff utilizing low impact development techniques.

Description of the Best Management Practices Proposed

The stormwater best management practices and Low Impact Development techniques to be designed include those referenced in the Pierce County Stormwater Management & Site Development manual and attached low impact development street section. These BMP's include limited impervious surface areas and stormwater quality via sheet flow through a grass open channel.

The water quality issue mitigated by this proposed project includes enhanced pollutant removal of nonpoint source pollutants including removal of total suspended solids, heavy metals, phosphates, and organics from groundwater resources.

Project #3 Name

186th, 88th, & 188th Improvement

Project Location Description

Stormwater sheet flows down 188th Avenue East and 88th Street East and continues down private property at 18610 88th Street East causing flooding of the property and disturbance of landscaping.

The area contributing to this problem will be delineated and conveyance elements will be sized and constructed for the associated runoff. The area contributing to this problem will be delineated and conveyance elements will be sized and constructed for the associated runoff utilizing low impact development techniques.

Description of the Best Management Practices Proposed

The stormwater best management practices and Low Impact Development techniques to be designed include those referenced in the Pierce County Stormwater Management & Site Development manual and attached low impact development street section. These BMP's include limited impervious surface areas, and stormwater quality via sheet flow through a grass open channel.

The water quality issue mitigated by this proposed project includes enhanced pollutant removal of nonpoint source pollutants including removal of total suspended solids, heavy metals, phosphates, and organics from groundwater resources.

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

Department/Staff Contact: Community Development / Jason Sullivan - Senior Planner	Meeting/Workshop Date: 14 January 2014	Agenda Bill Number: AB14-01
Agenda Item Type: Resolution	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: On January 7, 2014, the City Council and the Planning Commission held a joint meeting as required by BLMC 02.04.1040 to discuss the Workplan for the Planning Commission for the 2014 - 2015 Biennium. Resolution 2347 will officially adopt the Planning Commission's Workplan for this biennium as required by Resolution Number 2089.
Attachments: Resoultion 2347

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): 7 January 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 14th day of January, 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 has 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 add a portion of the Comprehensive Urban Growth Area (CUGA) to the Bonney Lake Urban Growth Area (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 the setbacks are too 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 Comprehensive Urban Growth Area (CUGA) proposed to be annexed into the City. However, the R-2 does not allow single family residential 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 Future Land Use Map.	CD	2015 Q1	The areas were once part of the Bonney Lake Urban Growth Area (BLUGA), but were moved in 2004 due to a hearings board decision and were never added back as proposed urban growth area 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	

